DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1909-10

REPORTED AND EDITED BY

HOLLAND BROS.

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SECOND SESSION—ELEVENTH PARLIAMENT

OTTAWA

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1909-10

SENATORS OF CANADA

ALPHABETICAL LIST

SECOND SESSION, ELEVENTH PARLIAMENT, 9-10 EDWARD VII

1909-10

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
BAIRD, G. T.	Victoria	Perth, N.B.
BÉIQUE, F. L.	De Salaberry	Montreal.
BEITH, R.	Bowmanville	Bowmanville, Ont.
BELCOURT, N. A.	Ottawa	Ottawa, Ont.
BOLDUC, J.	Lauzon	St. Victor de Tring, Que.
BOSTOCK, H.	Kamloops	Monte Creek, B.C.
BOUCHERVILLE, DE, C.E., C.M.G.	Montarville	Boucherville, Que.
BOWELL, (Sir Mackenzie), K.C.M.G.	Hastings	Belleville, Ont.
BOYER, A.	Rigaud	Montreal.
CAMPBELL, A.	York, Ont.	West Toronto, Ont.
CARLING, (Sir John), K.C.M.G.	London	London, Ont.
CARTWRIGHT, (Sir Richard), G.C.M.G.	Oxford	Ottawa.
CASGRAIN, J. P. B.	De Lanaudière	Montreal.
CHEVRIER, N.	Winnipeg	Winnipeg, Man.
CHOQUETTE, P. A.	Grandville	Quebec.
CLORAN, H. J.	Victoria	Montreal.
COFFEY, T.	London	London, Ont.
COMEAU, A. H.	Digby County	Meteghan River, N.S.
COSTIGAN, J.	Victoria, N.B.	Edmundston, N.B.
COX, G. A.	Toronto	Toronto.
DANDURAND, R.	De Lorimier	Montreal.
DAVID, L. O.	Mille Iles	Montreal.
DAVIS, T. O.	Prince Albert	Prince Albert, Sask.
DERBYSHIRE, D.	Brockville	Brockville, Ont.
DESSAULLES, G. C.	Rougemont	St. Hyacinthe, Que.
DE VEBER, L. G.	Lethbridge	Lethbridge, Alberta.
DOMVILLE, J.	Rothesay	Rothesay, N.B.
DOUGLAS, J. M.	Tantallon	Tantallon, Sask.
EDWARDS, W. C.	Rideau	Rockland, Ont.
ELLIS, J. V.	St. John	St. John, N.B.
FARRELL, A. M.		Liverpool, N.S.
FISET, J. B. R.	Gulf	Rimouski, Que.
FORGET, L. J.	Sorel	Montreal.
FROST, F. T.	Leeds and Grenville	Smith's Falls, Ont.
GIBSON, W.	Lincoln	Beamsville, Ont.
GILLMOR, D.	St. George	St. George, N.B.
GODBOUT, J.	La Salle	Beauceville West, Que.
JAFFRAY, R.	Toronto	Toronto, Ont.
JONES, L. MELVIN	Toronto	Toronto, Ont.
KERR, J. K (Speaker)	Toronto	Toronto, Ont.
KING, G. G.	Queens	Chipman, N.B.
KIRCHHOFFER, J. N.	Selkirk	Brandon, Man.
LANDRY, P.	Stadacona	Candiac, Que.
LEGRIS, J. H.	Repentigny	Louiseville, Que.
LOUGHEED, J. A.	Calgary	Calgary, Alberta.

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

THE
SENATE DEBATES

SECOND SESSION—ELEVENTH PARLIAMENT

THE SENATE.

THURSDAY, November 11, 1909.

The Senate met at 2.30 p.m.

PRAYERS.

NEW SENATORS.

Hon. Arthur Boyer, for the division of Rigaud, Que.

Hon. Benjamin Prince, of Battleford, for the Province of Saskatchewan.

THE SPEECH FROM THE THRONE.

His Excellency the Governor General and Commander in Chief of the Dominion of Canada, being seated on the Throne.

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

Who being come, with their Speaker.

His Excellency the Governor General was then pleased to open the Session with the following gracious Speech to both Houses:—

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In again meeting you at a season most convenient for the despatch of business, it is with great pleasure that I congratulate you on the prosperous condition of the country.

The present year, which is now rapidly drawing to a close, has been a period of steady and progressive growth. Immigration has poured into the new settlements of the north and of the west, in a copious and well ordered stream, drawn from the best elements of the British Isles, the United States and Continental Europe. Trade and commerce have made rapid advances in all directions. The revenue has almost completely regained what it had lost in the recent period of depression. Most remarkable has been the rapid recovery from the financial embarrassment which for a short time was the cause of anxiety amongst business men. In nearly every branch of business there has been a revival of activity which gives assurance of continued progress and prosperity.

Two members of my government attended the Imperial Conference called by His Majesty's government, on the question of defence. A plan was adopted after consultation with the Admiralty, for the organization of a Canadian Naval Service, on the lines of the resolution of the House of Commons, of the 29th of March last. The papers will be immediately brought down and a Bill introduced accordingly.

The new convention between His Majesty and the President of the French Republic, respecting the commercial relations between France and Canada, having been approved by the French Legislative Chambers, you will also be asked to confirm it.

The construction of the Transcontinental railway has made substantial advance during the year. The western division has been extended 66 miles beyond Edmonton, completing a total distance of 861 miles west of Winnipeg. Contracts have been let for 399 miles in the Mountain division; good progress was made on this work. The eastern division is now open for traffic from Winnipeg to Lake Superior Junction and thence, by the Grank Trunk Pacific branch, to the lake itself. The whole of the work between Winnipeg and Moncton is now under contract.

The board of engineers entrusted with the preparation of plans for the reconstruction of the Quebec bridge has sufficiently advanced

REVISED EDITION.

its work to permit of tenders being invited for the substructure.

The exploratory surveys for a railway from the western wheat fields to Hudson bay were pushed energetically during the whole of last summer. It is hoped that a report of the operations will be placed before you at an early date.

In order to improve the facilities already afforded the public by the government railways, and to enhance their value as part of the great transportation system of Canada, a Bill will be submitted to you for the purpose of enabling the Minister of Railways, on the recommendation of the Government Railways Managing Board, and subject to the approval of parliament, to lease any line or lines connecting with the Intercolonial railway.

A measure will be submitted to you for the purpose of rendering more effective the present legislation respecting combinations which unduly enhance prices.

Bills will also be introduced respecting banks and banking, insurance, navigable waters, and other matters.

Gentlemen of the House of Commons:

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

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

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I pray the Almighty Lord that He may guide and bless your deliberations, and that they may bear fruit in a further increase of our country's prosperity and well-being.

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

The Senate adjourned until Tuesday next.

THE SENATE.

TUESDAY, November 16, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

AUDITOR GENERAL'S REPORT.

Hon. Mr. LOUGHEED—Can my right hon. friend say why volume 2 of the Auditor General's report has not been published? I observe that volumes 1 and 3 are to hand, but not volume 2.

Hon. Sir RICHARD CARTWRIGHT—Some delay in the printing office is the only explanation I have received as to that. I trust they will be in the hon. gentleman's hands in time to refresh his memory as to the peccadilloes of the government.

Hon. Mr. LOUGHEED—I would have to start in early to do that.

Hon. Sir RICHARD CARTWRIGHT—Perhaps volume 1 will suffice for the moment.

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I desire to call the attention of the House to a question of privilege, which effects not only myself, but every member of this chamber. On the 10th November the Montreal Herald published the following despatch from Quebec:

Senator Landry made a Scene.

The Irate Senator refused to sit at the Lieut-Governor's Table.

Quebec, Nov. 10.—(Special).—Senator Landry has figured in some spectacular and highly theatrical scenes before now. He always loved the lime-light and appreciated being bathed in the calcium glare. Even when it has gone to the length of personal chastisement being threatened upon him, he has still enjoyed the threat because of the notoriety it gave him.

Yesterday he crowned his achievements in the publicity line by creating a scene at Spencerwood which is without parallel in the history of that ancient and honourable edifice.

Sir Alphonse and Lady Pelletier, the Lieut.-Governor and his wife, were entertaining at their official residence in honour of the King's birthday. Senator Landry was among the invited guests. He duly arrived at Spencerwood and inspected the list of invited guests.

To his great disgust, he discovered that he, Senator Landry, of Ottawa, was inscribed to sit at table next to Hon. Sir F. Langelier, a judge of His Majesty's court in this province.

The senator for weeks past has been criticising the manner in which the Lieut.-Governor seated his guests and arranged them in order of precedence on official occasions.

He turned upon his host and indignantly protested against being placed after Sir François Langelier, on the ground that he, being a senator, had precedence over and before that gentleman, whom he declared to be only a simple judge, and not a chief justice.

After creating a scene which those who witnessed it described as disgraceful, and which attracted the attention of all the guests present, visibly embarrassing them, the irate senator turned on his heel and left the grounds of Spencerwood, protesting as he went against the shocking affront on his standing as a senator.

All Quebec is talking about his conduct

I do not want to discuss the article itself. I have given my lawyer the necessary orders to appear before the courts, but to disabuse the minds of those who think I did not behave on that occasion as a senator should and that I made a scene, I think it my duty to put the facts before the House. There had been an exchange of letters between the Lieutenant Governor's A.D.C. and myself. I received an invitation on the 23rd of October to a state function, and on that occasion wrote a letter. In order that the House may understand why I wrote it, I may explain that in the beginning of the present year a similar experience had presented itself on the occasion of the opening of the Quebec legislature. I had received a letter in answer to two letters written by myself, and which is signed by the Usher of the Black Rod of the Legislative Council. The reply to my letters was as follows:

'I have the honour to acknowledge receipt of your two letters, first dated 24th February and the second 18th of March. In this last one you manifest your desire to know the decision arrived at—that is to say, does the Deputy Chief Justice, for the province of Quebec rank before senators. In reply, let me tell you: first, that I kept your letter of the 24th last month as a protest against the error imputed to me in giving precedence to the Deputy Chief Justice over senators at the opening of parliament on the 2nd of March. Secondly, that I will hand over that letter of protest of the 24th February last to the members of a committee to be formed at a very near date and which will comprise, I understand, the Hon. the Prime Minister of the province, the Speakers of the Legislative Council and of the Legislative Assembly, and members of both Houses, with the object of deciding some cases concerning precedence to be observed in these large gatherings, where etiquette should be observed. Thirdly, that as soon as I receive the report of that committee, I will send you a copy of the decision arrived at by those hon. gentlemen on the particular subject in which you are concerned.

Believe me, Mr. Senator,
Yours truly,
ARTHUR ST. JACQUES,
Gentleman Usher of the Black Rod.

Quebec, March 22, 1909.

The idea of forming a committee of a provincial character to amend the laws of precedence which we hold from the imperial government. The fact is this, they had decided to form a committee and that is the reason why, in my first letter, I asked a question which I should not have asked if those facts had not been known to me and to the Lieutenant Governor. On the day I received the invitation, I wrote to the A.D.C. of the Lieutenant Governor under date of 23rd of October:

(Translation.)

Quebec, 23rd October, 1909.

Mr. Victor Pelletier,
Aide de Camp to His Honour the Lieutenant Governor of the province of Quebec.

Sir, before answering you whether I can accept the invitation of His Honour the Lieutenant Governor of the province of Quebec to a state dinner to be given on the 9th day of next month, permit me to inquire whether the question of precedence which has been raised in the course of the present year between the Honourable Judge Langelier and myself has been settled authoritatively. If so, who rendered the decision and what is the nature of it?

If no decision has been asked for or obtained, what are the respective places reserved for senators and for the Honourable Judge Langelier?

Believe me, sir, your humble servant,
(Signed) P. LANDRY.

To this letter I received the following reply, dated October 26:

(Translation.)

Goverument House, Quebec
26th October, 1909.

Mr. Senator, I have the honour to acknowledge the receipt of your letter dated the 23rd instant and to inform you that His Honour the Lieutenant Governor does not intend to change the order of precedence which has always been followed at Spencerwood.

I have the honour to be, Mr. Senator, your obedient servant,
(Signed) Victor Pelletier,
Captain, A.D.C.

The Honourable P. Landry,
Senator, Quebec.

In reply I forwarded the following letter of October 27:

(Translation.)

Quebec, October 27, 1909.

Capt. Victor Pelletier,
Aide de Camp to His Honour the Lieutenant Governor of the province of Quebec.

Sir,—Your answer of yesterday does not give me the information which I asked for. You say indeed, in a general manner, that His Honour the Lieutenant Governor does not intend to change the order of precedence which has always been followed at Spencerwood, but you do not indicate to me in any way what is the order followed.

The last time I was present at a state dinner at Spencerwood was in the time of Sir Louis Jetté, when Judge Routhier was Chief Justice of the Superior Court of the province of Quebec, and, under this title Judge Routhier had precedence over senators. But I do not acknowledge that Judge Langelier has the title of Chief Justice of the Superior Court of the province of Quebec, since that position is actually filled by Judge Tait, and consequently I cannot admit that Judge Langelier has precedence over senators.

If his title of Deputy Chief Justice is invoked I would have you remark that such title has never existed. The Commission of the Honourable Magistrate, dated the 16th of June, 1906, purports simply that the Honourable Francois Langelier, Puisné Judge of the Superior Court of the province of Quebec, shall perform the duties of Chief Justice of the Superior Court of the province of Quebec in and for the district of Quebec, as it is comprised and defined for the Court of Review.

I would have you remark, moreover, that chapter 12 of 50 Victoria of the statutes of the province of Quebec having never been brought into force, the position which Sir François Langelier actually occupies is irregularly and illegally held by him to the detriment of the senior of the judges of the Superior Court in the district of Quebec, whom the law, still in force to-day, chapter 7 of 47 Victoria, statutes of the province of Quebec, designates as the legitimate holder of the title of that office.

In view of the respective situations in which senators and the Honourable Judge Langelier find themeslves, and having regard to the order of precedence established by the imperial government itself and enforced in this country, I beg of you to be good enough, leaving out any diplomatic answer, to tell me straight if I can have the place to which I have a right as senator, in other words, whether Mr. Justice Langelier, yes or no, has precedence over senators.

I take the liberty of adding to this letter a copy of an essay upon the same question which I published in April last. It may serve as a complement to the present letter.

I have the honour to be, sir,
Your humble servant,
(Signed) P. LANDRY.

I received a reply from the A.D.C., which reads as follows:

(Translation.)

Government House, Quebec,
29th October, 1909.

Mr. Senator,

In reply to your letter dated the 27th of this month, I have the honour to inform you that His Honour the Lieutenant Governor does not think it his duty to discuss with any one whatsoever the order of precedence which he is to assign to each of the persons whom he has the honour to invite to his table. As in the past, he will give each one the place which he believes belongs to him.

I have the honour to be,
Mr. Senator,
Your obedient servant,
(Signed) VICTOR PELLETIER,
Captain, A.D.C.

The Honourable P. Landry,
Senator,
Quebec.

Hon. Mr. LANDRY.

There is no doubt that the Lieutenant Governor expected a refusal on my part, and that he thought if I refused, in face of those answers, that I would put myself in the wrong. Further, he might have said, 'Well, he refused himself, but if he had come, we would have given him the place to which he was entitled.' I replied as follows :

(Translation.)

Quebec, October 30, 1909.

Captain Victor Pelletier,
Aide de Camp to His Honour the Lieutenant Governor of the province of Quebec.

Sir,

Your letter of the 29th has been received, bringing to me the declaration:

1. That His Honour the Lieutenant Governor does not believe it his duty to discuss the order of precedence which he shall assign to each of his guests.

2. That he will give each one the place which he believes to belong to him.

What I have asked for, what I still ask for very respectfully, is precisely that I may be made aware what place His Honour believes he ought to give me.

As I am refused this preliminary information, which under the circumstances is even necessary, I have only one thing to do, for the moment, that is to accept the honour of the invitation which has been sent me.

It is, moreover, my duty.

I would only ask to be excused from it in case the Honourable the Lieutenant Governor had decided to give Sir Francois Langelier precedence over senators.

Believe me, sir,
Your humble servant,
(Signed) P. LANDRY.

To that letter I received no answer. That was written on the 30th of October. Receiving no answer, having forwarded my acceptance of the invitation tendered me by his Hon. the Lieutenant Governor, I had only one thing to do, and that was to proceed to Spencerwood. On my arrival, I proceeded to the anti-chamber, where the plan of the table was exhibited. I looked at the plan. I did not even see my name. In the meantime the A.D.C. came up to me, and I said, 'I see that according to the list I am not invited, but I thought I had received and accepted an invitation.' I said that in a very calm and pleasant way. He answered : 'Well, if you want to remain we will give you Judge Routhier's place.' He is an ex-Chief Judge of the Superior Court. According to the plan the first places were distributed as follows : The Lieutenant Governor was sitting at the

table, having at his right Bishop Dunn, and at his left Judge Langelier, and then next to Bishop Dunn was Judge Routhier, who was thus occupying the third place of honour, though as an ex-Chief Justice he should have taken precedence over Judge Langelier. The A.D.C. told me : 'We will take Judge Routhier and put him on the other side, and you take Judge Routhier's place, because I understand you have an objection to sit beside Judge Langelier.' I said, 'I have not the least objection to sit beside Judge Langelier, I have no personal matter with him, but I want to know on what side I sit. It is not the fact of being at his side, but the question is as to being on hte right side. He said, 'You take Judge Routhier's place.' I said, 'That does not solve the difficulty. You are giving me a wrong place. I should have the third one and Judge Routhier the second one because Judge Routhier passes before me, and Judge Routhier also passes before Judge Langelier.' Anticipating what arose, I had prepared a letter, and without any fuss at all, I said, 'I cannot remain,' please hand this to the Lieutenant Governor, and this letter which I gave him reads as follows :

(Translation.)

Spencerwood, 9th Nov., 1909.

Captain Victor Pelletier,
A.D.C. in Waiting upon His Honour the Lieutenant Governor of the province of Quebec.

Sir,

In accepting the invitation of His Honour the Lieutenant Governor of the province of Quebec to a state dinner given this evening on the occasion of His Majesty's birthday, I had reason to believe, especially after my last two letters, that the order of precedence established in this country would be respected and that senators would have the place to which they have a right.

I have just assured myself to the contrary.

I see, in fact, by looking at the places assigned, on the plan of the dining room, to each of the guests that His Honour the Lieutenant Governor has given Sir Francois Langelier precedence over senators, although this gentleman is not Chief Justice, because Judge Tait occupies that position.

Foreseeing what is happening to-day, but wishing to avoid in public the scene of a protest, which is always disagreeable, I did, in my last letter, ask His Honour the Lieutenant Governor to excuse me from being present at his dinner in case it had really been decided to change the order of precedence in the manner which I find it has been this evening.

It has not been desired to grant my request. Still more, it is wished to force me to accept this evening an arrangement which would make me a party to an error voluntarily committed.

I refuse to do this.

And it is in order to protest against this injustice that I find myself forced to decline respectfully the invitation which has been given me. My protest comes at the last hour, but all the same in time, since I formulated it before ratifying by my acceptance the error of which it is sought to make me a victim.

Be kind enough to transmit to his Honour the reasoned refusal which I give you, and believe me, Sir,

Your humble servant,

(Signed) P. LANDRY.

That is all that took place. There was no fuss, no discussion, nothing to amuse the public. I see before me some of my hon. friends who were at the dinner, and they never knew what took place, because there was no fuss at all. I assure hon. gentlemen that in this particular instance it is not because my name is Phillipe Landry, it is because I am one of the members of this House, that I followed that course. It was my bounden duty, out of respect to the position I occupy, and in accordance with the views of all those who know something about precedence, to do what a gentleman should do, and in that respect I think I shall have the approval of all the senators of this House.

Hon. Sir RICHARD CARTWRIGHT—I suppose my hon. friend opposite would like some expression of opinion as to the very grave constitutional question which he has raised. As it is one of gravity, and importance, and I believe he has placed a notice on the Order Paper which will require a formal answer, I will only say a few words, and reserve the matter until I have had an opportunity of consulting with my colleagues on the important question of precedence. I am sure the whole House will join with me in regretting that, under any circumstances, the hon. gentleman would have lost his dinner. My recollections of the hospitality of Spencerwood are of so agreeable a character and the excellence of the dinners during the time that I had a more intimate acquaintance with them, was so great, that I feel a good deal of sympathy for him on that score. As to the question how far our

tables of precedence apply to the local legislature and to the Lieutenant Governors, some serious issues may arise. I am under the impression that it is not obligatory on the part of Lieutenant Governors of provinces to ask anybody to their dinner table, except it be the provincial dignitaries, but that of course is a matter which may require investigation at the hands of the government. I will, however, just call the attention of my hon. friend to this point: that in the table of precedence which I have under my hand, there is considerable ambiguity. The Chief Justice of the Supreme Court unquestionably ranks before all senators, but the next words that are used are not the Chief Justices, but the Chief Judges of the Court of Law and Equity, according to seniority. I am not sufficiently familiar with the rules of the bar and the form of the commission granted to Sir Francis Langelier to speak with absolute authority on that point, but he will observe that the Chief Justices and the Chief Judges are not precisely synonymous terms, and the distinction, no doubt, was made with some reference to the possibility of there being several parties entitled to the position of Chief Judges of the several courts. However, we shall have the whole matter carefully considered by the time the hon. gentleman's question comes up, and I may give him a more satisfactory reply.

Hon Mr. LOUGHEED—Has the hon. member the original copy of the order of precedence? It seems to me there is a clerical error there There is no such term as Chief Judge.

Hon. Sir RICHARD CARTWRIGHT—I am reading from the Parliamentary Guide. Some of these orders I think were originally framed, if my memory is right, prior to confederation.

Hon. Mr. LANDRY—Oh, no, since that.

Hon. Sir RICHARD CARTWRIGHT—It may have been amended since, but I think too that the Governors General in one or two instances, but I am not sure about the Lieutenant Governors, have, with the consent of the imperial authorities, varied slightly the rules laid down in the table of precedence. For example, I think that they have received instructions to include on the same footing as archbishops and bishops the chief dignitaries of the various other denominations who have no archbishops and bishops, and, similarly, I think, one or two alterations were made as to the status of imperial privy councillors and the like. However, it may be, the question my hon friend has presented will receive attention when we reach it.

Hon. Sir MACKENZIE BOWELL—I might add to what the hon. gentleman has said, that I have no recollection of any change in the order of precedence other than the one to which he refers. There was no place allotted for privy councillors not of the government until some years after confederation, and I remember distinctly that some of the privy councillors not of the government refused to attend the levee given by the Governor in this chamber until a place was allotted to them. And upon representations made by the Governor at that date, the order of precedence was changed, allotting to them a particular place in that order. There were a number of attempts made more particularly in reference to the representatives of the different religious bodies in the Dominion. But Mr. Chamberlain, when Secretary for the Colonies, intimated to the government of Canada at that period that any changes which the colonies desired to be made in the order of precedence would be granted by the imperial government. However, although these reports were made, no change took place. The late Secretary of State is aware of what did take place, and the changes suggested at the time. The only change I have any recollection of during the whole discussion, is the one to which the hon. gentleman refers.

Hon. Mr. LANDRY—I do not want to prolong the discussion, but I wish to say a word in reply to some observations of my hon. friend. He says it is a question of the constitution, but he took it afterwards as a question of my own constitution, because I refused the dinner. I think the constitution of the country is far more to be considered than mine; it should not be treated with such levity. I inquired of the

Lieutenant Governor last year what was the order of precedence followed in the local legislatures, and I received an official answer sending me a copy of the order of precedence as followed here, and I had an official letter telling me that that was the order followed at Spencerwood. If there had been any other order, no discussion would have taken place.

THE ADDRESS.

MOTION.

Hon. Mr. ROSS (Middlesex) moved:

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

To His Excellency the Right Honourable Sir Albert Henry George, Earl Grey, Viscount Howick, Baron Grey of Howick, in the county of Northumberland, in the Peerage of the United Kingdom, Baronet, Knight Grand Cross of The Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of the Royal Victorian Order, etc., etc., Governor General and Commander in Chief in and over the Dominion of Canada. May it please Your Excellency:

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

He said: His Excellency's speech is characterized by more than usual brevity. Nevertheless it summarizes matters of great importance to this House and to the people of Canada. We rejoice with him in the optimistic note which is expressed in the first and second paragraphs of the speech. The first paragraph says:

In again meeting you at a season most convenient for the despatch of business, it is with great pleasure that I congratulate you on the prosperous condition of the country.

Then, in the second paragraph, he refers to the various elements of that prosperity, such as the large immigration, the increase in trade and commerce, the relief from financial embarrassment, and the activity which prevails in every department of industry. We are to a certain extent dependent for our prosperity and for the development of our country upon immigration. It is gratifying to notice that in the last ten years, as His Excellency says, there has been a steady and progressive flow of immigration into Canada. From 1898 to 1908 we received 1,198,027 settlers. In the last twelve months we received 167,360, not quite as many as came to us annually a few years ago; still perhaps as many as, with our limited native population, we can properly assimilate. Of the total immigration into Canada in the last ten years, 560,000 were from the United States, and of that number 70,000 came within the last nine months. In the twelve months ending August 31, there came from Great Britain 80,094, and from continental Europe 22,550. There is certainly variety as well as abundance in these figures. It is gratifying to note that immigration from the United Kingdom keeps pace practically with the immigration from the United States. Both classes of settlers are desirable; those from Great Britain because they are in full sympathy with our institutions and our form of government, and those from the United States because they understand the peculiarities incident to prairie farming. Although not trained under the same government as we are, they are still thoroughly democratic and I believe thoroughly in sympathy with Canadian institutions. The number of immigrants is gratifying because, as I said at the outset, without this large immigration the development of Canada would necessarily be slow. The United States owes much of its progress and success, I may say also of its prosperity, to large immigration. For a few years following the close of the Civil War, immigration into the United States numbered half a million a year, and in the last decade nearly a million a year. The population of the United States to-day would perhaps be not more than thirty or forty millions were it not for the large immigration in the last thirty or forty years. If we should succeed, and we should not relax our efforts to succeed, that flow of immigration should in the next ten years add not less than 1,500,000 to our population, and this, with the natural increase in the country should, with reasonable certainty, give us within the next ten years a population of ten millions. The strength which population adds to a country cannot be estimated. Bigness is not necessarily strength, but population is necessary to develop the

vast undeveloped resources of Canada, necessary to give us a status on the northern half of this continent, and to give us an impetus in all that pertains to national prosperity. Besides the numbers we have received, it is pleasant to know that the quality of the immigration is steadily improving. In fact, I think it is as high to-day as we could desire. Men and women of good physique come to our shores. People abundantly supplied, too, with the elements of prosperity. It is estimated, after a careful inquiry I believe by the United States authorities as well as by our own, that the 70,000 immigrants from the United States last year brought each of them $1,000 in cash, representing seventy millions in money. Assuming that the others brought a smaller amount, say two hundred and fifty to five hundred dollars each, we have got through immigration channels into this country one hundred million dollars during the last twelve months. The estimate may be high, but it is not made without good basis. This, added to the productive industry of the immigrants, must be a very material contribution to the wealth of Canada. Another evidence of its value is this, that the greater number of those immigrants went to the west, and that the west is unusually prosperous largely because of the quality of that immigration. When we find that the western provinces produced last year between one hundred and one hundred and twenty million bushels of wheat, one begins to inquire how it was done. It was done by those settlers, some from the older provinces, but many from the United States and from the United Kingdom. If you add to the one hundred million dollars they brought into the country the one hundred million bushels of wheat they produced, as well as the value of other crops raised by them, you have a contribution in one year from that source of probably $200,000,000 to the wealth of Canada. At that rate, one can simply by process of multiplication ascertain, if the process goes on at the same rate, how prosperous and wealthy the west must become, and as the west becomes prosperous, so will the whole of Canada prosper. It is to-day the great camping ground of some of our most enterprising young men, the great market for the manufacturing industries of the older provinces, the great loaning ground for our large corporations and banking institutions, and we can rejoice with His Excellency in the character of the immigration, its extent and the results which these immigrants have produced.

Another evidence of prosperity is the great increase in trade and commerce. In 1889 our whole trade was only $321,661,000. I remember when our trade was under the two hundred million mark. Last year our trade was $571,268,000, an increase of 100 per cent. That growth has been brought about partly through the enterprise of our own people, partly because of the acquisition of immense assistance in the shape of money from the mother country, and partly because there is a spirit of buoyancy and optimism prevailing in Canada. That that spirit will continue, no one will doubt. There is nothing to stop the impulse which our business has received, except the indifference of our own people, and that indifference is something not to be reckoned with at this stage of our development. His Excellency refers to the facility with which we overcame the industrial depression of a few years ago. That must be very gratifying to every hon. member of this House. While in the United States banks have failed and large commercial enterprises have become paralysed and large industries have had to dismiss thousands of their workmen, in Canada there was comparatively little distress, and although for a while our banking institutions restrained their loans and some of our larger industrial establishments went on short time, still the depression was of very small moment. Whatever depression existed three years ago has been entirely removed, and the labour market has not been overcrowded, wages have increased and there is prosperity and comfort among our labouring classes. The fact that we have fewer strikes than we had a few years ago is in itself a proof of prosperity and contentment, and without contentment there can be no real progress. The growth of trade is not confined to one department. For instance, the products of the mine have increased from $13,000,000 to $37,000,000, of fisheries from $9,000,000 to $13,000,000, of the forest from $28,000,000 to $39,000,000,

and of agriculture from $37,000,000 to $82,000,000, and of manufactures from $12,000,000 to $32,000,000. These statistics are very expressive. They show that in every department of industry, particularly where the development of our natural resources is most concerned, there has been the same prosperity and success. We are finding markets abroad for much more of our produce than a few years ago. The fact that Canada was able to export $82,000,000 of our agricultural products is proof of the great development of our agricultural resources. In fact, last year we produced 24 bushels per head of our population, whereas in the United States, with their great prairies and immense resources, they produced only nine bushel per head. We export comparatively more than the United States. Our exports of wheat last year amounted to $50,000,000, besides exports of flour. This occurred at a time when the exports of agricultural products from the United States were declining, and we are in sight of what James J. Hill said of the United States, that before many years they will not be able to produce more food than their people will consume. We are producing far more than we can consume, and we are in sight of a time when Canada can be distinctly called the granary of the British empire. She may become more—she may some day be the granary of France and Germany. Our exports of grain to France have substantially increased. Our exports to Germany are limited. If we can supply Great Britain in competition with Argentina we should be satisfied, because the market is comparatively unlimited. The increase in exports in manufactured goods is significant, from twelve million dollars to thirty-two million dollars. Canada cannot be a great country without diversified industries. Our mines may not always be as productive as they are today, although the surface has only been scratched. We are producing more silver, copper and gold. But in the industries which employ labour, textile and manual industries, it is important to notice that there is a larger field. We have a wider market, and are giving employment now to a greater number of people than ever before. Hand in hand with the agricultural development of this country should go the development of our manufacturing industries, which furnish our home market and which at the same time consume the products of the soil. A very gratifying feature of our increase in trade is the fact that Canada to-day stands at the head of the countries of the world in the aggregate increase of its trade, with the exception of Argentina. The increase of Argentina from 1898 to 1908 was 161 per cent. Argentina is now in a state of unrest. It occupies the most favourable position in South America with its population of 6,000,000, with a very fertile soil, and a very enterprising people. That increase is remarkable. Next to Argentina comes Canada, with an increase of 88 per cent. Then comes Japan with an increase of 84 per cent, then New Zealand 78 per cent, then Germany 70 per cent, the United States 55 per cent, Great Britain 37 per cent, and France 33 per cent. So when you place the trade of Canada in comparison with the trade of other countries, you can gauge to a certain extent the energy and enterprise of our own people. One feature about the increase of trade is worthy of notice. We increased our imports 92 per cent, whereas we increased our exports only 82 per cent. I hope to live to see the time when our exports will have been increased at a greater ratio than our imports. The large quantity of goods represented now by the import tables of Canada should be replaced, or a great portion of them should be replaced, by goods manufactured in our own land. For instance, we import about $40,000,000 of iron and steel products. I hope to see the time when that will be reduced very rapidly, and the iron and steel required in the industries of Canada will be manufactured in the Dominion. In the same way, we import large quantities of textiles. These we can produce ourselves when the exports exceed the imports, without worrying about the balance of trade. I call attention to the fact that we are not as productive as we ought to be, and that we ought to counterbalance our exports by a large decrease in our imports. Still there is not such a disproportion between our imports and exports as there is between the imports and exports of New Zealand and Japan. In the case of New Zealand the imports increased 110 per cent

and the exports increased 53 per cent. In the case of Japan the increase of imports was 56 per cent and of exports 130 per cent, showing that Japan markets are not overwhelmed with imports as ours are, and that her industries are growing in a more rapid ratio than those of Canada. One gratifying feature of the trade of Great Britain is the fact that while the imports increased only 26 per cent, the exports increased 61 per cent. That is a substantial increase of exports indicating the active manufacturing industries of Great Britain and her success in finding markets.

His Excellency makes reference in paragraph 3 of the address to our trade with France. I said a moment ago that our trade with France in grain had increased considerably. In other articles, our trade with France is not as satisfactory as it ought to be. We imported from France $8,000,000 worth and sold $2,341,000 worth. The trade is not as large as it should be, though we have had commercial agents in France for many years. We have been giving a large subsidy to vessels trading between Canada and France, yet the aggregate trade amounted to only about $10,000,000. There has been a very slight increase in the aggregate in the last five years. In 1905 it was $7,200,000, while last year it was $8,000,000, or an increase in our imports from France of $800,000 while our exports to France have increased in all about $800,000. Our exports to France consist mostly of three or four articles, breadstuffs, mostly wheat, $952,000; agricultural implements, $761,337; fish and products of fish, $1,019,000, and wood pulp, $83,590. Under this treaty we are making with France, it is possible we may have an easier entree to the French market, and that trade relations of a more cordial character will be opened. Forty millions of people ought to provide a considerable market for Canadian produce, and I would hope that the time is near at hand when our exports to France shall almost equal our imports from France. All we can do in the meantime, however, is to follow the course we are now pursuing. By maintaining trade commissioners in France, Great Britain and other countries we may open up such markets for Canadian products as may be available to us. The United States have about 189 consular agents in the Dominion of Canada alone. They have nearly as many in the United Kingdom. They have several in Mexico, and in nearly every republic of South America and in every part of the continent of Europe they have their agents, consular or trade agents. The Canadian Department of Trade and Commerce has been grappling with this question with a great deal of zeal, and, I am gratified to learn, with a great deal of success, and our increase of trade is greatly owing to the policy pursued by that department. Still we should not be afraid to spend more than we do in developing our trade. It is the very life of our agricultural success, and the more we can trade with foreign countries the more cordial will be our relations with them, and the more opportunity will our people have for finding useful employment.

Reference is made in the speech to a probable amendment in the Banking Act. The government of Canada has adopted, I believe, a very sound policy in regard to banking, and that is that only decennially should the Act be amended. The banking system of Canada has stood the test and met the approval of other countries. Not long ago a deputation from the United States visited Canada to inquire into our banking system, and in the Banking Act foreshadowed since their return some features of our system will be copied by the United States. Imitation is the highest form of flattery, and Canada will be flattered if we give suggestions which will improve the laws of the neighbouring republic. Under our banking system 22 banks have failed since confederation, and only two of them failed to pay the noteholders in full. This is good testimony as to the soundness of the organization of our banking system. Only five failed to pay the depositors in full. Under the present system it is practically impossible for a note holder to lose, and, as the depositor ranks next in precedence his position is almost as good. Whatever amendments can be made to the Bank Act to improve it, this House will carefully consider, as no doubt it will any amendment to be made

to the Insurance Act which is coming before parliament for the fourth time.

There are other paragraphs of the address to which no doubt the seconder of the motion I have moved will refer, for instance paragraphs 5, 6, 7, and 8, which refer to our great systems of transportation. The fact that the system of transportation required four paragraphs in order to indicate its extent and importance shows what obligations they impose upon the people of Canada. The first reference is to the National Transcontinental railway. Already 861 miles of that road are completed west of Winnipeg. The division between Winnipeg and Lake Superior is now practically in running order, and grain has been carried over it to Port Arthur. The whole work between Winnipeg and Moncton is now under contract and the road will be completed, probably, in four years. With the growth of the west it will not be completed any too soon. It is one of those enterprises to which the people of Canada applied themselves with a courage worthy of any people, and certainly worthy of a population of seven millions. We look at the Panama canal as an enterprise of colossal proportions, a canal costing $500,000,000, but what is that to the enterprise of the people of Canada in grappling with another transcontinental railway, which will cost, so far as we know now, an indefinite sum, but which in any case will be worth to Canada all that it may cost. The sooner it is completed the better. Then we have a paragraph referring to the Quebec bridge, an essential part of the Transcontinental railway system. Reference is made also to the exploration of the Hudson Bay railway route. This will probably be a government undertaking, but when undertaken, if the reports as to the navigability of Hudson bay are correct, it will furnish an outlet for four or five months of the year, to the produce of the west, and a much shorter route to Liverpool than any other route we have had. Then we have improvements suggested in the Intercolonial railway, and the probability that some branches that are said to be feeders to the Intercolonial railway may be adopted by the government. These matters will come before us in a more formal way, and may be the subject of legislation and no doubt the subject of discussion. With the proposals of the government before us, we will be able to discuss them more intelligently than we can now. They are indications of natural growth. We should not fear to grapple with them, even if they are gigantic problems. We should cast away fear, and in all reasonable ways, economically to be sure, but without any failure of enterprise, strengthen the bonds which bind the east to the west, which give us easy access to the prairies and the people of the prairies easy transportation to the markets of the world. If during this session any additional measures are submitted for that purpose, I am confident they will receive the approval of this honourable body.

Another matter referred to in this address, one of great moment, which I shall discuss for a few minutes, is the policy of naval defence. This, to my mind, is one of the greatest questions submitted to us since confederation. To build the Canadian Pacific railway was a great undertaking, a great enterprise. No one regrets that it has been built. To build the National Transcontinental railway was looked upon as an enterprise involving great expense. We have accepted it. To begin to strike out in a new line and to adopt the policy of naval defence, which will, no matter how cautiously and prudently undertaken, involve us in a considerable expenditure, is one of the serious problems which this House will have to consider. I agree with the general theory that Canada has reached a stage in her national growth in which she is bound out of self-respect, if for no other reason, to adopt a policy of naval defence. We spend about five millions on our militia. I believe the Militia Department has been admirably administered for the last ten years or so. The militia service is better administered and more efficient than it has ever been. But no nation is content with a land force. We have a long coast line, longer perhaps than the coast line of the United States, if you regard the sinuosities of all our islands. We have a large commerce amounting now to nearly $600,000,000. We have trade routes to the Indies, to France, Great Britain and

other places; we have trade routes to Mexico and South America, and all that commerce is growing. I do not see that it is in danger. We do not see any enemy in sight, nor did we see any enemy when we organized the militia. We are at peace with the whole world, and may a bountiful Heaven permit that our peace will long abide with us, between us and the neighbouring republic, and between us and all other nations. But there comes a period in the history of a nation, as with an individual, when the obligations of manhood follow as a matter of course. When we reach our majority we become citizens and must discharge our duties as citizens if we are true to the country to which we belong. We assume the responsibilities of the home and family, and we must maintain that family, we must provide for it, nay more, we must defend it by lock and key. All these things are incidental to national growth. What was required of us thirty years ago is very different from what is required of us now, and perhaps very different from what may be required of us forty or fifty years hence. There is a day of small things with all nations. Thirty years ago, the United States had no navy except that constructed in haste during the civil war. Now it has an important navy, and is expending this year $120,000,000 of money in adding to its efficiency. Every country in Europe of any importance has its navy. Spain, ancient, decrepid, subject to anarchy, and all the ills of a disunited people, still manages to maintain a navy of considerable efficiency. Portugal with five millions of people, Norway with two and a half millions, Sweden with five millions—I am speaking of countries with a smaller population than our—Netherlands, five million seven hundred thousand—all those countries have navies of considerable size, two or three or four battleships, cruisers, destroyers, torpedo boats and so on. The whole list of those armaments is supposed to be necessary for offence and defence. The question arises then, if it has been the policy of the old world, and nations have prospered under that policy, if it is in the air, if it is incident to nationhood that these countries shall have navies, we should naturally sit down and consider the situation, so far as we are concerned, and ask ourselves what is our duty. Are these precedents to be followed, or are they precedents to be avoided? If you come to this side of the water you will find that all the American Republics of South America, organized in the last thirty or forty years, have navies of their own. Argentina has two battleships, four armour-protected cruisers, and proposes to spend in the next five years seven millions upon the navy. Chili, with a population of 3,000,000, has a small navy. Brazil, 17,000,000 population, a very large navy; even the population of Mexico, a combination of Astec races and the Spaniard, has a navy of considerable importance. Not only have the great nations felt themselves to be under obligation either to maintain their dignity or to defend their trade, to follow in the footsteps of other nations, and arm themselves by sea as well as by land.

Following the same line, modern nations, such as the South American Republics, and Mexico and the United States, have taken the same line. Shall we pause now? Seeing that we have reached that degree of strength financially, that degree of strength in point of population, shall we pause, or shall we advance and finish, round off as it were that dignity and importance which we have attained, as a unit of the empire? I have said that nationhood necessarily involved proper means of defence. I may be told, however, that Canada is not a nation. Technically speaking it is not a nation, and yet we have all the attributes of a nation. We have for many years practically been consulted as to all treaty obligations which may influence our position as a Dominion. The Washington treaty, 1871, thirty-eight years ago, was submitted to parliament for ratification, such of it at least as effected Canada. The Fisheries treaty of 1885 was similarly treated, and in 1898, four representatives of Canada were on the Washington Commission that was asked to settle the question of fisheries, waterways and questions of trade, particularly with regard to the trade between Canada and the United States. Then with regard to the French treaty now before us, we may say, strictly speaking, although not technically, that treaty is a product of our Canadaian pleni-

potentiaries, if we may dignify them with that title. The assent of the Colonial office was practically given to the conclusions they arrived at. The treaty with Japan some sessions ago was subject to our ratification, as far as it affected Canada. In all these respects, Canada has attained not absolute independence—that we do not seek, we have not reached that stage, if we ever shall—but she has attained a practical independence so far as treaties are concerned, and so far as our relations with other countries are concerned. We were in a position to negotiate the treaty with the United States, if the United States were favourable. We have negotiated a treaty with France, ratified the treaty with Japan, and what more could we do if we were a nation? In that connection I would like to refer to a statement by President Taft at the Champlain celebration last summer. He said:

> We have been going ahead so rapidly in our own country that our heads have been somewhat swollen with the idea that we were carrying on our shoulders all the progress there was in the world. But that is not true, as you will realize when you think for a moment. We have not been as fully conscious as we ought to be, that there is to the north of us, with a border-line between it and us 5,000 miles long, a young country, a young nation that is looking forward, as well it may, to a great national future. They have 7,000,000 people, but the country is still hardly scratched ; it is still undeveloped. They have two great strains of blood in them, French and English. They are under a government abroad, to which both strains acknowledge full loyalty, which has exhibited great wisdom in its treatment of the Dominion and giving to the Dominion practical and almost complete autonomy.

He says ' practical autonomy ' and almost 'complete autonomy.' That is the estimate of the President of the United States as to our status. A young 'nation,' a young country, with practical and almost complete autonomy. We accept this compliment from the President of the United States. It is pleasing to our self-respect. It adds somewhat to our importance. It makes us feel that in the great galaxy of nations, as Sir Wilfrid Laurier once characterized the colonies, we bear no unimportant part. My argument leads to one conclusion: If it be true that we are a nation—and that was the goal of confederation—then we ought to accept the responsibilities of a nation. You will remember in the opening address of Lord Monk when the delegates assembled here to ratify the Quebec resolutions, he referred to the resolutions as the making of a new nation, and those of us who are familiar—no doubt hon. gentlemen all are—with the speeches delivered on that occasion, remember when the Hon. George Brown and Sir John A. Macdonald emphasized the point that in making confederation—and it was only then four provinces —that we were making a nation. If four provinces with three million population constituted a nation in their opinion, how much greater the truthfulness and applicability of that reference to a country now with a greater area than that of the United States and with a population of seven millions? If we are a nation, we must assume the responsibilities of a nation, and here let me quote a speech delivered by Sir John A. Macdonald, the last address delivered by him in England, on the 4th of January, 1886, reported in the London ' Times', where he says:

> The population of Canada was now five millions, but in twenty years — a mere speck of time in the history of a nation — they might calculate that it would be ten millions. With regard to the question of imperial federation, he fully believed that as the auxiliary nations of Australia, and Canada, and South Africa increased, the present relations, comfortable and pleasant as they were, could not remain permanently fixed. As those auxiliary nations must increase in wealth and in population, so they must increase in responsibilities.

He thought Canada was a nation then. He foresaw what would be the result of the inevitable increase in population and the development of our natural resources. He gives my argument: Speaking for the Dominion of Canada he could say they were ready to increase the responsibility. They were ready to join the mother country in her offensive and defensive league. He assumed then as a matter of course that with the growth of the country came increased responsibility, and that we must assume the responsibility also as a matter of course. A speech almost in similar terms was made by the present Minister of Militia at a banquet in London, from which I will not now quote, during the naval conference in England last year.

My argument is leading up to the next point, and a most important one in my judgment. Seeing that we have these responsibilities as a people, and what our responsibilities are, just as in Australia, New Zealand and United South African States, what was the action of the imperial government? They recognized exactly what I am endeavouring to enforce, what Sir John Macdonald endeavoured to enforce in 1886, twenty-three years ago. The action of the imperial government was to call a conference of the colonies for the question of defence. We had repeated conferences in England, but never before one called for the special purpose of considering how the empire could best be defended. No doubt England was alarmed and feared that Germany had sinister intentions against the empire, and in her arrogance, because of her increased prosperity, her vast military forces and with a population of 63,000,000 people, she might undertake an attack upon England which might prove fatal to the security of the British empire. There was alarm. I think it was unfounded. However, I can only speak as an outsider, and I must respect, as I do, the opinion that to a great extent prevailed in England, although that opinion might have been exaggerated in reaching us here. What was done? They called a conference of the Dominions over seas, for the purpose of military and naval defence. Now I want that circumstance to be regarded as a recognition of the solidarity of the British empire. It is the first time in the history of the empire that such a recognition has been so distinctly given. Great Britain had never before consulted the colonies in matters of defence. In 1867 she withdrew her troops from the colonies in the hope that they would provide means to defend themselves. She surrendered Esquimalt and Halifax to us, believing we were able to take care of them. But latterly the opinion has grown with British statesmen that the empire is one, and that only by a union of the colonies or of the Dominions over seas, which is now the proper term, could England be adequately defended. That conference was called. I have here the speech of Mr. Asquith dealing with the subject. The conference was called for the purpose of discussing the general question of the naval and military defence of the empire. It is somewhat remarkable, the attitude of Downing Street—that was a term of offence at one time—and of the imperial government towards the colonies. When we were held in a leash, with a tight rein, and driven in ways we did not want to go, there were complaints, and well founded complaints. Latterly Britain seems to have better understood how to manage her colonies, and she has given them such political liberty as they have desired. We have had it in confederation. We have had it by the union of 1841, and notably under the late Governor General, Lord Elgin, who established the government of Canada upon a firm basis. Certainly we have had it since confederation. But autonomy or self government is one thing, and a union of the autonomous colonies of the empire for defence is another thing. It is a pleasing feature. There is a good deal of romance about it. If I chose to be sentimental over the matter, I should find a good deal of sentiment in the idea of the old mother calling together her children from beyond the seas, to consult how the integrity of the empire could be best preserved; how the old flag could be most secure, not a matter of how England or Great Britain herself, could be saved, but how the colonies as part of the empire should be saved with her. It was not a question of defending England or Great Britain. It was a question for the general naval and military defence of the empire. That was the question to consider and it was very gratifying to us, very flattering indeed, to know that at the council board at which was discussed the defence of the greatest empire of ancient and modern times, there sat two Canadians to consult with the Premier of Great Britain the head of the Admirality Department and the other great officers of State, and be received by the government afterwards in consultation as to how that great empire could be made secure and how the tide of war could be beaten back, should war be threatened in any quarter. Well they consulted and what does Mr. Asquith say?

The result is a plan for so organizing the forces of the Crown, wherever they are, that while preserving the complete autonomy of each Dominion, should the Dominion desire to assist in the defence of the empire in a real emergency their forces could be rapidly combined into one homogeneous imperial army.

It is no more the thin red line that stood before Sebastapol. It is no more the mixed ranks that fought at Waterloo, taken from England, Ireland and Scotland, it is no more the Highland brigade, or Sir Henry Havelock's forces engaged in the relief of Lucknow. It is the imperial forces of the Empire, under the stimulus of the vigorous climate of the northern zone, under the southern cross or wherever they are being mobilized, being consolidated into a sympathetic force for the imperial army. That is the result of the conference, so far as Mr. Asquith's statement goes, for military purposes. But the conference went further he says, and did suggest an organization with a naval force with this proviso, which you will be kind enough to notice is of the utmost importance. He says notwithstanding what these organizations may be :

It follows that all resolutions come to and the proposals approved by the conference which has been held must be taken, so far as the delegates of the Dominion are concerned, to be ad referendum, and to have no binding force unless and until submitted to the various parliaments.

Whatever the conference had done is subject to the approval of parliament. We are delighted to know that Mr. Asquith recognizes fully our Canadian autonomy in that respect. The conference agreed as to some general scheme for naval defence. There would be a Pacific fleet in three sections, one to defend or surround Australia, another in the China seas and another in the East Indies. In regard to New Zealand's offer of a Dreadnought which is to cost £2,000,000, it has been accepted, and the peace of the Indian seas and the China seas will be preserved hereafter, not by the British fleet alone, but by the assistance of the colony of New Zealand. The Commonwealth of Australia is practically to provide for her own defence. That is to say, she is to be a unit in the Pacific ocean, and her complement is to consist of one armoured cruiser of the Indomitable class, three armoured cruisers of the Bristol class and six destroyers, with the necessary complement of submarines. For the time being officers and men are to be loaned by the imperial authorities, but the country aims at eventually furnishing its own crews. To this end training colleges will be established. Sydney probably will be the chief basis of the fleet's operations. Its annual cost is estimated at $3,750,000.

As regards Australia, the suggested arrangement is that, with some temporary assistance from imperial funds, the Commonwealth government should provide and maintain the Australian unit of the Pacific fleet. The contribution of the New Zealand government would be applied towards the maintenance of the China unit, of which some of the smaller vessels would have New Zealand waters as their headquarters. The New Zealand armoured cruisers would be stationed in China waters. As regards Canada, it was considered that her double sea-board rendered the provision of a fleet unit of the same kind unsuitable for the present. It was proposed, according to the amount of money that might be available, that Canada should make a start with cruisers of the Bristol class and destroyers of an improved river class, a part to be stationed on the Atlantic sea-board and a part on the Pacific.

That is the outline of the conference, so far as the Premier of Great Britain has given any expression to its conclusion. What conclusion the Dominion government may have come to will be known when the Bill is brought down. I refer to this as a sort of partial preparation for what may be expected when we go a little further. Let us not lose sight of the fact that this was a most important conference, that Canada was represented there, that a scheme of military defence for the empire has been approved by the conference, so far as Canada is concerned, subject to our approval, that a scheme of naval defence was approved subject to our approval, and that all of these matters, whatever they are no matter what they involve, should be subject to the approval of the Canadian parliament as they ought to be. If we have the right to negotiate our own treaties, we have a right to indicate how our money ought to be spent, we ought to have a right to indicate the amount of that expenditure. Then you may very properly ask me what, in my opinion, Canada should pay, if I

am supposed to have knowledge enough to express an opinion, or to be asked to express an opinion on a question of that kind. I give no opinion but my own. It is not ex cathedra at all. It is not after consultation with the government or anybody else. I gather that opinion from some study I have given to the question, and from perhaps my own intuitions as a Canadian as to what Canada should do in the premises. If the policy of the government is to act, well and good, if it is sufficient, if it is in line with what I have outlined, then it will be the juxtaposition of two minds brought to bear on a very important question. First, Canada should build her own navy. That is among the propositions which I make as an hon. member of this House. Canada should have a navy of her own, built in Canadian shipyards, just as the British, French, United States and Japan navies are being built. I do not think we should import the battleships. I am assuming that we will have a navy, and I do not think we should import cruisers unless in an emergency. Brazil has bought her fleet in the British market, and I believe Spain has also. We may be driven to that course also if the emergency arises. My proposition is that we should make preparations at an early date for building our own ships, and building them by such skilled labour as we can supply, or such skilled labour as can be imported for the purpose. What would be the result of such a course? In the first place it would mean the influx of an enormous amount of capital. If any hon. gentlemen have passed through the Clyde or Newcastle-on-Tyne, or the great shipyards of Liverpool, they will have seen at a glance what the construction of large ships, either for merchant marine or for naval purposes, would require. As I have already said, it would mean the influx of much capital. We welcome capital, no matter from what source it comes.

It is gratifying to know that the Americans, in order to overcome the difficulties created by their own tariff, have invested a few millions of money in Canada. A few millions in shipping will be useful for the merchant marine as well as the navy. It would mean a new industry, the employment of thousands of people, and give an impulse to our steel and iron industry. We should make our own armour plate and everything else, except perhaps the armaments, in our country. It should be a great home industry, and a Canadian industry under the control of the best experts the admiralty could afford, and our vessels should conform to the best methods of ship building. It is said that if we build a navy it would become scrap iron in a short time, as some of the vessels built in Britain have. We have to take our chances on that. We must keep up with the procession if we can, and we have to take chances that the ships we build now, in twenty or thirty years may not be the best for the purposes for which they were intended, but they should be built now of the highest class and best modern equipment. They should be capable of substantial defence if required. I do not mean that we should have a navy all at once but it should be so substantial when completed, if ever completed, or when it has reached the point we think we should aim at, that it would render good service in defending our trade routes, and, if necessary, defending our coasts. It should be manned by Canadians, if possible. The policy of Australia is to borrow cruisers, we may have to do the same, but they look forward to the time when they will man their ships, and we must look forward to the time when we will man ours We have 71,000 fishermen, with a good many thousand boats, the best material to make such seamen as won victories for Britain in days of old. The fishermen of Gloucester manned the American fleet in the Spanish war. The fishermen of New Brunswick and Nova Scotia would man a fleet almost as large as the British. We could man such a fleet as we required from our own fishermen and have many to spare, and we would give them employment in the country and we would train them to seamanship, which would be necessary for defence purposes. Our navy should be under the control of Canada, at the same time it should be one of the units for the defence of the empire if required. What we do for Canada we do for the empire. What the empire does for

itself it does for Canada. I believe that in any steps we may take for the preparation of a Canadian navy for our own defence we should also have in view the fact that the Canadian navy might be useful in an emergency for the business of the empire. Subsidiary to the navy, I think we should have a dry dock, training schools and training ships. The Americans have six training ships, contrary to the Rush-Bagot convention, on Lake Huron, in which they are training a thousand men. We should have a naval academy such as they have in England and in the United States. Some of you say it is a large proposition. I delight in it because it is large. I think the day of small things has gone by. I do not say that it should be built in a day, that we should incur all the expenditure in one, two, three, four, five, six or maybe ten years, but I do say we should make a beginning, and in the very beginning, we should have in our minds what the plan would be, that every stone laid in the foundation should have some regard to the superstructure. But is it too large a proposition for Canada? Everything will depend on the amount of money expended from time to time. We have already dealt in large propositions. You will remember what Tennyson said:

> Pray heaven your greatness may not fail
> Through craven fear of being great.

The building of the Canadian Pacific railway was a large proposition, the building of the Grand Trunk Pacific and the deepening of the canals, the construction of the Intercolonial railway and the settlement of our prairies were large propositions. We are the better because we dealt with them; we are the stronger because we have settled them. We are a nation and more confident of ourselves, and a greater credit to the race to which we belong because we have dealt with them. Then why say that a Canadian navy is not necessary, that the British fleet will take care of our defence? I think the time has come when we should not shelter ourselves behind the British fleet. At times we think that we have been sacrificed in the treaties framed between Britain and the United States, but Great Britain has tended us in our infancy, has guarded us in our development and watches over us to-day. Shall we always be dependent minors in the home of our fathers? Shall we never attain to that degree of citizenship and manhood in which we will be able to act for ourselves and also assist the motherland? Great Britain asked no aid from us in the Boer war. We sent our aid, which was acceptable, and did good service. I hope the time will never come when, should we have trouble in Canada, we will shelter ourselves behind British warships and allow the motherland to fight our battles while we sit on the shore singing 'Rule, Britannia; Britannia rules the waves.' That is a position which only a poltroon could take, and no self-respecting Canadian would countenance such an act of cowardice. The empire and the colonies are one. When the empire defends itself, it defends the colonies, and when the colonies defend themselves they defend the empire. But it is said that Great Britain may embroil us in continental wars for which we are not responsible, and of which we might not approve. This is a myth. This is the objection of a man who has not studied history, who has never looked at England's wars in the perspective in which we see them now, and which is not capable of being sustained by facts. If you go over the wars of the last century you will not find one that I can recall at this moment in which Great Britain was engaged, which was not in any respect and some in all respects a meritorious war. The war of 1812 was with the United States. In that war the United States was the aggressor. The declaration of war was issued by the United States and England only defended her ancient and undoubted right, she claimed, of following her deserting seamen into foreign vessels. The United States accepted that, because in the treaty which followed the war there was no objection raised and the principle remains to this day as it was in 1812. So also the great Peninsular War was a war for the defence of the empire. With Napoleon master of Europe, there was nothing for England to do but to fight, and she fought successfully and maintained her own autonomy and position among the nations of the world. Therefore we need not be

afraid that England will embroil us in unnecessary wars. The position of Britain to-day is not aggressive. What she has she holds, but she seeks to take no nation's property or encroach on the commerce of any other people. She is content with her position and the people over whom she rules. Let us then not be misled from a strong position on this question by any fear that England will embroil us in war. Moreover, if we had a navy ever so powerful that navy could not be used except with the consent of the parliament of Canada. We never let go the rein; the control is in our hands and ought to remain in our hands, and from what Mr. Asquith has said it is intended so to remain. If a navy is necessary for us, we need not be prejudiced by fear of being embroiled in foreign wars.

Then we are told that a Canadian navy would be regarded as a menace by the United States. I decline to consider that as appropriate in any sense. The United States built her navy without any regard to Canada. She imposes a tariff wall against Canada as she has a right to do and has repealed treaties which affected us greatly without reference to the effect on Canada. We are in a friendly position now with the United States; let us pursue the even tenor of our way and do what is best for ourselves, knowing that if we do what is right we will gain the respect of the United States, as President Taft has said, and our country will prosper. I need not dwell on this further than to say it may be objected that Canada cannot maintain the burden of a navy. That burden should be made light; we should not proceed hastily. It was said that we could not bear the burden of the Canadian Pacific railway or the burden of confederation. We are told that we ought to feel the burden of the Grand Trunk Pacific. We are carrying burdens all the time. We are getting a million stronger, probably, every five years—a million more shoulders are placed under this burden. We must bear the burdens and responsibilities which belong to us. If the policy of the government is a reasonable one, and will not impose upon us heavy obligations, the burden need not alarm us. As I said at the outset, I have given some views on the question of naval defence which are entirely my own. They may be extravagant in the opinion of some hon. gentlemen, and in the opinion of others may not be adequate for the occasion. I do not speak as an expert, but as one who has given some thought to the question, and I feel as a Canadian in no case should we allow ourselves to take an inferior position in the galaxy of nations which circle around the British throne. If New Zealand with a million people can spend $10,000,000 on a Dreadnought, and Australia with four and a half millions can spend a large amount in naval defence, surely Canada with a population of seven millions can do her part in this great work of national defence. It would be to our everlasting reproach if we shirked our responsibility, and it would not be, I think consistent with the public opinion of Canada if at this session an advance movement were not made. I must apologize to the House for the great length of my remarks on this and other questions, and have great pleasure in moving the motion placed in Mr. Speaker's hands.

Hon. Mr. BOYER (in French)—While I highly appreciate the honour of having been chosen to second the address, I had hoped to prevail upon hon. gentlemen, being the Benjamin of this body, to grant your indulgences, nay more, all your indulgences, but death, which has struck with such violence among the members of the Senate since last session has, since my appointment, claimed new victims. I am sure I interpret correctly the feelings of all my colleagues here in offering to the families of the departed our most sincere and lively sympathy. Permit me to refer specially to one of our departed colleagues, whose successor here I have the honour to be, and who was to me for more than thirty years, I shall not say a friend but a father. A man of wise council, a devoted friend, he left throughout his life traces of his kindliness, and his decease has caused universal regret. I cannot better eulogize our departed colleagues than in quoting the words of a great poet:

Pleurons sur les trésors qu'emporte le cercueil.
Pleurons avec ceux dont les espoirs s'éteignent.

Pleurons avec ceux dont le cœur blessé saigne,
Et qui restent dans cette nuit d'exil et dans cette nuit de deuil.

His Excellency, in welcoming us, rejoices with all of us over the prosperity which the country enjoys. As a matter of fact, the harvest with which God has blessed Canada this year is more than abundant. Everywhere prosperity has returned, and, in proof of what I say, permit me to quote to you some figures:

Deposits 1909.	On demand.	After notice.	Loans.
30 April..	207	450	524
13 May..	216 x 9	453 x 3	528 x 4
30 June..	226 x 10	455 x 2	531 x 7
31 July..	222 x 4	466 x 11	539 x 4
31 August.	228 x 6	472 x 6	534 x 4
30 Sept..	239 x 11	474 x 2	560 x 17

Imports and Exports.

6 months, April to Sept. 1908.. ..	$261,247,007
6 " " " 1909.. ..	314,472,101
Being an increase of..	12,482,756

Butter.

6 months April to Sept. 1908.. ..	$1,090,053
6 " " " 1909.. ..	654,571
A decrease for 1909 of..	$ 435,482

Cheese.

6 months April to Sept. 1908.. ..	$ 12,035,067
6 " " " 1909.. ..	12,990,488
An increase over 1908 of..	955,421

Wheat Harvests.

Fall wheat..	149,285,000
Spring wheat..	19,101,000
Total..	168,386,000
Being a decrease in wheat of.. ..	16,700.000

Land under cultivation.

7,750,400 acres, being an important increase over the year 1908. Deducting 40,600,000 bushels of wheat for home consumption, being 5:80 bushels per head for an estimated population of 7,000,000, and deducting 12,658,988 bushels for seeding 7,750,000 acres, or 98 pounds to the acre, we arrived at a total of 53, 258,988 bushels, leaving the magnificant surplus of 115,128,000 bushels for market—a handsome sum for our country.

Oats.

354,419,000 bushels being 38:15 bushels to the acre.

Potatoes.

99,087,000 bushels, showing an increase of 22,697,000 over the crop of last year.

The hay crop yielded 11,877,000 tons, being an increase of 427,000 tons over the yield of 1908. That crop is valued at $132,287,000, being $10,403,000 more than in 1908. The total value of potatoes, turnips, farm fodder, green corn and hay is estimated at $202,473,700.

With regard to Railways.

I shall simply refer to the principal roads. For the week ending the 7th of November, the receipts of the C.P.R. were $2,113,000, being an increase of $425,000 over the corresponding period of last year, The figures are:

1909 first week in Nov...	$2,113,000
1908 " "	1,688,000
Increase..	$ 425,000

The number of post offices shows an increase of 656 over the preceding year, and the sale of postage stamps shows as well an increase of $530,000. The number of one cent stamps sold was 51,326,000.

His Excellency announces that, guided by the resolution adopted unanimously by the House of Commons on the 29th of March last, two members of the government passed all last season in England to discuss with the imperial authorities the creation of a Canadian navy. Is it not true that in creating a national navy Canada takes at one step a more influential position in the empire, and, instead of lowering herself, does she not raise herself in her own estimation, and in the estimation of other nations? Last year Canada celebrated by magnificent fetes in the old city of Quebec the tercentenary anniversary of its foundation. We invited there England, France and our neighbors the United States. England and France sent magnificent warships. The United States, not to be behind these friendly nations, sent their newest and most powerful of their warships. Canada marvelled at the magnificent spectacle presented by that unrivalled fleet, in the great port of Quebec; but we must acknowledge with regret that Canada was nowhere represented in the fleet. This year the United States celebrated the tercentenary anniversary of the discovery of the great river which flows into the port of New York, and which bears the name of the man who discovered it. The United States invited to that festival all the nations of the world. France, England, Germany, Russia, Japan, and they were all represented there by some of their war vessels. Little countries with considerably less population than ours, such as Holland and Belgium, contributed to the display, and we saw their flags floating in the breezes of a free country, the United States. Again no nation failed to respond to the invitation except Canada. We sent no representative to that family festival,

because we were not able to enter into the procession or show ourselves on the Hudson. We could have well been spared the shame of having to make the painful reply that we were obliged to decline the invitation because we had no warship. Picture to yourselves, hon. gentlemen, what would happen if to-morrow our people residing along the Gulf of the St. Lawrence, were to announce that an unknown fleet of sailing vessels, such as existed a century and a half ago, were to ascend the St. Lawrence river, and what if we were to learn that this fleet, of which no one had heard, and no one knew, was no other than the fleet of Wolfe conveying his army. How would we oppose a fleet manned by such heroes as we all know they were, warriors who never flinched before anything to assure the triumph of their country, if they arrived before Quebec without any other equipment than such as was in use a century and a half ago, what would prevent them taking Quebec? We desire to remain members of the British empire, and like them to have full control of our political institutions. We desire to become a nation and assume equally with them all the responsabilities which fall upon them. We have hoped that this question of the creation of a Canadian navy would remain truly a national question, above the warfare of parties. We have hoped that the peoples' representatives, united as they were last March, would adopt without discussion the project of creating a Canadian navy. Unhappily. politics has been mingled with it and the question promises to become one most difficult to settle. Let us hope that the Canadian people will understand their interests, and the responsibilities encumbent upon them, and as one people face the situation with honour because one cannot avoid difficulties by simply ignoring them nor relieve himself of responsibilities by turning his back to them. A contribution of money has been spoken of. The time has gone by when it would be considered legitimate to have recourse to a stranger to defend us. So long as we are a source of weakness, whether on land or on sea, to the empire, so long shall we feel that we are only a colony, that our national will lacks force and that our voice is feeble in the discussion of the affairs of the empire; that we have not the strength of a nation ready to defend itself, and which pays its share to be safeguarded in its autonomy and its dignity. Let me state, honourable gentlemen, how we should, in my opinion, approch the question of the creation of a Canadian navy. The policy of a country while respecting personal sentiment, should only be guided by the great interests of the people. Statesmen should remember that they are not the judges but simply the representatives of the people who have no great comprehension of theories of peace at any price. They understand the old classical expression "si vis pacem para bellum," and they prefer in this hard world to be the hammer rather than the anvil.

I do not wish to prolong the discussion on this question. My hon. colleague who has already addressed the House has described very clearly to you the situation. We shall have future occasions to discuss this important problem.

Passing to the other question in the speech from the Throne, which treats of the progress accomplished in the construction of the National Transcontinental railway, a despatch published yesterday in a newspaper announces from an official source—that is to say the Grand Trunk Pacific office—the happy news of the opening of the section of the National Transcontinental railway from Port Arthur to Edmonton for passenger as well as for freight traffic. This is pleasant news, because if this railway should be constructed, the sooner it is completed the better it will be for the development of our great country. The sooner it is in operation the sooner we shall receive the revenues which will reduce the expenditure which weighs on the country, for the sooner the construction is ended the sooner will the Grand Trunk Railway Company which will operate it, become responsible for the interest on the sums advanced by the government.

I shall not speak any longer. My colleague who preceded me dealt with the other questions and it is useless for me to add anything. I believe I interpret the sentiment of every one present in seconding with very great pleasure the motion of my honourable colleague to the effect that a message of thanks be sent to His Excel-

lency the Governor General for his speech at the opening of the second session of the eleventh parliament of the Dominion of Canada.

Hon. Mr. LOUGHEED—I move that the debate be adjourned until to-morrow.

The motion was agreed to.

DECEASED SENATORS.

Hon. Sir RICHARD CARTWRIGHT—I propose to move the adjournment of the House, but before doing so I should like to say a few words as to the loss this House has sustained since we last met by the death of three hon. members well known to all of us, one on the government side and two on the side of my hon. friend. The late Senator Thibaudeau was one of the oldest members of this House, and while I am not aware that he took a very active part in our debates, I believe I am perfectly within the knowledge of all these hon. gentlemen who have had the pleasure of his acquaintance in saying that Senator Thibeaudeau was a man whom we all respected and liked. He had occupied at one time a very prominent position in mercantile life, and after that a position of importance in the city of Montreal. He was, I think, within three or four of being the oldest member of this House. His appointment was almost the last act of my lamented friend Alexander Mackenzie, and I think I am quite justified in saying that his appointment was one which, in his own province in particular, was extremely well received by his political opponents. We have also had to regret the loss of one of the pioneers of the Northwest in the person of the late Senator Perley. He was a man who took his full share in the early struggles, and they were very severe struggles, which marked the development of that country, and I believe he was one of those who contributed in his own person very considerably, by his energy and enterprise, to the development of that particular section which he represented. I can testify that wherever the interests of his former constituents were concerned, Mr. Perley was always active and anxious to do everything he could for the people he represented. The last gentleman whose loss we regret was one who has occupied a very prominent and important position in this House, the late Mr. Ferguson. Everybody who had the pleasure of that hon. gentleman's acquaintance will bear testimony to the zeal and assiduity with which he discharged his duty. He was a man of indefatigable industry, and I am bound to say that on many occasions, listening to him, I have been surprised at the pains and trouble which he had taken to make himself thoroughly familiar with the questions which came before us. In him the House has sustained a serious loss, and I only hope that we will be able to replace him in due time with some gentleman who will be as useful and as distinguished a member of this House as Mr. Ferguson had been. I need say no more. We all extremely regret that these gentlemen should have been taken away from us, and there is this consolation, that they all departed in the fullness of years and honours, and that they carried with them our sincere regrets and their families will have the sincere sympathy of all the hon. gentlemen of this House.

Hon. Mr. LOUGHEED—I join in the tribute of respect and regret which has been so feelingly expressed by my right hon. friend with reference to the death of our lamented colleagues Senators Thibaudeau, Perley and Ferguson. Although those hon. gentlemen had passed the allotted span of life, yet as they passed to and fro in this chamber and participated in our discussions and deliberations, I venture to say that it seemed to all of us that they had scarcely reached the meridian of their powers. The Senate will unquestionably suffer a very great loss in the departure of those three hon. gentlemen. The late Senator Thibaudeau was not so well known to me as the other two gentlemen; but he has been a member of this House for I think thirty years or more. He had occupied a high position in his own province commercially and politically. So far as I can learn he enjoyed the highest favours and offices of his party and was undoubtedly highly esteemed in his native province. The late Senator Ferguson was a man who was more intimately associated with me than Senator

Thibaudeau. I had the honour of his acquaintance ever since his advent to this House. He was a gentleman of keenest intellect, of the most untiring industry and of the most unflagging zeal in whatever his hand found to do. He attained a very high position of distinction in his native province, having been a member of the government of Prince Edward Island for many years. He was a member of the late Conservative administration, and unquestionably contributed to a great extent in the promotion of the best interests of agriculture in connection with that government. He was highly respected by this chamber, and contributed in no small degree to the valuable legislation which from time to time has been placed upon the statute-book by the Senate. The late Senator Perley was a gentleman with whom I was more intimately associated than almost any other member of this House. He went into the Northwest Territories in the early days when I went there, and from that time down to his death was a more or less close colleague of my own. He was a gentleman held in the very highest esteem, and he enjoyed the sympathy and the popularity of the district from which he came. He was for many years a member of the old Northwest council, and was responsible for much of the legislation placed upon the statute-book in connection with the development of the agricultural interests of what is now the province of Saskatchewan. He was also a valued member of this chamber. There was no hon. member on either side of the House more independent in his views, and more ready to express that independence of view and judgment than the late Senator Perley, and for that we all admired him. This House extends its sympathy and condolence to the families of our late colleagues in the great loss they have thus sustained.

Hon. Mr. BEIQUE—I may be permitted to add one word, it is merely to say that I entirely agree with the remarks which have been made by the right hon. leader of the government in this House and by the hon. leader of the opposition. I entirely agree in the special references which have been made to Senator Ferguson. I am sure that every hon. member feels that his death was a great loss to this House and to the country. As was very properly stated, he was a most industrious member of this House, keeping himself thoroughly posted and following every question that was considered by the House. It will be very difficult to replace him. I desire also to say a word in connection with the late Senator Thibaudeau. I had been associated with him for a great many years, and, as was stated by the right hon. leader of the government, he was at one time not only financially a leader in the community in the city of Montreal, but his energy and his influence in the community and his efficiency were recognized and acknowledged through the whole Dominion. I am sure that there are a number of hon. members of this House that knew him in his best days, and the words that have been said in connection with the late Senator Thibaudeau. by the hon. leader of the government and the hon. gentleman's successor are no exaggeration.

THE INSURANCE BILL.

Hon. Sir MACKENZIE BOWELL—Is the hon. gentleman in a position to notify the House when the Insurance Bill will be introduced here, and is the Bill to be introduced as it was presented before prorogation last session? I have received three or four copies of the Bill as it came from the Commons, and I presume from what I have heard that the government has not made or suggested any amendments to the Bill as it was presented to us last year. If that be the case, those who have to consider its provisions will know better what course to adopt than if a number of further amendments are to be incorporated in the Bill. I frankly acknowledge that I am perhaps asking questions not usually answered, but under the circumstances, considering the importance of the subject to which I have referred, probably the hon. gentleman could give me some information.

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend that the Bill is now before me, and I propose to introduce it as soon as the debate on the ad-

dress is concluded. With reference to the other question which he put, I understand the Bill is in all important respects exactly as it left the Commons, but that there are some very minor amendments suggested by the Finance Department. Of course I will specially call the attention of the House to those when we come to debate the measure. They are I believe of very slight importance.

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

OTTAWA, Wednesday, Nov. 17, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RESIGNATION OF SENATOR MERNER.

Hon. Mr. LOUGHEED—Can my right hon. friend tell me if there is any truth in the report which appeared some few weeks ago, that the late Senator Merner before his death had sent in his resignation as a member of this Chamber. It so appeared in the press. I am not aware of the attention of the House being directed to that fact. Possibly my hon. friend may have some information upon it. If not, I may possibly put a notice upon the Order Paper.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am not sure, speaking from memory, whether the late Senator Merner did or did not send in his resignation, but I will have inquiry made.

THE ADDRESS.

DEBATE RESUMED.

The Order of the Day being called:

Resuming the adjourned debate on the consideration of His Excellency the Governor General's speech on the opening of the second session of the eleventh parliament, and the resolution for an address in reply thereto.

Hon. Mr. LOUGHEED—It is usual on occasions like the present to congratulate the mover and seconder of the address, who are generally new members. It would be a work of supererogation for me to congratulate the hon. member for Middlesex, a war-scarred veteran, who is becoming one of the older members of this House and whose reputation as an orator is almost continental. I might as well try to paint the lily white, or give an artificial fragrance to the rose as to make any remarks with reference to the ability of the hon. gentleman from Middlesex to perform a duty of that kind, not only most eloquently but with very great acceptance to this House. I have much pleasure in extending my congratulations to the hon. gentleman from Rigaud, who so gracefully seconded the address, and to express the hope that he may be an active member of this Senate by being a participant in the debates and our deliberations to a greater extent than many hon. gentlemen in this House, who, through excessive modesty, do not take that active interest in the Senate which I think they should. The government is to be congratulated with regard to the drafting of this particular address, which is certainly a piece of word painting of very artistic design and expression. To one who is not possessed of a slight degree of doubt and suspicion as to the statements emanating from the government, this address would appear to be proof against criticism, but to those of us on this side of the House whose duty it is not to permit the government to comfort itself by the happy phraseology embodied in the address, it is very natural that we should fall into the habit of scrutinizing the statements made from time to time in the address in reply to the speech from the Throne. This address, I think should not be exempt from criticism. The first paragraph is as follows:

The present year, which is now rapidly drawing to a close, has been a period of steady and progressive growth. Immigration has poured into the new settlements of the north and of the west, in a copious and well ordered stream, drawn from the best elements of the British Isles, the United States and Continental Europe.

I observed also during the speech of my hon. friend from Middlesex (Mr. Ross) that he expressed his satisfaction at the character of the immigration which has recently come to our shores. It is gratify-

ing that we are receiving the volume of immigration which is coming to us at present, and it is no doubt of better quality than the immigration of previous years, but the stream of national life in Canada is yet subject to very considerable pollution by reason of much of the immigration which comes from the south of Europe. It is to be observed in the last report of the Department of Justice upon the population of penitentiaries in Canada that the inmates of those institutions have increased within the last year no less than within a fraction of 15 per cent. To hon. gentlemen who are familiar with the enforcement of criminal law throughout our western country, it is unquestionable that our criminal statistics are growing to an alarming degree, largely owing to the fact that the government is not making that careful selection of immigrants which the interest of the country demands. There is not a municipality, I venture to say, west of the Great Lakes that has not been called upon to very substantially increase its expenditures for policing the community within its boundaries, and the dockets of the criminal courts are largely surcharged as time goes on by the many crimes committed by that element of the population to which I have referred. I am, however, gratified to find that we are receiving a very highly desirable class of immigrants from the great country to the south of us. My hon. friend from Middlesex made reference to the splendid character of the immigrants who come to us from the United States. I can very heartily concur in that statement. It is to be observed also, from the statistics furnished by the government, that the Americans who are coming into Canada are giving very much closer attention to the settlement of the lands than any other nationality within our boundaries. I find that 21 per cent. of the English immigrants have taken homesteads, 22 per cent of the Scotch, 24 per cent of the Irish, 30 per cent of the continental Europeans, and no less than 43 per cent of the Americans. I can say of my own knowledge that this latter percentage can be very considerably increased by reason of this fact, that a great number of Americans purchased their lands outright, and, therefore, are not entered in the statistics as being homesteaders. It is safe to say that 75 per cent of the American immigrants are settlers upon our western lands. Some degree of apprehension has been expressed from time to time as to the ability of a country with such a small population as Canada to digest an immigration of that character, such immigrants being predisposed towards the very liberal institutions which they have left on the other side of the line. I say without hesitation that those Americans who have come within our boundaries have shown a disposition to assimilate themselves with our institutions to an extent greater than those of any other nationality, and I am justified in saying that in the course of a very few years they will rank equal with our own people in loyalty to our Canadian institutions. There is one phase of this question which, I submit, has not received that attention which it merits at the hands of the government, namely the ethnology, so to speak, of the question of immigration. During the late sittings of the British Association at Winnipeg this question was discussed from a scientific standpoint. Attention was directed to the fact that we legislate in Canada with a great degree of anxiety upon almost all subjects relating to the land, soil, climate, wheat, cattle, food, and so on, but without paying much attention to the ethnology of the races that come within our borders. This is particularly noticeable upon the question of naturalization. Our naturalization laws are certainly very defective in this respect. They are less progressive and insure to Canada very much less security than the naturalization laws of the United States. When we extend British citizenship to immigrants who have lived within the boundaries of our country during three years, we extend to them the franchise, we give to them all the rights and privileges of British subjects, and of all the institutions within our land. I think it is one of the most humilating spectacles which can present itself to the mind of any intelligent man, particularly during elections in that western country, when great public questions are to be dealt with, when the intelligence and the education of our people are brought into demand, to find thou-

sands upon thousands of illiterates who are not superior to the coolies of Asia or the serfs of Russia, not knowing anything about our language, or our institutions, not knowing whether they are going to the polls for election purposes or for the purpose of baptism, charged with all the responsibilities of British citizenship, and for the purpose of exercising their franchise upon the important questions which from time to time come before the people of Canada. I say this is something which demands the best attention of the government, and we regret to see that there is a latitude, a license, an unbridled freedom, obtaining upon this very important question. Although a residence of three years is required, yet I am safe to say that the absolute ignorance of many of these people is such that they are induced to make affidavits stating their term of residence, without having any knowledge of the affidavit which they are making, and thus at the instance of political parties securing naturalization shortly after they reach our shores. I hold it as a fundamental principle that if our national foundations are to be sound and broad, it can only be through a selection of races and types, possessing the best physical, mental and moral qualities of the human race.

There is another question which has been dealt with in the address, coming after that of immigration, and that is the question of finance. My hon. friend from Middlesex referred to the buoyancy of the revenue. It is a matter for congratulation that our revenues are increasing, that we are rapidly recovering from the financial depression which marked our revenues of a year or so ago; yet, coincident with this, we find a buoyancy on the part of the government on the question of expenditure, in increasing the public debt, and in fact upon all other questions involving financial consideration, notwithstanding the guarantees which were given last session by my right hon. friend, in view of the then depressed state of the revenue, that great economy would be practised by the government in the future. It is noteworthy to find that our public debt for the fiscal year ending the 31st March, 1909, increased $46,000,000. Will hon. gentlemen take into consideration the enormous increase of this debt within the last fiscal year, and then take into consideration the demands which are being made by the country upon the government for the carrying out of great public works. Will they also consider the increase of debt that must necessarily follow for the completion of the works upon which the government have now entered and upon which they must enter in the near future? I venture to say that within the term of the present parliament the public debt will reach a sum of not less than five hundred million. May I point out some of the public works which the government has impliedly promised to carry out, and which are at the present time dangling before the electors. There is the completion of the National Transcontinental railway to which, of course, we are absolutely committed. I find notwithstanding the fact that the debt has been increased during the past year by $46,000,000, not more than $25,000,000 increase of debt went into the National Transcontinental railway. Upon that road, up to the present time, excluding the Quebec bridge, we have spent only about $52,000,000. Before the completion of that enterprise we shall, I venture to predict, spend no less than $150,000,000 more. My hon. friend from Middlesex yesterday, in referring to the gigantic character of the undertaking and to the financial responsibility which was on our shoulders to complete it, made use of the happy expression that it would of course have to be completed by the government, although with an indefinite expenditure of money. The government has promised to the people of Canada the Georgian Bay ship canal, which will involve an expenditure of one hundred millions of money.

Hon. Sir RICHARD CARTWRIGHT—When?

Hon. Mr. LOUGHEED—My right hon. friend very properly asks when? I should say, just anterior to the last and will also say just previous to the next general election.

Hon. Sir RICHARD CARTWRIGHT—Take care. Prophets are in danger when they fix dates.

Hon. Mr. LOUGHEED—My hon. friend's party received a very loyal support from that northern section of Canada at the last election on the strength of building the canal. However, I fancy that undertaking will wait until immediately previous to the next general election when I would not be surprised at all to see the government commit itself to the then immediate building of the canal, which, as I have said before will involve the expenditure of one hundred million dollars. During the present session we are to be committed to the building of a Canadian navy, and if it is to be as effective as my hon. friend from Middlesex indicates, so effective as to become a very important unit in the imperial fleet, calculated not only to defend our own shores, but to be of material assistance in defending the empire, I presume that the twenty million dollars which has been indicated in the government press as the limit of expenditure, will certainly be the minimum not taking into consideration the cost of maintenance. Then we have another public work which is dangling before the people of the northwest, namely the Hudson Bay railway. That is a road which will involve probably the expenditure of another twenty million; but this public work has been doing service for so long, and with such very good results so far as securing the support of the west on behalf of the Liberal party, that I fancy the government will not be reckless in entering upon the building of it before, say six months, or twelve months anterior to the next general election. I then look for an appropriation in this direction.

Then I notice also that the Minister of Public Works did us the honour of a visit in the recess through the provinces of Manitoba, Saskatchewan and Alberta, and his attention being directed to our magnificent water stretches in the north, suggested to the people living in those constituencies along the bank of the Saskatchewan river, that the deepening or canalizing of the Saskatchewan river from Edmonton to Winnipeg was certainly an undertaking which should appeal to the sympathies of this government. The Minister of Public Works produced an excellent feeling in that country when assuring the public of those three provinces that he would be only too happy to recommend to the government their entering upon this gigantic undertaking, which, of course, would not cost less than another $20,000,000. I place that as the minimum expenditure of any of those great public works upon which this government promises to enter from time to time. I notice also in the address that it is the intention of the government to secure all the branch feeders to the Intercolonial railway through the maritime provinces.

Hon. Mr. DOMVILLE—Hear, hear. That is good.

Hon. Mr. LOUGHEED—Or what will prove to be branch lines; but of that I shall speak a little later. I might say that the acquisition of those roads must necessarily involve a very substantial sum, because when this government deals with the Intercolonial railway it showers its gifts with a lavish hand. These are some of the works which the government has indicated will be carried out in the near future, or that they have already entered upon. To carry these out we have a revenue, which in the last fiscal year was in round figures $85,000,000. Hon. gentlemen can therefore very well appreciate how this debt is going to grow in the near future if the government insists upon carrying out the immense undertakings which it has already indicated its willingness to enter upon. We must not overlook the fact that the fixed charges upon this debt must necessarily, in the near future, make a very severe incursion upon our revenue. It seems to me that this government has arrived at a stage when it has such a solid support from the Dominion at large, that it can safely, without loss of support, exercise a vigilance and an anxiety in protecting the public revenue to a greater extent that it has done. I am safe in saying that the people of Canada do not receive value for the moneys expended. I feel that there is a great deal of truth in the statement which was made by one of the members of the late royal commission, that no less than ten million dollars are squandered annually in the Dominion of Canada by reason of the graft which is practised by contractors, camp followers and the free-booters who are liv-

ing upon the public exchequer. If hon. gentlemen will consider the investigations which have taken place before the Public Accounts Committee during the last three or four sessions, it will be admitted that it has been proved beyond all controversy that contractors have been drawing from ten per cent up to fifty per cent in advance of the value of the goods which have been furnished to this government. I am not prepared to say for a moment that this statement which was made by a gentleman high in the financial circles of this Dominion, and a friend of the Liberal party, was in the slightest degree exaggerated. This would absorb about ten per cent of the revenue of the country. It has often occurred to me whether the time will arrive when the present Prime Minister of this Dominion will do as one of his predecessors, the late Hon. Alex. Mackenzie did, sit down with his arms loaded to guard the public chest from the free-booters who would rifle it—the free-booters being, as Mr. Mackenzie placed the interpretation upon this class of persons himself, the friends of the government. There is another matter to which attention is directed in the address, namely, the adoption of the French treaty. I am not one who is in any way alarmed by reason of the American tariff of the present year threatening to subject Canadian goods to the maximum tariff. But the adoption of the French treaty at the present moment by the parliament of Canada would certainly intensify the feeling which prevails in some circles in the United States as to that government enforcing against Canada the 25 per cent maximum clause in the tariff. In view of the fact that we are purchasing from France practically four times more than they are purchasing from us, I am not prepared to say that before this treaty is ratified it may be peculiarly a case for the exercise of diplomacy and statesmanship by this government so that we should not suffer more than may be necessary from a tariff war. I certainly resent the spirit which apparently underlies the passage of that tariff clause by the United States Congress. It is calculated to interfere with that freedom which Canada has long exercised in entering into treaties with other nations, and to prevent England from entering into mutual preferential trade relations with us. That was directly indicated by the Tariff Bill, when it passed the House of Representatives before going to the Senate. I say that this should be resented by the Dominion of Canada. We have been able, since the repeal of the old reciprocity treaty, down to the present time to build up an enormous trade within and beyond our boundaries irrespective of the hostile feelings which have been expressed through the United States tariff from time to time. There is this, however, to be said about their attitude that since the repeal of the old reciprocity treaty, over forty years ago, down to the present, the United States has never receded from any position to which it committed itself upon tariff questions. Therefore we need not expect, no matter what our trade relations may be, that having placed that tariff upon their statute-book they will recede from it. The problem is one for this government to work out, but I hope that Canada, under no consideration will show any self abnegation or want of dignity in approaching that country to give us the treatment provided by their minimum tariff. It reminds me that the opportunity is one on which this government might renew that question of old, namely of ' looking to Washington ' and by the exercise of proper statesmanship endeavour to prevent a dislocation and disturbance of the present friendly trade relations between the two countries.

Reference is made in the address to the progress which has been made upon the National Transcontinental railway. This recalls to my mind that during the late annual meeting of the Grand Trunk railway, in London, the late president of that railway made a speech before his directors and shareholders in which he indicated that this government had been very remiss in not completing that section of the line between Lake Superior junction and Winnipeg. I do not know whether it was by reason of those remarks that the progress of that section of the road was considerably accelerated. Suffice it to say that contemporaneously with the opening of parliament we found that the first train had been run over that section of the road.

The late president of the Grand Trunk railway also indicated that the delay on the part of this government, a delay which, in his judgment, amounted to negligence, could only be compensated by this government paying very substantial damages to the company. I almost expected to see in this address a mild intimation that legislation would be brought down dealing with a further grant to the Grand Trunk Pacific, and it is with profound relief that I fail to observe anything in it to show that further difficulties are not being assuaged by further subsidies. Attention should be drawn to the fact that substantial estimates will have to be voted this session for the further construction of the National Transcontinental. As I said a few minutes ago, only about $52,000,000 have been expended upon it. The road will involve an expenditure, I venture to say, of another $150,000,000, and yet when we take into consideration the fact that Canada is committed to the extent of adding practically $200,000,000 to its public debt for the construction of the National Transcontinental railway, we at the same time find other railways building alongside of the National Transcontinental railway and the Grand Trunk Pacific more mileage than this road is constructing without receiving any such assistance from the federal government. We find the Canadian Northern has already made financial provisions to build its road from Edmonton through to the Pacific coast without any assistance from this government, and recent press despatches state that this railway company has already made provision to put fleets of ships upon the Pacific, running to Australia and oriental ports. We find that the Canadian Northern has built even a greater mileage than the National Transcontinental and the Grand Trunk Pacific together, without any unusual aid from this government, and that the Canadian Pacific railway have practically paralleled this road west of Winnipeg without any assistance from the Dominion. If these roads can build transcontinental systems without exceptional assistance from the Dominion, why should Canada have been committed to an expenditure for the National Transcontinental railway of about $200,000,000? Why is Canada burdened with debt for a road from Winnipeg to Moncton which even the Grand Trunk protested against and is in no way calculated to open up required country. This is a monument of one man's autocracy, binding the country hand and foot without the consent of parliament. Government supporters afterwards being dragooned to ratify it by the lash of the party whip. I find also in the address a reference to the Hudson Bay road. I made a few observations on that subject a few minutes ago. I simply add to them by asking my hon. friends to remember the promises they made in 1896 to build this road immediately after getting into office. By reason of those promises they have practically carried the city of Winnipeg down to the last general election. They have carried three general elections upon the promises which were made from time to time as to the building of the Hudson Bay road. I ask if the government could enter upon the building of the National Transcontinental without the knowledge of parliament until after the contract had been signed, sealed and delivered, why should they hesitate about building this road to which they have already committed themselves, why should they exercise such excessive caution and not put the people of the Northwest in possession of a shorter route by several days to Liverpool and which would thus enable them to transport their products cheaply and rapidly across the Atlantic? Mark my prediction, hon. gentlemen, that at the next general election this undertaking will be the price of western party allegiance, and until that time I venture to say that no substantial aid will be granted by this government towards the building of the Hudson Bay road.

I find a reference made to the Intercolonial railway acquiring certain lines in the maritime provinces. That leads one naturally to ask what has the Intercolonial Railway been doing during the past year? Has it been operated at a profit or at a loss? I find that during the year ending the 31st of March last, the income of the Intercolonial railway was $8,527,000, and the expenditure $9,328,000, leaving a deficit of no less than $801,000. Then I find that they have added to the capital expenditure $3,874,480, nearly four million dollars, and I

find further that this deficit of $800,000, should be surcharged with approximately $2,000,000 more, because in this capital expenditure of $4,000,000 there have been supplies obtained which should be chargeable to revenue that would amount to about $2,000,000. We, therefore, have a total dificit of capital and revenue for the past year amounting to $4,675,480. I notice in the press that there has been a movement for some time past in Nova Scotia to have the Intercolonial railway taken over by private parties. Even the friends of the government in Nova Scotia are beginning to ask themselves how long shall this continue, and they have advanced a policy of their own by which they propose that the Intercolonial railway should be placed in the hands of private parties in order that it may be operated to the advantage, I presume, first of themselves, and secondly of Canada. Yet in view of the fact that we have a deficit of more than four and a half million dollars in the past year, it is proposed to acquire certain additional lines, so that the deficit may be increased proportionately with the mileage of the newly acquired roads. Surely this cannot be done with the concurrence of my right hon. friend who must view this reckless expenditure of public money with the greatest disapproval. Consider that we are dropping $13,000 a day—$91,000 a week on the Intercolonial railway. Since 1895 we have spent on the Intercolonial railway $33,113,000, not counting the deficits in revenue which have occurred from year to year, and which would amount to several million dollars more. It does not require a mathematical mind to estimate what the additional loss will be if these new lines are acquired. The time has arrived when the people of Canada should protest most vigorously against any continuance of this reckless expenditure upon the Intercolonial railway, and particularly during a period when other railways are being profitably operated and are declaring very large dividends, and thus showing every evidence of prosperity. Why should we sit idly by and vote money session after session to keep up this carnival of extravagance by which we are paying $13,000 every day to cover the deficits of a road which, if put on a business basis, would prove more satisfactory to the people of the maritime provinces in the carriage of their freight and in the reputation of the provinces through which it runs.

I should like very much to make some observations upon the naval defence policy of the government, but I observe from what has taken place in the Commons that a Bill on the subject will be brought down in a few days, and without having any knowledge as to its contents except the broad policy outlined by my hon. friend from Middlesex yesterday, I do not propose to discuss the subject but shall leave it in abeyance, until that Bill is placed on the table.

In conclusion, permit me to say that I regret that only one minister yet sits upon the other side of the House. I think there has been no parallel to this condition since confederation. The amount of legislation which we have been favoured with in this House has been in the ratio of the number of cabinet ministers who from time to time occupy seats here. I do not say this in depreciation in the slightest degree of my right hon. friend, because I quite accord to him the ability of a combination of cabinet ministers. I would not for a moment suggest that the business of the House languishes by the absence of more cabinet ministers, but it is evident if we had more cabinet ministers, the legislation of their departments would be introduced in the Senate and our standing before the public would be in proportion to the representation of the government on the floor and the importance of the legislation introduced. I had some hopes that the hon. member from DeLorimier (Hon. Mr. Dandurand) would in the recess have been clothed with the mantle of official authority, and appear as a minister during the present session, but it apparently has not been deemed wise by my hon. friend to accept that position or for the government to confer it. Allow me to express the hope that this session may be fruitful in wise legislation, and an anxiety on the part of the government to give every facility to ventilate and stamp out the corrupt dealings which have so long marked certain

features of this administration, and in a word to show that sense of patriotism and duty which should at all times be exercised in the best interests of the country.

Right Hon. Sir RICHARD CARTWRIGHT —I am sure we all concur in desiring that the pious hope expressed by my hon. friend that we shall do well and better in the future than we have done in the past may be realized. My recollection of public affairs is perhaps a little longer than my hon. friend's, and I think if I were disposed to enter on a review of the graft and corruption which have marked, unhappily, the history of Canada on some occasions, that it is not the Liberal party that would have cause to shirk the comparison. At the same time, I am bound to say that it is under all circumstances our duty, and the duty of the other Chamber too, when anything is fairly brought before them to deal with it, and the government have shown in the punishment they have inflicted on those who have been clearly proved to have been guilty of improper practices, that they are not disposed to overlook any offences of that kind when once the evidence is brought before them. As to the numerous matters to which my hon. friend has called attention, while I have no fault to find with the mode in which he has criticised our proceedings, I would say to him that he has perhaps hardly done justice to the precautions that have been adopted, as occasionally required, to prevent the introduction of undesirable immigrants into this country. The gentleman who is at present charged with that matter has introduced a considerable number of important regulations, all tending to greatly improve the quality of immigration into Canada. He has been very successful in that, and has also added largely to the powers which the department possessed, and which he is no way indisposed to exercise, of deporting undesirable immigrants. I hold myself that quality is quite as important as quantity in the case of a country like Canada, but it may be that in former times we, like the people of the United States, have been altogether too prodigal in bestowing the high gift of Canadian citizenship on persons who have not yet acquired a proper knowledge of our institutions, or been trained to exercise the rights which our people have been accustomed to exercise for so many years. So far as it is desirable, I think that we should endeavour to limit immigration, particularly from those countries that are not in as advanced a stage as our own, and if the hon. gentleman will compare the class of immigrants who have come to Canada within the last five years with the class of immigrants who have gone to the United States, he will see that, judging from the countries from which they come and from the general character of the immigrants, Canada has received a vastly superior class since this government came into power, to those that have entered the United States.

As to the possible cost of the National Transcontinental railway, I had occasion last session to point out to my hon. friend what I must now repeat, that while it is perfectly true that the cost of that road has very largely exceeded the estimates the government had formed and submitted to parliament, it is equally true—a fact which my hon. friend has possibly overlooked—that that railway is being constructed in a fashion and with grades infinitely superior to that which was found expedient or necessary in the construction say, for instance, of either the Canadian Northern or the Canadian Pacific railway. There are, I may repeat, two methods which may fairly be adopted under different circumstances for the construction of a railroad. You can either rush it through at a comparatively small cost and afterwards at your leisure build it up to the standard now required for the transmission of heavy goods, or build it in the first instance in a superior way, up to the standard now required for the transmission of heavy goods. In the case of such a road as the National Transcontinental railway which for the part that lies west of Winnipeg passes through a very fertile country, a country that almost immediately will furnish very large quantities of freight and produce to be transported to the sea-board, it is not unreasonable to say that in all probability the latter method of constructing the road of the highest quality and of the best grades possible is likely to give better results. My hon. friend

knows—nobody better—that in earlier times only a very small amount of freight could be conveyed over the Canadian Pacific railway in its first stages, that it was not until a great number of years had elapsed it became capable of conveying, as it now does, very large quantities of freight upon a single train. While on the other hand, in the case of the National Transcontinental railway, as now constructed, I believe I am justified in saying that almost from the inception of it that road will be able to convey produce to market in as large quantities, and what is equally important, at as cheap rates as any other road on this continent. That the road is costing a great deal more than we expected it would, this end of it, is undoubtedly true, but the circumstances to which I have alluded go far to justify the wisdom of the persons who are chiefly concerned in constructing that road in deciding that having in view the enormous resources of the Northwest it was probably wise for them to construct this road of the highest standard from the first. Whether my hon. friend's estimate of the total cost may prove correct or not, I am hardly in a position to say. I think he has exaggerated it ; but I freely admit it will cost a great deal more than was originally estimated. I may, however, relieve his mind with reference to the immediate construction of the Georgian Bay canal. That is a work that would require a great deal of consideration, and I do not think, until we have completed the task of putting through the National Transcontinental railway, that we will be in a position to engage in any other work of equal magnitude. As to the numerous points to which he has called attention, the probable cost of our engagements for the construction of a naval service, our Hudson Bay route and other things of that kind, I must say to my hon. friend that I feel like himself indisposed to enter into any minute consideration of the programme that the government will presently submit to parliament until the papers are in the hands of hon. members, and an opportunity is given them to consider for themselves how far the government have met the wishes of the country, and how far the government will be likely to call upon us for a contribution to that end. I think he will find, however, that his apprehensions there also are a good deal in advance of what we will find it necessary to call upon the country for at present.

My hon. friend commented on remarks which may have been made by the Minister of Public Works in the course of his recent tour through the west, touching projected canals, etc. I may remark to him that the canals are not under the control of the Minister of Public Works, but under the control of the Minister of Railways and Canals, and that, therefore, my colleague's remarks may be taken as simply an intimation that he was very greatly impressed, as everybody who has lately travelled through the northwest has been impressed, with the very remarkable development of that country and the great importance of further developing it at the earliest possible moment, and the great natural facilities which they possess in almost every shape and way of making the northwest the home of many more millions and prosperous millions than they have at present. My hon. friend talked of our having for all these purposes a revenue of $85,000,000. No doubt he had reference to the revenue of last year. It is my pleasing duty to inform him that the revenue at present is expanding, I might almost say by leaps and bounds—at all events in a fashion which in all human probability will allow us to close this year with a total revenue from ordinary sources very much closer to $100,000,000 than $85,000,000. It may relieve his apprehension to know that in a statement put into my hands a very few hours ago from the Department of Customs—what is known as a ten days' statement—I find that in those ten days the customs revenue for this year exceeds the revenue for the corresponding period last year by $600,000.

It is about equivalent, roughly, to an increase in customs alone of a good deal more than a million and a half per month. I do not mean to say that will necessarily be continued ; but it will give my hon. friend some idea of the correctness of the statement made in the speech, that we had fully repaired the temporary loss of revenue

which had occurred last year, and that there was every probability that this would continue at any rate to the end of the present fiscal year. I noted my hon. friend's remarks, and there was a great deal of force in them, with respect to the operation of the French treaty. I must, however, remind him of this, that that treaty was agreed to last year or the year before, I am not sure which, by the parliament of Canada; that it would not be in our power, and I am sure neither my hon. friend nor any other hon. gentleman who regards the honour of Canada, would desire that we should under any circumstances break our word with the French people or the French government. That treaty, I think we must regard as a fixed fact, and if our United States friends take umbrage at it, they can do so, and they must exercise their own discretion in the matter; but I would point out to him and to the House also, that under all the decisions and all the statements made heretofore by United States diplomatists, that they steadfastly maintained, and I think maintained correctly, that treaties of this kind, treaties of reciprocity in which each party gives and takes and receives certain mutual benefit, do not in any way come under the term of unjust discrimination as regards other nations. That point has been very well stated by United States jurists of the very highest rank, and I do not think the American people will feel themselves called upon to interfere with their former decision in a case of this kind. If, indeed, they were to offer the people of Canada similar privileges to those that the French have offered, another question might arise, but I do not think there is any very great likelihood that that would occur. Touching the relations between ourselves and the people of the United States, I might remind the House that we buy from the United States people a great deal more than they buy from us. They had made their tariff in former years in such a fashion that they have to a very great extent diverted the current of trade which formerly used to go into the United States to Europe—largely to Great Britain and largely to other countries. With the exception of one or two articles, to tell the truth, there is very little that they could deprive us of under existing circumstances, and in any case, I think you will agree with me, the policy of the people of Canada ought to be to regulate their own affairs as matters stand with reference to their own interests, and without very particular regard to what may be done by other countries. I say that more particularly because every hon. gentleman who has paid any attention to discussions of this subject knows that I have a very high opinion of the great mutual advantages which would result to Canada and the United States if we could resume friendly relations in a commercial sense under a good reciprocity treaty between the two countries. I continue to hold that opinion but no matter how strongly I may hold the opinion of our national advantages, I am entirely in accord with the statement made by the First Minister of this Dominion, that the time has passed when we need go any longer as suppliants to Washington. We are able to stand on our own feet, and the very means which our neighbors took in former years to deprive us of their trade, have had, in a great many cases, simply this effect: they drove us to British and European markets, and it practically resulted in depriving themselves of a considerable amount of trade which they had formerly enjoyed, and which fell to our share after they refused to trade with us, a point that I had much pleasure in bringing before the attention of the Joint High Commission some years ago, when I had the honour of being one of the members of that body at Washington.

My hon. friend complained a little, in a way that I thought was hardly quite fair, of the slowness of the progress of the Grand Trunk Pacific railway in reaching the junction with the branch at Fort William. On the other hand, if he was aware of the great difficulty which the contractors had to encounter there, I think he would say that the problem had been grappled with and fairly well put through, and, as he is aware, within a few days after a complaint made by the late president of the Grand Trunk railway, I believe trains actually passed through to Fort William. My hon. friend from Manitoba will correct

me if I am wrong, when I say that trains passed through from Winnipeg to Port Arthur over this identical piece of road.

Hon. Mr. WATSON—Open for traffic.

Rt. Hon. Sir RICHARD CARTWRIGHT—Now, as regards the question which my hon. friend has raised, that when other railway companies have been operating in that country and have succeeded in building large sections of railroad without any loans from the government or without any subsidies, whether the Transcontinental Railway could not be constructed in the same way, I take leave to doubt. In point of fact, I think that unless the Transcontinental had been constructed with government aid, you would not have seen the Canadian Pacific railway or Canadian Northern railway exerting themselves to build roads parallel or otherwise, and the government may fairly claim that the aid which they gave to the Transcontinental road, and the example which it has set of giving the northwest the advantage of a third great line of railway through that country, has so stimulated the other parties who were on the ground, that the northwest is now in possession, through that project, of many thousands of miles of railway that it would not otherwise have obtained for a good many years to come. I may remind him also that in the construction of the National Transcontinental railway, the Canadian Pacific railway, for example, obtained indirectly an extremely important benefit, because it made a vast area of their lands which would otherwise not have been brought into the market, accessible to settlers, and greatly aided the resources and greatly benefited the development of the Canadian Pacific Railway. They received no bonus directly, I grant you, but they received very considerable and substantial aid, I think, by the construction of the National Transcontinental railway, thereby opening up the land they possessed. With respect to the Intercolonial railway, I can only say to my hon. friend, everybody regrets the extraordinary deficit that occurred last year; but he will remember, and the House will remember, that the government took the opportunity of placing that road under the control of a board of management for the express purpose of diminishing, as far as they could, the undue pressure which might, and probably was in certain cases, exercised upon that road while it was directly under the control of the minister, and I am advised by these gentlemen that that saving would amount to many hundreds of thousands of dollars even already effected in the working of that road. It has, of course, led to various dismissals and reductions of staff and so forth; but at the same time, while it is quite true that there was a very heavy deficit, which by the way was shared more or less by other roads during the year that he has referred to, that that deficit has already been very largely reduced, I believe nearly practically wiped out altogether, and I trust that in the future management of the road we will be able to show very considerably better results than those that have heretofore been attained. I was glad to hear my hon. friend advise us that in his opinion many members of the maritime provinces have come to the conclusion that it might be better to place that road in the hands of private parties or corporations. I do not know. I have not access to all his sources of information. I do not know how far he is correct in assuming that the majority of these gentlemen are of that opinion, but very possibly they may have seen, as he has seen, that their interests would be better served by transferring it to some other hand than government management, which, under any circumstances, is apt to be rather costly, and certainly has not always proved an unlimited success. But these are questions which, of course, will necessarily be debated in another place, and it would be scarcely worth our while to enter into any prolonged discussion of them here. On the whole, I think my hon. friend and the House are aware that whatever shortcomings may have occurred in certain directions, that after all said and done the progress of Canada during the last year and previously to it, has been eminently satisfactory. I do not think that in spite of all that has come and gone, he can point to any other country on the face of the earth which has gone through

a period of depression so serious as that which overspread the United States a couple of years ago, with less loss, less inconvenience, less trouble or less danger to the financial institutions of the country than Canada has done of late. I doubt whether he will find, certainly not by comparison with the United States, any country in North or South America in which the population has increased more rapidly than it has in Canada, and more especially in the northwestern portions of Canada within the last year or two. There is every reason to believe the progress will continue and that the wealth of Canada which my learned friend from Middlesex referred to has been increasing at a most rapid ratio, and it is a very significant fact indeed that a large proportion of those who are throwing in their lot with us, bring us not only their stout hearts and their strong arms, but bring likewise a very large amount indeed of actual available capital, wherewith to aid and assist in the development of the country. Coming nearer home, I congratulate my hon. friend, and the House, I have no doubt, will join in my congratulations on his being the representative of a section in which that has been peculiarly illustrated. I believe lately its assessment was raised in the city in which he resides, the good city of Calgary, and if the statements which I have seen in the papers are to be believed, Calgary alone, which is not I believe the largest town of the northwest as yet, had increased its assessment by a matter of ten million dollars within the past year. My hon. friend will correct me if I am wrong. That is the statement made, and I presume, as my hon. friend does not correct me, that it may be relied upon. All these things put together go far to show that, while the expenditures are heavy, and while there is room for prudence and reasonable economy in the administration of our affairs, we have entered upon and are continuing to enjoy a remarkable period of expansion and progress. Of course, under those circumstances, there is justification for a very much larger expenditure and for incurring larger obligations than might otherwise have been prudent. I am not yet in a position to state how far the increase of population has gone, but unless I am very seriously in error, I think my hon. friend will find that when the next census is taken, Canada will have increased from a population of a little over five million to a population close if not equal to fully eight millions of people, and that that increase has been of character and kind which has probably more than doubled the genuine, actual producing capacity and the general value of the Dominion of Canada. These are things which you must not overlook, and although I agree with him that they do not justify extravagance, that while they do not in the slightest degree justify graft or any attempt to plunder the public treasury, still they are a justification for a very considerable expenditure on engagements which are likely to increase the productiveness of the special regions which my hon. friend represents. I admit that if we had not before us the probabilities that the great northwest would increase, and that the population and the productiveness would increase in ratio equal if not greater than has been the case during the last few years, that there would be serious grounds for hesitation as regards some of these engagements; but I think the past has shown that, all things considered, whatever the government have done they have been reasonably successful at any rate in promoting the general prosperity of this country, and that there is no reasonable ground for apprehension at the present moment, no reasonable ground for believing that we will not be able fully to meet all the engagements which we have undertaken, and that the result of them will not be conducive to the general prosperity of Canada in the future as it has unquestionably been in the past.

The motion was agreed to.

COMMITTEE ON SELECTION.

MOTION.

Rt. Hon. Sir RICHARD CARTWRIGHT moved:

That pursuant to rule 77, the following senators: the Hon. Sir Mackenzie Bowell, the Hon. Messieurs Gibson, Tougheed, Béique, Miller, Power, Watson, Casgrain and Bostock, be appointed a Committee on Selection to nomin-

ate senators to serve on the several Standing Committees during the present session, and to report with all convenient speed the names of the senators so nominated.

Hon. Mr. DAVIS—During the last session of parliament, and I might say the previous sessions, when this matter was brought before the Senate it was discussed at some length. We from the western provinces took the ground that there should be general representation given to every province on the principal committee of this House, which is the Striking Committee, because that is the committee which selects all the committees, and we therefore thought we were entitled to be represented on that committee. There have been very few changes made in that committee since I have been in the Chamber. It is not like the laws of the Medes and Persians, and I do not see why some changes could not be made. I have no objection whatever to any of the hon. gentlemen whose names appear on the committee; at the same time, in all fairness, I think there should be a fair distribution of representation from all the provinces. Prince Edward Island has no representation at all if the motion before the House is adopted. New Brunswick is not represented, nor is the province of Saskatchewan, which is a very large and important province of this Dominion, judging from what we are doing.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. DAVIS—In all fairness, the leader of this House should have given us some representation on that committee. Last year when the committee was moved, I protested against the resolution and gave notice that when the question was brought up this year I would move in amendment that as we had nine provinces in the Dominion, and as there were nine senators appointed to serve on the committee that one should be selected from each province. The hon. gentlemen named in this motion have been on that committee a long time, and I am sure it is no great pleasure to many of them to have to do this work, and I feel confident that some of them would not feel offended if their names were left off, and some members from the provinces which have no representation substituted. I do not think it is a fair proposition that Nova Scotia should have two members on the Striking Committee while her sister province New Brunswick and the province of Saskatchewan have none at all. I throw out the suggestion to the hon. leader of the House, and I would suggest that the following gentlemen be nominated for that committee :

Prince Edward Island, Hon. Mr. Yeo.
New Brunswick, Hon Mr. Ellis.
Nova Scotia, Hon. Mr. Miller.
Quebec, Hon. Mr. Casgrain.
Ontario, Hon. Mr Bowell.
Manitoba, Hon. Mr. Watson.
Saskatchewan, Hon Mr. Douglas.
Alberta, Hon. Mr. Lougheed.
British Columbia, Hon. Mr. Bostock.

I am sure that such a committee would do credit to themselves and to this House if they were appointed, and I think it would give general satisfaction to every one. I would move in amendment that all the words after 77 be struck out and the following words be inserted in lieu thereof :

Nine senators to be appointed a Committee on Selection to nominate the senators to serve on the several Standing Committees during the present session, to be so chosen that each one of the nine provinces of Canada shall be represented thereon by one of the senators, and that the following be the names of such senators.

The names I give are merely a suggestion.

Hon. Sir RICHARD CARTWRIGHT—While I would like to see my hon. friend's wishes so far complied with that the various provinces should have a vote, I should say that in view of our rules, which I believe limit the number to nine, I do not see very well how he can press his motion unless he had previously enlarged the number. I may point out to him that at this present moment, as far as the west is concerned, they have three members in the persons of Hon. Messrs. Lougheed, Watson and Bostock. The west have three members out of nine on this committee, which is not an unfair recognition of their importance and value. He will observe too that take the four western provinces the representation in this chamber is 15 or 14.

Hon. Mr. DAVIS—Yes, but we should have more.

Rt. Hon. Sir RICHARD CARTWRIGHT—The result of this motion would be that four provinces having fifteen representatives on the floor of this House would have exactly twice as many members on this important committee as the forty-eight members who belong to Quebec and Ontario. That does strike me as being a little disproportionate. Without unduly pressing the claims of the larger provinces, as they have forty-eight members, which is more than half of the entire representation of the Senate, I think we can hardly limit them to less than two members apiece. Moreover, I think this practice has prevailed, if I am correctly informed, for a very long time, I do not know how many years, but I think we have not recognized the principle of having a representative from each province at all, and I point out to him that there would be decided inconvenience if the feeling of the Senate was that every province should have a representative, as we would require to alter our rules and enlarge that committee. If that were done, I do not know that I should raise any particular objection; but as matters stand, I imagine that it is impossible for us to enlarge the committee at present, and therefore I am reluctantly obliged to decline to accept the proposal.

Hon. Mr. CHOQUETTE—Having seconded the motion, I must say a word. As a matter of principle, I think it is only fair that every province should be represented on this committee, and that is the reason I seconded the motion. British Columbia is a small province, but perhaps in fifty years she will have double the representation of some other province, and they will claim, on the principle laid down by the leader of the government, to have more members than, say, Quebec. So that as a general principle, I think that every province, great or small, should have a representative on this important committee. I considered the proposition before consenting to second the motion, because while losing a member from Quebec—and I do not think it is of much moment whether Quebec has one or two—I am in favour of the general principle. If we can enlarge the committee, I have not the least objection to add a few more. I think it is usual to have only nine members on the Striking Committee. I have endorsed the motion for the sake of the principle that on committees, each province, great or small, should be represented. Sometimes precedents are bad, and we have to do away with them, and I will have to ask the House to remedy any injustice which is done to Quebec, as I desire that full justice shall be done to every province.

Hon. Mr. LANDRY—I think the principle advocated by my hon. friend is a just one. Every year since I have been in this Chamber hon. gentlemen will remember that I have protested against the way the committees were formed, and I always advocated that we should be governed by the principle that each province should be represented on the Striking Committee. That principle was recognized so far that every time one of the members for Ontario declined to accept nomination, his place was given to another member from another province. That was done every year. The hon. leader of this House has stated that in the past we have followed another practice. We have followed another practice, but under protest, and on this occasion I think we should accept the amendment of my hon. friend from Prince Albert and adopt his proposal. I think it is the only way to be fair to all the provinces. As my hon. friend (Hon. Mr. Choquette) has said, every province is entitled to representation on the committee, and there is only one committee which will not be strong enough to allow all the provinces to be represented, and that is the committee on the restaurant. All the other committees have a sufficient number of members to give at least one member for each province.

Hon. Mr. McSWEENY—I quite agree with what has been said by the hon. members who have spoken. I do not think New Brunswick has had a representative on the Striking Committee since I have occupied a seat in this Chamber, some ten years. The place on the committee occupied by the late Senator Ferguson is now filled by the Hon. Mr. Bostock. I have no

objection to any of the members nominated by the right hon the leader of the government, but I certainly think that the minority should have representation on that committee.

Hon. Mr. DAVIS—In answer to the statement made by the hon. leader of the House about the representation of the northwest provinces in the Senate, I would point out that the people of the northwest do not think they have sufficient representation in this House. They have not as much representation to-day as the smaller division of the maritime provinces, and I am certain that everybody will agree with me that the four great provinces of the west should have as much representation in the Senate as either Ontario or Quebec. It is not our fault that we have not. However, what representatives we have here try to look after the interests of the people they represent. With reference to the argument that it would be unfair to give us representation on the committee, I should like to draw my hon. friend's attention to the fact that Nova Scotia has two representatives on that committee. Does my hon. friend think it is fair that Nova Scotia should have two while Saskatchewan has none? If my hon. friend thinks Ontario should have two representatives on that committee, could he not very well drop one of the Nova Scotia members and name Dr. Douglas in his place? I am asking nothing unfair. He may be following the custom of the past, but it is not like the laws of the Medes and Persians; these things can be changed and should be changed.

The Senate divided on the amendment which was rejected, contents 10, non-contents 33.

The motion was agreed to.

INSURANCE BILL.

FIRST READING.

Hon. Sir RICHARD CARTWRIGHT introduced Bill (A) An Act respecting Insurance.

The Bill was read the first time.

Hon. Sir RICHARD CARTWRIGHT moved that the Bill be read the second time on Friday. He said: I have here a short memorandum explaining the changes that have been made in the Bill since it passed the House of Commons. They are as follow:

Memorandum showing changes which have been made in the Insurance Bill since approved by the House of Commons, May 17, 1909.

The changes made in the Bill since approved by the Commons last session are very few and no change in principle has been made in any section. With the exception of a few unimportant alterations, the Bill is identical with that which passed the Commons last session. The following are the changes:—

1. The second proviso to subsection 1 of section 8 of last year's Bill has been struck out. This proviso permitted the Phœnix Assurance Co., Ltd., to carry on both fire and life insurance business, and was introduced at a late stage of the session when there was insufficient time to proceed by way of a private bill. The Insurance Bill having failed to become law last session, it is the intention of the company to seek the necessary authority by means of a private bill at the coming session of parliament. Notice of application for said Act has been published in the 'Canada Gazette' and a draft thereof has been submitted to the superintendent.

2. Subsections 2 and 5 of section 42 have been changed by submitting the British Offies' Life Tables, 1893, Om(5), for the Healthy Males (Hm) Mortality Table of the Institute of Actuaries of Great Britain, as the basis of valuation of life insurance companies' policies. Last year's Bill contained a section, 111, providing for this substitution after January 1, 1910, the last mentioned table to be used in the meantime. Since the Bill will now not come into force until the above date, the change has been made in section 42, and section 111 has been replaced by an unimportant section, merely to avoid a change in the numbers of the succeeding sections.

3. To subsection 2 of section 95, the words 'nor to policies of industrial insurance' have been added. This is a correction of a typographical omission in last year's Bill.

4. A new subsection 14, regarding proxies, has been added to section 98, but as the provisions of this subsection were contained in subsections 6 and 7 of the section in last year's Bill, the change is one of form only.

5. Section 165 of last year's Bill has been incorporated in section 166 and a new section 165, inadvertently omitted last year, has been introduced. The new section is practically identical with section 154 of the Companies Act.

The motion was agreed to.

REPORTING FRENCH SPEECHES.

Hon. Sir RICHARD CARTWRIGHT—moved that the House do now adjourn.

Hon. Mr. CHOQUETTE—Before the House adjourns, I wish to call the atten-

tion of the right hon. leader of the Senate to an incident which is not only a breach of the rules, but a breach of the constitution. Just a moment ago I advocated the principle that every province ought to be represented on the Committee of Selection. On the same line of argument, I maintain that every province ought to have fair play in the reporting of the debates of the House. I have in my hand the report of yesterday's debate, and I do not see a word there of the speech made by the seconder of the address. I cannot let that go without entering my protest. I dislike very much to bring before this House and the public any question which may be considered racial, sectional or religious, but in this matter it is my bounden duty to call the attention of the House to the omission from our debates. Under the constitution, every member of the Senate has a right to speak in French and should be reported in French. He should not be obliged when he speaks in French to hand the manuscript of it to the reporters. I was asked last night by some representatives of the press for a copy of the speeches made by the mover and the seconder of the address, and I was anxious myself to read the entire report; but on looking at the official report of yesterday's debate I find there is a blank where the speech of the seconder should appear. I am told that it has been omitted because the manuscript of the speech was not supplied. Since when have we been obliged, when we speak in French in this House, to furnish copies of our speeches to the reporters? It is unfair, and I protest against it. I have overlooked the fact that we do not hear our prayers read in French. I said nothing about it last year, but I thought this session our Speaker would be able to read the prayers in French. He has not done so, but I hope he will be able to do so by next year. However, when French representatives speak in this House we have a right to be reported in French, and we have a right to demand that both of the official languages shall be reported. I feel it my duty to protest, and I do protest strongly against the way the speech of the seconder of the address has been omitted. In a matter affecting the constitution, I am in duty bound to enter my protest and say we must have on the floor of this House a French reporter in order that when any of us wish to speak in French we may have our speeches reported. I was asked by some journalists in Quebec to send them copies of Mr. Boyer's speech and I am ashamed, as a member of this House, to have to say that I cannot do so because it has not been reported. It is the duty of the leader of the House to make provision for the reporting of the French speeches at any time. I do not say we must always have a French reporter here, but on a moment's notice, when necessary, a French reporter should be available, especially when it is the speech of the seconder of the motion to adopt the address that in the official report of our debates that is to be reported. It is really a shame there is a blank where there should be a full report of one of the most magnificent speeches delivered in French that we have heard in the Senate.

Hon. Mr. DANDURAND—My hon. friend would not wax so indignant if he knew the facts. If he had merely inquired why the speech of the hon. member from Rigaud did not appear in the Debates to-day, he would have easily discovered the reason. I myself suggested to the hon. member from Rigaud that if his speech was not all written beforehand he could get a French reporter to take it down, but that if he had written it he could hand his manuscript to the reporter. He told me that he would write it and dispense with a French reporter at the table. As he was leaving last evening I asked him if he had done that, and he replied that he had not written his speech fully, that he had simply notes and he hesitated about leaving them, although from what one of the reporters told me, he had promised to do so. He did not furnish the manuscript, and at the instance of the reporter I wrote to the hon. gentleman from Rigaud last evening urging him before leaving for Europe to-morrow to kindly send his manuscript to the official reporter. I think that should be a satisfactory answer to my hon. friend, explaining why there is a blank in the official report. I was told by the hon. member from Rigaud that he would furnish his manuscript, and

that should settle that point. The hon. gentleman raises another point of a larger scope when he refers to having a French reporter always ready to report French speeches in this Chamber. He has asked the right hon. leader of this House to take note of his demand, and seems to hold him responsible for the fact that we have not a French reporter. I may inform my hon. friend that it is the Senate Debates Committee that should settle that question. We have had so very few French speeches in this Chamber that whenever I have been told that a colleague wanted to address the Senate in French, I have myself offered to see that a French reporter was here. It is a question which might well occupy the attention of the Debates Committee next week.

Hon. Mr. ROSS (Halifax)—It is a great comfort and blessing that there is so little French spoken in this House. It is a comfort that the senators from Quebec are able to speak such good English. I am gratified at the great improvement they have made in that direction. I remember the time when in the other House a great deal of French was spoken. Some representatives from Quebec at that time could not speak a word of English. What I rose specially for was to complain that the mover of the address in the other House is reported in French, and that we have not the benefit of reading his speech in English. I should like to be able to read that speech myself, because I have no doubt it is very pleasing and interesting if I could only master it, but in my ignorance I did not learn French, although I learned another language that I love very much better.

Hon. Mr. LANDRY—If the hon. gentleman complains that he had not the pleasure of reading an English translation of French speeches delivered in the House of Commons, we may complain in this House that we have not the pleasure of reading such speeches in either language. Our position is still worse than his. My hon. friend (Mr. Choquette) has put before this House a question that must be solved one way or the other. I understood last year that arrangements had been proposed to have a kind of staff for the translation and reporting of the Debates. In that project, a French translator was to be added. I do not know if the government has abandoned that idea.

Hon. Mr. DANDURAND—That is for the Debates Committee to settle.

Hon. Mr. LANDRY—I think we can find the reason of all those inconveniences: it is because we have not a French minister in the Senate. A French minister here would have something to do. It would be his undoubted duty to look after the interests of his compatriots, and if he was up to the mark we would not have any ground for complaint. I called the attention of the leader of the House to the fact that Providence has given him all he wanted. He desired to reform the Senate by the action of Providence; that reform he has obtained. I suppose that he may crave Providence once more to carry the reform further and give us a French minister to share with him the duties and responsibilities of the Senate. If he does that, Providence, that always yields to his wishes, will come once more to the fore and heal all the sores we may complain of in this House. If the principle is right, the hon. member for de Lorimier (Mr Dandurand) is willing to do more than his duty, because some minutes ago he said if the leader of this House could not speak to the Auditor General he would speak himself. If the leader of this House does not want to speak to the Prime Minister to have a French minister in the Senate, I think the hon. member on his right (Mr. Dandurand) should step up—I do not say for himself—and voice our opinions, and ask the Prime Minister to name a French minister in the Senate. We have had representation in the past, why should we depart from what has been done in by gone days? The last year the Conservative government was in power we had here the Hon. Mr. Angers who represented the French element in the Senate, together with the other ministers. When the hon. gentlemen opposite came into power they had three and at one time four ministers in the Senate, all of them English. I do not see why a French minister would not be as good as an English minister, especially if

he can speak both languages and attend to his duties. Is it a bar to his success to be of French descent that he cannot reach the summit so easily attained by the English speaking ministers? I do not see why that justice should not be done to this House. We are suffering from lack of ministers. The evil is easily cured and there is only one thing to do. May I suggest to the government if they will do that they shall have our hearty approval and all the French members of this House will unite in a vote of thanks to the Prime Minister.

Hon. Mr. CHOQUETTE—The explanation given by the hon. gentleman from de Lorimier (Hon. Mr. Dandurand) is just the worst condemnation of what took place yesterday. The hon. gentleman says he ran after Senator Boyer yesterday, praying him to send his manuscript to the reporter before leaving for Europe. Supposing he hadn't it, or it did not please him to do it, the Debates would be short of that speech? I do not see that I am raising a sectional question; I dislike to do anything of the kind, but under the circumstances, after the very poor explanation we have heard, I may say the worst explanation that could be given, I have a right to protest as I have done. When was the constitution amended in such a way that when I wished to speak in French I have to ask as a matter of grace the hon. genlteman to send a French reporter to the table? It is sufficient to put these facts before the House, and I appeal to hon. gentlemen to say if to justify my position I am not within my right in making a strong protest. I hope it will be the last time I shall be obliged to make a simialar one.

The motion was agreed to.

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

THE SENATE.

THURSDAY, November 18, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

EXECUTION OF JOHN DILLON.

Hon. Mr. CLORAN—I desire to bring before this honourable House a very serious, important and solemn matter, which I would not have done had I received the information to which I was entitled in the Department of Justice. It is a matter of very urgent moment, and there is no time to be lost. I endeavoured before his hon. the Speaker took the Chair to ascertain from the hon. leader of the House the information I desired but I could not obtain it. My only alternative is to bring the matter before the Chamber and before the country. I see by the official organ of the government in Montreal, 'Le Canada,' a special despatch relating to the matter which I wish to bring under the notice of the Senate. It is in reference to the hanging of one John Dillon, in the city of Montreal, to-morrow morning at eight or half past eight o'clock. The Assistant Secretary of State wrote to the assistant sheriff to the following effect:

> Ottawa, 16th Nov., 1909, re John Dillon condemned to be hanged on Friday 19th, it is impossible for the Governor General to intervene in any manner in this matter.

That was on the 16th of this month. Last night, between one and two o'clock, the correspondent of this paper wired as follows :

> The last despatches received from Ottawa in the night seem to bring a little hope, a faint hope for John Dillon. In fact petitions have been circulated in the capital which all ask that the head of Dillon be spared. Very important steps will be taken between now and to-morrow before the government.

I went to the Department of Justice to ascertain if there was any foundation for this rumor. I was unable to obtain the information. I may say that the statement that petitions or protests were sent to the government is correct.

I understand that the Governor General himself has transmitted to the Department of Justice petitions or protests against the hanging of John Dillon. What I wish to know is whether that matter has been laid properly, and in time, before the government of the day. I was unable to get the information from the department and I now respectfully ask the right hon. leader of the House if he is in a position to state whether it has been dealt with since the 16th of November? The man is to be hanged to-morrow morning. It is true that up to the present very little effort has been made to

secure a reprieve for the condemned man. He is in Montreal without a home or friends, but he has rendered valuable services to the Crown as a soldier and a police officer. There is not a stain against his character while acting in that capacity. He has lived twenty-five years in Montreal, and I have known him since a boy as being a gentleman under all circumstances—remarked by everybody on the streets of Montreal as a gentleman under all circumstances. Unfortunately, last year he happened to meet with one of those events which turn a small matter into a crime. He was to be ejected by his landlady and a bailiff came to serve a writ. Dillon did not like the way it was done and the bailiff brought a policeman and fireman to turn a hose on him. Dillon drew his revolver and fired half a dozen shots, one of them striking and killing policeman Shea.

Hon. Mr. DANDURAND—The hon. gentleman has made a mistake. It was not when the crowd and the firemen gathered that Dillon fired. It was in the afternoon when the bailiff could not get access and went for a policeman. The door was open a little and Dillon refused to let them enter, and when the policeman advanced, Dillon shot him. The other scene was when the policeman, hearing that a man had been shot, tried to capture Dillon.

Hon. Mr. CLORAN—The hon. gentleman's statement may be correct, but it does not destroy the fact that the bailiff instead of going to the courts and securing permission to arrest Dillon, brought a policeman to arrest him without a warrant. That point was not raised in the trial. Judge Drummond, in the case of an accused person, who shot a police officer at the time of the Fenian raid, or the St. Alban's bank robbery, held that he was perfectly justified in shooting, because the policeman had at the time no warrant to make the arrest. I do not want to go into the merits of the case; I am simply stating the facts. Dillon has lived twenty-five years in Montreal and has been known as the most conspicuous gentleman on the streets of the city—a dandy the learned judge had the poor tact to declare him in his judgment and in his recommendation to the department. Supposing he was a dandy, it was all to his credit. Dillon is a man who for twenty long years was a servant of the Queen and for a quarter of a century a citizen of Montreal, without a stain against his character until, under trying circumstances, he drew a revolver and killed a policeman. He might have killed a dozen, but it was not a premeditated attempt to commit murder. He thought, like all Irishmen, that he was king in his own castle, and should not be disturbed without due process of law. When the bailiff was refused admission, he should have gone to the court and proceeded in a regular manner, but instead of that he brought a policeman. If John Dillon were a common, infamous murderer he would be better treated. Under the circumstances, if this matter has not been brought to the attention of the government up to the present moment, of course there is very little time now—if not, in the name of legality, at least in the name of humanity the case ought to be considered before the cord is put around Dilllon's neck.

Hon. Sir RICHARD CARTWRIGHT—This is a very painful matter, but while I fully appreciate the kindness of heart that has induced my hon. friend to bring it up, I think the House will agree with me that it is not possible for either Houses of parliament to review a judicial decision. I regret to say that I can hold out no hope to the hon. gentleman that the course of justice will be interferred with.

Hon. Mr. CLORAN—I wish to point out that I am not seeking to have either House of Parliament review the judicial decision, all I am asking is whether the government has considered the late petitions since the 16th of November?

Hon. Sir RICHARD CARTWRIGHT—The 16th is only two days ago. I can only say to the hon. gentleman that in all these capital cases every possible effort is made on the part of the government, and especially on the part of the Department of Justice to obtain full information before a decision is arrived at. This unfortunate man's case was very fully considered, and I can hold out no hope of a reprieve.

Hon. Mr. CLORAN—I hope they will hang next time anybody is killed.

PETITIONS FOR CANADIAN MARINE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. Apart from the adoption, during the last session by the members of the House of Commons, of the resolution concerning the creation of a Canadian fleet for the defence of the country and the empire, have the people of Canada ever asked, by way of petition to parliament, before, during, or since last session, for the organization of a Canadian marine on the basis of the resolution in question?
2. How many petitions have so been sent to parliament?
3. How many signatures are attached to these petitions?

Hon. Sir RICHARD CARTWRIGHT—No petitions to parliament were referred to the Department of Marine and Fisheries.

BANC DE BEAUJEU CHANNEL.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. What is the length of the channel known under the name of the Banc de Beaujeau channel, in the River St. Lawrence?
2. What is its width?
3. What is its depth at high and at low tide—
   (*a*) at the time of the highest tides?
   (*b*) at the time of the ordinary tides?
4. Has the work of excavation of the said channel been finished?
5. In what respect and how may the work which remains to be done change the figures given in the answers to the first, second and third questions?

Hon. Sir RICHARD CARTWRIGHT—The officer in charge of this service has been written to for the necessary information in this case.

TAXATION OF FEDERAL PROPERTIES IN QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. What is the extent of the Federal properties situated in the city of Quebec?
2. Are these properties all subject to the payment of municipal taxes affecting the lands of ordinary taxpayers?
3. Or are they wholly or in part exempt from the payment of municipal taxes?
4. In the latter case, in what proportion?

Hon. Sir RICHARD CARTWRIGHT.

Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follows :

1. The following Federal properties in the city of Quebec are under the control of the Department of the Interior, namely :

(A) The Commissariat Fuel Yard, containing 4 acres, 3 roods, 28 perches.

(B) Land in front of new Provincial Buildings, containing 5½ acres.

(C) Mount Carmel, containing 2 roods.

2. No.

3. Properties lettered 'A' and 'B' being occupied by the provincial government are not subject to municipal taxes.

The property lettered 'C' is subject to all municipal charges, taxes, rates and assessments.

4. Answered by No. 3.

APPOINTMENT OF JOS. P. LAVOIE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. When was Mr. Jos. P. Lavoie appointed to the immigration office at Quebec?
2. To what position was he then appointed?
3. Whom did he then replace?
4. What was his salary?
5. Since his first appointment has he been promoted, when, and to what position?
6. Whom did he replace, and what was his new salary?
7. What was the salary of his predecessor?
8. What is his present salary and since when has he received this salary?
9. Besides his actual salary, does he receive, by way of remuneration, or otherwise, any additional allowances, fees whatsoever, or compensations of any kind?
10. What is the nature and extent of these additional allowances, or of such compensations?

Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follows :

1. April 1st, 1907.
2. Assistant Immigration Agent.
3. Not one, the position being a new one.
4. $1,400 per annum.
5. Yes, April 15th, 1908, to the position of Immigration Agent at Quebec.
6. Mr. P. Doyle $1,800 per annum.
7. $1,800 per annum.
8. $2,000 per annum, since April 1st, 1909.
9. No.
10. See answer to No. 9.

RESIGNATION OF SENATOR MERNER.

Hon. Mr. LOUGHEED—May I ask the right hon. minister if he has been able to obtain any information respecting the reported resignation of the late Senator Merner?

Hon. Sir RICHARD CARTWRIGHT—I have not as yet been able to obtain the information my hon. friend has asked for.

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

THE SENATE.

FRIDAY, November 19, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

INSURANCE BILL.

SECOND READING POSTPONED.

The order of the day being called:

Second reading (Bill A) An Act respecting Insurance.

Right Hon. Sir RICHARD CARTWRIGHT—I have been requested by several hon. members, who cannot conveniently be here to-day and who wish to speak on the second reading of this Bill, to defer its consideration until next week, and I, therefore, move that this order of the day be discharged, and that it be placed on the orders of the day for Tuesday next, to be the first order.

Hon. Mr. LOUGHEED—I think it is unfortunate that this application for postponement has been made, or that the intimation has been given that several members who desire to speak upon this question are not prepared to do so to-day. I have reason to believe that certain hon. members, who are not in their places at the present moment, with a view to catching the train to take them to Montreal and other points, have simply delayed the public business of his House, solely because of their own pleasure, until some day next week. While I have no desire to interfere personally with the movements of hon. gentlemen, particularly those who wish to catch the train between three and four o'clock on Friday, yet there is no good reason why the business of this House should be postponed from time to time, to meet their convenience. That has been exemplified over and over again, until it has become a standing reproach to this House. I have never stood in the way of an adjournment of the Senate from Friday until Tuesday; but when that privilege is abused to the extent of Friday practically becoming a dies non, and business suspended from Thursday evening until Tuesday, it becomes an abuse and a grievance to which attention should be called and which should not be tolerated by the House. There is no reason why the second reading of the Insurance Bill should not be disposed of to-day. If these hon. gentlemen are not in their places to speak upon the motion, then the Senate should proceed with the business of the country, entirely irrespective of their absence. I speak with knowledge upon the subject, that it is merely to meet the convenience of these hon. gentlemen, and I hope my hon. friend will not insist upon this Bill standing over until next week. Another thing I might point out is that this is the only business before the House to-day. It is very well known that, until the committee becomes seized of this Bill, there will be no other public business to transact, and it, therefore, means a suspension of the entire public business in this House to suit the convenience of the members to whom I have referred, and it, therefore, means that all the other members of this Chamber must attend from day to day, to wait the convenience of hon. gentlemen who wish to make observations upon a Bill of this character.

Hon. Mr. BEIQUE—The hon. leader of the opposition is hardly justified in holding the members from Montreal responsible for the suspension of business to which he has referred. For my part, and I think I can speak for a number of senators from Montreal, I am not in the habit of asking any postponement on Friday or any other day of the week. I am in my place on Friday or any other day when I wish to speak on a measure. Up to this date, when any member has asked for a postponement of the consideration of any question, his request has been granted.

Hon. Mr. LOUGHEED—I had no reference to my hon. friend in any way. I had reference to other gentlemen from Montreal who are not in their places, and who I know wish to speak on the Bill, and on whose behalf, I believe, the postponement of this measure has been asked.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend will observe that the Bill is very long and complicated; it is really not before the House yet, and it did not appear unreasonable that longer time should be granted to those who wish to study the subject.

Hon. Mr. YOUNG—I call attention to the fact that the Bill has not been distributed, and therefore cannot be proceeded with today.

Hon. Sir MACKENZIE BOWELL—I understand that the Bill as amended in the direction indicated by the leader of the House has not yet been printed. Am I correct?

Hon. Sir RICHARD CARTWRIGHT—It is not marked as printed on our orders of the day.

The motion was agreed to on a division.

THE STANDING COMMITTEES.

Hon. Mr. GIBSON moved the adoption of the report of the Committee of Selection, appointed to nominate the senators to serve on the several Standing Committees for the present session, viz.:

The Joint Committee on the Library of Parliament.—The Honourable the Speaker, the Honourable Messieurs Baker, Boucherville, de, C.M.G., Boyer, Cartwright, Sir Richard, G.C.M.G., Chevrier, Costigan, Davis, Derbyshire, Douglas, Gillmor, Jaffray, McHugh, Miller, Poirier, Ross (Middlesex), Wilson.—17.

Joint Committee on the Printing of Parliament.—The Honourable Messieurs Carling, Sir John, K.C.M.G., Chevrier, Choquette, Cloran, Coffey, Comeau, Derbyshire, DeVeber, Domville, Ellis, Frost, Gillmor, Legris, McKay (Alma), MacKeen, Prince, Ratz, Riley, Ross (Halifax), Roy, Talbot.—21.

The Committee on Standing Orders.—The Honourable Messieurs Belcourt, Choquette, Landry, McGregor, McKay (Truro), Macdonald (P.E.I.), Tessier, Yeo, Young.—9.

The Committee on Banking and Commerce.—The Honourable Messieurs Béique, Bowell, Sir Mackenzie, K.C.M.G., Campbell, Cartwright, Sir Richard, G.C.M.G., Casgrain, Cox, Dandurand, Dessaulles, Drummond, Sir George, K.C.M.G., Edwards, Forget, Gibson, Jaffray, Jones, Lougheed, Macdonald (P.E.I.), McKay (Alma), MacKeen, McDonald (Cape Breton), McGregor, McMillan, McMullen, McSweeney, Ross (Halifax), Ross (Middlesex), Ross (Moosejaw), Scott, Sir Richard, Kt., Shehyn, Thibaudeau, Thomson, Wood, Yeo.—32.

Committee on Railways, Telegraphs and Harbours.—The Honourable Messieurs Baird, Baker, Béique, Belcourt, Bolduc, Bostock, Bowell, Sir Mackenzie, K.C.M.G., Carling, Sir John, K.C.M.G., Cartwright, Sir Richard, G.C.M.G., Casgrain, Choquette, Cox, Dandurand, David, Davis, DeVeber, Domville, Douglas, Edwards, Ellis, Fiset, Forget, Frost, Gibson, Godbout, Jones, King, Kirchhoffer, Landry, Lougheed, Macdonald (Victoria), McDonald (Cape Breton), McHugh, McKay (Truro), McLaren, McMillan, McMullen, Mitchell, Owens, Poirier, Power, Riley, Robertson, Ross (Moosejaw), Scott, Sir Richard, Kt., Talbot, Tessier, Thompson, Watson, Young.—50.

The Committee on Miscellaneous Private Bills.—The Honourable Messieurs Baird, Béique, Beith, Belcourt, Bostock, Boyer, Boucherville, de, C.M.G., Campbell, Cloran, Coffey, Comeau, Dandurand, David, Domville, Douglas, Edwards, Godbout, King, Legris, McGregor, McHugh, Montplaisir, Ratz, Ross (Halifax), Shehyn.—25.

The Committee on Internal Economy and Contingent Accounts.—The Honourable Messieurs Beith, Bolduc, Fiset, Frost, Gibson, Landry, McDonald (Cape Breton), McKay (Truro), MacKeen, McLaren, McSweeney, Miller, Montplaisir, Owens, Prince, Power, Riley, Robertson, Ross (Moosejaw), Roy, Thompson, Watson, Wilson, Wood, Yeo.—25.

The Committee on Debates and Reporting.—The Honourable Messieurs Coffey, Costigan, Dandurand, Ellis, Mitchell, Poirier, Power, Ross (Middlesex), Roy.—9.

The Committee on Divorce.—The Honourable Messieurs Baker, Bostock, Cox, Kirchhoffer, Lougheed, McMullen, Wilson, Wood, Young.—9.

The Committee on Agriculture and Forestry.—The Honourable Messieurs Baird, Béique, Boyer, Derbyshire, Edwards, King, Prince, Talbot, Young.—9.

The Committee on Immigration and Labour.—The Honourable Messieurs Beith, Bolduc, Dandurand, Davis, Frost, Jaffray, McMullen, Riley, Watson.—9.

The Committee on Commerce and Trade Relations of Canada.—The Honourable Messieurs Bowell, Sir Mackenzie, K.C.M.G., Campbell, Domville, Jones, MacKeen, McSweeney, Owens, Ross (Middlesex), Tessier.—9.

The Committee on Public Health and Inspection of Foods.—The Honourable Messieurs Comeau, David, DeVeber, Douglas, Fiset, McMillan, Robertson, Roy, Wilson.—9.

The Committee on Civil Service Administration.—The Honourable Messieurs Belcourt, Boucherville, de, C.M.G., Bostock, Ellis, Landry, Lougheed, McGregor, Power, Yeo.—9.

The Committee on Public Buildings and Grounds.—The Honourable Messieurs Casgrain, Choquette, Costigan, Cox, Kirchhoffer, McLaren, McSweeney, Ross (Halifax), Ross, (Moosejaw)—9.

The Joint Committee on the Restaurant.—His Honour the Speaker, the Honourable Messieurs Campbell, Landry, Lougheed, Watson. —5.

The motion was agreed to.

WEEK END ADJOURNMENTS.

MOTION.

Hon. Sir RICHARD CARTWRIGHT—moved that the House adjourn until Tuesday next at three o'clock in the afternoon, and that hereafter, unless differently ordered by the Senate, it shall stand so adjourned on all future Fridays.

Hon. Mr. ELLIS—I quite concur in observations which have been made with regard to the effect of adjourning from Friday until Tuesday. When I first came to this House we met practically every day, including Monday. Then, by a sort of common consent, for the benefit of members who lived in the west, we agreed passively not to meet on Monday, so that gentlemen who had a long distance to go to their homes would be able to be here for the opening of the House on Tuesday. The way it works now is that practically no public business is done on Friday afternoon. The House meets on Friday, but all the orders are postponed until the following Tuesday. I agree with the hon. member from Calgary, that Friday should be made a business day, in view of conditions which have arisen, and that the public business should not go over every Friday as a matter of course until the following Tuesday, which is the practice now.

RESIGNATION OF SENATOR MERNER.

Hon. Sir RICHARD CARTWRIGHT—A question was asked the other day whether the late Senator Merner had resigned before his decease. I have made inquiry, and as far as I can discover, he had not forwarded his resignation prior to his decease. I find that Mr. Ratz was appointed by order in council, not on the resignation of Senator Merner, but on his death.

The motion was agreed to, and the Senate adjourned until Tuesday next at three p.m.

THE SENATE.

TUESDAY, November 23, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

APPOINTMENT OF COMMITTEES OF THE SENATE.

Hon. Sir MACKENZIE BOWELL—Before the report of any committee is presented, I should like to call the attention of the House to the fact that there are no committees. All that has been done by the Senate was to adopt the recommendation made by the Select Committee appointed to nominate the Standing Committees. I observe, in referring back to the procedure of some years ago, that after the report of the committee on selection had been made for the Standing Committees, the leader of the House moved the adoption, after due notice had been given, of each committee separately. The Senate will readily understand, why that course was adopted, and why it should be continued, because objections might be taken to certain members on a particular committee, or it might be the desire of the Senate to change one member for another, or to add an additional member. I observe, in looking at the procedure during the time that Sir Alexander Campbell was leading the House, a motion was made for each separate committee. After the recommendation of the special committee had been approved by the Senate it was—

Moved by the Hon. Mr. Campbell, and seconded by the Hon. Mr. Aikens, that the Hon. Messieurs (naming the members) be a Committee on Banking and Commerce.

And I find also that these words were added to each motion in moving the adoption of the report of the committee.

To whom shall be referred all Bills on these subjects.

That is, all Bills referring to banking and commerce, for instance, are referred by this resolution to this committee, without any further motion.

Coming to a later date, when I had the honour of leading the House, I find that the same procedure was followed. Under similar circumstances, it was moved by

myself seconded by Hon. Mr. Angers 'that the following be appointed a committee on the library,' and also a similar motion for each and every other committee. I notice however, that at that time the additional words to which I have called attention were not used, so that under the circumstances, when a motion was made during the period to which I am now referring, each measure had to be referred to the appropriate committee by a special order of the Senate. Under the motion made by the late Sir Alexander Campbell, when he was leading the House, it will be observed that it was not necessary to make these special motions, because every measure introduced in the Senate was referred to the proper committee by that resolution. The Senate finds itself in this position to-day: It appointed a committee on selection, the committee made its report and that report was adopted but no action was taken upon it. Hence it will be necessary for the leader of the House either to make separate and special motions for the adoption of the report as it refers to each committee, or probably, to simplify it, a resolution which would include the whole of them adopting the suggestions made by the committee. I think we have of late years fallen into a rather loose mode of transacting our business. I do not think this is the first time that the omission to which I have called attention has occurred; but it is well we should continue the old practice, a practice which is absolutely necessary to give the committee full authority. I will call the attention of the Senate to an instance: it will be remembered that the Committee on Contingencies made certain recommendations in reference to the supply of stationery. They recommended that each member should be entitled to receive a certain amount of stationery over and above that supplied to him in a small trunk. The Senate concured in the report of the committee, but never passed the order which was recommended to be passed in order to limit the supply. That case is analogous to the one which I have just mentioned. I dare say the attention of the leader of the House may have been directed to this fact, and probably he is prepared to take such action as will empower the different committees to discharge their particular duties.

Hon. Sir MACKENZIE BOWELL.

Hon. Sir RICHARD CARTWRIGHT—When my hon. friend rose I was about to propose the following motion, which I now move:

That the senators mentioned in the report of the Committee on Selection as having been chosen to serve on the several Standing Committees during the present session, be and they are hereby appointed to form part of and constitute the several committees with which their respective names appear in said report, to inquire into and report upon such matters as may be referred to them from time to time, and the Committee on Standing Orders is authorized to send for persons, papers and records when required.

The motion was agreed to.

ABOLITION OF OFFICE OF FIRST CLERK IN THE IMMIGRATION OFFICE.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Has the Department of the Interior been occupied with the question of, and with the expediency of, abolishing the offices of subagent and first clerk in the Immigration Office at Quebec in order to replace them by the new Private Secretary to the Immigration Agent?
2. Who made such suggestion, and when was it made?
3. Has the department accepted it or refused it, and for what reasons?
4. Has Doctor Jos. P. Lavoie, Immigration Agent, actually or ever asked for a private secretary?
5. What was the reply of the government?

Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follows :

1. No.
2. Answered by No. 1.
3. The answer will also be involved in the reply to No. 1.
4. No.
5. Answered by No. 4.

GRANTING OF CHARTERS TO POWER COMPANIES.

MOTION.

Hon. Mr. DAVID moved:

That an order of the Senate do issue for a copy of each charter granted since the 1st June, 1909, by the Secretary of State, by letletters patent under the Companies Act, chapter 79 of the Revised Statutes, 1906.

(a) Incorporating any company with powers

for the development, production, distribution or use of water-power for any purposes; or with powers for the production, distribution and use of electricity in any form by any means, whether directly or by the transformation thereof into heat, light, power or any other kind of energy or

(b) conferring such powers upon any company previously incorporated.

He said: I have found in the last number of the 'Canada Gazette' two charters which will perhaps sufficiently illustrate the point I desire to make. I wish to show that letters patent have been issued in many cases, especially at a recent date, published in the last number of the 'Canada Gazette,' incorporating companies to do what we refuse permission to do when companies appear before this House with Bills containing similar clauses. There are many letters patent in the same terms as these two in the last number of the 'Gazette.' One of them reads as follows :

Public notice is hereby given that under the first part of chapter 79 of the Revised Statutes of Canada, 1906, known as 'The Companies Act,' letters patent have been issued under the Seal of the Secretary of State of Canada, bearing date the 17th day of November, 1909, incorporating Charles Class Greenshields and Edgar Reginald Parkins, advocates, Thomas Emilien Gadbois, Ralph Erskine Allan, and John Horton Montle, law students, all of the city of Montreal, in the province of Quebec, for the following purposes, viz.:—

(a) To produce, manufacture, supply, acquire, lease, sell and dispose of electricity and electric current for light, heat and power, and for any other purposes for which the same may be used; provided, however, that any supply, lease, sale or other disposition of electricity and electric current shall be subject to local and municipal regulations in that behalf.

(b) To acquire, manufacture, construct, lay, erect, maintain, complete, and operate all works, structures, apparatus, motors, poles, wires, appliances, and connections, materials, supplies, machinery, as are or may in any way be used in connection with the business of the production, manufacturing, acquiring, leasing, selling and supplying electric current or electricity for any purpose, and to lease, sell or otherwise deal with or dispose of the same.

And hon. gentlemen will please listen to this part—

To acquire by purchase, license, lease, or otherwise and to use, develop, equip, lease, or otherwise dispose of any water or other power in connection with the production or supplying of electricity or electric current for heat, light, power, or for any other purpose for which the same may be used.

In the other letters patent, it is perhaps even more striking.

To provide, purchase, lease, or otherwise acquire, and to construct, lay down, erect, establish, operate, maintain and carry out all necessary work, stations, engines, machinery, plant, cables, wires, lines, generators, accumulators, lamps, meters, transformers, apparatus, appurtenances and appliances connected with the generation, accumulation, distribution, transmission, supply, sale, use and employment of electricity, and to generate, accumulate, transmit, distribute, supply and sell electricity, for the purpose of electric lighting, heating, traction and motive power, and for industrial and other purposes; and to undertake and to enter into contracts and agreements for the lighting of cities, towns, streets, buildings and other places, and for the supply of electric light, heat and motive power for any or all public or private purposes.

I think it is clear enough, and it is not necessary for me to speak at length to show hon. gentlemen that those letters patent give powers which we have refused many times, and which our right to grant has been contested by all the provincial governments. I am surprised that provincial governments which are so jealous of their rights in connection with water-powers and distribution of electricity, and which have protested with so much force against the action of the House of Commons and of the Senate in similar cases, and which have contented that the provincial parliaments alone had the right to organize such companies and to grant such powers, do not pay more attention to these letters patent which are an open violation of provincial rights according to their own contention. I do not know that hon. members will be of the same opinion as myself in regard to this question, but if I am encouraged a little and if the views expressed on the floor of the Senate coincide with mine, I intend to give effect to my remarks by introducing a Bill to provide that parties asking for such powers in connection with the distribution of hydro-electric power be obliged to do what we have at times compelled them to do when they have presented Bills to us of the same nature. And then, when they have been notified in that way, if they do not do what is right, they will have nobody to blame but themselves.

Hon. Mr. CASGRAIN—To what part of these letters patent in particular does the hon. gentleman object? I have listened very carefully to what he has read, and the powers given there appear to be altogether within the right of any private in-

dividual to exercise. There is no right of expropriation granted. If it is on the provincial question, these water-power companies are distributing electric power in many cases in more than one province, and in that case, I suppose, they will have to come here for authority. If they obtained letters patent in the province of Quebec, for instance, I daresay they could only do business in that province. Is it on Provincial rights that the hon. gentleman bases his argument?

Hon. Sir MACKENZIE BOWELL—Would it not be better to delay answering the question which the hon. gentleman has put until we have the letters patent which have been issued presented to the House?

Hon. Mr. CASGRAIN—The hon. gentleman has withdrawn the request.

Hon. Mr. DAVID—No, I have not withdrawn the request. I said that the hon. gentleman might be satisfied with the last copy of the 'Canada Gazette,' which contains letters patent of that nature, and I said they were good illustrations of many others of the same character which had been issued.

Hon. Sir MACKENZIE BOWELL—If the motion should be granted, and the orders in council to which he has referred are laid before the House; then we will all be able to judge how far they infringe upon provincial rights.

Hon. Mr. DAVID—Then I maintain my motion, asking for the last ten numbers of the 'Canada Gazette.' I suppose that the production of the last number of the 'Canada Gazette' will be sufficient. In answer to the hon. member, my contention is that the provincial governments have claimed that they alone have the right to incorporate such companies. That is the point.

The motion was agreed to.

PERSONAL EXPENSES OF SOSTHENE MORISETTE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Has a person named Sosthene Morisette, employed as a clerk in the Immigration Office at Quebec, ever rendered to the Department of the Interior, during the fiscal year 1907-08, an account for his personal expenses to the amount of $131.35?
2. Who certified the accuracy of the account in question?
3. Was the account accompanied by vouchers giving the nature and proving the payments of the sums of which repayment was asked?

Rt. Hon. Sir RICHARD CARTWRIGHT—The answers are as follows:

1. No.
2. See answer to 1.
3. See answer to 1.

TREATMENT OF IMMIGRANTS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Have the steamship or railway companies, or other persons, complained to the Minister of the Interior or the Suprintendent of Immigration, of the manner in which immigrants were treated at Quebec?
2. When were such complaints made, and against whom were they brought?

Rt. Hon. Sir RICHARD CARTWRIGHT—Yes, several such complaints have been made. They were, in 1909: June 26, medical inspectors; June 29, medical inspectors; July 5, hospital; July 6, hospital; August 14, Polish interpreter; September 28, United States inspectors.

DEPORTATION OF OTTO RITTENEN.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. That a person named Otto Rittenen, who arrived at Quebec on the 5th of November, 1908, by the 'Empress of Ireland,' was afflicted with leprosy?
2. That the leper in question was placed in the Immigration Hospital at Quebec and left in contact with the ordinary patients?
3. That on the 25th November, 1908, the said Otto Rittenen was re-embarked on board one of the vessels of the Pacific Company, the 'Montreal,' going to Anvers?
4. That the journey from the Immigration Hospital to the vessel was made by the leper in the ordinary vehicle of the hospital in company with two other immigrants?
5. That at the time of his arrival in Quebec, this Otto Rittenen had been declared afflicted with leprosy by Dr. Baily, of the American Commission?
6. That the certificate given by Dr. Pagé, of Quebec, for the forced repatriation of this immigrant attests that he was suffering from leprosy?

Rt. Hon. Sir RICHARD CARTWRIGHT—The answers are:

1. The person referred to was suspected of having leprosy, but this was finally disproved by the medical inquiry.
2. See answer to question 1.
3. Yes.
4. See answer to question 1.
5. Yes. That was the first declaration.
6. No.

CONDITION OF LEVIS FORTS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Is it the case that the Lévis forts, numbers 1, 2 and 3, have become uninhabitable for their caretakers, and that the government has been obliged to rent, outside of their line of fortification, dwelling-houses to lodge the caretakers of these forts?
2. Where are these lodgings situated? At what distance from their respective forts are the caretakers in question lodged?
3. What is the amount of rent paid by the government for the lodging of each of these caretakers?
4. To whom are these rents paid?

Rt. Hon. Sir RICHARD CARTWRIGHT —The casemates in these forts have been found too damp for use as quarters and are being gradually improved in this respect as funds permit. No. 1 fort is now ready for occupation, and instructions have been issued to the caretaker to reoccupy it. The caretakers are themselves providing their present temporary lodging, the department allowing each of them a lodging allowance of 30 cents per diem in lieu of quarters.

The caretakers are residing in houses situated at distances varying from half to three-quarters of a mile from the forts.

Inquiries 3 and 4 are answered by No. 1.

THE ST. LAWRENCE CHANNEL.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. What is the length of the channel known under the name of the Banc de Beaujeu channel, in the River St. Lawrence?
2. What is its width?
3. What is its depth at high and at low tide—
   (a) at the time of the highest tides?
   (b) at the time of the ordinary tides?
4. Has the work of excavation of the said channel been finished?
5. In what respect and how may the work which remains to be done change the figures given in the answers to the first, second and third questions?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers are:

1. One mile.
2. 1,000 feet.
3. (a) Spring tides, 48 feet high and 30 feet low; (b) Neap tides, 43 feet high and 32 feet low.
4. Yes; completed autumn, 1909.
5. Answered by No. 4.

INSURANCE BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (A) an Act respecting Insurance:

He said: This measure which is about to be submitted for your consideration, has been already, as probably the Senate is aware, very fully discussed at great length in the House of Commons, where the various interested parties have appeared and have been very fully heard. At the close of last session it was decided that in view of the short time at our disposal it was impossible to properly consider it in the Senate, and it was therefore agreed that the Bill should be introduced at the commencement of this session, and duly discussed in this body and then returned to the House of Commons. There are, as the House will probably be aware, a very large number of amendments, many of which, however, deal with questions of detail which it is not very necessary or desirable to describe or dilate upon at the second reading. I have had a memorandum prepared for me giving the principal points of difference between the existing law and the Bill which has just been presented to the Senate. These I will go through in detail, and I may observe that if this Bill receives the second reading now, I propose to have it referred as soon as that committee is properly constituted, to the Committee on Banking and Commerce, where parties who desire to present their views will, I make no doubt, receive a hearing. One of the most important points with which the measure is concerned, is that with respect to investments. As hon. gentlemen are aware, the law as it at present stands gives very large powers to insurance companies to invest their funds in any direction they see fit. This Bill in some respects enlarges that

power and permits them to invest in securities guaranteed by the Dominion or any province, the principle being that a security bearing a government guarantee should be as good a security as one issued by the government direct. It also permits investments to be made in municipal and school securities in Canada, and it will permit such investments to be made in Canada or elsewhere the company is carrying on business. With respect to investments in industrial bonds and securities of that kind, a considerable number of restrictions have been placed upon them. In the case of investments in stocks, the Bill would recognize preferred stocks on which dividends have been paid for not less than five years preceding the date of purchase, and it would recognize the common stock of any company, which has paid a dividend of at least 4 per cent for seven years preceding the date of purchase. They limit, however, the amount which can be purchased of the stock of any corporation that any life company may secure to 20 per cent of a total issue, the object of that being, I presume, to prevent the company obtaining control of other industrial corporations. That is a summary of the chief points of the powers given to companies for investments. In the matter of rebating, considerable precaution has been taken to avoid certain abuses which were alleged to have occurred in connection with that practice. The commission which considered this question, which the House will remember sat for a considerable time, and prepared a very elaborate Bill, provided that a penalty of $1,000 should be imposed on the manager of every life company whose agent should grant a rebate to a policyholder. After full consideration, it was thought this was rather unfair to the managers, because it appeared that in certain cases agents granted or might have granted these rebates without the connivance of the manager, and, therefore, the penalty provides that the agent offering and the person accepting the rebate shall be equally penalized, the amount of such penalty being $100, for the first offence, and $250 for the second offence, the manager of the company being liable only when he had personally consented to the violation of this provision. The Commission on Insurance also recommended that a sort of standard insurance policy should be adopted. This principle has been adopted in the Bill, and provision has been made that as far as the House of Commons can see, will give security to the policy-holder in that direction. As regards another important matter, the distribution of profits, the Bill provides that when a company hereafter issues policies providing for the distribution of the surplus less frequently than once in every five years, it shall carry the amount to the surplus accruing to such policies as a liability in the same manner as the reserve fund. It is thought this would prevent the illegitimate use of the surplus, and would secure the payment to the policy-holders that they are properly entitled to. It further provides for the protection of the policy-holder that, in the future, boards of directors of life insurance companies, should be made up of representatives of policy-holders as well as of the shareholders. This provision has been altered a little from the Bill which was introduced last session, which provided that the board should consist of sixteen members, eight from each class. It was thought that was not entirely fair to the shareholders and, accordingly, it has been altered to provide that the number of policyholder directors shall be two-fifths of the number of shareholder directors. The policy-holder directors must be holders of a participating policy of not less than $4,000. The provision in last session's Bill which provided for similar rights to the policyholders of a company doing only non-participating business, was struck out. With respect to fire insurance, the present Insurance Act provides that all fire insurance companies soliciting business in Canada without first obtaining a license from the Insurance Department, are liable to certain penalties; nevertheless there is nothing in the Act to prevent contracts of insurance with unlicensed companies being effected by mail or otherwise, and representatives of such companies entering Canada to inspect the risk and to adjust it. In connection with this, a provision has been made, that will require considerable attention, which is known as the 15 per cent.

That appears to have been a little error. It is not proposed that they should pay to the government a tax of 15 per cent of the net cost of their insurance in all cases. There is a most important provision, that that particular tax should not exceed 15 cents on every one hundred dollars of insurance. The House will observe that in the case of heavy policies that will very materially reduce the amount. For example, where the insured was paying 15 cents on one hundred dollars the increased cost would amount to $100.15. Where he is paying it on one dollar, the cost would be $1.15 but in cases where he is paying on say $4, the increase would not be $4.60, but $4.15, thus making the net increase not equivalent to 15 per cent, but to 3¾ per cent. I call the attention of the House to that because a good deal of misunderstanding has arisen, and I find that it was supposed that this imposed a general tax of 15 per cent, which would undoubtedly be very heavy. These are the chief points apparently of difference between the existing law and the present Bill. There are some minor points which will be taken into consideration when we deal with the Bill in committee. They have reference to the basis of valuation, which was changed from what is known as the H. M. table of actuaries to a modern table called the O. M. table, also to the powers of the superintendent, who is now given rather larger powers, and to the amount of salaries which may be paid, and to the reports which may be issued. It is scarcely worth while to detain the House with these at the present moment. The Bill contains a model Bill for future acts of incorporation of Insurance companies, which is provided in one of the schedules attached to the Bill. One of the sections provides that such a Bill will be regarded as conferring on the company all the powers included in this Bill applicable to it. As far as I know, that covers the main features of the measure now laid before us, but as I have said, the whole Bill, with the numerous minor alterations, had better I think be considered in the Committee on Banking and Commerce, to whom, if the House grants a second reading, I propose to refer it. It will afterwards be discussed in a Committee of the Whole.

Hon. Mr. ELLIS—Will it be understood tnat when the Bill is reported from the Banking and Commerce Committee, we can deal with the details here in a committee of the whole House?

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. ROSS (Middlesex)—I was going to ask the hon. minister, before we proceed with the discussion, if he did not make a slight mistake in his statement to the House. He stated that a participating policy-holder to be on the board of directors should hold a policy of $4,000. The Bill says $2,000.

Hon. Sir RICHARD CARTWRIGHT—Policy-holder directors must be holders of participating policies of at least $4,000.

Hon. Mr. ROSS—The Bill says $2,000.

Hon. Sir RICHARD CARTWRIGHT—But they are to be elected—which is perhaps what my hon. friend from Middlesex had in his mind—by the participating policy-holders of the company, holding policies of $2,000 or over.

Hon. Mr. ROSS—Yes, that is all right.

Hon. Mr. WILSON—Are we to understand that when the Bill is given a second reading—which no doubt will be done, without much opposition—that it is to be referred to the Banking and Commerce Committee?

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. WILSON—Many of us have not a seat on that committee, and many of us may not be in a position to attend every day because other committees may be sitting, and we shall therefore be placed at a disadvantage by not becoming informed in regard to the details of the measure. Further, if I understand the rules correctly, we have no rights, without a notice being given, or obtaining the unanimous consent of the House, to refer this Bill to the committee on Banking and Commerce. I have every confidence in every member of the Banking and Commerce Committee. I believe they will do ample justice to the Bill, and that it will be much improved after coming from their hands; but I desire that

after the Bill is reported from that committee to the House we shall then have an opportunity of going into a committee of the whole so that we may discuss it thoroughly. Am I to understand that the right hon. gentleman will allow the Bill to go into a committee of the whole after it has been dealt with by the Banking and Commerce Committee?

Hon. Sir RICHARD CARTWRIGHT—Yes. I may say to my hon. friend that in a measure of this consequence, in which I know a great many hon. members are interested, I think that would be the course to be adopted, and I propose to do that anyway.

Hon. Mr. WILSON—With that promise. I certainly would have no objection to the Bill going to the Banking and Commerce committee, but I might say in reference to giving the policy-holders holding $2,000 or more a right to elect certain members of the company, that I think is hardly a fair thing. We know that the stockholders organize the company, they have to take the responsibility of getting the company in shape, and if there are losses in the matter they are the ones who will have to bear the burden of these losses. Why should the policy-holders have that right? If I want to insure my life I assume no risk, I accept one company in preference to other companies, and I feel confidence in the company or I would not allow my life to be insured with them. Why should the policy-holders if they have a certain amount of insurance with the company, be given the right to elect two-fifths of the directors, while those who organize the company, have to assume the responsibility and if there be any losses have to bear the burden of them. I think that provision should be amended. Would it not be an unreasonable thing for those who have money deposited in a chartered bank to be given an opportunity of electing a certain representation on the board of directors of that bank? When the Bill comes back to us we can consider those things and remove any cause of complaint. With these slight objections I have certainly an open mind in reference to the Insurance Bill. Perhaps the hon. gentleman will agree with me that I do not fully understand insurance matters. It is not a subject that I have given as much attention to as I should and with the understanding that the Bill is to be submitted to a committee of the whole House before the third reading, I have nothing further to say at the present time.

Hon. Mr. CASGRAIN—I had hoped that some other hon. gentlemen would have taken part in the discussion before I made my remarks. As a public Bill, this important measure should be referred to the Committee of the Whole House, but its reference to the Standing Committee, deprives a large number of senators of the opportunity of taking part in its discussion as hon. gentlement do not, as a rule, take a very active interest when a measure is being discussed before a committee of which they are not members. I do not believe that any body of men could be selected in Canada better qualified to deal with the preparation of an Insurance Bill than the hon. members of this Chamber. I believe that if a committee were formed of the best men from the various provinces, a large number of those who occupy seats in this House would be the very men selected. It has been stated, and repeated very often in this House, notably by the hon. gentleman from Mille Isles, that there is not enough work for us to do in the Senate. I remember that a session or two ago the hon. gentleman submitted a resolution suggesting that more legislation should be initiated in this House. I tell him, as well as every other member of this House, that there is plenty of work for all of us if we apply ourselves to the consideration of this Bill and give the country a good Insurance law. I should like to have heard the government explain more fully the purposes of the new Bill and why there should be a change from the law that has been in force until now. I said we are in a better position here to deal with this Bill than the other Chamber. We all know that in the House of Commons, no matter how impartial or independent some of the members may be, every one of them has in his county one, two or three insurance men, who, are gifted with very glib tongues, and should the member for a county

make an enemy of the insurance agents in his constituency he would have much opposition when he presented himself for re-election. His political career might in that way be cut very short. Therefore, it may be that in the other House members cannot with as much independence and impartiality deal with a measure of this kind as the Senate can. I have a purpose in speaking now. I wish to apply my remarks more particularly to life insurance. I consider the question of life insurance to be of very great importance, and one which should, in my humble opinion, occupy the attention of this House particularly. There is a vast difference between it and fire insurance. Marine insurance, accident and all such insurance, outside of life insurance, are generally dealt with and disposed of by business men, who can always make a good bargain. We must remember that a fire policy, for instance, is terminable every year that it can be changed at any time, and the balance of the unearned premium is returned. The marine insurance is settled at every trip of the ship in many instances. Therefore, although we may devote a great deal of attention to those matters, I do not think they demand as much of our care and attention as life insurance. When a man insures his life, it is an act of generosity, thinking of others. Instead of insuring his own welfare and comfort in life, he actually, in many instances, deprives himself of many little luxuries, for the love and affection he bears his wife and children or some other beneficiary. It is the widow and the orphan who are the special objects of his solicitude, and they are the ones whose interests should receive the greatest attention from this honourable House. I understand it is the desire of the House to send the Bill to committee immediately, but the committees are not even organized. Why such haste? I should like to have had the debate adjourned, but owing to some remarks made by the hon. leader of the opposition in regard to some members who were not here on Friday last, I did not dare to ask a further postponement. I observe that none but licensed companies will be authorized to do business in this country. I may say that there are many forms of insurance which, as I understand, do not require license. Take Lloyds, for instance; that is a very famous insurance union throughout the world. What is Lloyds? It was originally nothing but a small tavern in the city of London. Years and years ago it was the great rendezvous for all the sailors and captains, sea-faring men and skippers. They came there to get news of their ships, inquiring from this captain and the other if their ships had been met. There were in those days, no telegraphs, much less wireless systems, and, therefore, this was the only means of ascertaining whether a ship in the Antipodes was still afloat. From these gatherings at Lloyds, marine insurance began. There is no special company organized at Lloyds. Lloyds simply means that in a large room, the brokers have several desks and if a man wishes to insure a ship for say fifty thousand pounds he will go to the first broker with whom he is in the habit of dealing, and who is probably acquainted with the sea worthiness of the ship, how ship is managed and who, probably, will be likely to take the largest amount of risk. The man says to him, 'I am sending a ship to Buenos Ayres or I am sending a ship to South Africa. Will you take part of this risk? I desire to place fifty thousand pounds on the ship.' The broker will simply say 'leave your form of application, I will look it over'. He has at hand the means of getting the necessary information. After due time, perhaps the same afternoon—things have to be done in a hurry when a ship is waiting—he will give his answer and say that he will take ten thousand pounds on the ship. Then the man goes to the next desk and asks the broker whether he will take a share of the risk. After the first two have assumed part of the risk, the other brokers will generally follow, and the fifty thousand pounds will be covered. You may, perhaps, ask a 'how will these people be able to pay the fifty thousand pounds? You know marine risks are very high.' These brokers do not carry those risks themselves. They are personally responsible, and Lloyds' association is responsible also, but they will imme-

diately place themselves in communication with their clients in London and perhaps throughout the world and place this fifty thousand pounds, and the next day they are ready to take risks on another ship. Now, according to the Bill and according to what I hear from the insurance companies in this country, Lloyds will be prohibited from doing business in future in Canada because they have no Canadian license. This system has obtained in England, and has proved very satisfactory for a great number of years, and I do not know why we should deprive our shippers of the very great advantage of placing insurance with Lloyds. It is well known that in London you can insure almost anything. For instance, theatres starting out with a new play, not knowing whether it will prove a success, can insure with Lloyds against loss. People can insure against the death of a member of the Royal family. Fire insurance is more in the nature of a gamble. The insurance company bets that your place will not burn, and you bet that it will burn, and we know that a certain class in the community generally win the bet; and if at the end of the year there has been no accident, then the insurance company have taken your money. You have had protection for the year, it is true, but you have no return. In the case of life insurance it is different. Death is absolutely certain; and, moreover, by the system by which the tables of expectation of life are prepared, the insurers are able to calculate within the fraction of a year the length of a life, and it evens up so that there is absolutely no risk in life insurance. We can, therefore, realize that in a well managed life insurance company there is no risk whatever. The account is balanced every year, and in every well regulated company the amount of money paid in in premiums equals the amount paid out in indemnity or in casualties that may have happened during the year, and the loading is what makes the profits of the insurance company. Now this loading is considerable but there is absolutely no risk. I must say that it is with a great deal of diffidence I approach this subject because I am not as familiar with this as I am with other subjects; at the same time I have had so many people coming to my office in Montreal to speak to me about insurance, that I promised I would bring the matter before the Senate, even at the risk of wearying the House a little. Surely we should not begrudge a few minutes discussion to a measure of this kind. If we go back to the history of insurance, we find that it is rather a modern institution. We find no trace of insurance, at any rate I could find none, and I have inquired in the limited time at my disposal, either in Greece or in Rome. Throughout the middle ages there were hardly any insurance societies. There were simply association guilds, and at the death of one of the members, every one contributed a small sum,—a sort of mutual insurance, which did not amount to very much. The first insurance we have any trace of in the history of England is a sort of marine insurance for sailors, providing a ransom when the sailors were taken by pirates. Then they had a system which might be termed the reverse of insurance. We all know that marine insurance is paid when an accident has taken place and there has been a loss. For many years a system the reverse of insurance prevailed. If a ship came back with all hands on board, then the skipper would receive three times the amount of premium that he had placed in the hands of a committee. That was an inducement and encouragement to carefulness at sea, and that practice prevailed a long time where an indemnity, if I may call it so, was actually paid after a successful voyage. The first insurance charter that was ever granted in England was granted by Queen Elizabeth in 1574 to Richard Chandler, who formed the Chamber of Assurances. That Bill had been drafted similar to one which had existed in Barcelona in the thirteenth century, and also similar to one which had existed at Bruges, Belgium, in 1310, but very little came of it. The insurance that first amounted to anything was what is called the Tontine insurance and that is one that I would personally like to guard against and to guard the people of this country against. I think it is a vicious system. The name Tontine comes

from Lorenzo Tonti, of Naples, and the object of the system was to enable states to borrow large sums of money by paying so much a year. Life pensions would be granted by the state to people after a certain period of years and to the survivors of the contributors. This Lorenzo Tonti went to France, to the Minister of Finance, about the middle of the seventeenth century, and submitted this plan. A loan was to be floated on that, but was not successful. He proposed to give as interest one shilling in the pound, or five per cent. Later on, Louis XIV., when everything seemed to go against him, started a Tontine system in France, and actually borrowed money at the enormous rate of ten per cent. I wonder what we would think if our Minister of Finance were borrowing money at ten per cent. People were induced to put up their money, which was three hundred livres a year. This system went on for quite a while, but the great benefit of the system was for the survivors. The money of those who died accumulated for the benefit of the survivors after a certain period. That is the vicious part of the system. This system of Tonti's, introduced by Louis XIV. lasted until 1726, and a widow who died at the age of 96 was then receiving seventy-three thousand and some hundred livres. This Tontine system may be briefly described as paying money into a common fund for the benefit of those who survive after a certain period. That system existed a long time before regular insurance, and was exactly the reverse of life insurance. In life insurance, a man thinks of those who shall survive him, while in the Tontine system, a man makes provision for himself without regard to any one else, and hoping to benefit by the death of others so that an insurance policy on the Tontine system is simply manipulating the funds of other people. It has been practically abandoned in England, and I hope it will be abandoned in Canada when this Bill comes into force. We now have another system which is not called Tontine, but which must be a cousin germane to it. That system is known as the accumulation system, and it prevails extensively throughout America. It provides for a quinquennial distribution of money, and amounts to very much the same thing as the Tontine system. All such systems are very much like lotteries, and I hope that the hon. member from de Lorimier, who is opposed to lotteries, will lend his aid in putting down this form of lottery business. Mutual insurance also partakes very much of the same nature. The only form of insurance which is supposed to be about perfect is the straight life premium. It is the best of all. In 1698, the Society of Merchants was founded on the life policy system, but not until 1760 were the first mortality tables prepared. Prior to 1760, money was distributed without regard to age; but in that year mortality tables were prepared in London by Stuart, Hodgson, Stonehouse, Brakenridge and others, and later by Dr. Price, of Northampton. These tables are in existence to-day and are also almost correct to this date. If they err at all, they err on the safe side for the insurance companies. In 1762, the first insurance company under the mutual system, called the Equitable, was established. In 1806 we have the first real insurance with participation. It was called the Rock. Although it obtained its charter, and although the best jurists of England said it was not founded on safe or sound principles, because, they contended, it was not right that shareholders should share in the profits without sharing the losses, notwithstanding that, the Rock became immensely popular. The straight companies doing life business with a fixed premium found themselves deserted. Their agents could secure no more applications, and they were obliged to adopt this system of distribution of profits. It is against that system that I want to raise an objection. I am not sure that my views on this subject will prevail, but I feel that I am simply doing my duty in putting them before the House. When insurance was first taken, it was probably on one's own life—that is to say one paid so much money in order to receive after a certain lapse of years during old age or infirmity a certain pension or a lump sum. It was an insurance to be paid in case of his survival. I may say the system prevails extensively in Europe where parents are anxious to make provision for

starting their children in life. If a man has a daughter to whom he wants to give a dower at say the age of twenty, he makes an agreement with an insurance company to pay a small premium on her life. If she dies before reaching the age of twenty the company pays nothing ; if she lives to that age she gets a considerable sum. The premium is very light. The same thing applies where a man wishes to start his son in business. He does not mind economizing here and there to meet the premiums, and if his son lives he will have something to start him in business. I do not know that that system prevails in this country. There is also a system by which a bachelor, or a government employee receiving a small salary and knowing that he must sometime have to depend on a small government pension, insures his life in order to receive an annuity at a certain age so that that annuity added to the pension paid by the government will be about equal to his ordinary salary. Without exercising any great economy he can easily manage that. I may say that the best companies in this country—and I have spoken to many insurance men—would be delighted to see that system of participation abandoned. They are compelled to resort to it in order to secure business. The other companies that are not quite as solvent may be sincere, but very often are unscrupulous when their agents go to the people who can least afford it and show them the enormous profits their companies have been making in the last few years and promising them if they insure their lives that they will have a share in those profits. These agents represent that in a few years those who insure will have very little to pay. The promises are seldom fulfilled and when a man's earning powers decrease with advancing years and he finds himself unable to meet his premiums, it is useless for him to remind the company of its promises that his premums would be reduced one-third or one-half. The company points to the written contract which binds the insured as long as he lives to keep up his payments. Now, if the Senate could possibly do away with participation I think we would do something more in the interest of the people than anything we have done for many years.

Hon. Mr. CASGRAIN.

Hon. Sir RICHARD SCOTT—What would you do with the profits? Pay them as salaries? Who would have a right to the profit?

Hon. Sir MACKENZIE BOWELL—The law provides for that.

Hon. Sir RICHARD SCOTT—The hon. gentleman is opposed to any division of profits. At present ninety per cent of the profits go every five years to the people who have paid in more than the premiums required. So long as the premiums are as high as they are at present, you must divide the profits.

Hon. Mr. CASGRAIN—That is a point that I want to make. When you have a straight insurance policy, you pay so much per year; but with participation you pay so much more every year than is required to carry the insurance. Now the difference between your premium on a straight life policy and your premium on a participation policy goes to the insurance company. The insured would expect that they would give him back that, and when a distribution is made he thinks he is getting it back, but he does not get it back.

Hon. Sir RICHARD SCOTT—I beg the hon. gentleman's pardon, but they do get it back.

Hon. Mr. CASGRAIN—I will show in a minute that the policy-holder does not get it back. I was nearly forgetting that point, but it is a most important matter. When you pay insurance in America, you pay actually four premiums for yourself and one premium for the insurance company. In Europe you pay eight premiums for yourself and one for the insurance company. The insurance companies in America charge for administering this fund, for, after all, an insurance company is nothing but a stakeholder for a bet. The insurance company bets that you will not die before a certain time; you bet that you are going to die, and all the insurance company does is simply to hold the stake, and for holding that stake they charge you in America—I do not know exactly the amount the Canadian companies charge, but I know in the United States it is generally

about eighteen to twenty-three per cent. The average is about twenty per cent and it follows that when you pay five premiums you pay four for yourself and one to have somebody hold the money for you. That is the position. In Europe, as I have said, when you pay nine premiums you pay eight for yourself and one for the company, or ten to eleven per cent for administration. Every one knows that of the first premium paid on a policy seventy-five per cent goes to the agent. In fire insurance fifteen per cent of the premium goes to the agent, and that applies to every premium paid. Of one hundred dollars paid, eighty-five dollars covers the risk; the balance goes to the company. I have no objection to agents making money, but what I am objecting to is that under the participation system you do not get back as much as you should. The company must make a profit out of the premiums charged to you. When a young man insures, his chances of life are good, and as he pays a uniform premium during his life, he must at the start pay more than is necessary to cover the risk. The insurance company in keeping their books, only charge up what he should actually pay according to his chances of life, and the difference between what he pays and what is absolutely necessary to cover him goes to the reserve, and that is how the reserve is made up. As the policy-holder advances in life, his chances of death increase, and towards the last years of his life, the amount he pays is not sufficient. Therefore, an average is struck, and it is struck high in order to cover the company.

Hon. Mr. DAVID. I have been paying premiums for the last thirty-five years. Up to about ten years ago, I paid a certain amount and since then I have been paying only half as much. What conclusion do you draw? Have I been paying the same rate from the beginning?

Hon. Mr. CASGRAIN—The hon. gentleman must have a participation policy; but to get that participation in profits the hon. gentleman pays every year more than he would have paid on a straight life policy. If he will take the trouble to figure it out, he will find that he would have more money in his pocket now if he had paid a straight life premium on his life and put the difference between that and the premium he has been paying in a savings bank at three and a half per cent. The hon. gentleman would have more money coming to him had he done so.

Hon. Mr. OWENS—Let me give an illustration on that point. Many years ago the ex-Secretary of State and myself took out policies in a Canadian insurance company. I insured upon the straight cash principle which my hon. friend is advocating here to-day. My hon. friend (Mr. Scott), on the contrary, insured on the participation principle, the very policy which the hon. gentleman opposite is depreciating. What has been the result? I am still paying my straight premiums. The ex-Secretary of State, on the contrary, has for some time been receiving a bonus. His policy has not only been self-supporting, but he is receiving a bonus from the company. Those two policies were taken out in the Canada Life Insurance Company. Have I stated it correctly?

Hon. Sir RICHARD SCOTT—Yes. I am receiving a three per cent dividend on the insurance, so the hon. gentleman's philosophy will not work out.

Hon. Sir MACKENZIE BOWELL—I think I can give you as good an illustration. I have been paying on the principle which the hon. gentleman has been advocating since 1860, and I have already paid a great deal more than my family will receive when I die.

Hon. Mr. CASGRAIN—Certainly. I know a gentleman in the city of Quebec who is insured for only six thousand dollars, and if he had put his premiums out at six per cent compound interest, he would have had four years ago over ninety thousand dollars. He has paid fifty-five or fifty-six premiums. If the hon. gentleman from Ottawa would be good enough to give me the amounts of the premiums he has paid, I will figure out and show that he has paid a great deal more than the hon. gentleman from Inkerman (Mr. Owens). The hon. gentleman has been fortunate in having a very long life. We all rejoice that he has,

but if he will just mention the amount of his premium, and see what that would represent to-day, he will come to the conclusion that he will not get as large a proportion of what he has paid as he thinks he is getting. The first premium amounts to a very large sum. The second and third are the same—more than three or four times the amount that should be paid.

Hon. Sir RICHARD SCOTT—It was the best investment I made in my life.

Hon. Mr. FORGET—Let me give an illustration. I took an insurance policy on my life when I was twenty-four years old. The amount was twenty-five thousand dollars, and the term was for fifteen years. I do not remember how much I paid, but I am sure it is not half of that amount. My life was insured, and I paid premiums for fifteen years, and to-day I have a paid-up policy of twenty-five thousand dollars, and every five years I have received five per cent, except the last five years, when the company did not pay any.

Hon. Mr. McSWEENEY—Was the hon. gentleman insured on the deferred premium plan?

Hon. Mr. FORGET—No. I paid a certain premium for fifteen years, and at the end of that time I was given a paid-up policy for twenty-five thousand dollars. I have not paid anything since, but all the profits have been added to my policy ever since.

Hon. Mr. McSWEENEY—Suppose you had died at the end of fourteen years, what would have happened?

Hon. Mr. FORGET—I cannot say.

Hon. Sir RICHARD SCOTT—His heirs would have got the twenty-five thousand dollars.

Hon. Mr. CASGRAIN—The insurance company in which he was insured would have been very badly managed if they gave him more than he paid them.

Hon. Sir MACKENZIE BOWELL—Not necessarily.

Hon. Mr. CASGRAIN—You may be sure they give the hon. gentleman less money than he paid them. Since the cost of administration is twenty per cent, all that the hon. gentleman can possibly get back is his money less twenty per cent.

Hon. Sir RICHARD SCOTT—The hon. gentleman omits the very important factor that there are lapsed policies. A very large number of people insure their lives to cover a loan or something of that kind, and when they drop the insurance the premiums they have paid go to the company. It is a large source of profit to an insurance company.

Hon. Mr. CASGRAIN—The best form of insurance policy known is the form which obtains in some countries by which life pensions are paid and also straight insurance at death—when the two are combined in the one policy. Under that system if losses are sustained through death, certain amounts are gained by people dying before they get the benefit of the pension. Under these policies, a man at the age of fifty or fifty-five years begins to draw an annuity, if he lives. If there are a certain number of such policies held by the company and there is a certain amount of straight life, then one balancing the other furnishes the safest and best insurance. I have to thank the hon. members for the attention they have given me. I have had very little time to prepare for this discussion, but I have tried to get all the information I could gather. The French version of the Bill was only delivered to us this afternoon, and the English version I could only get on Friday. I had a glimpse of it some time ago when an insurance agent allowed me to see his copy, so I have laboured under great difficulty.

Hon. Mr. JONES—It is not my wish or intention to discuss this Bill at any considerable length at this stage, but I desire to direct the attention of the House, and the leader of the government especially, to clause 139 of the Bill relating to insurance with unlicensed fire insurance companies. That particular clause affects especially, if not exclusively, people in Canada who have sprinkled risks—probably exclusively that class of insurance. The Bill provides that people in Canada are

permitted to go out of Canada and get insurance, if they find it to their advantage to do so, provided they pay the government of Canada 15 per cent on the net cost of the insurance. I am speaking altogether for myself in the remarks I am about to make; I am not authorized to speak for any one else. I do not object to the government of Canada exacting from citizens of this country who find it desirable or necessary in their own belief to go out of Canada for insurance, such sum for that insurance as will pay a fair proportion of the cost of the Insurance Department of the government. As a citizen, I think it is my duty to pay my proportion of the cost of that department, managed as it is for the general benefit of Canada. Whether I am an insurer or not, I do not object to that, and when I pay that proportion of taxation I believe I am paying practically one and a half per cent. I think it will be found if the total taxation of the insurance companies of Canada, Dominion, provincial and municipal, are added together, they will amount to about one and six tenths per cent on the net premiums collected from insurance within the Dominion. If I am correct in that, I should be wiling to pay such a sum as would be proportionate to that. Then I would be paying my proportion of what is admittedly a reasonable and fair charge. But when I am asked to pay 15 per cent of the net amount of premiums I think it is exorbitant and ought not to be exacted, because I think it will be accepted by every member of the Senate that practically every insurer in Canada who goes out of the Dominion for insurance, does so because it is to his advantage and necessary to get outside insurance. The companies in which I am interested do not go out of Canada for all their insurance; but they do go out of Canada for the insurance that covers their manufacturing plants, as do a number of other manufacturers in Canada. Up to this time there has been no mutual insurance company in Canada specially formed for the taking and handling of sprinkled risks. Some efforts have been made in that direction within the last two or three years, and with some success. One company for such purpose is, I believe, about to be established, and, doubtless, if the situation is not disturbed by legislation, we will have within a year or two one or two companies in this country dealing exclusively in that class of insurance. But it would only be possible, even with those companies, to take a very small percentage of the insurance that would offer in Canada, probably two and a half to five per cent, because there are plants in Canada where the total insurance covering the plant would exceed two million dollars, and in a number of cases at least one million dollars. Therefore, any new company would only be prepared to take a small percentage of the hundred million dollars of insurance that there is placed in Canada at the present time. Whatever proportion these men, gathered together to help each other in case of fires, could take safely they would only be able to do business if associated with companies outside of Canada. As manufacturing and other sprinkled risks grow, so would the Canadian end of such company or companies grow, and later on it would be hoped that here as in some of the older countries, there would be a considerable portion if not all of that class of insurance carried within the country. Meantime the country is too new. The risks are too few to enable a series of companies to be formed to take care of such insurance safely. The companies so insured are largely—and I am speaking specially with reference to the company known as the Senior Mutuals—in the United States. Speaking for my own companies, they insure exclusively in these American companies. Of the hundred million of insurance of that kind in Canada, my own companies had in round figures five millions of that class of insurance. It would be absolutely impossible to get that insurance in Canada at anything approaching the cost that it is at present to these companies. It would be impossible to get it in Canada without a very large cost, and with less safety than I believe surrounds it as it is.

Hon. Mr. MCMILLAN—Are you not taking a certain amount of risk yourself?

Hon. Mr. JONES—Certainly. No mutual company can be otherwise placed than as

taking equal risks with others that others take with them. The whole principle is that you are rated for a certain rate on your premises, dependent upon this condition. The rate may be one half of one per cent and it may be, as it is in my own case—and I am alluding to that for the sake of illustration and nothing else—it may be two to two and a half because of certain portions of your risk which are more hazardous than others, and upon that you make your deposit and the deposit is security for the payment of any loss that occurs during the year and at the end of the year you are refunded such sum as is not required to pay losses and expenses. That is the whole principle. The Eastern Mutuals have in Canada, largely in the seniors, to some extent in the juniors say one hundred millions; but they have in round figures, I believe, about ten billions insurance. I am speaking of the eastern seniors only. They have ten billions insurance in round figures. In that lies the security that we seek for in Canada. They have been doing business for many years. They have grown from very small companies to very large companies, with very wide areas, covering the whole of the United States, part of Canada and to some extent some insurance elsewhere, but not largely. The Bill makes it possible for me to go out of Canada. How far an Act of this kind should go to prevent a man from going over to the other side of the boundary line to do some business, I do not know, but it is intended to prevent that, I do not think it is practical to carry it out, because it requires that within thirty days after taking insurance you are to advise the department. Now with large plant to cover with those policies, with instructions to the superintendents of your different plants to keep up your insurance dependent upon the stock you carry, and the fact that there are changes every month and sometimes every week —in fact there are changes every week in the year in some Canadian companies who are insured in these companies, it might not be practicable always to make returns along the lines the Bill makes it necessary, and if you do not make these returns in accordance with the Act, I suppose you would be liable to whatever penalty there is attached to it? Whatever that may be I do not know. Beyond that, the Bill further makes it necessary that each and every such unlicensed company—that is these foreign companies—shall furnish to the superintendent at the request of the superintendent, and not later than a certain named day, a statement duly verified in such manner as the Superintendent of Insurance directs, showing at the end of the last financial year of such insurer the total assets and total liabilities of such insurer, the total amount at risk and also the liabilities and amount of risk in Canada, the total income, total expenses and total amount paid for losses during its last preceding financial year, etc.

Hon. Sir RICHARD SCOTT—They would not conform to that.

Hon. Mr. JONES—No, they would not conform to that. They will not conform to such laws from any state in the Union. It is well known to those who seek insurance in that class that they have absolutely refused always to conform to that, and every state in the Union knows that if they pass laws exacting from these companies just such a restriction as this would place upon such companies, such companies will not go there for insurance, and the manufacturer in that state are just in the position we would be under this legislation. We would be outside the range of that class of insurance. I do not think it was the intention of the government to put it beyond our reach, but to bring it within the reach of the subject. It would destroy the possibility of carrying out this insurance if the provision as drawn here were adopted. It would be impossible for those companies to comply. There are to many companies; they are too big, and it would not pay them to undertake to do it. An amount not exceeding three and a half or four per cent of the total business of these insurance companies is done in Canada, and our business is not important to them. I have discussed the question with them many times, and they say frankly 'We will be glad to have that insurance if it comes to us, but we would not turn our hand over to bring it to us, and we would not turn our hand to get it from any state in the Union that

legislates against this class of insurance.' It has been so tremendously beneficial to the great manufacturing interests of the United States, the insurance that comes to them is so ample and the cost of insurance so cheap, that they will not change their plans to adapt themselves to any condition that may arise outside of the business as they are conducting it, and so meantime while anticipating that this feature of the Bill will receive that careful consideration —and I know it will—in the committee, and then having the assurance from the hon. leader of the House that when it comes back to the House we will have an opportunity to discuss it in committee if we desire, I do not wish to take up the further time of the House by illustrating the position in which this Bill would place the large manufacturing and business interests in Canada. The responsibility of asking that these details be furnished by foreign companies, with whom Canadian interests have obtained insurance is, I presume, by the department, for the purpose of deciding whether we are warranted in going out of the country to get this insurance and whether we are safe. There are conditions in which the safety of the companies is important, but I think the government could agree that with the class of insurers who go out, representing principally the larger companies and individuals with large business, that it would be reasonably safe to leave such corporations and individuals to manage their own business in their own way, and that probably we would get along with reasonable success if they do not burden us with conditions and contingencies beyond what it would be fair that we as Canadians should bear. Speaking for myself, I want no advantage over any other Canadian in regard to insurance or in any other regard. I want to be left alone to manage my own business in my own way, so long as I am not doing it against the best interests of the country in which I live, and everything being equal I desire to get within the country what I want; but if it is necessary, in order to be successful, to go out of the country to get what I want, I hope that privilege will be granted also, and that I will not be unduly taxed for the privilege.

Hon. Mr. BEIQUE—I had not intended to speak at this stage of the Bill. It was announced that the Bill would be referred to the Committee on Banking and Commerce, and that it would afterwards come before this House and be discussed in Committee of the Whole. I should have thought the more opportune time would be to wait until the Bill is in Committee of the Whole, or before the Banking and Commerce Committee. However, as the hon. gentleman from de Lanaudiere (Mr. Casgrain) has offered some remarks on the measure with which I cannot agree, I am bound to say a word or two. He first took exception to the fact that the Lloyds system of insurance was not acknowledged by government. He is mistaken in that, because if he refers to clause 12 of the Bill he will find that it will be permissible to effect insurance with Lloyds as has been done heretofore. That clause reads in this way:

12. Except as in this section provided, no license shall be granted to any individual underwriter or underwriters to carry on any kind of insurance business: Provided that associations of individuals formed upon the plan known as Lloyds, whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy, may be authorized to transact insurance other than life insurance in Canada in like manner and upon the same terms and conditions as insurance companies; such associations to be in all respects subject to the provisions of this Act, except that the statements required by this Act to be filed in the office of the superintendent may be verified in such manner as the superintendent shall direct and prescribe.

We see, therefore, that under clause 12 it is intended to allow the insurance to be effected with Lloyds or all partnerships or associations of underwriters organized under the Lloyds system; and if we turn to the definition as found in clause 2, subclause c, we find that the word 'company,' as defined, means any corporation or any society or association, incorporated or unincorporated, or any corporation carrying on the business of insurance. It is in order to admit it. Therefore, we may take it for granted that the purpose of the Bill, as framed, is to permit the continuation of insurance under Lloyds system. However, as far as I am at present informed—which is not stating a great deal—I am under the impression that clause 12 of the Bill is a

very crude way of introducing Lloyd's system into our country. No doubt the Superintendent of Insurance, who is an expert in the matter and will probably be heard before the committee, will enlighten me on the subject. It seems to me at present that it is a system which had rendered good service in Great Britain because of their usages and customs, but of late years a number of underwriters' associations have been formed by United States people even in England under that system, and if I am properly informed it does not offer the proper guarantee that insurers should provide for the public, and one suggestion that I propose to make, is as to whether additional safeguards should not be introduced as regards this system of insurance; not that I am against the system, but I think it should be accomplished with the proper guarantee.

Hon. Sir RICHARD SCOTT—With regard to Lloyds, they would have to come under the Bill; they would have to make a deposit and be under the control of the department.

Hon. Mr. BEIQUE—Oh, no. If my hon. friend will look at the Bill he will find that they are not called upon to make any deposit, and the system itself is against that. It is simply the underwriting of the risk. It is done by the broker, and it is divided amongst a number of persons who are individually responsible each for their share alone. If there is a loss, every member of the association participates in the loss, but only to the extent to which he has agreed to participate.

Hon. Mr. JONES—Is the hon. gentleman referring to clause 12 or 139?

Hon. Mr. BEIQUE—Clause 12. Clause 139 does not refer to that at all. It is referring to the industrial mutuals. Lloyds are subject to this Bill, but they are not called upon to make a deposit.

Hon. Sir RICHARD SCOTT—Oh, yes, they are.

Hon. Mr. BEIQUE—I speak subject to correction. The hon. gentleman has taken exception to the Tontine system, and the deferred premium system, and the participation in profits. For my part I cannot agree with him, and I find he is much more radical than the extreme radicals themselves. I hold in my hand the report of the Joint Committee of the Senate and Assembly of the State of New York, a well known committee, the Armstrong Committee, and I find on referring to page 357 the remedial legislation which that committee suggested, and I do not find that they attempted to criticise at all in any shape or form that system of insurance.

Hon. Mr. CASGRAIN—In the state of New York is a company, under the Armstrong Bill, allowed to do participation business and straight policy business also?

Hon. Mr. BEIQUE—I think so.

Hon. Mr. CASGRAIN—Read the Bill.

Hon. Mr. SWEENEY—I do not think the hon. gentleman will find it in the Armstrong Bill.

Hon. Mr. BEIQUE—The Armstrong Commission attempted to criticise all the abuses which have crept into the United States insurance companies, and I find a number of subjects enumerated, as follows. Control or the rights of policy-holders in he election of directors. Retirement of stock. Investments, including syndicate participations, limitation of new business, political contributions, lobbying, limitation of expenses, valuation of policies, rebates, surrender values, ascertainment and distribution of surplus, remedies of policyholders or right to resort to the courts, forms of policies, publicity and state supervision, penalties. But I find, although they have attempted to exhaust the cases where abuses have crept in, no reference at all to that system, no exception taken to that system of policy, and it is well known hat that system of policy is intended to be mainly a way of investing one's money. Of course with the additional risk in case of death portion of the profits will inure to the survivor; but I do not see that it has anything to do with lotteries, which have been alluded to by the hon. gentleman, and I do not think, for my part, that that system of insurance deserves condemnation. At any rate, the present Bill does not deal with that at all. The only remark I desire to add is in con-

nection with what has been very properly stated by the hon. gentleman from Toronto, the Industrial Mutuals. I notice that the Bill as presented to the Senate, and as passed by the House of Commons last session, did not go as far at all as was originally intended when the measure was presented in the House of Commons last session as regards these companies. It was first intended to prevent any business being transacted with them. The Bill was amended, and it is coming to us that any Canadian will be allowed to effect insurance with them provided he pays a certain tax on the amount of premium which he shall have paid. For my part I believe that Canadian companies should be given an advantage. I believe that we should try to keep our money in the country as much as possible; but we must be reasonable. We must not go too far. From the knowledge I have of these Industrial Mutuals they have rendered a very great service to industries in Canada; they have been the means of protecting property and preventing the destruction of property to a very large extent. They were organized at the outset under a system of proper supervision, which exacts that the property insured shall be fully protected by sprinklers and in other ways, and they have estblished a first class inspection staff, which watches the insured all the time and insists on the insured keeping his property fully protected. It has been the means of decreasing immensely the loss of property by fire; to that extent these mutual companies are public benefactors, and they should be treated accordingly. They have shown an example to the straight life insurance companies. Those companies have had to adopt their system to a certain extent within the last five years, and have succeeded in reducing the premiums very considerably. I understand that one can now effect insurance at as low a rate as fifteen cents. That is not in Canada I understand.

Hon. Mr. JONES—Will the hon. gentleman say upon what the insurance would be taken at fifteen cents? Would it be water or dirt, or on something that could burn up?

Hon. Mr. BEIQUE—I am speaking from the evidence. I have glanced over the evidence which was adduced before the Committee of the House of Commons last year, and in that evidence I read the statement of the manager of some insurance company who stated that they were taking a risk at that rate, but I think it was admitted that all the risks could not be placed at that rate. For instance, it was stated by Mr. Greenshields, of Montreal, that a large amount of insurance that they were unable to place with Canadian companies, had to go to the United States, and one very striking example was given. A very large fire occurred. The evening before they had to place three hundred thousand dollars insurance, and they had to place it with those companies, and if they had not been able to place it very quickly, they would have lost the amount. I agree with the remarks made by the hon. gentleman from de Lanaudière, that the present Bill in regard to this point and also many other points should receive close attention from this honourable House.

Hon. Mr. CASGRAIN—I had the pleasure of putting a question to the hon. gentleman, and I have the book before me now. This is the report of the Joint Committee of the Senate and Assembly of the State of New York appointed to investigate insurance matters. At page 29 we find the following:

Non-participating Policies.

The committee believes that mutual companies and stock companies chartered to transact business on the mutual plan or holding themselves out as transacting business upon this basis, should be forbidden from writing non-participating policies.

The writing of non-participating policies by these companies must almost necessarily result in an injustice. If premiums are charged at a rate lower than the actual cost of carrying the insurance, including a fair share of expenses, it is an imposition upon the other policy-holders who must contribute to pay the difference. If, on the other hand, the premiums are at a rate higher than that demanded by the cost of carrying the insurance, the excess is without excuse and those who take the policies are overcharged and are deprived of the returns to which they are entitled. In short, the non-participating policy issued by a company doing business upon the mutual plan can be justified only upon the supposition that the exact results of the business can be foreseen and the premium adjusted accordingly. This, of course, is an

impossibility. The business of companies conducted upon the mutual plan should be exclusively mutual.

I know of a large insurance company in Canada, which, on account of the Armstrong Bill, was not permitted to transact both straight policy and participating policy business, has therefore withdrawn altogether from doing business in the State of New York. That is one of the oldest insurance companies doing business in Canada.

Hon. Mr. BEIQUE—The hon. gentleman spoke altogether outside of the question that was put to me. The question put to me was, if an insurance company was allowed to do a Tontine business, and I said yes. Now he is referring to a passage which says that mutual insurance companies will not be allowed to do that kind of insurance. That is another question altogether.

Hon. Mr. JONES—Is it the intention of the Bill that insurance companies reinsuring in companies not registered in Canada shall be prevented from effecting such reinsurance, or will that class of insurance be permitted under the Bill?

Hon. Sir RICHARD CARTWRIGHT—I cannot speak positively on that point. I think the intention is to permit them to do so.

Hon. Sir MACKENZIE BOWELL—I understood from remarks made by the leader of the House when introducing this Bill, that the clause in reference to charges, to which the hon. gentleman has taken very serious objection, has been a good deal modified, that in fact the amount to be paid by either the insured or the foreign insurance companies is on a graduated scale.

Hon. Mr. JONES—The modification is set out in the clause of the Bill to which he refers.

Hon. Sir MACKENZIE BOWELL—The fifteen per cent is not applicable under the circumstances. The question is whether foreign insurance companies who take fire risks should be allowed to do business in Canada without any of the restrictions that are imposed upon local companies. That is the point that I think parliament has to decide, and the only point which we in Canada ought properly to consider. I can understand very well that the hon. gentleman should say 'I have a right to secure insurance wherever I can obtain it cheapest, and where I believe I will be most secure.' That is a proposition which, on the face of it, is very reasonable. The same principle would apply in dealing in any article—one should be allowed to apply the free trade principle, and buy the article where he thinks he can get it cheapest and most to his advantage. The question may be put in this way: If a duty is imposed upon an article manufactured in another country, not for protective purposes, but for the purposes of revenue, why should not the foreign insurance company be subject to the same imposition for revenue purposes as home companies which have to pay a license and make a deposit before they can carry on their business, besides being subject to municipal and provincial taxation? I see no difference between the two cases. Whether the imposition is too large or not is a question to be considered. If I understand the leader of the House when he introduced this Bill, the leader of the Senate pointed out that the intention was to so modify that clause as not to make it too onerous on those who desired the large insurance to which my hon. friend calls attention. The hon. member from St. Thomas (Mr. Wilson) objects to the Bill providing for representation of the policy-holders of a company on the directorate. There is a strong argument in favour of that policy. The policy-holders who pay a larger sum for their insurance than those who take a straight life policy, should have something to say about the manner in which the profits are to be distributed. We know that the law provides for the distribution of ninety per cent of the profits among the policy-holders. Only ten per cent can be divided among the shareholders of the company. The policy-holders may desire to have representation on the board to see that the profits of the company are not squandered in the way of salaries or otherwise. That is one reason why the policy-holders should have some claim to representation. I may say, however, that the

clause as it stands would hardly be practicable. I do not propose to discuss the point just now. That can be done in committee. The restrictions placed upon the voters who have the power to elect and constitute the board of directors, are of such a character when applied to the policy-holders as to make it almost impracticable, and the proportion of the policy-holders on the board is unnecessarily large. The open question to which my hon. friend has called attention, as to whether a certain class of policies should be abolished, is one which I do not propose to discuss just now. I may say, however, that if the participating policy principle be abolished it would be infinitely better for the shareholders. They would have a greater proportion of the profits put in their pockets. However, I must confess I do not quite agree with the hon. gentleman on that point. The hon. gentleman rather cast a reflection on the leader of the opposition when he called attention to the proposition to adjourn this question until to-day. The hon. member was uncharitable. He forgets that a moment before, he had informed my hon .friend who complained that we had not business enough, that if the House would attend to business and give it due consideration there would be enough to do. Now, my hon. friend opposite (Mr. Casgrain) has enlightened the House with a long and very interesting discussion on the origin of life insurance companies. I want to call his attention to this fact that this measure has been before parliament for three years and yet my hon. friend who now takes so much interest in it, requires another year or two before he can decide what legislation should take place. I was led to this conclusion that if the hon. gentleman opposite (Mr. Casgrain) in the few minutes that he had coming up on the train, could prepare such an elaborate address, there is no telling what he might do if he had time to prepare himself. There are many clauses in this Bill which require careful consideration. I admit that no measure of greater importance has come before parliament for many years. It affects a very large number of people and many millions of money, and the more perfect the measure we place upon the statute-book to secure the policy-holders the better it will be for the country.

Hon. Mr. McMULLEN moved that the debate be adjourned until to-morrow.

The motion was agreed to.

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

THE SENATE.

WEDNESDAY, November 24, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BANKING AND COMMERCE COMMITTEE.

FIRST REPORT ADOPTED.

Hon. Mr. GIBSON, from the Committee on Banking and Commerce, presented their first report, recommending that their quorum be reduced to nine members, and moved concurrence in the report.

Hon. Mr. LANDRY—I should like to know why we should suspend our rules and concur in that in that report to-day?

Hon. Mr. GIBSON—It is simply a question of reducing the quorum, and it is desirable to adopt the report in order to facilitate proceedings and enable the committee to get to work.

Hon. Mr. POWER—It is merely a formal report.

Hon. Mr. CASGRAIN—It is desired to press the Insurance Bill, and it is proposed to refer it to that committee. The feeling in the country is that we should proceed slowly with that measure and the only object in adopting this report now is to enable the committee to deal with the Bill.

Hon. Mr. LOUGHEED—The Insurance Bill will be in the hands of the House, and it will not be referred to the committee until it has been sufficiently discussed.

Hon. Mr. LANDRY—There is no reason why we should rush this matter through.

Hon. Mr. POWER—It is not rushing it. It is purely a formal motion.

The SPEAKER—As it is a formal motion I think it might be concurred in.

Hon. Mr. LANDRY—I do not know whether it is a formal matter. It refers to the reduction of the quorum. It does not say who is to be chairman, etc., I do not see that it is quite so formal as some hon. gentlemen seem to think.

The SPEAKER—It appears to me that it is really after all a formal report as far as it goes, and, therefore, it is open to the House to deal with it without further notice.

The motion was agreed to.

INTERNAL ECONOMY AND CONTINGENT ACCOUNTS COMMITTEE.

FIRST REPORT ADOPTED.

Hon. Mr. THOMPSON presented the first report of the Committee on Internal Economy and Contingent Accounts, recommending that the quorum be reduced to nine members, and moved concurrence therein.

Hon. Mr. LANDRY—Some hon. members may have an objection to these reports, and I think we should have time to study them before they receive the sanction of the House.

Hon. Mr. POWER—Paragraph (s) of rule 25, referring to motions in regard to which notice may be dispensed with, reads:

> Other motions of a merely formal or non-contentious character, etc.

It has never been contended that these motions were anything else but formal matters.

Hon. Mr. LANDRY—It is a report from the committee and it may be contentious, but in its present form nobody can say whether it is contentious or is not contentious.

Hon. Mr. POWER—To the ordinary mortal, the adoption of these reports is a non-contentious matter.

Hon. Mr. LANDRY—If I wanted to amend the report, would be contentious?

Hon. Mr. CLORAN—Certainly it would.

Hon. Mr. LANDRY—I have a right to make a motion to amend it, and I have a right to say that this report shall not be received now because it does not relate to what took place in that committee. There was a motion made to elect a chairman. Nothing of the kind is reported to this House. A second motion was made to reduce the quorum to a certain number, and that has been reported to the House, but the first step is not mentioned. I say that this report is a subject of contention as it is brought before us, and nobody can say that it is not.

The SPEAKER—I think this is really a formal matter, and not a matter which is contentious. It has been the practice of the House to adopt such reports. On looking through the reports I have not found a single instance where there has been any difficulty or any reference back on this point. It seems to me, therefore, that the consistent way is to consider it and treat it as not contentious.

The CHAIRMAN—I asked for a ruling.

The SPEAKER—I have given a ruling—that it is not contentious.

The motion was agreed to.

FRENCH EDITION OF THE RULES.

INQUIRY.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to inquire if any progress has been made in the translation or publication of the French edition of the rules of this House? For nearly three years I have been asking for these rules; perhaps before we die the French edition may be supplied to members.

Hon. Mr. DANDURAND—The translation and printing are complete, and the manuals are now being bound and will shortly be delivered.

DEFECTIVE LIGHT IN THE CHAMBER.

Hon. Mr. ROSS (Halifax)—Before the orders of the day are called, I should like to direct your attention to the defective lighting of this building. I am an old man, but I can read very well if I have proper light. Younger men than myself are complaining of the defective lighting of this chamber.

Hon. Mr. CLORAN—I hope the chairman of the new Committee on Public Buildings

will give immediate attention to this question. The light in the chamber is very defective, and the chairman of that committee would do well if he would endeavour to have better light supplied.

Hon. Mr. CASGRAIN—I promise the hon. gentlemen that I shall take the matter into my serious consideration.

INSURANCE ACT AMENDMENT BILL.

DEBATE CONTINUED.

The order of the day being called.

Resuming the adjourned debate on the motion for the second reading of Bill (a) An Act respecting Insurance.

Hon. Mr. McMULLEN said: When I moved the adjournment of the debate yesterday, it was more for the purpose of giving members who were detained by the storm on their way from Toronto to Ottawa an opportunity to be present and take part in this discussion than with the object of making a speech myself. I am not in a position to be able to discuss this Bill at any length. I know it is one of the most important measures that could be possibly brought before us. It has been in the House of Commons for two years, and it could not be recognized in its present shape as the Bill originally introduced, it has been so frequently recast. I have not been able to study its provisions carefully, but I wish to take exception to one clause which, in my judgment, requires very serious consideration. That clause provides for representation of the policy-holders on the Board of Directors. The amended Bill proposes that two-fifths of the board shall represent the policy-holders, and three-fifths the stockholders. I think it is also the intention of the Bill that the policy-holders shall have a right to attend the annual meeting and take part in the business of that meeting and vote upon the motion to adopt the report submitted, and generally take part in all the proceedings. If that is the case, I fear that very serious complications may arise. There are cranks in all organizations, and policy-holders may, if they choose, and if they are put up to it by some that are disposed to take exception to what the board proposes to do, be able to get a sufficient number of proxies along with those held by the policy-holders attending the meeting personally, to upset the whole proceedings as recommended by the board, to recast the report, to reduce perhaps the interest allowed to stock-holders and generally to deal with the matters that are included in the annual report.

Take, for instance, a company with a million dollars stock subscribed and paid up. That would be ten thousand shares of $100 each. Then suppose that company has fifteen or twenty thousand policies upon which a sufficient sum has been paid to enable the policy-holder either to appear personally at the annual meeting or to give a proxy to some policy-holder to appear for him, you can easily see how such a volume of policy-holders could be secured by personal attendance or by proxy as would completely swamp the stockholders and subvert any proceeding or matter submitted to the annual meeting. Is that the object of the Bill? I cannot think that it is, but from my simple reading of its provisions, that condition might possibly be brought about. Those who were present and took part in the investigation that was held by a committee of this House, with regard to the New York Mutual Reserve Life Company will remember that the destruction of that company was brought about by securing proxies. Mr. Burnham, the president, held some 40,000 proxies, by which he was able to elect whoever he chose as directors of that company, and he elected, no doubt, those who were in sympathy with himself, and they elected him as president of the company. Mr. Eldridge, his co-partner in that institution, was also the holder of proxies, and he was hand in glove with Mr. Burnham. The company was ruined by that simple fact of allowing proxies to be handled by those who were interested to their own personal advantage. Now, we should guard against such a vicious principle. If policy-holders are permitted to take part in the annual meeting and to vote for the adoption of the report, I certainly think they should be required to do so personally, and not by proxy; proxies should not be permitted, because it opens the way for schemers who are prepared to precipitate the destruction of a company to take advantage, if they are so disposed, and are willing to do the

work necessary to enable them to do so. That is a provision of the Bill that I hope full consideration will be given to when it comes before the committee, and that some necessary amendments will be made. I do not know whether I am correct in my opinion that such a condition might arise under the Bill as it stands, but I am under the impression that it could. If that is the case, this provision should certainly be amended.

With regard to fire insurance, I listened with great interest to the remarks made by the hon. gentleman from Toronto last evening. He made a very strong and pointed argument on behalf of large manufacturing institutions in this country, which, of course, are quite anxious, and justly so, to secure the very best insurance they can get, and at the lowest possible price. I sympathize with that view to some extent; but if we have insurance companies doing business under license in Canada which are prepared to give those institutions the security and the insurance they require, and if they have the financial strength that would justify those seeking insurance to put their confidence and their risk in their hands, our Canadian companies should get the business. They live in our country, and pay rent, perhaps, or they pay taxes. They are citizens here, and we should see that they get a fair chance of living as against foreign competition. The other insurance companies outside do not contribute anything to the revenue of the country or to the revenue of the town, or city or anything else. It would certainly be a hardship if our manufacturing institutions could not get the class and character of insurance they want, that would be at the same time reliable, and that such companies should be, beyond all question, financially strong. If manufacturers cannot obtain such insurance in Canada, they should not be crippled by being prevented from going outside. We should, however, give our home companies the first opportunity of transacting the business if they are in a position to do it. Let us, when we get the Bill before the committee, give the matter our best and most serious consideration, and if it is to become law, let us try and have as perfect a Bill as the business men of this Senate and the other Chamber can place upon the statute books of the country. It is very desirable because it affects two of the most vital interests, life and fire insurance. They are exceedingly important. The whole country is interested, and therefore we should see that our legislation is based on sound principles of justice.

Hon. Mr. ROSS (Middlesex)—I concur in the view expressed by the hon. gentleman from Montreal with regard to the propriety of the Senate devoting considerable attention to this question before the Bill is referred to the committee. The expression of opinion from members of the Senate may be useful in guiding the deliberations of the committee, and although as a member of that committee I might properly keep silent, because I will hear what is to be said on both sides of the question later, yet I think it proper at the present time to offer a few observations. In the first place, I think we are indebted to the superintendent of insurance and to the member of the government who had this Bill in charge, for the evident care and solicitude exercised by them in ascertaining what were the views of the insurance companies, insurance experts and the public generally, as to legislation such as is now proposed, and I think it is very desirable, when we have settled the provisions of the Bill in this House that the understanding should be, as in the case of the Banking Act, that for some years the law should remain without further amendments, and the care and attention which has been given to this Bill is to some extent a guarantee that once it is settled, it will be settled for some considerable time at least. I do not know myself that the occasion for such legislation was very urgent, yet I suppose it is well that we should consolidate or codify the legislation on such an important question. The Bill naturally arose out of the investigations of the commission which was held a few years ago, said commission having been granted in response to a general feeling of insecurity and unrest in Canada in regard to insurance matters. That insecurity was largely owing to disclosures before what was known as the Armstrong Commission in New York. It is very gratifying

to the people of Canada to know that there were no disclosures before the commission issued in this country which to any perceptible extent discredited the insurance companies of Canada. A few irregularities, of course, occurred, as I think would have been disclosed in any inquisitorial investigation in regard to any corporation or number of corporations, had an investigation similar to that been held with regard to them. I am not reflecting on other corporations when I say that. I doubt if there are any corporations in Canada or series of corporations that would have gone through a better test than the insurance companies went through during the course of that prolonged investigation. Another gratifying circumstance in connection with our insurance companies is, that when the record was found to be on the whole very good, their financial standing has never been called in question. Although, as I stated in the House some days ago, since confederation 22 banks failed, not one insurance company has failed, and that shows that the directorate of those insurance companies as well as the legislation by which they are hedged and surrounded have contributed to their security and their financial status.

One objection which, in general terms, I may take to this Bill is its paternal character. We may meddle too much with corporations, as we may meddle too much with the liberty of individuals. In England, there is far less legislation with regard to companies and particularly with regard to their investments. The companies are held responsible for their investments. The investments they are authorized to make are not particularized as they are in this Bill. The same way with regard to the limitation of directors, and reports to be made annually and semi-annually, and a number of details. It ought to be assumed, and the history of insurance companies would justify the assumption, that the directors of an insurance company are worthy of considerable trust. They have shown themselves worthy of that trust in days gone by, and I would deprecate what would appear to be unnecessary interference or restriction in the way of legislation which might hamper their operations and probably interfere with their success. The insurance companies of Canada carry liabilities to the amount of seven hundred million dollars. For these liabilities the directorate is responsible. Our banks carry very large liabilities, about same amounts in deposits, with investments on capital account of about ninety odd millions, and yet banks are not hampered by as many restrictions as are the insurance companies. Banks are entrusted with greater liberty, and, as the records show, banks have not been more successful in their administration than the insurance companies have been. I mention these facts to indicate that while I favour legislation with regard to insurance companies I should like that legislation to be made reasonable, and not too exacting. Boards of directors are men of standing, and the presidents of our insurance companies, as a whole, rank about as high as the presidents of our banks. The managers of insurance companies are men of well tried capacity and ability, and a little confidence should be placed in the judgment, discretion, honour and standing of those officers. Another objection I have to that Bill is its mixed character. I was hoping that in the various amendments to the Bill, before it reached the Senate, there would be a subdivision of responsibility. Now this Bill is a curious combination of responsibility and trust. It not only deals with life insurance companies, but it deals with all sorts of companies, with fire insurance, guarantee, accident, plate glass, steam boiler, inland transportation, insurance, sickness, sprinkler leakage insurance, bond insurance, automobile insurance, and industrial insurance. In our legislation it is well to differentiate as far as possible between subjects that are cognate and those that are not. I would very much favour, if the committee of the Senate would so agree, and it could be easily carried out, that this Bill instead of being one should be two, or so divided into parts that each part would be distinct in itself. I would divide the Bill into two classes of insurance, those that deal with life, and those that deal with property. In life insurance I would include accident policies, and with fire insurance I would classify in a general way all other kinds of insurance mentioned in this Bill. Now why do I make such a

suggestion? Because it would simplify very much comprehension of the measure. Life insurance has its own field, entirely distinct from fire and property insurance. In this Bill, there are provisions for reports which life insurance companies must make, and a different kind of reports for fire insurance companies. In running through the Bill, you find in almost every alternate clause matters pertaining to life mixed with matters pertaining to fire. In the matter of life insurance, it is most important that the agents should be informed as to the provisions in this Act. If this were an Act distinct in itself, agents could be supplied with a simple copy of the law pertaining to life insurance alone. In the interpretation of the law, there would be greater simplicity, fewer interpretation clauses, and there would not be that mixing and confusion necessarily arising from the cause I have indicated. That is a suggestion for the Committee on Banking and Commerce, the adoption of which, I think, would not involve a great deal of trouble. It would greatly simplify the Bill, and would be of great value to companies both life and fire, and valuable also to agents of those companies as enabling them to better understand what the law is, and in presenting the law to those with whom they may try to negotiate business. Nobody can be an efficient agent who has not a full knowledge of the law affecting insurance. These agents are laymen, and we should simplify the law so that they would understand it almost as well as a lawyer. We have a law dealing entirely with railways, a law dealing with public health, a law dealing with customs. We have municipal laws in Ontario, laws relating to boards of health, &c. These statutes are in themselves complete, as a rule, just as the Criminal Code is complete in itself, and every layman and lawyer will appreciate the great value to Canada of a criminal code such as we have to-day. Our insurance law is as important as the Criminal Code. We are dealing with an immense amount of property. It would not involve very material expense to greatly simplify the law, and it is a matter to which we might properly call the attention of the committee. That is my first suggestion. I would call attention to two or three peculiarities of the Bill which are worthy of consideration. In the first place, take clause 32, which deals with returns from Canada and foreign companies. A Canadian company has to make a return to the government of any foreign state in which it does business, and unless the representatives of that state are permitted to examine the books of the Canadian company not only as to business done in that state, but as to all its business, a Canadian company is liable to forfeit its license. We should exact a similar condition in dealing with foreign companies doing business in Canada. They are only required to report in detail as to the business they do in Canada. Their other business may be of such an unsafe and shakey character as to discredit their whole financial standing. Whatever duty or obligation is imposed by a foreign country on Canadian companies should be similarly imposed on foreign companies doing business in Canada. Our companies should not be placed at any disadvantage. Many Canadian companies are reaching out to the United States, Great Britain, and countries beyond the sea; why place our companies at a disadvantage in competing with British or foreign companies doing business in Canada? As one of the paternal obligations imposed on our companies, they are required to make annual returns of the business done, and semi-annual returns with regard to all their investments. Now that is quite unnecessary. An annual return, coupled with an annual inspection by the superintendent of insurance, ought to be sufficient. Why do I make this objection? For this reason. That it involves an immense amount of labour and expense on the part of the company. One of the objects of this Bill is to reduce the cost of insurance so that the profits of the participating policy-holders and of the company may be enhanced. Every obligation imposed on a company that is not necessary—and I think this is one that is not necessary—increases the expense, and consequently decreases the profits in which the shareholders participate. I know a case where an insurance company required three or four clerks to be almost fully occupied for five or six weeks in preparing a return somewhat similar to that involved in this Bill. This is an expense which, if necessary, should be

assumed and if unnecessary should be abolished. Another objection is that in the case of rebates while the agents and directors of the life insurance companies are penalized for rebates which they may grant, there is no penalty imposed on agents of the fire insurance companies for rebating. This restriction with regard to rebates is on the principle already indicated, that is, to reduce the expenses of the company and avoid unreasonable and unjustifiable competition between companies. I think it is fair in the case of life insurance companies to penalize rebating, and a similar course should be pursued with regard to fire insurance companies. Then I come to a very perplexing question, the quinquennial distribution of profits. Participating policy-holders now receive such proportion of the profits as may be arranged in the contract. Here it is proposed that the profits shall be distributed to the policy-holders quinquennially. The reason I suppose for that provision is that, in the United States, when there was no quinquennial distribution of profits they accumulated, and then there was a large sum in the hands of the directors with which they speculated, and in some cases they lost, to the great injury of the company. The quinquennial distribution of profits is supposed to get over that difficulty. But a new difficulty is created; you have companies that issue participating policies, and companies that do not. The difficulty here is how to distribute the expenses of a company of one class, say with the expenses of one that issues policies to which no profits are attached. What system of bookkeeping can be devised by which this may be fairly and honestly done, is something I cannot understand. Perhaps we will have more light on it in committee. Then we have deferred profits. This is not such a difficult problem as the other; but in the case of deferred profits a company is supposed to be liable for those profits at the option of the policy-holder, and here a difficulty arises. A company has a surplus. That surplus is disposed of quinquennially. At the end of the first quinquennial period, a company may have done a large amount of business and have a considerable surplus. That surplus becomes a liability. But during the following quinquennial term, suppose there is a loss, what is the company to do? In regard to the quinquennial distribution of the surplus, you find the company in this position; whereas in one period it may have a surplus and have to distribute the money, it is not able to keep a margin to protect the company against a quinquennial period in which there may be no surplus. In large banks and other companies, where profits are distributed, the practice is not to distribute all the surplus, but to carry something over for profit and loss account, so that they can make up for a lean year by drawing something from the surplus of a prosperous year. If some such provision could be made in our Insurance Bill, I think it would be only just to the directors and the policy-holders, These are two or three points which occurred to me in looking over the Bill up to clause 98 to which my friend from Wellington has referred so pointedly, that is the clauses which provide for the election of policy-holders to the board. I have very strong objections to that provision of the Bill. In the first place, I do not think it is demanded by anybody. It is a sop to Cerberus, if there be a Cerberus. It is a surrender to what is supposed to be a demand on the part of the policy-holders that they may be represented on the board. The hon. member from Hastings (Hon. Sir Mackenzie Bowell), struck the nail very pointedly on the head, as he usually does, when he referred to this matter yesterday. There is no adverse interest between the policy-holder and the shareholder. If the shareholder makes ten dollars for himself he makes ninety dollars for the policy-holder. That is, if there is any profit he shares to that extent. If the shareholder has any profits to distribute, he can only take ten per cent and give ninety per cent to the policy-holder. Whether the policy-holder is provided for in the Bill or not, he is absolutely protected by that mode of distribution, and it is not necessary that he should be represented on the board for the purpose of protection. It has been said that if he is not on the board there may be increases of salaries, bad investments, &c.; but the shareholder, who is primarily interested, will see, and is perhaps most interested in seeing that there

shall be no undue increase of salaries, and that the expenses shall not be run up to such a point that he cannot have a dividend. The policy-holder is safe in any case; his interests are protected. If the company fails, the shareholder loses all his investment; but, as the law now stands, the policy-holder is fully protected. The shareholder has to run his risk. There is no necessity for representation of the policy-holders on the board. Their interests are guarded by the reserve under the law, and by the fact that they stand on the same plane as the shareholder in the distribution of profits. The shareholder who has put his money into the business is more interested in the success of the company than the policy-holder who has no investment. This is my general objection to the proposition. My second objection is that it is forcing on the companies that for which the policy-holders of the company might not apply themselves. I would have no objection to a provision in the law whereby on the petition of a certain percentage of the policy-holders, say 25 per cent of those holding $2,000 or upwards, the board of directors should be required to pass a by-law giving them certain representation. That is if the policy-holders of any company felt uneasy as to the status of the company and thought there was mismanagement, or that their securities were not adequate, they could petition the directorate and require the directorate to give them certain representation. Two-fifths is too high; twenty per cent would be better than the proposition in the Bill, but if there is no demand for it, why provide a course of procedure for a company in regard to which every policy-holder appears to be satisfied—a course of procedure which may upset to a certain extent the whole policy of the company and perhaps interfere with its usefulness? I am not saying that a policy-holder might not be as well qualified to sit on the board as a shareholder; but you are introducing a new principle, and you are doing that, not at the request of the company or the shareholders, for I know of no company that wants it, or a policy-holder who has asked it. You are thus forcing on perhaps an unwilling constituency legislation for which there is no demand. The policy of parliament is on petition to remove a grievance. You are assuming there is a grievance or inadequate representation. Notwithstanding the successful management of our companies, and the fact that companies pay dividends and policy-holders are secured by law—you are forcing on them a condition of things for which there is no demand. Any company can place a representative of the policy-holders on its board if it chooses, and I know of cases where it is done. Give them some liberty; do not force legislation on them which may not be agreeable to them, and which may be distasteful to them. But if you think it is absolutely necessary to protect the policy-holders in that way, let the party who is to be protected make the first move himself and say 'I know that my interests in such and such a company are not secure,' and I am asking my fellow policy-holders to the extent of twenty-five per cent to join with me and get representation.' That is one way of meeting the difficulty. Another way would be to require that the shareholders should, of their own motion, appoint a certain proportion of the directors without election by the policy-holders. That would be a simple and inexpensive system. If you are to elect policy-holders by vote, you have to go to the expense of sending out proxies, which would be a considerable expense, for some companies have shareholders in every part of the world, and you would have to send for proxies to all the ends of the earth. This would involve delay and considerable expense; but if the shareholders elect say nine members to the board—taking that as a basis, they might in addition to the nine members of their own class, elect also three policy-holders. They would decide which policy-holders would be best qualified to sit on the board, and you would get a better board in that way probably than by a proxy election of policy-holders. Again, election by proxies would enable agents to form a combination which might not be in the interests of the company. Discontented agents might say 'we will get control of these proxies and elect A. to the board. He will be a thorn in the flesh and general handyman at the board to see that things go wrong.' You may in that way introduce

an element of contention which will be injurious to the work of the insurance companies, without doing any good. That is my general objection to that clause regarding policy-holders acting as directors, but there is another objection which I wish to raise, and that is, there is a restriction on the officers of the board who may be directors. The clause says that the manager may be a director, but that no agent or paid officer of the company may be a director. Now, who is wiser and more capable to judge as to how a board should be directed than men who have their money invested in it and manage the business? Are they better qualified, or is this hon. House which is sitting in judgment on a mode of procedure with which no substantial fault has ever been found? I would leave it to the board to say whether a doctor, for instance, who is under a salary as medical officer should be on the board or not. I know a company in which the doctor, who is a very large shareholder and also a director, whose assistance, I confess and acknowledge, is invaluable to that company. You say you could get his assistance outside the board. Why place him under a ban? He has his money invested in the stock of the company, and as a medical adviser his position is doubly important, first to guard his own investments, second to guard the applicants or the standing of the applicants who may submit themselves for the acceptance of the board. You disqualify him from that position for no reason. No evidence has been submitted to show that such an officer has been derelict in his duty. I cannot understand why you disqualify a doctor and would not disqualify a manager. Has he any more interest in the success of the board? He may not hold a dollar's worth of stock in the company. Has he any more interest in its success than the doctor or lawyer or some other paid officer? If you are going to disqualify one, disqualify all. Why tie up companies in matters which are purely of detail—as to which, of course, they are quite as able, or probably better able to judge than those of us who have no experience in these institutions? The next point to which I want to refer is to the restrictions upon investments. I can quite understand that it is wise that companies who hold such large amounts in trust for widows and orphans as is usually carried, should not be allowed too great liberty in their investment. As I said at the outset, directors of British companies are under no restriction whatever. There is no evidence that British companies are better managed than Canadian. I think the rates are higher, but the security of the policy-holder is no better in Great Britain than in Canada. Should there be too many restrictions upon investments? Companies may invest in Dominion securities, consols, municipal securities, and municipal debentures. They are also permitted other investments, such as the preferred and common stocks of joint stock companies in which you may have your money, but it must be shown that such a company has not been in default of interest and dividends in three years in one case and seven years in another case. There you impose upon a company a most difficult duty, if a good investment is offered. You have placed yourself in communication with the officers of the company where debentures or stock are offered as an investment, and you have to ascertain whether that stock has paid a dividend each year for three years in one case or seven years in the other case, and are not quite sure whether your investigations are conclusive or not. If by any mistake you have made default in your investigations, and made an investment which was contrary to law, the directors would be liable for the consequences. I think that restriction is one which may be sometimes irritating, and may lead to results which might not be at all satisfactory. In my judgment, it would almost entirely close out that class of investment, and interfere with such rates of interest as an insurance company must make if it is going to keep faith with its policy-holders. Another restriction placed upon the company is in regard to underwriting. Underwriting is usually speculative, but not necessarily so. Banks are allowed to underwrite, I think. Whether they are allowed to do it or not, I know that it is done, and I know a case where a large industry was floated by the underwritings of banks and insurance companies, that is a large and prosperous industry in Ontario to-day. Why should

insurance companies be prohibited from making reasonable and just profits from underwriting an industry, which in their judgment, and in the judgment of capable financial men, is considered a proper industrial enterprise. Insurance companies have contributed more to the financial development of this country than appears at first sight. A large amount of money that is going into the Northwest to-day comes from insurance companies. They collect from all classes of subscribers the premiums which are paid into them on their insurance policies, and these they solidify and lend out, sometimes on mortgage, generally on mortgage or municipal debentures, and in this way they keep floating and moving in the country the money which they collect. By this system they are contributors to the industry of Canada. Fifteen or sixteen million a year passes from the treasury of our insurance companies, all or nearly all, to be invested. It is a constant shower of gold. Some years they will have three or four or five hundred thousand dollars to be invested, sometimes sixty or seventy thousand dollars a month to be invested, and many industries are helped by the liberality of the company and the wisdom and care of the company in regard to its investments. Why tie them up? If some industrial enterprise is offered to them, they should be allowed to take such reasonable risks as a bank takes in such investments, and they should not be restricted too closely. Now I come to the question discussed by the hon. gentleman from Wellington (Mr. McMullen) the fire insurance. I agree with his view, firstly, that the Canadian companies should have the preference if that is possible. I say if it is possible, for I am not perfectly clear on this question myself, and I want to hear what can be said on both sides. This much, however, seems to be clear: I have a list of about eighty companies licensed to do business in Canada. These companies have deposited $13,922,986 with the Dominion government to do business in Canada.

Hon. Sir RICHARD SCOTT—Not dollars—securities. They take from their own vaults certain securities and deposit them with the government and they draw interest on the securities.

Hon. Mr. ROSS—But they pay for the securities before they got them.

Hon. Sir RICHARD SCOTT—Yes, of course, they had to do that.

Hon. Mr. ROSS—Depositing the securities is another form of doing it instead of depositing the money itself. They could deposit the money instead of the securities they acquire, but they put them in in lieu of the money, and the securities are as good as gold.

Hon. Sir RICHARD SCOTT—Yes.

Hon. Mr. ROSS—And they get three per cent for them, which is a very small rate of interest.

Hon. Sir RICHARD SCOTT—No, they draw the interest on the investment. The character of the investment does not change, the only difference is that it is in the government vaults instead of in the companies' vaults.

Hon. Mr. ROSS—They are in the vaults of the government, and draw such interest as they bear, but if the companies were not required to deposit them, they could take the money which the securities represent and invest it at a higher rate of interest.

Hon. Sir RICHARD SCOTT—No, these are their ordinary investments.

Hon. Mr. ROSS—The hon. gentleman does not understand me. I know the process, because I have gone through it. We are required to deposit certain securities with the government, and they will only accept certain securities. We have to invest our money in these securities in order to have the only deposit the government will take.

Hon. Sir RICHARD SCOTT—The government will take anything which the company are authorized to invest in. It does not make the slightest difference.

Hon. Mr. ROSS—The government would not take real estate securities. They will take government or provincial debentures, or debentures guaranteed by the state. If these securities had not to be put up, the money which the securities represent could be invested at a high rate of interest, and,

therefore, bring larger profits to the insurance companies.

Hon. Sir RICHARD SCOTT—They do not lose one penny by it, because they can substitute one security for another at any time.

Hon. Mr. ROSS—The law requires that they shall put up a security. If they want to invest in mortgages on real estate, could they deposit with the government those mortgages on real estate?

Hon. Sir RICHARD SCOTT—Yes, if you like.

Hon. Mr. ROSS—Could we put up the stock of a bank?

Hon. Sir RICHARD SCOTT—Any stock authorized to be taken by the law as portion of their assets.

Hon. Mr. ROSS—Then supposing the hon. gentleman is right, it must be quite clear that the restriction we are placing on those securities, whether we make them for the purposes of the company or for the purposes of deposit with the government, may prevent an insurance company from realizing as high a rate of interest as they could otherwise realize. I am not opposed to some restriction in the matter of investment, but I am opposed to such restriction as would hamper unnecessarily the financial operations of a company. Coming back to where I was, I state that securities—and I will allow the right hon. gentleman the use of the term—that are deposited with the Dominion government amount to $13,922,980. That money is there in payment of the deposits required under the Act of parliament, and on the payment of that money these companies are allowed or licensed to do business in Canada. Some of them have put up as high as a million and over. The Liverpool, London and Globe deposited over a million; the North British and Mercantile has also deposited a large sum, and other companies have deposited sums varying from $60,000 upwards, There are a number of companies which do not put up any security, which are not licensed, and they do business in Canada to a large extent. My difficulty is this: here are companies, some eighty of them, who are able to do a large amount of insurance. I do not know what the tariff is as compared with the tariff of other companies, but they have complied with the law. The other companies have no interest in Canada, except what they can get outside the law. Is there another way—and here is my difficulty—of doing justice to large Canadian companies which are licensed and have put up their deposit, without doing an injustice to large property holders and owners of large industrial concerns which must have a larger insurance than the Canadian companies which are licensed could take. That is my difficulty. The Bill proposes to get over it in one way. I am sorry to say I cannot offer any solution, but I mention it in order that other members of the House who may have their difficulties may consider whether the remedy proposed is the best way. It would never do to say to the industrial concerns 'You must take such rates as the Canadian companies propose,' for they might then form a combination.

Hon. Sir RICHARD SCOTT—They have one now.

Hon. Mr. ROSS—And they might exact an exorbitant rate. That would never do. There is a law now against combinations in restraint of trade. Could we so provide that they should have the refusal of all the business they could take—that is that they should be allowed to take all they could handle, and then provide some legislation whereby a combination would be prevented; so that they could not force up the rates of insurance to industrial concerns? If that could be done, it would be another way out of the difficulty. I admit, as I said before it is a difficult problem. The industries of this country must be protected. In point of tariff they are liberally protected. The insurance companies are protected also in some ways, and yet you go to an insurance company, and you are not satisfied with its rates, or you go to a group of them and are not satisfied with the rates, and then you go to another country where you get a better rate. That is not quite in harmony with the general policy of the country in matters of trade, and yet it seems to be, as far as we have gone at present, the only solution of the difficulty. On this question, I suppose, hon.

gentlemen like myself will have an open mind. The problems are very large and very vital, and as I said before, I hope that whatever conclusion is reached will be one by which we will stand for many years, that the committee will give it the consideration which it usually does to matters which come before us, and will with the same patience that was exercised by the committee in the House of Commons, hear what is to be said, and having heard it, give such decisions as will inure to the continued prosperity of our companies, both fire and life, and at the same time protect the financial concerns which are doing a great deal for the country and that are endeavouring in every particular to comply with the obligations imposed upon them by the Insurance Department.

Hon. Sir RICHARD SCOTT—I interrupted my hon. friend from Middlesex to correct what I thought was rather a misunderstanding on his part in reference to one or two points. Perhaps it would be easier if I just say a word or two on the Bill generally before I come to the point to which I shall advert. The raison d'etre of this Bill being before us is due, as my hon. friend stated, to frauds that were practised in the United States, some five or six years ago. We had some evidence of it in this Chamber a few years ago, in connection with the inquiry into the Mutual Reserve Company. The large insurance companies of the United States were found to be, not only attaching excessive salaries to particular officers, from fifty thousand to one hundred thousand and upwards, but it was also found that they were contributing to the political fund. That inquiry illicited the fact that very serious frauds had been committed. The feeling in Canada became one of unrest in consequence, and as a fact, strange to say, that although the insurance up to 1905 had been increasing by leaps and bounds, in that year it dropped, or rather the insurance was less by about a million and a half than it had been in the preceding year. I have the figures under my hand to show it. This refers to life insurance. In the year 1904, premiums were paid to the amount of $15,640,000. In the next year it was $18,000,000, an increase of three millions. The following year it only increased between four and five hundred thousand, showing a drop of two and a half millions as compared with the previous year. People in Canada became alarmed at the disclosures in the United States, so it was proposed that we should have a commission. Hon. gentlemen who have followed the proceedings of that commission, know very well that one of the guiding spirits in it was the party who had attended the inquiry in the state of New York, and he came here with his mind surcharged with all the evil that could be suspected in Canadian companies, such as had existed in the United States companies. The result of the inquiry was, as stated by my hon. friend, no improprieties of any consequence had been discovered, far less than in other companies which had been organized and incorporated for various purposes. The business of insurance in Canada had been specially fortunate, and especially well managed, and the fact that the insurance companies had from the year 1879 to 1908 paid to the policy-holders in premiums over one hundred million dollars, shows that there must have been an extreme degree of prosperity in the management of life insurance. They had found the field in Canada too small, and they spread themselves into all parts of the world, becoming a very beneficial advertisement for Canada. The Canadian Life has established agencies in the principal states of the union, in Great Britain, Newfoundland, Bahama and other countries. The Confederation Life established agencies in Ireland, Great Britain, Mexico, Trinidad and other countries. The Imperial Life has gone abroad for its investments, and has taken risks in other countries. The Manufacturers Life Insurance Company has established offices in Great Britain, Ireland, Egypt, South Africa, India, Ceylon, Siam, Burmah, Straits Settlement, Hong Kong, Philippine Isles, Japan, Jamaica, West Indian Islands, and a number of places. The North American Life is in a large number of outside countries also. The Sun Life does business in Great Britain, Newfoundland, Bermuda, West India Islands, Ceylon, Straits Settlements, through the United States, Belgium, Chili, Mexico, Central America, and a number of other countries. There

is the best evidence that the companies in Canada must have been successful. During the time they were establishing offices in outside countries, several English companies had gone to the wall. As my hon. friend stated, there were very few if any losses sustained by Canadian companies. An honoured member of the Senate, who is now no more, the late James Skead, after he came into this Chamber admitted to me that life policies which he had been keeping up for considerably over a quarter of a century and on which he expected twenty-five to thirty thousand dollars, were then valueless because of the company becoming insolvent. But the record of Canadian companies as a whole, had been far in advance of the record of companies not only in the British Isles but also in the United States. No sort of fraud has ever been charged against them, and therefore there was no substantial reason for the introduction of this Bill. Nobody had asked for it. The commission reported a number of stringent provisions that they thought ought to be introduced, and hon. gentlemen who have given attention to this subject will remember when the first Bill was introduced in 1906 or 1907, that it was met with a spirit of opposition, I may say not only by the insurance companies but by the people generally. The management of these companies was practically taken out of their hands. Everything they might do was to be defined in an Act of parliament. Liberty of action was practically withdrawn from them, and, consequently, the Bill made no progress whatever in the House of Commons. The Bill was introduced the following session considerably amplified and liberalized, and although even then many changes were made, it got through at the very end of the session and came up here. The principal point in regard to the mode in which this Bill affects the insurance companies is in regard to investment. I never heard that there was any serious charge made of mismanagement by the companies of the powers they exercised under the Act. The Act I hold in my hand is one under which the insurance companies have been governed for many years. Very few amendments have been made to it in recent years, and no complaints have been made. I will take one instance. In purchasing stock, whether guaranteed or common stock, they were allowed to purchase it if the company had paid the dividend during the preceding two years. In the present Bill the time is extended. They must have been paying dividends for five years. If a company's stock pays dividends for five years, it would probably be up so much above par that it could hardly be made a profitable investment. The history of companies in Canada is one of continued prosperity. I have drawn attention to the fact that since the year 1878 over one hundred millions have been paid to policy-holders. Nearly all the policies in Canada are issued on what is called the participating plan, in which the profits made by the company are distributed, as a rule, quinquennially.

I have never heard any objection to the period of five years. If I am correctly advised, the companies have made this division. They were not bound to divide all the profits. They could create a reserve if it were thought prudent to do so. I agree with my hon. friend that we have unnecessarily restricted the investments of the company, because it has not been shown that a wrong has been done in the last fifty years or that any very serious mistakes have been made. The Canada Life was established about sixty-two years ago, I think, and at that time the rates of interest were very high. Companies could get eight, nine, ten and even twelve per cent interest on their money, and would be furnished with substantial security. So that they were able to accumulate a very considerable sum which the policy-holders naturally got the benefit of. As time went on, no severe criticism which I have ever heard was made with reference to the management of the companies, and the whole raison d'etre of the Bill is, as I said before, the disclosures made in the State of New York. In that state very stringent regulations were at once adopted, crippling the companies practically, and yet two years afterwards the legislature authorized an investigation to be commenced at once for the purpose of relieving the companies of the restrictions which, in times of excitement, they had imposed upon them. It became practically impossible to successfully administer a

company's business, if the restrictions that were originally recommended by the commission in the State of New York were to be enforced. My hon. friend referred to the clause prohibiting the companies doing business in other countries insuring in Canada. The law as it always stood prevented those companies doing business here. The law is positive in that respect. I hold in my hand the Act respecting insurance, which has been the law for a great many years, and one of the clauses is that no outside company shall be permitted to come into Canada to do business, unless they hold a license. A great deal has been said that on account of the Canadian companies paying taxes and having investments in Canada, they ought to be so far protected that all companies other than provincial or British companies should be excluded unless they chose to take out a license and pay the required amount.

Now, so far as the amounts are concerned, I have stated that all companies, it is quite apparent, must have a very large number of securities—securities defined in the Act, debentures, provincial bonds, securities of one kind or another authorized. The security they give the government comprises securities the companies acquire in the management of the business and which they deposit in the vault of the Receiver General, drawing the interest on the securities themselves. I am merely pointing that out because it has been magnified that the companies that have licenses are contributing so much to the prosperity of the country by investing large sums, and they are entitled to extra consideration. In addition to that, they contribute to what are called the expenses of the Insurance Department. I find that twenty-one Canadian companies are assessed for the sum of $1,750 towards the running expenses of that branch of the Finance Department. That would be an average of eighty-four dollars a year for each company. It was proposed that this fifteen cents on the hundred dollars to be imposed on foreign companies doing business in Canada was to be equivalent to the tax imposed on the local companies, but you can quite see, when the average paid by the Canadian companies is eighty-four dollars, that the 15 cent rate is a small sum.

Hon. Mr. CLORAN—Would not that depend on the amount of insurance done?

Hon. Sir RICHARD SCOTT—I have a letter from Mr. Fitzgerald which I will read:

Ottawa, November 24, 1909.

Hon. Sir Richard Scott,
Ottawa.

Dear Sir Richard Scott,—Replying to your inquiry I have the honour to say that the fire insurance companies contributed the sum of $7,662.42 towards the expenses of this office for the year ending March 31, 1908, of which amount the Canadian fire companies contributed the sum of $1,750.47.

Faithfully yours,
W. FITZGERALD,
Superintendent of Insurance.

Hon. Mr. CLORAN—The insurance could not have been much.

Hon. Sir RICHARD SCOTT—The point I wanted to make was this, that the tax of fifteen cents on the hundred dollars imposed on people insuring in outside companies, was intended to be equal to the assesment on Canadian companies that are paying their proportion of the expenses of the Insurance Department. I should like to see all the insurance in Canada taken by Canadian companies; but any man who has had large experience must know that there are times and circumstances under which it is impossible to effect insurance in Canada. Nearly ninety per cent of all the insurance effected in Canada is given to companies that hold licenses. A party who finds that he is unable to obtain a policy from a Canadian company on anything like a fair and reasonable basis is forced to go outside. I know of one instance of that kind that occurred when I was president of a company. There was water in the building and it was on the shore of Lake Erie, yet we could not effect an insurance with a Canadian company for less than seven per cent. We were obliged to go outside. The banks would not discount our paper if we did not insure. We applied to a syndicate outside of Canada. The probability is if the insurance was effected in New York, some of it was not worth much, and if a fire had occurred we would have lost heavily. No man in Canada will go outside for insurance if he can obtain a reasonable

policy in the Dominion; but where companies have a fixed understanding s to rates, they are just as much underwriters as Llovd's, practically. They have the same rate all round and you cannot move them. That is undoubted. It is not a combination in this sense, that each company is working for itself. Each company is, of course, receiving the profits of its own business. But what I do say is this, and I have not heard it contradicted, that the rate on the buildings in the various cities and towns of Canada is practically fixed by a combination. Where I have myself had occasion to find fault with insurance companies is that in risks outside of towns and cities, where they have no agent and where, probably, there are no fire companies, they prefer not taking a risk. What are you to do in a case of that kind? Surely one ought to be at liberty to go outside. No one will go outside of Canadian companies if it is possible to secure insurance within the country. We all know there is greater security in Canada, and in case of accident we can get fairer consideration; but there are times and circumstances in which it is practically impossible to secure at reasonable rates insurance in Canada. There are other points which I should like to have discussed, but probably it is better they should come up before the committee. I will just say a word with reference to representation on the board. I quite recognize that the policy-holders ought not to interfere directly with the company.

Hon. Mr. ROSS (Middlesex)—Hear, hear.

Hon. Sir RICHARD SCOTT—At the same time, I think it is in the interests of all parties that there should be representation of the policy-holders on the board. I do not for a moment say that a policy-holder should attend general meetings of shareholders and discuss the policy of the company, because I quite see that a large number of policy-holders might combine and defeat what otherwise would be a sound principle that the directors may have adopted, and, therefore, I would not give them that latitude; but so far as representation on the board is concerned, I think the policy-holders are entitled to some representation—not however the representation defined in the Bill. My own view is that on a board consisting of five members, one should be a policy-holder, and for a larger board, up to fifteen, there should be two policy-holders. It is a matter of satisfaction to the policy-holders who practically make the company. They are the bone and sinew of the company and they get ninety per cent of the profits. The profits paid in Canada since the year I have mentioned, were over one hundred million, and the amount paid to the shareholders was less than three million dollars, so that you can quite see that the policy-holders have a very deep interest in the companies and their being on the board may increase the protection against any attempt to unduly increase salaries. I think it is quite in the interests of the company itself that the policy-holders should be satisfied. If the policy-holders do not want to be represented, they will not send any one there. It is not absolutely necessary that they should elect a representative. They are not an element that need form part of the board; it is purely permissive and it is limited to persons who hold at least two thousand dollars, while their representative must hold, I think, four thousand dollars. There are a good many points in the Bill which will have to be discussed before the committee. I myself think, with my hon. friend from Middlesex, that the Bill is too restrictive. Unless it could be shown that in the last fifty years improvident investments had been made, the board of directors ought to be allowed a wider latitude. The Bill as it stands requires that securities that the companies now hold and that are not within the provisions of this Bill must be actually sold within a period of five years. That seems an unreasonable and absurd proposition. A company may have held stocks for twenty-five years, stocks paying a reasonable interest, six or seven per cent, and yet because they do not come within the purview of this Bill they are obliged to sell them. Unless it could be shown that those stocks were liable to be confiscated, or the companies

that issued them were likely to fail, the insurance company ought not to be obliged to part with them.

Hon. Mr. ROSS (Middlesex)—Hear, hear.

Hon. Sir RICHARD SCOTT—If they are good paying stocks, why sacrifice them? It seems an unreasonable proposition. However, the Bill is full of details, and there are many clauses which require careful discussion.

Hon. Mr. DERBYSHIRE—Is the right hon. gentleman in favour of making two Bills of this.?

Hon. Sir RICHARD SCOTT—No, I do not see anything in that. As it is now, we have one Bill, and I have yet to learn that any inconvenience has arisen as the law now stands. It does not occupy many pages, and it has been a success. No one can point out where it has been a failure. A few changes have been made in it. The clause to which my hon. friend from Middlesex drew attention has been the law for the last twenty-five years and no one has objected to it. The first objection I have heard was that raised by the hon. gentleman himself. He evidently forgot that it was in the original law. The reason for the introduction of this Bill is that the people of Canada got excited and the insurance that was being effected in Canada dropped about two and a half millions in one year. Parties dropped their policies but they at once, I have no doubt, reinsured, because the figures show that the premiums have been increasing year by year. In 1879 the premiums paid amounted to only $919,000; last year they amounted to twenty-one million dollars. In the last ten years the figures have been increasing steadily.

1901	$11,000,000
1902	12,000,000
1903	13,000,000
1904	15,000,000
1905	18,400,000
1906	18,900,000

That is the year in which the drop took place.

Hon. Mr. McSWEENEY—What was paid to the policy-holders during that time?

Hon. Sir RICHARD SCOTT—The policy-holders were paid in that year seven million dollars.

Hon. Mr. McSWEENEY—What were the premiums that year?

Hon. SIR RICHARD SCOTT—In 1905 they were $18,400,000, and in 1906, $18,900,000. The income was only half a million at the time of this excitement. It did not last long, because the very next year it jumped to twenty millions, and in 1908 it jumped to twenty-one millions. While this Bill was before parliament, the business of the companies was rapidly increasing. The revival took place in a few months. That shows there was no absolute necessity for the legislation. Nobody has asked for it. It was purely the outcome of the commission that sat, and the commission was largely stimulated and guided by the gentlemen who took part in the inquiry into the insurance in the State of New York, where the conditions were altogether different. There was no question whatever of fraud or that millions had been squandered by Canadian companies, placed in improper securities, or given away to political parties. It is idle to talk of conditions in the State of New York being the same as in Canada. In this country the insurance business has never been in serious question. This Bill assumes that the insurance business was not on a sound basis, but the facts are entirely the opposite. The figures show that it has been uniformly successful. Our companies have gone abroad and established offices all over Europe and are capturing the business. There is the best evidence that the management and the principle on which the Canadian law was founded, were sound, progressive, just and reasonable, and that the policy-holders were receiving very large and extraordinary benefits. I do not hesitate to say that you will not find a parallel to it in any part of the world—you will not find anywhere policy-holders receiving in the same period so large a proportion of the profits as Canadian policy-holders have received during the last thirty years. It is because our industries in Canada are conducted on a fair and honest

basis, and, as a rule, pay large dividends which they do not pay in other countries, that Canadian companies are able to compete in Belgium, Austria, France, and England, with outside companies. Of course one would not expect China and Japan to be far advanced yet in insurance matters. The present agitation, therefore, had no honest foundation. There was not the slightest necessity for it. The country would not accept the Bill that was prepared at first based on the disclosures made in the United States and on the proposal to prevent Canada committing a similar error. Canada had never committed such an error, there was no charge of dishonesty. The matter of rebating and minor matters of that sort did not affect the stability of companies or materially affect their large receipts. This rebating was undoubtedly a strong temptation for the agents to increase the insurance, and I presume that Canada, in proportion to its population, would show a larger proportion of persons insured than any other country, not excepting the United States. That is largely due to the enterprise, the assiduity and the good standing of the agents. No doubt they got the lion's share of the first year's premium, but they secured a risk, and the business in Canada has been a success from the beginning. Therefore, in considering this Bill, we ought to be careful not to load companies unduly with conditions that will in any way weaken their ability to carry on their business in as successful a way in the future as they have done in the past.

Hon. Mr. CLORAN—I desire to say a word or two with regard to the main objects of the Bill, which is not only to strengthen the position of business men who administer the affairs of insurance companies, but also to secure for policy-holders as adequate protection as any parliament could give them. I do not know whether I could agree with my hon. friend from Middlesex, that the piling up of millions of money by insurance companies is an unmixed blessing. These millions can come from only one source, from the policy-holders, from the orphan and the widow. It is their money that goes into investments. The right hon. the ex-Secretary of State has told us that last year the amount of premiums received by life insurance companies in this country was twenty-one million dollars. I did not hear him state what part of that large amount went back to widows and orphans. I saw a statement that the insurance companies did a business last year not of twenty-one million dollars but of twenty-eight million dollars, which is a tremendous amount for the small population of this country. I suppose that is apart from the business done by the mutual societies such as the Catholic Mutual Benefit Association, the Foresters and others.

Hon. Mr. McSWEENEY—The hon. gentleman means premiums collected.

Hon. Mr. CLORAN—The official return quoted by the hon. member from Ottawa is twenty one million dollars. The state ment sent to the public by the Insurance Department was that out of the twenty-eight millions, only nine or ten millions went to the policy-holders; that ten millions more went to the salaried officers and seven or eight millions were carried to the reserve. It is very easy to build up a business by keeping other people's money in the treasury. It does not take a very smart business administration to accomplish that. Only forty per cent of the premiums collected last year went to the policy-holders, over 30 per cent to expenses and a large amount was carried into the reserve to be invested by the company. I ask the hon. member from Middlesex is that an unmixed blessing? Is it well to call upon the people of Canada to contribute so large an amount to the insurance companies, out of which they only get forty per cent when misfortune strikes them? This Bill is good so far as it goes, but it should look not only to the interests of the companies but also the interests of the policy-holders and the widows and orphans who need the money when the policy-holders drop out. That should be the main object of the Bill. The insurance companies are strong—too strong. We had an illustration of their strength in New York, where, after taking from the policy-holders millions of dollars, they were able to go into the financial markets and control large concerns, railroads, telegraph

companies and other trusts, so that the accumulation of wealth in the hands of any company is not an unmixed blessing for the community, especially when deserving poor people are deprived of the legitimate profits of that business. I hope there will be men on the Banking and Commerce Committee when this Bill is referred to them, who will try to secure a larger share of the profits of these companies for the policy-holders. I venture to say that companies would not be at a disadvantage if the policy-holders were represented on the board, to prevent extravagance; to see that excessive salaries are not paid to managers, many of whom receive four or five times the amount paid to our Prime Minister, who is doing five times as much work and has ten times greater responsibility. The representation of the policy-holders on the board might be useful to check such extravagance and protect the interests of the poor people who are policy-holders. How to accomplish that is a difficult question. It is impossible to have a vote taken of all the policy-holders who may be scattered over the earth. There is no way of getting at them. The ordinary policy-holder in a company is not much interested in the administration of that company. It is a case of what is everybody's business is nobody's business. To secure a fair and intelligent representation on the board of a company, representation that would have something to say in the management of a company, let the largest policy-holders be selected to serve on the board. Then you would not have to travel all over the world to look for votes? The list of policy-holders would soon disclose the men who hold the largest policies and it would be easy to pick one or more of them to represent the policy-holders on the board. I will not go so far as to say that they should direct all the transactions of the company, but they would be there to see that the profits of the policy-holders are not squandered by extravagance—I will not say by dishonesty—by favouritism or by the payment of excessively high salaries to people who could not get such remuneration otherwise. I would not ask or urge that the policy-holders on the outside who are not in touch with the plans of the directors should have a say in that matter; but they could be there to see that no undue advantage is taken of the policy-holders, who are the backbone of the company. It has been said that the shareholders alone are interested. We know—we have had experience of it here—how policy-holders are victimized by close corporations. Take the case of the Mutual Reserve Life, which was investigated in the Senate some five or six years ago, and which led to the investigation in New York state where it was proved that the president of the company had paid the state inspector forty thousand dollars as a bribe to change his report.

His original report denounced it as a fraudulent one, and we have that evidence here. Thereupon the New York state legislature instituted the Armstrong Commission, and probed to the bottom, not only the Mutual Reserve, but many insurance companies. What was the result? The most rotten, to use the right word, were the companies with the largest capital, composed of men who are a danger to the state, and to the public, by reason of the vast amount of wealth they had at their command. It was stated that they could not have built up their business without good management, A-1 management, but is that an unmixed blessing? No. Therefore, I hope that in considering this Bill, the rights of the public at large will receive more conscientious and more careful consideration than the interest of the institution itself. The institutions will stand. The ex-Secretary of State has shown us that the insurance companies of Canada, as a body of financial concerns, have been healthy and strong—healthy and strong for themselves, but not strong enough for the policy-holders. Let us turn our attention to this point, and we will be rendering a service to the country and the people at large.

Hon. Mr. CASGRAIN—I desire to make an explanation in regard to a statement I made yesterday, to which the hon. gentleman from de Salaberry took exception. I reaffirmed my statement afterwards, and gave an instance, and he said he thought it was not so. I hold in my hand the Consolidated Laws of New York state, 1909,

and I refer to clause 102. The statement that I made was that in the state of New York companies were given the choice of either doing a participating business, or doing a straight life business, but were not allowed to carry on the two systems concurrently. They had to select one or the other.

Hon. Mr. BEIQUE—I do not dispute that.

Hon. Mr. CASGRAIN—I am glad to hear the hon. gentleman say that, but I understood that he did. Section 102 of the Consolidated Laws of New York reads as follows:

Companies issuing participating policies not to do a non-participating business. No domestic mutual life insurance corporation, and no domestic stock life insurance corporation hereafter issuing or professing to issue any participating policies, shall issue any policies, except annuities which do not by their terms give to the holders thereof the full right to participate in the accumulations of said corporation as provided in this chapter. This section shall not apply to paid up or temporary and pure endowment insurance issued or granted in exchange for lapsed or surrendered policies.

Hon. Sir RICHARD SCOTT—I would remind the hon. gentleman from Montreal, referring to the proportion paid to the policy-holders and stockholders, that in the last year I quoted, the policy-holders received $9,747,000 and the stockholders received $285,000.

Hon. Mr. CLORAN—That is interest on their capital, and does not affect the situtation at all.

Hon. Sir RICHARD SCOTT—It shows that the bulk of the money was given to the policy-holders.

Hon. Mr. CLORAN—The bulk of it did not go to them—not half.

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

REVISED EDITION OF DEBATES.

Hon. Mr. LANDRY—Could the Rt. Hon. minister inform us why we are not yet favoured with a copy of the revised edition of our Debates? We have been here ten days, and we have not received a single revise.

Rt. Hon. Sir RICHARD CARTWRIGHT—I must refer my hon. friend to the committee which has the subject in charge.

Hon. Mr. LANDRY—Perhaps there is some member in the House who would favour us with an answer.

Hon. Sir RICHARD SCOTT—Where there has been a delay in the printing of the revised edition, my experience has been that some hon. member has been blocking the way, revising his speech, and delaying the printing of the revised edition. That is the usual cause of delay. The printer cannot print the speeches without the copy. Probably the copy has not been sent to the printer.

Hon. Mr. LANDRY—I am informed that all that has been sent to the printers, and it is still at the Bureau. It has not come up to us.

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

THURSDAY, November 25, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CONSTITUTION OF SUPERIOR COURT OF QUEBEC.

INQUIRY.

Hon Mr. LANDRY rose to call the attention of the Senate to the following facts:

The constitution of the superior court of the province of Quebec is regulated by the laws of that province.

The Revised Statutes of the province of Quebec, as in force to-day, enact as follows:—

2315. The superior court, which is a court of record, consists of forty judges, that is to say, of a chief justice and thirty-nine puisne judges.

In view of the considerable extent of the province of Quebec and in order to facilitate therein the more speedy administration of justice, especially from the point of view of the appointment, at each term of the court of review, of the judges who are to compose that court, the legislature of Quebec passed, in 1884, the following enactment which forms chapter 7, 47th Victoria:—

1. The following section is added after section 9 of chapter 78 of the Consolidated Statutes for Lower Canada, as amended by the Act 46 Victoria, chapter 13, section 1:—

9a. Whenever the chief justice shall reside in the city of Quebec, the senior of the judges residing in the city of Montreal shall perform the duties of the chief justice of the said superior court in the district of Montreal as it is comprised and defined for the purposes of the court of review; and

Whenever the chief justice shall reside in the city of Montreal, the senior of the judges residing in the city of Quebec shall perform the duties of the chief justice of the said superior court in the district of Quebec as it is comprised and defined for the purposes of the court of review;

Provided always that nothing in this section shall be interpreted so as in any manner to diminish the rights and powers now possessed by the chief justice of the superior court, or so as to interfere therewith.

2. This Act shall come into force on the day of its sanction.

As a matter of fact this Act was assented to on the 10th June, 1884.

Three years later, on the 18th May, 1887, the Lieutenant Governor of the province of Quebec assented to the following Bill, which is chapter 12 of 50 Victoria, and reads as follows:—

CHAPTER XII.

An Act to amend the law respecting the constitution of the Superior Court.

(Assented to 18th May, 1887.)

Her Majesty, by and with the advice and consent of the legislature of Quebec, enacts as follows:—

1. Section 9a, added by the Act, Victoria, chapter 7 after section 9 of chapter 78 of the Consolidated Statutes for Lower Canada, is replaced by the following:—

9a. Whenever the chief justice shall reside in the city of Quebec, the judge, appointed by competent authority to perform the duties of the chief justice of the said Superior Court, shall perform such duties in the district of Montreal, as it is comprised and defined for the court of review, and he shall reside in the city of Montreal.

Whenever the chief justice shall reside in the city of Montreal, the judge, appointed by competent authority to perform the duties of the chief justice of the said Superior Court, shall perform such duties in the district of Quebec, as is comprised and defined for the court of review, and he shall reside in the city of Quebec.

Nothing, however, in the preceding provisions shall be interpreted so as to diminish or affect in any manner the present rights of the chief justice of the Superior Court.

2. This Act shall not affect the rights and powers, under the Act 47 Victoria, chapter 7, of the senior judge now in office and shall apply only to his successor in that office.

3. This Act shall come into force upon proclamation of the Lieutenant Governor in Council.

The legislation of 1884 (47 Vic., chap. 7) limited the choice which the federal government might make in the matter of the senior only of the judges of Quebec or of Montreal, according to the case; the legislation of 1887 (50 Vic. chap. 12) left the executive power perfectly free in its choice.

But the latter legislation according to its tenor, could only come into force by proclamation of the Lieutenant Governor in Council.

Now, such proclamation never having been issued by the Lieutenant Governor in Council, and never having taken place, the legislation of 1887 (50 Vic. chap. 12) has not yet come into force.

And that he will inquire:—

1. When did Sir François Langelier receive from the federal government his appointment as assistant chief justice with instructions to fulfil the duties of chief justice of the Superior Court of the province of Quebec in and for the district of Quebec, as it is comprised and defined for the court of review?

2. When Sir François Langelier was thus called upon to fulfil these determinate functions, who was then and who is still to-day the chief justice of the Superior Court of the province of Quebec?

3. Has sir François Langelier been, at any time before, at, or since his appointment on the 6th June, 1906, the senior of the judges of the district of Quebec?

4. Why has the senior of the judges of the Superior Court of the district of Quebec not been appointed to the place in preference to Judge Langelier in conformity with the requirements of the law?

5. Is it the intention of the government to make that appointment regularly and legally, either by appointing the senior of the judges who has a right thereto, or by causing the Lieutenant Governor in Council of the province of Quebec to issue the proclamation necessary for putting in force the legislation of 1887?

I hold in my hand the statutes of the province of Quebec, and I find that by section 2315, the Superior Court consists of thirty judges, that is to say, a chief justice and twenty-nine puisne judges. The law now reads forty judges. The only difference is in the number of judges that have been added at different dates since 1888. In the past, when special appointments were to be made, the law pointed out to the competent authority and gave liberty to the competent authority to make the choice themselves, so that the federal authority were empowered to choose any judge they liked to fill that position. But the last clause of the proposed amending law says this Act shall come into force upon proclamation of the Lieutenant Governor in Council. As this proclamation was never issued nor published in the 'Gazette,' the proper channel, the proposed amendments to the law were never put in force. This new

law having never came into force, the ancient law of 1884, 47 Victoria, is still in force, and by that law the competent authority is obliged to take as a matter of legality the senior judge either in the district of Quebec or in the district of Montreal according to the fact that the chief justice is in one or the other of those districts. I may add that the law has always been interpreted that way except by the appointment of Sir François Langelier, on the 16th July, 1906, which was made according to chap 12 of 50 Victoria, i.e. the law which is not yet in force. According to the existing law, it was the duty of the government to appoint the senior judge of the district of Quebec. And mark that, the law does not state that the judge shall be taken in the city of Quebec or in the city of Montreal, but provides that as soon as he is nominated he must maintain his residence either in Quebec or Montreal, according to the position occupied by the chief justice, and this system has always been followed out by our authorities here. If you look at the Auditor General's account at the page relating to the judges, you will find in the last report that in the province of Quebec, there are two chief justices, one on the King's Bench, who was the late H. E. Taschereau and the other, the chief justice of the Supreme Court, Sir Melbourne L. Tate. If you refer to Judge F. Langelier, you will find that he his called the senior judge. Looking at the estimates brought down this year, an Act of the federal government, I find the following: Province of Quebec, Court of King's Bench, salary of chief justice $8,000, five judges $7,000. Superior Court, salary of chief justice $8,000, senior judge of Quebec $8,000. So you find in those documents the proofs that they were guided by the law and they just take the appellation convenient in the case, because the senior judge has always been termed, and should be, the senior judge, if the law were complied with.

Hon. Sir RICHARD CARTWRIGHT—The answers to these questions are as follows:

1. Sir F. Langelier was appointed to perfrom the duties of chief justice in the district of Quebec on 6th June, 1906.

2. The Honourable Sir Melbourne Tait.

3. Sir F. Langelier was at the time of his appointment on the 6th June, 1906, the senior judge of the district of Quebec. It is true that the Honourable Mr. Justice Pelletier is senior in date of appointment, and that at the time he resided and still resides at the city of Quebec; but he is not a judge of the district of Quebec, as the districts of Montmagny and Beauce are assigned to him.

Hon. Mr. LANDRY—What about Judge Caron?

Hon. Mr. CHOQUETTE—Judge Caron resigned five years ago.

Hon. Mr. LANDRY—And Judge Lemieux?

Hon. Mr. CHOQUETTE—He was in Sherbrooke when he was appointed.

Hon. Mr. DANDURAND—The law says 'residing at Quebec' and Judge Lemieux resided at Sherbrooke.

Hon. Mr. LANDRY—The law says nothing of the kind. What is the reply to question 4?

Hon. Sir RICHARD CARTWRIGHT—This question is answered pro tanto in the reply to question 3, but is completed as follows: Sir Francis Langelier was the senior judge for the district of Quebec residing in the city of Quebec, but he could have been appointed as well if only a puisne judge according to the law as interpreted and applied by the Minister of Justice on October 26, 1894, when Mr. Justice Tait was appointed to perform the duties of chief justice for the district of Montreal, although but a puisne judge. This appointment was made under Federal Statute R.S. C. Ch. 138, sec. 8. The answer to question 4 is a reply to question 5.

Hon. Mr. LANDRY—The law does not say that it is necessary that the appointee should reside in Quebec at the time of his nomination, but he must reside there afterwards. The section is as follows:

9a. Whenever the chief justice shall reside in the city of Quebec, the judge, appointed by competent authority to perform the duties of the chief justice of the said Superior Court, shall perform such duties in the district of Montreal, as it is comprised and defined for the Court of Review, and he shall reside in the city of Montreal.

When Sir François Langelier was appointed to reside in the city of Quebec, is it not a fact that he was at the time a judge in the city of Montreal.

Hon. Mr. CHOQUETTE—Not when he was appointed assistant chief justice.

Hon. Mr. DANDURAND—He had been transferred to Quebec at that time.

Hon. Mr. CHOQUETTE—Many years before.

Mr. LANDRY—Not many years.

Hon. Mr. CHOQUETTE—Well, three or four years.

Hon. Mr. LANDRY—Will the hon. gentleman answer this point: is the government obliged to select a man in the city of Montreal or in the city of Quebec? Not at all. They are obliged to select a man in the district of Montreal or the district of Quebec, and when appointed he must reside in the city of Quebec or in the city of Montreal as the case may be.

Hon. Mr. CHOQUETTE—Read the balance of the section.

Hon. Mr. LANDRY—It is as follows:

Whenever the chief justice shall reside in the city of Montreal, the judge, appointed by competent authority to perform the duties of the chief justice of the said Superior Court, shall perform such duties in the district of Quebec, as is comprised and defined for the Court of Review, and he shall reside in the city of Quebec.

That is the obligation; but the obligation on the part of the government to see that he resides in the city does not appear by the law. Nevertheless, the law is there. Why not comply with it? By that law it was not Justice Langelier that should have been appointed, but Justice Cimon.

Hon. Mr. CHOQUETTE—There is nothing there about 'senior.'

Hon. Mr. LANDRY—The proclamation mentioned in the Act not having been issued, that law is not in force.

Hon. Mr. DANDURAND—We have only the statement of the hon. gentleman that the law has not been proclaimed. In 1894, Sir Melbourne Tait was appointed under a law which the hon. gentleman says was non-existent.

Hon. Mr. LANDRY—Two blacks do not make one white.

Hon. Mr. CHOQUETTE—Does the hon. gentleman say that Sir Melbourne Tait was wrongly appointed—that he had not a right to act as chief justice?

Hon. Mr. LANDRY—I do not know the particulars of that case.

Hon. Mr. CHOQUETTE—He was appointed by that very law, and Sir François Langelier succeeded him according to that same law.

Hon. Mr. LANDRY—That may be, but was he at that time a senior judge?

Hon. Mr. DANDURAND—He was a puisne judge.

Hon. Mr. LANDRY—Necessarily, but was he a senior judge?

Hon. Mr. DANDURAND—He was not the senior judge of the district of Montreal when he was appointed in October, 1894, to perform the duties of chief justice in the district of Montreal for the Court of Review.

Hon Mr CHOQUETTE—He was appointed by Sir John Thompson.

Hon. Mr. LANDRY—The chief justice may be taken from any of the judges, not necessarily the senior judge.

Hon. Mr. CHOQUETTE—If you say that the proclamation has not been issued, then he must be the senior judge.

Hon. Mr. LANDRY—The law does not apply to the choice of the chief justice.

Hon. Mr. DANDURAND—I am not speaking of the chief justice. Sir Napoleon Casault was appointed chief justice, residing in the city of Quebec. The judge appointed to perform the duties of chief justice was Sir Melbourne Tait, in 1894, by virtue of article 2316 of the statutes of Quebec, although he was not the senior judge of the province of Quebec for the district of Montreal.

Hon. Mr. LANDRY—What statute?

Hon. Mr. DANDURAND—The statute which my hon. friend claims was not put in

force. It contains a paragraph that it shall come into force upon proclamation of the Lieutenant Governor in Council, but that Act was passed in 1888. I have only the hon. gentleman's statement that the law was never proclaimed; but against that statement I have the action of the Minister of Justice in 1894 making an appointment under that law, and I must assume that the law was proclaimed.

Hon. Mr. LANDRY—That is assuming that the Minister of Justice is infallible.

Hon. Mr. DANDURAND—I have the fact that the two Ministers of Justice acted under the law

Hon. Mr. LANDRY—Here is the pretended law; will the hon. gentleman say that it is in force?

Hon. Mr. DANDURAND—The presumption is that it was proclaimed, because it has been acted upon by two Ministers of Justice.

Hon. Mr. LANDRY—By two Ministers of Justice who had no right to put it in force.

Hon. Mr. CHOQUETTE—It has been in force for twenty-two years.

Hon. Mr. LANDRY—I find in the Consolidated Statutes, a marginal note down the page as follows : 'These provisions come into force only when the Act 50 Vict. Chap. 12 takes effect.' So in the Consolidated Statutes of the province of Quebec you have a note saying that these provisions are not in force, and can only be in force by virtue of a proclamation of the Lieutenant Governor in Council. The law is there, and if the law was not complied with in 1894, does it make it law in 1906?

Hon. Mr. DANDURAND—No, but I have only the declaration of the hon. gentleman that the law has not been proclaimed.

Hon. Mr. LANDRY—The hon. gentleman has more than that. He must have consulted the authorities in Quebec. I left that question purposely more than a week on our motion paper to give the hon gentleman time to consult in Quebec, but I have a telegram from Mr. Lanctot who says he cannot find that proclamation.

Hon. Mr. DANDURAND—I received a telegram from Mr. Gouin yesterday, saying he was making search through the 'Official Gazette' to see if that law had been proclaimed.

Hon. Mr. LANDRY—I received a telegram in February last, saying he could not find the proclamation, and they have had since the month of February to the present time to find if there was such a proclamation, and they are still looking for it. They cannot find it. It has not been published. I looked through the 'Quebec Gazette' for it myself but could find no such proclamation. I wrote to the department in Quebec. I have their answer. The law is not in force. I am not a lawyer. I know that I am fighting under a great disadvantage against my hon friends, who are well known lawyers, but I know that the law has not been proclaimed. This is not a question of law; it is a question of searching the proper documents to see if a proclamation had been issued, and had it been issued, does the hon. gentlemen pretend to say that they would not have the proof of it, and that they would not try to close my mouth by producing the proclamation?

Hon. Mr. DANDURAND—I have two parchments from Montreal, one confirming the appointment of Sir Melbourne Tait, the acting chief justice, and one with regard to Sir François Langelier. Is that not good enough?

The SPEAKER—I call attention to the fact that there is nothing before the Chair.

Hon. Mr. LANDRY—I beg pardon. When I call attention to certain facts on notice it opens a discussion.

Hon. Mr. CLORAN—I ask the hon. gentleman from Stadacona to allow me to make a suggestion which will put an end to this discussion. The hon. gentleman has made a statement of fact which is disputed, not by decisive authority, but by presumptive authority. Now the question is which hon. gentleman is right. I would suggest that the discussion be closed, and both parties ascertain if the proclamation was ever made.

Hon. Mr. LANDRY—That is a funny settlement.

Hon. Mr. CLORAN—Yes, it is a final settlement only for the present.

Hon. Mr. LANDRY—I said funny settlement.

Hon. Mr. CHOQUETTE—Why did the hon. gentleman not bring the matter before the House when Sir Melbourne Tait was occupying the same position under the same law as Sir François Langelier?

Hon. Mr. LANDRY—Because I only came to consider that question lately; but the hon. gentleman knows why. I am not a lawyer. I do not spend all my nights with the Statutes of Quebec studying law, but it was a question to my mind——

Hon. Mr. CHOQUETTE—Of a dinner lost.

Hon. Mr. LANDRY—It might be a question of dinner for those who feel hungry, or for those whose stomachs speak louder than their reason. I do not suppose that will be the case with me.

MINERAL RESOURCES COMMITTEE.

MOTION.

Hon. Mr. DOMVILLE moved:

That a Special Committee of the Senate on the Mineral Resources of Canada, be appointed, to be composed of the Honourable Messieurs Lougheed, Bostock, Davis, Watson, Ross (Middlesex), Landry, Wood, Comeau and the mover, and that the evidence given before the said committee be printed from time to time.

I may explain that this is the very same committee we had last year—same component parts. The matter was taken up very late in the session, and could not be completed, and it is desired now to proceed with the programme we had before us last year when parliament prorogued.

Hon. Sir RICHARD CARTWRIGHT—I have no objection to my hon. friend having his committee, but apprehend that it involves a certain amount of expenditure. I would like to know what sum he proposes to limit his expenditure to?

Hon. Mr. DOMVILLE—There will be no expenditure at all except for the services of a shorthand writer. We have no other in our minds at present. We are not proposing to call any witnesses except such as come before us in a voluntary way. We do not desire to put the country to any expense.

The motion was agreed to.

LICENSING OF INSURANCE COMPANIES.

INQUIRY.

Hon. Mr. CHOQUETTE inquired:

Have all insurance companies, fire insurance companies as well as life insurance companies, before taking risks and issuing policies of assurance in Canada—

1. Obtained from the government a license to carry on business, either throughout the Dominion of Canada or in one or more of the provinces of the Dominion?
2. Made a deposit in money and given the guarantee necessary to protect the interests of policy-holders?
3. Made an annual report of their operations?

If not, what companies have not fulfilled the conditions mentioned in the above questions or required by virtue of the law concerning insurance companies?

Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follows:

1. The licenses issued under the Insurance Act cover the whole Dominion. No authority exists at present for the issue of a license restricted to one or more of the provinces thereof.

2. All companies licensed under said Act have made the deposits which said Act requires to be made; such deposits have been made in securities approved by the Treasury Board and not in money.

3. All companies so licensed have made the annual reports of their operations called for by the statute.

Certain companies have, however, taken risks in Canada without having obtained a license therefor. These companies, so far as we are aware, are fire insurance companies operating on the mutual insurance system, a large number of which are collectively known as the New England Mutuals. These companies have made no deposit with the government and make no report of their operations.

WORK OF COMMITTEES.

MOTION.

Hon. Sir RICHARD CARTWRIGHT moved:

That the following Standing Committees of this Honourable House, namely: Agriculture

and Forestry, Immigration and Labour, Commerce and Trade Relations of Canada, Civil Service Administration, Public Health and Inspection of Foods, and Public Buildings and Grounds, be instructed to take the initiative towards collecting information on the several matters coming within their respective spheres of action, no expenditure, however, to be incurred without the previous authority of this honourable House.

APPENDIX TO DEBATES.

MOTION.

Hon. Mr. BEIQUE moved:

That that part of the report of the Joint Committee of the Senate and Assembly of the state of New York, appointed to investigate the affairs of Life Insurance Companies, bearing on remedial legislation, being from page 357 to end of Assembly Document No. 41, be printed as appendix to the Senate debates.

He said: The motion which I propose will be found on page 72 of the 'Minutes,' and it is for the purpose of having printed as an appendix to the 'Debates' of this honourable House a short portion of the report of what was known as the Armstrong Committee made to the Senate and House of Assembly of the state of New York in 1906. The first portion of the report deals with the findings of the commission as regards some seventeen different insurance companies doing business in the state of New York. With these we are not much concerned, and the motion does not deal with that part of the report at all; but after making their findings the commission proceeded to suggest the line upon which remedial legislation should be enacted for the purpose of guarding against the abuses which had crept into the operation of the several insurance companies whose acts had been the subject of the inquiry, and this is, to my mind, exceedingly instructive and applicable not only to the United States but to every part of the world. That portion of the report was admirably made, and although it may be considered and was considered as being rather radical, I think it will be instructive for all the hon. members of this House to have this information where it will be easy of access. It will not cover more than forty pages of our 'Debates.'

Hon. Sir RICHARD SCOTT—I presume the hon. gentleman has been looking into this subject. He is aware, I have no doubt, that the first report was modified the second and third year after it was adopted, so we should not take that as the law of New York.

Hon. Mr. BEIQUE—It does not purport to give the law of the State of New York; it merely purports to suggest on what lines the law of the state should be framed. It was followed by a draft Bill prepared by the commission. That draft Bill is not included in the report of the commission, and when that Bill came before the United States Senate and the House of Assembly it was not adopted as introduced. It was modified, and, after being modified, it was still further modified in the following year. It is merely for the purpose of giving valuable information on these several subjects which are of universal application that I make this suggestion.

Hon. Mr. DOMVILLE—Would my hon. friend feel inclined to add to his motion the evidence taken in this House on the Mutual Reserve Life Insurance Company and also the evidence taken in New York with regard to the same company? I think it would be very instructive, because that actually took place within our own realms, and it unearthed scandals that should never have existed, but we never thought fit to make a record of it here. I think we should attach the evidence taken here.

Hon. Sir RICHARD SCOTT—It is already printed.

Hon. Mr. DOMVILLE—It is already printed, but if my hon. friend will turn back to our journals, he will see it was not adopted. I am not sure whether he made the motion for its rejection or not; at any rate it was laid on the table in the dying hours of the session and was not adopted. It was printed. There is more reason why it should be attached with this New York report, showing the state of affairs which existed in New York. This will also show the state of affairs that existed under our own noses, without anybody interfering in any way to remedy it, and if that were added now I am sure it would assist the hon. gentlemen of the committee in arriving at a conclusion as to

what the Bill now before the House should be, and whether it requires any alteration.

Hon. Mr. CAMPBELL—It is printed in the blue book.

The SPEAKER—Might I ask when it is proposed to have it printed? When the book comes out?

Hon. Mr. BEIQUE—In the report of the day's Debates.

The SPEAKER—Would it not be well to add the words: 'Senate Debates' of this date?

Hon. Mr. ELLIS—Is the report in the possession of the House?

The SPEAKER—It is supposed to be read by the Speaker.

Hon. Mr. CLORAN—I was going to ask the same question; not that I object to the report being printed in our Debates, because I believe it will furnish very useful information to members of the House; but in adopting this motion we are going to establish a precedent. If, for instance, I want to incorporate a speech of John E. Redmond, on Home Rule, would I be allowed to do so? If I made such a motion on St. Patrick's day would it be opposed? I have no objection to the report being printed in our Debates. I think it would be very salutary reading, but I want to know if it will be the privilege of any hon. gentleman to place on the records of this House documents which he is in need of?

Hon. Mr. CAMPBELL—If it is in the public interest.

Hon. Mr BEIQUE—As far as the question raised by the hon. gentleman from St. John is concerned, it will be noticed that the motion refers to Assembly document number 41, which is here.

Hon. Sir MACKENZIE BOWELL—Read it all.

Hon. Mr. BEIQUE—It had better be taken as read. I have the document here.

Hon. Mr. CASGRAIN—Might I ask the hon. gentleman from De Salaberry what is the object of having a committee on the printing of parliament? I always understood that when we wanted anything printed, that was the committee to refer to. There is a joint committee on the printing of parliament.

Hon. Mr. DANDURAND — For convenience sake, you send documents to a committee to decide which are the documents which shall be printed, but if we decide this document is important enough to be printed, we can do so without sending it to them.

Hon. Mr. CASGRAIN—Precisely, but could we not have it printed by that committee without loading our Debates? I was a member of that committee one session, and we would receive requests from members to have certain papers printed, and the committee would consider the requests. I am not objecting. If the committee on the printing of parliament is not for that purpose, I would like the hon. assistant leader of the House to inform me what it is for.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has forgotten. He has made a motion to declare that a certain portion of the report which he holds in his hand shall be printed as part of the proceedings of the Senate. Supposing the hon. gentleman reads his motion, it then becomes a part of the debate and goes on the record. He simply asks to have that done, without putting himself to the trouble of reading 30 pages.

Hon. Mr. CASGRAIN—I am not an old parliamentarian like my hon. friend, but I thought there was a rule in parliament prohibiting lengthy readings in discussion.

Hon. Mr. POWER—No rule to prevent the reading of extracts, but there is a rule which prevents the reading of a speech.

Hon. Mr. BEIQUE—And I stated that the object of the motion was to have this information published in our Debates where it would be easy of access, in view of the Bill which was referred yesterday to a committee of this House. It is an important document, which will enable members of this honourable House to deal more intelligently with that Bill.

Hon. Mr. WOOD—It appears to me that this is an objectionable way of bringing

the matter before the House. As I understand it, the Insurance Bill is a government Bill, and any extracts or documents that may be of assistance to this House, or to the committee, in considering this Bill, would be printed by the government, and a copy placed in the hands of every member of the Senate. That would be a very much better way of getting the information before the members of the Senate than to have it incorporated in our Debates, and as other members have suggested, it seems to me an unwise precedent to establish.

Hon. Mr. WILSON—Before the motion is put, we ought to have some information in reference to this resolution. It is a very peculiar one. It reads:

That that part of the report of the joint committee of the Senate and assembly of the state of New York, appointed to investigate the affairs of life insurance companies, bearing on remedial legislation, being from page 357 to the end of the document No. 41, be printed as an appendix to the Senate debates.

How do we know what amount of printing may be required? While I am opposed to the principle of endorsing any of the legislation that may take place in the state of New York or the United States, I think we ought to have some information, and, further, I should like to know who is to set apart the portion that should be printed or the portion that should not be printed? What authority has any individual to select portions and say which is necessary or which is not? It seems to me that we are not only establishing a very dangerous precedent, but we are certainly moving in the dark in not having proper information by which we are enabled to act, and I would call the attention of the right hon. leader of the House to the fact that he has objected just now to having any information printed and sent by the various committees of this House to the country, lest it might in some way be an expense. Can he or the mover of the resolution tell the House how much expense this printing will involve? I agree with some of those who have said that it might be very important information. It might or might not. Would the mover of the resolution tell us what he wants? It would be necessary to have some such information as this before we adopt this very strange motion to publish in our Debates the actions of a committee of investigation on insurance matters in the United States. We have had commissions and investigations here. We have been told by parties that certain legislation was absolutely essential, and that certain advantage would result from proceeding with an investigation. We proceeded with it. Have we to-day any advantage from it? This may have a similar result. We may find that we will not be in any better position after this information is given to us, than we were when we had the report of a committee here, to consider a certain Bill. Will this be another New York Mutual Reserve affair? I do not know, and the mover has not told us. I suppose we have to take it on faith. I am decidedly opposed to a resolution of this kind, and I really do not think it will be of any benefit. The mover of the resolution should let us know where the benefit lies.

Hon. Mr. DOMVILLE—I beg to move, seconded by the hon. gentleman from Victoria division, that the conclusion reached by the committee on the evidence taken before the Select Committee of the Senate on the Mutual Reserve Life Insurance Company be added to the motion of the hon. gentleman from De Salaberry.

Hon. Mr. DANDURAND—Is it the conclusion of the committee the hon. gentleman refers to—because there was no report of the committee?

Hon. Mr. CLORAN—The report from the committee which was tabled under adverse circumstances.

Hon. Mr. DOMVILLE.—Yes, it is on the 'Journals' of the House. In moving the amendment, I suppose I am entitled to say something. I hear an hon. gentleman say that this motion is ridiculous. An hon. member of the Senate said in regard to the Mutual Reserve Committee that it was a degraded committee. It was a committee appointed by this House. Where was the degradation? That was the opinion of one hon. gentleman, but there are other hon. gentlemen in the Senate who have opinions, and one man cannot constitute the whole Chamber. When the matter was threshed

out before that committee, they reported and the revelations that were made astonished the world. The evidence taken before our committee was used in New York, and I am told that the Armstrong Commission was the outcome of it. There must have been something up or we would not have been passing legislation with regard to insurance to-day. It is due to the country that the conclusions come to by that committee, and recorded in the 'Journals' of the House, should be incorporated with the findings of the New York commission referred to in the motion. Why ignore the evidence taken before the Senate committee and introduce the conclusions reached in the state of New York, especially as it is applicable to the legislation which parliament is now invited to pass? I therefore move, seconded by the Hon. Mr. Cloran, that the findings of the committee on the evidence taken before the Select Committee of the Senate appointed to investigate the affairs of the Mutual Reserve Life Association, be added to the document referred to in the motion.

The SPEAKER—This is not an amendment to the motion, and cannot be received. It is a substantive motion, and cannot be put until after the House has dealt with the other.

Hon. Mr. CLORAN—The statement made by the hon. senator from Rothesay should not go unchallenged, or it should be vindicated. Very often the unexpected happens in life. I had no intention to speak on this question, but since it has been raised, I am more than pleased to have an opportunity to vindicate an honourable body of men who for many a long day and many a long week, were denounced in this Chamber by the then leader of the House as a degraded committee, as a committee that was doing injustice to a well established and honest concern. We had to put up with that for many a long week and month in 1903, 1904 and 1905. I always have confidence in a man who has the courage of his convictions, and is conscientious in the discharge of his dutes. The members of that committee investigated life insurance as conducted in Canada. We did our best to secure the facts, yet day after day we were obstructed in our search for the truth.

We were publicly denounced—officially denounced.

Hon. Mr. POIRIER—By whom?

Hon. Mr. CLORAN—By the then leader of the government in this House. And I remember stating one day on this floor that Providence would give me days long enough to vindicate my position and the position of the committee. Thank God he has given it to me unexpectedly. I bore the brunt of that fight and was not carrying it on for myself. I was not the direct or indirect attorney of any insurance company. I was not a policy-holder, a shareholder or a director in any company. On the floor of this House I stood by the man who had risked his official head—who had stated that if he could not prove that the Mutual Reserve Life Insurance Company, which was doing a very large business in Canada, was a corrupt, dishonest and rotten institution, he would resign his seat in the Senate. He was challenged by men who are still here, and by some who are gone, but there are enough of us here to vindicate the position taken by the hon. member from Rothesay (Mr. Domville) when he staked his official head that he would prove to the hilt that the Mutual Life was depriving the policyholder, the widow and the orphan of their just dues. Through that committee, he proved that the company, by fraud and dishonesty, was increasing the rates at a tremendous pace. We had great difficulty in getting the facts. We had lawyers from Toronto, two or three of them, some in very high positions to-day in the government of Canada. We had to fight them and firms of lawyers from New York, from Montreal, and from Ottawa. Every obstacle, legal and otherwise, was put in the way of that investigating committee. A very different attitude was assumed by the Armstrong Committee at Albany in 1905 and 1906. I had the honour to sit for two or three days with Judge Armstrong on that committee, when a young, promising lawyer had before him the greatest masters of finance, because the greatest masters of finance in New York city were the heads of insurance companies. He had before him these men, and he plied them with questions that went to the very root of the evil. I

turned to the chairman and asked, 'Why do you allow those questions to be put to the witnesses; they have no defence, no lawyers to defend them?' He said, 'Senator, we are here to find out the truth, and not to block it.' Mr. Hughes, young Hughes at that time, had brought out the facts without any interference on the part of the committee, and the result of his work was the legislation which was passed a year or two afterwards. The people were grateful to him and made him governor of the state of New York two years afterwards, because he exposed the evils that were at the root of these insurance companies. There is an illustration of what the people of the United States think of a man who does his duty. When I and my colleagues on the Senate committee here were doing our duty, we were denounced, we were outraged in our honour and sentiments. Never a word did I say only this—'Providence will grant me life long enough to vindicate my character against those assertions,' and it has come to-day, unexpectedly, without my seeking it. There is the difference between the two investigations,—one free and open, the other clogged and kept secret, so much so that the press of the country did not publish one word out of every ten thousand of the evidence taken. Blocked in the press, and blocked in the committee, fortunately not always blocked in the Senate—we had a slight majority on one or two questions raised here—at the last minute the findings of that committee were laid on the table by a tie vote and by a snap decision of the Senate at the time. These are facts within the memory of all of us.

Hon. Mr. DOMVILLE—The hon. gentleman has omitted telling this House that in the New York investigation it was stated that it cost $37,000 to get through at Ottawa. Although we moved in the House afterwards and got an order to produce those papers to find out where this sum was paid, they have never been produced. Who got the $37,000?

Hon. Mr. CLORAN—Mr. Hughes, for that investigation got $25,000. His colleague was paid the same amount, though he did not do much work, and his two assistants were paid $10,000 each, besides the stenographers and other fees.

Hon. Mr. DOMVILLE—I am calling my hon. friend's attention to the fact that an order was issued by this House to procure a copy of the evidence taken in the New York investigation to find out who got the money. A large amount was paid for it, several thousand dollars.

Hon. Mr. CLORAN—That is an item that was proved here, and the resolutions before our committee were the cause of the investigations which took place in New York State and elsewhere into the administration of insurance companies. Our committee proved clearly that the Mutual Reserve Life, doing business in the Dominion, was not fulfilling its obligations towards its policy-holders. We proved fully that they were defrauding the policy-holders and through them the orphan and the widow. In the investigation which took place at Albany, it was shown that the men at the head of the company were paying anywhere from $40,000 to $100,000 to insurance inspectors to change their reports and make them more favourable to the company. We proved the same facts here, and proved further, that the directors were paying enormous salaries to themselves as high as $40,000, and even $75,000.

Hon. Mr. POWER—I rise to a question of order. The motion before the House is the motion made by the hon member from De Salaberry. In amendment to that, the hon. gentleman from Rothesay undertook to move a resolution which his hon. the Speaker has decided to be out of order. Now the speech of the hon. member from Victoria has no reference whatever to the motion which is before the Chair. It is utterly irrelevant, and I ask the decision of the Chair.

Hon. Mr. WILSON—Will the hon gentleman tell us what the resolution which the House is asked to endorse covers?

Hon. Mr. POWER—I am not making a speech, and I am not under cross-examination. I simply raise a question of order.

Hon. Mr. CLORAN—The point raised by the hon. member from Halifax is not in order.

The SPEAKER—The motion is:

That that part of the report of the Joint Committee of the Senate and Assembly of the state of New York, appointed to investigate the affairs of Life Insurance Companies, bearing on remedial legislation, being from page 357 to end of Assembly, Document No. 41, be printed as appendix to the Senate debates.

I have not before me the documents indicated, but I apprehend they do have reference to, amongst others, the affairs of the life insurance company which has been named by the hon. gentleman from Victoria.

Hon. Mr. BEIQUE—Not that part of it.

Hon. Mr. CLORAN—We do not know; we have not that before us.

The SPEAKER—It opens a very wide range to the discussion. The hon. mover of the motion has called my attention to the fact that it refers not to the proceedings of any particular company but to suggested amendments in the way of legislation. If so, of course the discussion of the affairs of that particular company would not be in order. Without having an opportunity to examine this question more fully, I do not see how that could be. From a hasty glance over the report I do not see that it refers to any company at all, but simply to remedial legislation, and, therefore, the hon. gentleman's remarks would not have any bearing upon the question before us, which is, shall this document be printed. Of course the whole subject could be brought up on another motion if the hon. gentleman would give notice.

Hon. Mr. CLORAN—Do I understand that his honour the Speaker rules that a member of this House is debarred from expressing his opinion on a motion of which he has not the substance? The substance of that motion is that a report of some 20 or 30 pages be incorporated in the Debates. Do I understand that the Speaker takes upon himself to decide that that matter cannot be discussed?

The SPEAKER—I have not decided that. The motion relates to suggested legislation —that is the form of legislation which should take place with reference to insurance companies, and that is what is suggested should be printed. All I say is, that a discussion of the particular company or companies that were investigated before a committee of this House is foreign to the present motion.

Hon. Mr. CLORAN—I bow to the decision of the Chair. It is not necessary to put the situation before the House and the country; in the absence of the document which is now in the hands of his honour the Speaker, I shall discuss it from what I think the Armstrong Committee did recommend their remedial legislation. I shall certainly, to be in order with the ruling of the Chair, not confine myself to the merits or demerits of any one institution. Every one knows that many of our insurance companies are good, solid institutions which are doing good and noble work for the benefit of the people. There was no intention, when the investigation was undertaken by a committee of this House, to attack the Insurance Commission for the good work they were doing. This investigating committee of Armstrong's, like our own committee, was instituted to find out the cancer that was eating into the vitals of those concerns. On their face, they were all innocence, all humanity, all goodness and godliness. That was the position of the insurance companies five or six years ago, not only in Canada but in the United States. But they were found to be whited sepulchres, and when the spade of investigation was driven through the cover, what was revealed? A state that bordered on danger, not only to the policy-holders, but to the state and to the nation. It was found that these companies which controlled such enormous funds, were using them to build up colossal fortunes for themselves, to control public utilities all over the continent and to control legislative influence not only at Albany, but even at Washington. That is what Mr. Hughes, the present Governor of New York, found out; that is what he delved into, and what he exposed and uprooted, and it is on that evidence that the report to which my hon. friend from De Salaberry alludes, and which he wants printed in the Debates, was based. It was not based upon the revelations of corruption by one particular company; it was based on facts more broad and far-reach-

ing, and that is why I stated in the beginning of this debate that I was not opposed to the publication of the finding of the Armstrong Committee in our Debates. As I said before, it will be salutary reading for the men who upbraided us two years ago on the floor of this House, and it will be salutary reading for the new members coming into the Senate that they may brace themselves for the fight about to take place in the Banking and Commerce Committee. I am no enemy of capital, but I detest capital acquired at the expense of the poor and humble, who are not represented here and who have no voice in the administration of the affairs of the country. Capital is as necessary as labour, but capital acquired by the sweat and tears of poor people should not be encouraged to the extent of receiving the sanction and support of parliamentary laws. I am prepared to stand before the people of this country and ask them to endorse the position I take, and I know the people will stand by me, or by any man who will express these sentiments in any part of the community. The amendment of the hon. member from Rothesay may be out of order; but it would be such a true echo to the findings of the Armstrong Committee that the people would say no wonder the Armstrong Committee reported the conclusions which we are asked to incorporate in our Debates. I, therefore, think that the findings of our own committee should also be included. That is not demanding anything extravagant. It is true they are in our records, but in an inconvenient form. I am proud to stand by the hon. member from Rothesay in this matter. He did noble service to this country and to the United States when he staked his reputation on the accusations made against the insurance business of this country and of the neighbouring republic. I stand by him now and in the day of his vindication, and I am proud to be one of the men who helped him, and who declined to betray him as I was asked to do.

These remarks I make with full confidence. I declined, then as a young member of the Senate, without any experience, to betray him, and deliver his accusations into the hands of authorities or people who would not have done the work as it was done by himself and his attorney. I make that statement here after six long years of silence. Is it any wonder I feel strongly in this matter. I dealt with it manfully although for the last five years I have been under a cloud? That cloud is now being dispelled, and the records of both countries, the United States and Canada, show that we did good work. The government admits that a new law is required. I am quite willing to concede, as the ex-Secretary of State says, that our laws must have been good ones to keep the companies in Canada as solid as they have been. But what we want is an addition to the laws, whereby not only the shareholders, but presidents and vice-presidents and directors and officers shall not be paid salaries any where from $25,000 to $50,000 a year. We want to put a stop to that. We want fair administration, not extravagant administration, and I hope the members on the Banking and Commerce Committee will consider these points. Out of the $28,000,000 that were taken by the life insurance companies last year, not taking into account the millions paid by all the mutual and fraternal societies throughout the country, not taking into account the vast sums paid by the ordinary members of these societies, but taking into consideration the report of the Insurance Department that the insurance companies did a business of $28,000,000, only nine or ten million went to the widows and orphans. We want something better than that. We desire that the workingmen shall receive more than 33 per cent of that $28,000,000, to provide for the helpless and starving families. We do not want a man to pay out a dollar and receive back only 33 cents. We do not want luxurious palaces for the officials, who receive $28,000,000, and only pay out 33 per cent to the heirs of the insured. Let the officers be given fair salaries, so that they can live in proper style; but I ask, in the name of the people who contribute the 28 million of premiums, that a fair share of the money be paid to the widow and children of these policy-holders. The ex-Secretary of State in explanation said: 'But the shareholders are so

poorly paid. The policy-holders are getting nine million, and the shareholders are only getting $265,000. I did not like to answer the hon. gentleman at the time. I thought the blow would be too hard. Why throw dust in the eyes of the people of this country? Why try to blind us? The very fact that only $265,000 was paid to the shareholders of these companies, is a sign that they are doing business on very small capital. They are doing business on a capital which is sometimes swelled by wind and by water. Companies are doing business in this country with $100,000 or $200,000 of capital, not paid up, and who have assets anywhere from ten to a hundred million. Where did that money come from? Where has that twenty, that fifty or hundred millions come from during the past ten, twenty, or thirty, or forty years? It was not from the small capital they invested as shareholders; the one hundred thousand capital or one million capital, and the thousand shares or ten thousand shares at one hundred dollars a share. It was not that capital that produced the assets of the company rising up to the hundred and over the hundred million mark. That money has come from the poor policy-holder, from his heirs, the widow and the orphan, who did not get their fair share of the profits of that business. This is the condition of things, and the Senate and the House of Commons will be much mistaken if they imagine for one moment that the eyes of the people of Canada are not being opened to the questionable methods of financing outside schemes with insurance funds. This country will not hold parliament guiltless if it fails to protect the unfortunate policy-holders and their heirs. Those are my sentiments and I think I have voiced the sentiments of the vast mass of the people of this country, and I therefore ask for no favour or protection. I care not for denunciation nor did I five or six years ago. All I care for is the approbation of my own conscience, that I am doing what is right irrespective of financial interests.

Hon. Sir RICHARD CARTWRIGHT—I would suggest to my hon. friend from De Salaberry, as a matter of convenience, that having reference to the precedent that would be established—although I do not wish in the slightest degree to interfere with giving all possible information in regard to this matter—that it might be more expedient to refer the subject to the Committee on Printing. I do not think it would delay the proceedings at all. The volume of our Debates might be very largely swollen if we were to adopt such a precedent. I was not aware that it has ever been adopted before. However, I merely make the suggestion, and do not want to press it on my hon. friend.

Hon. Mr. BEIQUE—I have no objection to adopt the suggestion of the right hon. gentleman. I made the motion merely because in my estimation it is a document of considerable importance, and it would add to the importance of our Debates if it were printed as an appendix. It will be a document which will be consulted five or ten years hence as well as to-day. As far as I am concerned, I am familiar with the document. I have read it, and do not require it any more. My suggestion is merely for the convenience of hon. gentlemen in dealing with the Bill which is before the House.

Hon. Mr. LOUGHEED. May I be permitted to point out to my right hon. friend that as the Committee on Printing is a joint committee, and as the apparent wish of this House is that an extract from the report be published, inasmuch as the joint committee is made up of representatives from the House of Commons and from the Senate, there is no assurance that we would have the documents printed in the manner suggested by my hon. friend.

Hon. Sir RICHARD CARTWRIGHT—As a matter of courtesy between the two Houses, anything that is sent to the committee with the recommendation of this House would, I think, be printed almost as a matter of course.

Hon. Mr. LOUGHEED—Not necessarily.

Hon. Mr. GIBSON—I would like to point out to the House that in my experience, in the House of Commons and the Senate, on the Printing Committee, nothing that was ever asked by either House to be printed, was refused by that committee.

Hon. Mr CHOQUETTE—Why not refer it to the Debates Committee. They could look over that pamphlet and if they considered it important they could report in favour of printing it and we could deal with their report.

Hon. Mr. DOMVILLE—Hon. gentlemen must remember that we are not seized with a knowledge of what is in that report, and we are asked to confirm it and place it on our debates.

Hon. Sir RICHARD CARTWRIGHT—If it were referred to the Debates Committee, it would be longer delayed than if it were referred to the Printing Committee.

Hon. Mr. CHOQUETTE—I do not think so. There are fewer members on the Debates Committee and it could be dealt with more quickly.

The SPEAKER—The suggestion by the hon. gentleman now is that the motion be amended and made to read as follows:

That that part of the report of the Joint Committee of the Senate and Assembly of the state of New York, appointed to investigate the affairs of Life Insurance Companies, bearing on remedial legislation, being from page 357 to end of Assembly Document No. 41, be referred to the Committee on Printing with the recommendation that the same be printed for the use of parliament.

With the assent of the House the motion will go in that form.

The motion was agreed to.

Hon. Mr. WILSON—My hon. friend, in moving the amendment, was out of order. The Speaker had not yet given a decision whether the motion was in order or not. I could not vote for either the original motion or the amendment. I believe we have not adequate information to form an opinion as to whether this resolution should be carried. I do not think the Printing Committee have a right to commit this Senate to the fact that they favour and are going to endorse a report that we know nothing of. What right has that committee to commit this Chamber to having the proceedings in regard to legislation at New York or any other place attached to and become part and parcel of a record of the Senate, thereby receiving the endorsation of the Senate? I do not think they have. This is virtually endorsing a resolution although I do not know what the resolution may cover. The hon. member has not explained satisfactorily the object he has in view. He may have some ulterior object or he may be sincere. In the absence of a full explanation, I think we had better adjourn the debate and later on, when we obtain the information, we may reject or endorse it. If the amendment to the resolution should be submitted to this House, I should have to vote against it, because I do not believe it is in the interest of the country.

Hon. Mr. LANDRY—I want to know what is before the Chair?

The SPEAKER—The motion to which the hon. gentleman from St. Thomas has been speaking has been declared carried. I gave sufficient time before I declared the motion carried.

Hon. Mr. WILSON—Are both motions withdrawn?

The SPEAKER—No. Only one motion has been put as yet, and that has been declared carried.

Hon. Mr. WILSON. I do not think you can dispose of the original motion and amendment of the motion by a motion to refer it to the committee. I do not think the Printing Committee has any right to say whether a document should be printed until the House has expressed its opinion on it. I cannot understand the rules of parliament if they give the right to submit a resolution before the House to a committee. Therefore I raise a point of order and I ask His Honour to decide it.

Hon. Mr. DOMVILLE—The amendment is very simple and involves nothing, and I ask leave of the House to permit it to be put. Hon. gentlemen in their wisdom may vote against it. It only involves putting a notice on for the next meeting of the House, and having another debate sprung upon the Chamber, whereas if this is allowed to be put by the hon. leader of the House it ends the matter. My resolution reads:

That the finding of the committee on the evidence before the Select Committee of the Senate on the Mutual Reserve Company be added to the motion of the Hon. Senator Béique.

Hon. Mr. CASGRAIN—The hon. gentleman can simply move to have that finding printed, without referring to the hon. gentleman's motion at all.

Hon. Mr. DOMVILLE—No, I cannot, because I have not yet given notice.

Hon. Mr. CLORAN—He simply adds it to the main motion, which has been carried.

Hon. Sir MACKENZIE BOWELL—You cannot move an amendment to a motion which has been carried.

Hon. Mr. LANDRY—When an amendment is proposed to add words to a motion, it must be voted on before the motion is put to the House, and this motion has already been declared carried.

The SPEAKER—I suppose the motion would be that this report be printed for the use of the members of the House. Is it the wish of the House that the motion be put now?

An hon. MEMBER—No.

Hon. Mr. DOMVILLE—Then I will give it as a notice of motion.

THE INSURANCE BILL.

Hon. Mr. CASGRAIN—Before the House adjourns, I should like to ask the government a question; it affects the Insurance Bill which will be considered by the Banking and Commerce Committee to-morrow morning, and if the government will be in a position to let us have the information by that time it might perhaps be of great value and assistance to us. I propose to put the following question:

Is it the opinion of the government that the Committee on Banking and Commerce, to which has been referred Bill (A) intituled 'An Act relating to Insurance,' should consider the propriety of recommending that the said Bill be divided into two Bills, one dealing with life insurance, and the other with fire, marine and other kinds of insurance.

2. If in the affirmative, is it the intention of the government to instruct the Superintendent of Insurance to sort out of this Bill the clauses which apply to each class, and to prepare two draft Bills for the convenience of the committee, and to enable the Committee to deal with each separately?

If I cannot get an answer to-day, I will give this as a notice of motion.

Hon. Mr. DOMVILLE.

Hon. Sir RICHARD CARTWRIGHT—I am afraid I can hardly promise my hon. friend an answer to-day, but I will bring the question up as soon as possible.

BILL INTRODUCED.

Bill (B) An Act to amend the Act respecting the protection of navigable waters. —Hon. Mr. Belcourt.

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

THE SENATE.

FRIDAY, November 26, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

EXCHEQUER COURT ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. BELCOURT introduced Bill (C) An Act to amend the Exchequer Court Act.

The Bill was read a first time.

Hon. Mr. BELCOURT—I move that the Bill be read a second time on Wednesday next.

Hon. Mr. LANDRY—Could the hon. gentleman tell us in what way he proposes to amend that Act?

Hon. Mr. BELCOURT—Briefly as follows: Section 20 of the Exchequer Court Act provides that there shall be a remedy on behalf of the subject, amongst other things, in subsection (c):

(c) For every claim against the Crown arising out of death or injury to the person or to property on any public work, resulting from the negligence of any officer or servant of the Crown, while acting in the scope of his duties or employment.

I propose to amend the section by adding after the word 'on' immediately before 'any public work' the following words:

Or arising on or in connection with any public work.

There has recently been a conflict of decisions in the Exchequer Court and in the

Supreme Court on this point. In the last case, which was heard quite recently, in which judgment was rendered a few days ago, there is a strong intimation on the part of the hon. judges of the Supreme Court that parliament ought to be moved or might be moved so as to get over this difficulty. The learned judges of the Supreme Court have construed the word 'on' in the section which I have just quoted as debarring a suppliant from recovery for injury to person or property where the injury did not occur actually on the public work. For instance, in a case recently on the Intercolonial railway, Chamberlain vs. the King where it was shown that the injury was caused clearly by sparks emitted from an engine of the Intercolonial railway, and property immediately adjoining the railway was destroyed by these sparks, the suppliant was declared to be debarred from recovery because of the word 'on' in the section. The injury, according to the Supreme Court, must actually occur on the public work to the person or property, and where the injury does not so occur, there is no remedy. In order to overcome this difficulty I have introduced this Bill.

BILL INTRODUCED.

Bill (D) An Act to provide for the incorporation of Railway Companies.—Hon. Mr. Davis.

TREATMENT OF IMMIGRANTS AT QUEBEC.

MOTION.

Hon. Mr. LANDRY—Moved:

That an order of the Senate do issue for the production of a copy of the several complaints which in 1908 and 1909 have been made by different parties to the Minister of the Interior or to the superintendent of immigration of the manner in which immigrants are treated at Quebec.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to the motion.

The motion was agreed to.

PERSONAL EXPENSES OF SOSTHENE MORISETTE.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Has a person named Sosthène Morisette, employed as a clerk in the immigration office at Quebec, ever filed to the Department of the Interior, during the fiscal year 1907-8, an account to the amount of $131.35?
2. Who certified the accuracy of the account in question?
3. Was the account accompanied by vouchers giving the nature and proving the payments of the sums of which repayment was asked?

Hon. Sir RICHARD CARTWRIGHT—I am under the impression that that question has been put and answered. However, I have no objection to repeat the answer. No such account appears to have been filed.

Hon. Mr. LANDRY—I will explain why the question has been put the second time. The first time it was not corectly translated. It was put 'had given an account,' instead of 'filed an account.' I thought the two words did not mean the same thing, and that is why I have repeated the question.

Hon. Sir RICHARD CARTWRIGHT—I understand that no such account has been filed.

DIVISION OF THE INSURANCE BILL.

INQUIRY.

Hon. Mr. YOUNG, in the absence of Mr. Casgrain, inquired:

1. Is it the opinion of the government that the Committee on Banking and Commerce, to which has been referred the Bill (A) intituled: An Act relating to insurance, should consider the propriety of recommending that the said Bill be divided into two Bills, one dealing with life insurance and the other with fire, marine and other kinds of insurance.
2. If in the affirmative, is it the intention of the government to instruct the superintendent of insurance to sort out from this Bill the clauses which belong to each class, and to prepare two draft Bills for the convenience of the committee, and to enable the committee to deal with each measure separately?

Hon. Sir RICHARD CARTWRIGHT—In the opinion of the government, the division of the Bill into two parts at the present stage would be exceedingly difficult, occupying much time and probably preventing the presentation of the Bill until a late period in the session. It does not appear that the advantages to be gained from the division of the Bill would be of sufficient importance to call for such a course.

THE SENATE DEBATES.

INQUIRY.

Hon. Mr. LANDRY—I should like to know when we are to have the revised edi-

tion of the Senate Debates of the first day's debate of this session The debate took place nine or ten days ago, and we have not received the revised edition yet.

Hon. Mr. COFFEY—I am sorry I cannot give the hon. gentleman any explanation on it. I will inquire of the Bureau.

Hon. Sir RICHARD SCOTT—I am familiar with the routine and can give the explanation. A member who should have sent in his speech revised some days ago failed to do so, and his failure to send the revise has blocked the way.

Hon. Mr. LANDRY—It did not block the speech before it.

Hon. Sir RICHARD SCOTT—There was only one speech before it.

Hon. Mr. LANDRY—Then we must suspect the hon. member from Middlesex of blocking the report.

Hon. Sir RICHARD SCOTT—I said there was one speech before. It is the second speech that has blocked the report.

Hon. Mr. ROSS (Middlesex)—The first speech could not have blocked the way because I returned the revised proof of my speech promptly.

Hon. Mr. LANDRY—If the hon gentleman refers to the speech of one of the new members introduced this session, I may tell him that the revised copy of that speech was sent to the Bureau three or four days ago.

Hon. Sir RICHARD SCOTT—I understand it is now being printed.

IMPERIAL CONFERENCE ON THE NAVY.

Hon. Mr. LANDRY—I would suggest that French members of this House should be supplied with a translation of the correspondence concerning the Imperial Conference on the navy question.

Hon. Sir RICHARD CARTWRIGHT—I shall endeavor to obtain that. I suppose it is at the Bureau now.

Hon. Mr. LANDRY—I hope when we have a French Minister in this House it will relieve the hon gentleman of all the obsessions of which he is now the victim on my account. I shall address myself to the French Minister when we have one.

Hon. Sir RICHARD CARTWRIGHT—That is a great temptation, and I shall endeavour to expedite the matter.

A PROPOSED ADJOURNMENT.

Hon. Sir MACKENZIE BOWELL—I should like to ask the government whether they have come to any decision as to when and for what length of time, the Senate will adjourn? There is a good deal of talk on the subject around the lobby, and some definite information on the subject might influence the decisions and work of the committees. It is well if the government have come to any conclusion on that point that the House should know it.

Hon. Sir RICHARD CARTWRIGHT—I am not in a position to fix the date. There is an important measure now before the House of Commons which I hope to be able to submit to the Senate by the middle of next week, and, until that is disposed of, I cannot consider the question of adjournment.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman refer to the French treaty?

Hon. Sir RICHARD CARTWRIGHT—Yes

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

TUESDAY, November 30, 1909.

The SPEAKER took the Chair at Three o'clock

Prayers and routine proceedings.

SALE OF WATER LOTS, QUEBEC HARBOUR.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Has the Governor in Council been requested, in conformity with subsection 2 of sec-

tion 20 of chapter 34 of 62 and 63 Victoria, to sanction the sale, made in 1908 or 1909, of certain deep-water lots on the River St. Charles, in the harbour of Quebec?

When did the government sanction or refuse to sanction such sale?

If such sanction was given upon what date, upon whose request, in favour of whom, was this consent given?

Which are the deep-water lots that have thus been disposed of by the government or with its consent?

Hon. Sir RICHARD CARTWRIGHT—The answer to the hon. gentleman's question is as follows: The Department of Marine and Fisheries is not aware that the Governor in Council has been requested to sanction the sale of deep-water lots on the St. Charles river in the harbour of Quebec.

That answers the several questions.

APPOINTMENT OF JOS. P. LAVOIE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

When Mr. Jos. P. Lavoie was appointed, at Quebec, assistant immigrant agent in the Department of Immigration, was he then a British subject or an American citizen?

Hon. Sir RICHARD CARTWRIGHT—A British subject, so far as the government is aware.

Hon. Mr. LANDRY—He is or was?

Hon. Sir RICHARD CARTWRIGHT—I can only give the answer I have received, that, so far as the government knows, he is a British subject. Once a British subject, always a British subject.

SUCCESSOR TO JOS. P. LAVOIE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Who replaced Mr. Jos. P. Lavoie as assistant immigration agent at Quebec, and what is the salary of the new assistant?

Hon. Sir RICHARD CARTWRIGHT—J. J. O'Flaherty, appointed at $1,500 per annum, not now in the service.

FRENCH REPRESENTATION IN THE SENATE.

Hon. Mr. LANDRY inquired of the government:

INQUIRY.

Is it the intention of the government to add to the prestige, the usefulness and efficiency of the Senate by appointing soon, among the members who compose the Upper Chamber, persons who would represent there more extensively and more equitably the interests of the federal executive, and in such case does the government intend to grant to the French element of this country at least one of the representatives of the executive in the Upper Chamber?

Hon. Sir RICHARD CARTWRIGHT—This is a question which requires serious consideration. I would be glad to know, supposing the government were to decide on that, that they could rely on the services of my hon. friend.

Hon. Mr. LANDRY—That is a question of policy.

Hon. Mr. CLORAN—A question of conversion.

Hon. Mr. LANDRY—I have not had the opportunity to refuse yet.

EMPLOYMENT OF LEONCE STEIN.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Has Mr. Leonce Stein been within recent years in the employ of the government in the Immigration Office at Quebec?
2. What position did he occupy and what was his salary?
3. Has he been replaced, and by whom?
4. Did he resign or was he retired?
5. Upon whose recommendation?

Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follow:

1. Yes.
2. Chief clerk $1,500.
3. No.
4. Was superannuated, 1st July, 1909.
5. Minister of the Interior.

THE LIBRARY OF PARLIAMENT.

INQUIRY.

Hon. Mr. LANDRY rose to draw the attention of the government and of the House to the fact that:

The library of parliament, formerly the joy of the studious class and the pride of the Capital, has become, by reason of an excessive encumbrance of volumes of all sorts, and by the disgraceful arrangement that has been made of them, an inconceivable horror, an unnameable lumber room, where the statue of Queen Victoria and the objects of art are disappearing, little by little, under the rising

tide of daily journals; where the joint librarians, backed into their little rooms, are constantly menaced with isolation from their families by the ever increasing wall of impenetrable sessional documents, where all the employees, visible and invisible, await suffocation with wonderful resignation, and where, worse than the white plague, the yellow peril or the German danger, death watches for all the subjects of the British empire of the upper chamber or members of the House of Commons, whom the love of the sciences or the way of duty draws into the fatal passage.

And inquired of the government:

Is it the intention of the government to put in the estimates a sufficient sum for the enlargement of the present library or the erection of a new library of greater dimensions and better fitted for the wants of our epoch?

Hon. Mr. BOSTOCK—I should like to know if this question is in order? It seems to me that under rule 27, which provides that no motion prefaced by a written preamble is received by the Senate; it cannot be received. The motion is prefaced by a preamble.

Hon. Mr. LANDRY—This is not a notice of motion, but an inquiry. I draw the attention of the House to certain facts and make an inquiry.

Hon. Mr. GIBSON—Is the hon. gentleman sure of the facts?

Hon. Mr. LANDRY—Yes, I went over there and saw what I state.

The SPEAKER—In 1908 objection was taken to a somewhat similar motion, and my predecessor in the Chair ruled that the motion was undoubtedly out of order.

Hon. Mr. LANDRY—But this is not a motion.

The SPEAKER—This is an inquiry, and inquiry of the same character.

Hon. Mr. LANDRY—We have a rule which says that when the Speaker gives his decision on any objection raised, he must point out the rule which governs his decision.

Hon. Mr. POWER—While I do not approve of the notice which the hon. gentleman has given, and while the language used in the notice is somewhat exaggerated, still I do not think that the notice is open to the objection taken by the hon. gentleman from British Columbia. As the hon. member for Stadacona has pointed out, this is not a motion. No motion prefaced by a preamble is allowed, but this is not a motion. The hon. member from Stadacona calls attention to a certain state of things and ends with an inquiry. Where that particular mode of procedure is adopted, a preamble is permissible; otherwise the question would not be altogether intelligible. While I am prepared to bow to the decision of his honour the Speaker, I doubt if any precedent will be found for ruling this inquiry out of order on the ground that it is prefaced by a preamble.

The SPEAKER—This is a question which has been already decided, and the Senate has acquiesced in the ruling. On a question put by the Hon. Mr. Landry on the 13th of May, 1908, objection was taken by Mr. Power, who said 'To my mind the last of the three questions in this inquiry is the only one which is regular.' The matter was discussed, and the hon. gentleman referred in that case to Bourinot, page 434. The quotation was as follows:

It (the question) should be simply and severely accurate in its allegations. If it is hypothetical it is objectionable, and as a rule, should not be answered. It should not be ironical or convey an imputation.

Then he referred to May, page 243, and quoted as follows:

As the notice paper is published by authority of the House, a notice of a motion or of a question to be put to a member containing unbecoming expressions, infringing its rule, or otherwise irregular, may, under the Speaker's authority, be corrected by the clerks at the table.

And again on page 249:

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

A question may not contain statements of facts unless they be necessary to make the question intelligible, and can be authenticated, nor should a question contain arguments, inferences, imputations, epithets, or controversial or ironical expressions.

All this was quoted by the hon. member who raised the objection. He made other references to authorities and the Hon. Mr. Landry answered. Other hon. gentlemen spoke, and then I find the Hon. Speaker ruled as follows:

Rule 27 states—No motion prefaced by a written preamble is received by the Senate. I take it that this applies as well, by the

authorities Bourinot and May, to questions put, which must still be more pointed and cover but the necessary matter which is to be answered. My opinion being asked, I would say that the motion is irregular, because the two first clauses are but disguised preambles to the question asked.

Then later he says:

I would say in addition, that there are other reasons why these two clauses should be ruled out of order, because their tone does not come up to the rules of the House.

Then, later on, the Speaker again being asked by the Hon. Mr. Lougheed if a notice of inquiry is to be treated as a motion, adds:

No. I stated that a motion, by virtue of rule 27, cannot be prefaced by a preamble, and that likewise a question cannot be prefaced by a preamble, and I take it for granted that the two questions put in this case can only be a disguised preamble to the inquiry that is put, and also, besides the fact that the two questions—at all events the second question—offended against the rule, which says that there shall be no ironical qualification in a question.

It seems to me, therefore, I am deciding in conformity with a former ruling.

Hon. Sir MACKENZIE BOWELL—What was the nature of the inquiry on which this decision was rendered?

The SPEAKER—I will read the question as put by Mr. Landry:

That he will inquire of the government—Does the government know whether Mr. George Tanguay, of Quebec, merchant, was for several years and until the recent municipal elections held in February last, one of the aldermen of the city of Quebec, and one of the most devoted partisans of a civic administration of which Mr. Parent, the present President of the Transcontinental Railway Commission, had been the head?

Does it likewise know whether in the course of the month of May, 1900, this same Mr. Tanguay—at a special meeting of the city council which had been secretly called, and to which the Mayor had not been summoned, in order not to offend his proverbial modesty, so it was said—caused to be voted at the expense of the taxpayers, a bonus of $5,000, which had or had not found its way to the bottom of the pocket of His Honor?

How much has this same Mr. Geo. Tanguay recieved yearly from the Commissioners of the Transcontinental Railway of which Mr. Parent became president, for goods and merchandise, during each of the years 1904-5, 1905-6, 1906-7, and 1907-8.

The hon. the Speaker held the first two of these questions contained practically a preamble, and, as such, containing a preamble, they were objectionable and could not be received. He cited rule 27, and added.

Likewise a question cannot be prefaced by a preamble, and I take for granted that the two questions put in this case can only be a disguised preamble to the inquiry that is put, and also besides the fact that the two questions—at all events the second question—offend against the rule which says that there shall be no ironical qualification in a question.

Hon. Mr. LANDRY—Was the third question put?

The SPEAKER—No it was not put.

Hon. Mr. LANDRY—I think I consented to drop the first two.

The SPEAKER—No. To give notice for another day. That is my recollection. I have not looked at it, and I am speaking subject to correction.

Hon. Mr. LANDRY—I am speaking from memory also.

The SPEAKER—I made a memorandum of the question in my own book here, that the preamble of the first question stood as a preamble to the other, so that I was prepared for it.

Hon. Mr. LANDRY—In that case there were three questions.

The SPEAKER—And it was held the first two were preambles.

Hon. Mr. LANDRY—But these are not subject to the same rules. I ask if the government has decided to place in the estimates the necessary sum.

Hon. Mr. POWER—I have no interest in this matter, except that I should like to see the procedure of the Senate kept harmonious with previous decisions. You cannot make a motion in this House prefaced by a preamble. If the hon. gentleman asks a question, and merely asks a question, there can be no preamble; but we have a procedure which is peculiar to this House and the House of Lords, under which an hon. member calls attention to a certain condition of things, and then asks a question. The two cases are altogether different. There can be no discussion on a question. When the member of the government of whom the question is asked gives an answer, there can be no discussion, and no

other member of the House has a right to interfere between the hon. member who asks the question and the member of whom the question is asked. But if an hon. gentleman takes the precaution to call attention to any circumstances, then there can be a general discussion. Every hon. member in the House has a right to join in; so that I think the Speaker will find on further consideration that the rule which applied in the case which he has cited does not apply to the present case, because it is a totally different procedure. The procedure adopted by the hon. gentleman in the present case has been adopted on various occasions in this House, and, as I said at the outset, unless there is something in the nature of a preamble which calls attention to the circumstances you cannot have a discussion. Perhaps his hon. the Speaker might take a little further time to consider his decision from that point of view.

Hon. Mr LANDRY—Perhaps the hon. the Speaker might give his decision to-morrow.

Hon. Mr. CLORAN—After the holidays.

Hon. Mr. LANDRY—There is no hurry, we are going to sit all week.

Hon. Mr. GIBSON—Why did the hon. gentleman not give a notice of motion?

Hon. Mr. LANDRY—No notice of motion is required. I am making an inquiry and calling the attention of the government to certain facts, and my question arises out of those facts. That has always been done in this House.

Hon. Mr. WATSON—I am inclined to think the rule does not apply; but it ought to apply, so that the hon. gentleman would not have the privilege of lumbering up our records with such documents. The hon. gentleman states that such conditions prevail in our library; they do not exist, and I do not think we should advertise as facts things that do not exist. I think it is a disgrace to our records to have such a document placed on them by any hon. gentleman in this House.

The SPEAKER—The points were all covered by the same answers given in the precedent I quoted. It seems to me I cannot distinguish any difference between them at all. There is undoubtedly a preamble to the question; it is distinctly a preamble, whereas the one which was before the former Speaker was only a preamble by inference. By inference it was declared that although in the form of a question it was in reality a preamble, and if the ruling applies in such a case as that, it must apply to the present case, and I cannot see my way to change my ruling.

Hon. Mr. LANDRY—But we have a rule which declares that when we want to discuss a question we must call the attention of the House to certain facts, and how can we call attention to certain facts if we are precluded from putting them as a preface to the question?

Hon. Mr. POWER—I would call the attention of the hon. Speaker to rule 40.

Hon. Mr. LANDRY—Rule 40 states:

> When it is intended to make a statement or raise a discussion on asking a question, the senator having such intention, as part of the notice under rule 21, gives notice that he will call attention to the matter inquired into.

This rule is in my favour, and yet am I precluded by another decision which applies only to motions and not to inquiries. from giving notice that I shall call the attention of the House to certain facts, and that I will make an inquiry.

Hon. MEMBERS—Chair.

Hon. Mr. YOUNG—The Chair has ruled.

Hon. Mr. LANDRY—I would ask the hon. Speaker if his mind is quite settled on the question?

Hon. Mr. WATSON—His mind is settled.

Hon. Mr. LANDRY—I understand my hon. friend's mind is settled.

Hon. Mr. WATSON—So is the Speaker's.

Hon. Mr. LANDRY—I am calling attention to rule 40.

The SPEAKER—I think it is only due to any hon. member of this Chamber, if he asks me to further consider a matter, that I should do so; therefore, I shall of course,

be very glad to comply with his request. I have not any idea of changing my mind; at the same time I will look into it to see if I am right or not.

Hon. Mr. YOUNG—Then the matter stands.

Hon. Mr. LANDRY—Stand.

Hon. Mr. CLORAN—We will have another row next week.

Hon. Mr. POWER—Perhaps his hon. the Speaker, when he takes the question which has been raised into consideration, would also take into consideration the language of this motion, which, to my mind, would be altogether unbecoming in our records.

PROCLAMATION RE APPOINTMENT OF JUDGES.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Has the proclamation by the Governor in Council, which is required by section 3 of chapter 12 of 50 Victoria to bring the said chapter into force and to allow the federal government to avail itself thereof in the appointing of certain judges, ever been issued and published?

When and by whom?

Has the government ever been notified of the existence of such a proclamation, and by whom?

Hon. Sir RICHARD CARTWRIGHT—The answer to the hon. gentleman's first and second question is, 'not so far as the government is aware.' The answer to the third question is 'No.'

PRINTING OF FINDING OF MUTUAL RESERVE COMMITTEE

MOTION.

Hon. Mr. DOMVILLE moved:

That the finding on the evidence adduced before the Special Committee of the Senate, held in the fourth session of the 10th parliament, on the Mutual Reserve Fund Life Association be laid upon the Table, together with the report of the Joint Committee of the Senate and Assembly of the state of New York appointed to investigate the affairs of Life Insurance Companies, bearing on remedial legislation, being from page 357 to end of Assembly Document No. 41, the same to be placed before the Joint Committee on Printing with the recommendation that it be printed, together with and following said last report.

Hon. Sir MACKENZIE BOWELL—I would like to ask whether the Senate is in possession of the reports asked for in this motion?

Hon. Sir RICHARD SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—If my memory serves me right, the committee made some reports, but they were never received by the Senate. Then where will they be found to be placed on the table? If they had been laid on the table of the Senate, and action taken upon them, they would then be in the possession of the Senate. My object in rising is to ask whether any one knows where that report is, and where it is to be obtained, if the motion is carried?

Hon. Mr. CLORAN—If I remember distinctly, the findings of that committee were placed on the table on a tie vote of the Senate, and the hon. Speaker at the time declared the motion lost without a favourable opportunity to those interested in the matter to go further. At any rate, the motion was lost; but if the hon. gentleman from Hastings wants to find the entire document it should be found in the Debates of the Senate, because that document was read by myself verbatim, and was also discussed. I think, by the hon. gentleman from Rothesay, by the hon. gentleman from Moncton, and by many other hon. members of that committee, who were sincerely conscientious in their decisions, that the Mutual Reserve Fund Life Association was a fraudulent corporation. Although the findings were not accepted officially by the House, the country could ascertain what these findings were in the columns of the Debates; but I was astounded to-day to learn from one or two senators that the Debates had been mangled. I never took the trouble to find out whether the expressions of opinion which were made at that time were entered in the Debates. I know they were published in the unrevised edition; but I was astounded to-day to learn from hon. members that many expressions of opinion uttered on the floor of this House and many documents quoted from do not appear in the revised edition of the Debates. I do not make that statement of my personal knowledge. I will make it my business to find out if it is true, and then

we will probably come back to the Mutual Reserve Life affairs. In answer to the hon. gentleman from Hastings, I say that the findings of that committee are, or ought to be, on the records of this House. They were alluded to in debate and read by myself and other hon. members, and naturally taken down by the official reporters of this House, and if they are not in the Debates, then this House will have reason to ask why they were eliminated. I would be surprised beyond measure to think that documents of that importance would not be found in the official records of the House. Under the circumstances, I fail to see that the hon. gentleman from Hastings has made his point, that the document is not in the possession of the House because it is not in the revised Debates. I am not prepared to contradict him. If ever I am compelled to contradict the statement, we will have to see a little more hair fly than there is at the present moment.

Hon. Mr. LANDRY—I think there is another point the hon. gentleman might have taken. He said there was a tie vote. If there was a tie vote, on what question was it put?

Hon. Mr. CLORAN—On the adoption of the report.

Hon. Mr. LANDRY—Was that report brought in as an amendment?

Hon. Mr. CLORAN—No, as a straight report, the report of the committee with the findings.

Hon. Mr. LANDRY—If it was brought in as a motion, we shall find it in the journals of the House.

Hon. Mr. DOMVILLE—It does not appear to be.

Hon. Mr. BEIQUE—Speaking from recollection, I think the following will be found to be the facts: The committee made its report, merely returning the evidence, and then I made a motion embodying what I considered to be the result of the evidence adduced before the committee.

Hon. Mr. CLORAN—What right had the hon. gentleman to do that?

Hon. Mr. BEIQUE—And when this motion was made, the committee, or a majority of the committee then held a meeting and prepared a finding which was brought before this honourable House, and when their report was presented a question of order was raised on the ground that the committee had become functus officio, and, therefore, no report could be received from the committee and the point of order was sustained, therefore the report was never before the House.

Hon. Mr. CLORAN—I am astonished at the facts related by the hon. gentleman. I am beginning to see a little more clearly now. The hon. gentleman tells this honourable House that he undertook to bring before this House his opinion of what the committee did, and that the majority of the committee held a meeting afterwards and brought in a report which was held to be out of order. How? By a vote of this House, 20 to 20. These are the facts. Am I to understand that what we have been told is true, that statements of hon. members on the floor of this House have been expunged from the official record? That the debates of this House have been mangled?

Hon. Mr. BEIQUE—I know nothing of that.

Hon. Mr. CLORAN—So much the better; but we have to find out if these are the facts, and, if so, we will have to go to the bottom and probe and ascertain who is responsible for the expunging of remarks of hon. members and suppressing official documents. The hon. gentleman went on to say it was a majority of the committee who met and made findings. What is the committee if not a majority? The majority brought in their findings and the report was set aside on a point of order, but a tie vote was taken and before the chairman of the committee had a chance to move another motion the Chair declared it carried and we had no recourse. We accepted the condition of things, but, accepting that condition of things does not destroy the fact that the documents ought to have been printed, in fact were printed in the unrevised edition of our debates. Now, we are informed that all this has been eliminated. By the authority of whom? By the authority of the Mutual Reserve Fund Association of New York, which is defunct, the president in jail and others dead. We do

not want to trample on their corpses, but we want our own bodies, which survive, respected. In conjunction with other members of that committee I shall endeavour to ascertain how much of our debates were eliminated from the record and by order of whom. This is in reply to the hon. gentleman from Hastings, who says that there is nothing official before the House. If his contention is true, I say it is a deplorable state of things, and I hope it is not so, and that a fair examination of our debates will prove that nothing has been suppressed or expunged or mangled in the interests of the corporation, and against the interests of the people of this country.

Hon. Mr. ROSS (Halifax)—Would it not be better to assume the report is correct, and that it has not been mangled, till we have proof that such is not the case.

Hon. Mr. WATSON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Victoria misunderstood or misinterpreted my object in asking the question. There would be no use whatever in passing that resolution if these documents are not in possession of the authorities of the House so as to enable them to lay them on the Table and refer them to the committee. That was my only object. I must confess I see no good object to be attained by going to the expense of printing the report.

Hon. Mr. CLORAN—Not the report—the finding of the committee.

Hon. Mr. DOMVILLE. The report is all printed and distributed.

Hon. Mr. CLORAN—It is only the findings that are wiped out.

Hon. Sir MACKENZIE BOWELL—What suggests itself to my mind is this: if that motion be carried and referred to the clerk would he be expected to search the Debates of the Senate to find the document that is required?

Hon. Mr. DOMVILLE—Why should he not do so?

Hon. Sir MACKENZIE BOWELL—Such a thing would never be thought of. If the document was laid on the Table of the House and was defeated, it ought to be in the possession of the House somewhere and should form part of the record. As to the serious charge made by the hon. gentleman, that the debates and proceedings of this House have been mutilated, that is too serious to be allowed to pass without further investigation.

Hon. Mr. WATSON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—If it has been done in this case, it may be done in other cases of equal importance, whatever the proceedings might be. The hon. gentleman intimated that if certain things are not done, some hair is to fly. I have not too much hair left, and I do not propose that he shall interfere with it in any way. He can deal with those who have better hair than I have; but such threats are unbecoming any member of the Senate, and I think the less we have of them, and this mode of making charges—

Hon. Mr. CLORAN—I made no charge. I hope the accusation is not true. Instead of making a charge I denied it.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman informed the House that he had been told by senators that the record of the proceedings of the House had been mangled and mutilated. If that be true, the senators who have that information and conveyed it to the hon. gentleman, should be called upon to sustain the charge, and we should ascertain who is responsible for that wrong, because, to my mind, it is a very serious wrong. If such a thing is to be tolerated and continued, no senator will know whether the utterances or opinions he may express here, if they are at all in opposition to the opinions held by others, might be eliminated. For my part, I question very much the accuracy of the information that the hon. gentleman has received, for I cannot conceive it possible that any official of the Senate or any member of the Senate would deliberately mutilate our records. I am quite sure the official reporters of this House would never be guilty of such a thing.

Hon. Mr. CLORAN—They are not in question in this matter.

Hon. Sir RICHARD SCOTT—It would probably be well to end the dispute, and I will read the action of the House taken on the final report.

Hon. Mr. DOMVILLE—What is the hon. gentleman quoting from?

Hon. Sir RICHARD SCOTT—The Journals of the Senate of the session of 1904, page 286:

Senate Committee Room number 8, Thursday July 29, 1904. The Select Committee appointed to investigate the position in Canada of the Mutual Reserve Life Association, New York, beg leave to make their 9th and final report.

And so on. Then—

On a point of order being raised as to whether the committee had not ceased to exist, and the ruling of His Honour the Speaker having been asked thereon, the same was, on his request, postponed till Monday next.

Then the Monday following:

On the point of order raised on Friday the 29th July last, as to whether the Select Committee appointed to investigate the position in Canada of the Mutual Reserve Fund Life Association of New York had not ceased to exist before submitting for adoption their ninth report presented to the Senate on Friday, His Honeur the Speaker gave his ruling that the point of order was well taken.

And he decided that that portion should not appear in the Journals of the Senate. The Hon. Mr. Landry appealed from the ruling, and the House divided, the vote being contents 10, non-contents 20. I say that no possible good can be attained by carrying this motion, and ordering a report made in the state of New York, some four or five years ago, to be printed.

Hon. Mr. DOMVILLE—That is carried already.

Hon. Sir RICHARD SCOTT—Not to print. Simply for their consideration, I understood.

Hon. Mr. DOMVILLE—And recommendation to print.

Hon. Sir RICHARD SCOTT—I did not so understand it or I certainly would have objected to it most decidedly, because it can serve no possible object, and is just a piece of wasteful extravagance, reviewing circumstances that long since should have been forgotten.

Hon. Mr. CLORAN.

Hon. Mr. DOMVILLE—My hon. friend left the Chamber while the matter was under discussion, and therefore did not hear it.

Hon. Mr. POWER—I think this motion is objectionable; first on the point of order that this information does not appear on the records of the House, and I do not see how the House can order something which is not in its possession to be printed. Then as regards the information to be conveyed to the members of the Committee on Banking and Commerce with respect to what took place in the case of the Mutual Reserve, that can all be found in the Debates of the Senate. It is all set out there, and there is no necessity or justification for attempting to take it out of the Debates of the House and have it printed in pamphlet form. The printing ordered the other day is being done for the information of the Senate at large, and more particularly the Committee on Banking and Commerce, to whom the Bill respecting insurance has been referred. I appeal to my hon. friend, and I ask him does he think that the printing or publication in any way of what took place in connection with the New York Mutual Reserve Company will be of value to the Banking and Commerce Committee in dealing with a general measure such as the Insurance Bill? There was a great deal of very interesting matter brought before the House in connection with the New York Mutual Reserve Company, but I do not think there was anything which would be very valuable to the Committee on Banking and Commerce in considering the general question of life insurance, and my hon. friend will see that there is really no special object to be gained by persisting.

Hon. Mr. DOMVILLE—I ventured to state the other afternoon that there would possibly be a discussion if that motion was allowed to go through. I did not want to precipitate any debate. I agree with the hon. ex-Secretary of State that the report from the United States should not have been accepted here. We did not know anything about it. I do not know what it is to-day, and yet this honourable

House agreed to put on the Journals of the House extracts from a report that they were not in possession of. This House in that way might have all sorts of matter loaded on to our records. We should know what we are doing. Hon. members know nothing of what was done in New York, yet in the wisdom of the House the report of the Armstrong Commission was sent to the Printing Committee. I do not propose to place my judgment against the judgment of the whole House. I will assert for myself such common sense and reason as I have been endowed with, and when the House undertook to place on the Journals of the House the report from the New York Commission then I remonstrated with the Senate on throwing overboard the finding of the committee of this House, and not being willing to hear what they had to say. I care not whether the majority was one or ten or twenty. The committee made that report and as my hon. friend knows, the record of it is to be found somewhere. The committee found certain facts. Now I do not want to inflict pain upon any one in connection with this matter, but I do want to have the country seized with the fact that the findings of that committee were correct. Everything that was asserted on the floor of this House was established. It has been stated that the report was not adopted by the House. Why not? When the committee rose, the motion was that the committee do now rise. I added the words 'and report.' The minutes of the shorthand writer contained those words, but it was argued in the House that because they did not appear in the Minutes, the motion was simply that the committee rise, and we all know that according to parliamentary practice it means that the work and the functions of the committee end. If, after careful investigation, the committee had arrived at a correct conclusion, why was that short cut taken to throw out their report? Subsequent events justified the finding of the committee, and I want to bring that fact before the country. I want to have the report of our committee published with the report of the New York investigation. Although I cannot go as far as my hon. friend from Victoria division (Mr. Cloran) has gone, I am somewhat of his opinion. Although a good deal of attention was called to points in the report when matters were discussed in the House, I find no report of it here. I suppose that is what my hon. friend means by mutilating the record; but I can give the House the report because I took the precaution to have it recorded in the Minutes and Proceedings where it must stand for ever. The majority could vote us down, but it could not expunge that report from the Minutes. It will be found in the proceedings of the 9th August, 1904. Now, the original of that report must be somewhere. When it was rejected by this House, it must have gone into the archives. But we are told that the report was voted down. A vote only proves that so many voted one way and so many another way; it does not in any way influence the position, and I only ask that the finding of that committee go before the Banking and Commerce Committee. I am not making any attack on the Insurance Bill, but I want, in the consideration of that Bill, to have the two reports before the committee.

Hon. Mr. BEIQUE—Will the hon. gentleman allow me to call his attention to the fact that he will find at page 955 of the Debates of 1904 the findings of the committee in full. The hon. member was addressing the House on the 3rd of August, and said:

> There may be some hon. members who have not heard this, and my hon. friend has put me out a little by his interruption. My motion will read in this way: That in the opinion of this House the following irregularities have been found in the management of the affairs in Canada of the Mutual Reserve Fund Life Association of New York, at the pages indicated and referred to in the evidence taken before the Select Committee, &c.

And then follows the report which occupies two or three pages of the Debates. So we have it in the Minutes and in the Debates.

Hon. Mr. DOMVILLE—My hon. friend is absolutely correct as to the page, and the particulars. We have the findings of the committee both in the Minutes and in the Debates, and it is not worth while reading it all again. I introduced the question by giving notice of a motion that the clerk

of the House be instructed to preserve copies of the reports of the committee. When I gave that notice the Hon. Mr. Scott rose and said:

I beg to rise to a question of order; we must have some respect for the dignity of the House. This is not an ordinary notice of motion. The hon. gentleman is reading a public document, or some reference of the committee. I appeal to him not to degrade the House in the way it has been degraded by this committee.

Now that is very strong language. I was degrading the House because I gave notice of a motion. I do not know how I degraded myself or the committee degraded itself. I wish I had a list of the members of that committee to show who they were. But I take all that to be—what shall I say to be in order in a parliamentary sense—heated remarks, not well founded, with a desire to prejudice me and the committee and the whole subject. Of course the hon. gentleman at the time was all-powerful, and many would vote with him thinking he was right, and not wishing to offend him. Perhaps some were influenced in that way against their better judgment; but how did things turn out? The Senate is in the humiliating position of having refused to accept the report of their own committee. If they were not satisfied, they could have appointed another committee, but instead of that they branded some of the members of their own House as a degraded committee. Who was right and who was wrong? That is what is to be analysed as if it were judge and jury before the country. We must look into the bona fides of the members who formed that committee. It was not my intention to have said anything on this subject, as two or three hon. members in this House know; my desire was simply that when the report of Judge Armstrong, of the state of New York, was being printed, the report of a committee of this House on the same subject should be printed with it, in order that that committee might get credit for the work they had done. Is there any reason why the two reports should not be published together? The New York Mutual Reserve Company is not now on trial. Some of its officers gave evidence before the New York Commission that they had paid so much money to fix things up here. We passed a resolution in this House calling upon the government to make a report of who received the sum mentioned, I think $37,000. Although the House passed that order, the return has never been brought down. I trust that whoever got the money has invested it to the best advantage—compound interest at six per cent. I have nothing more to ask, but simply that the motion be carried.

The motion was declared lost on a division.

THE ASSISTANT JUDGE AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

On which of the two statutes, chapter 7 of 47 Victoria, or chapter 12 of 50 Victoria did the government base its authority for the appointment of Mr. François Langelier as assistant judge at Quebec, of the chief justice of the Superior Court of the province of Quebec.

Hon. Sir RICHARD CARTWRIGHT—On neither of the said statutes.

SUPERIOR COURT JUDICIARY OF QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Who were, by order of seniority, on the 1st of June, 1906, the judges of the Superior Court of the province of Quebec, belonging to the district of Quebec, as comprised and defined for the purposes of the Court of Review, according to the exact wording of the law.

Hon. Sir RICHARD CARTWRIGHT—Hon. A. B. Routhier, Chief Justice, Hon. Sir F. Langelier, and Hon. Sir C. A. P. Pelletier.

Hon. Mr. LANDRY—I shall be obliged to repeat this question. The hon. gentleman's reply does not cover it. I call his attention to the fact now, in order that he may bring it to the notice of the department. For the Court of Review the province is divided into two districts, the district of Quebec, and the district of Montreal. The answer gives the names of only three judges, whereas there are several more judges, at least a dozen.

THE FRENCH TREATY.

INQUIRY.

Hon. Mr. POWER—Before the orders of the day are called, I would ask the leader of the House if he is in a position to inform the Senate with any degree of accuracy as to the time when the supplementary French Treaty will be submitted for our consideration?

Hon. Sir RICHARD CARTWRIGHT—That instrument, I believe, is under consideration in the House of Commons this very afternoon. Of course it will depend upon what action they take when it will be submitted to us.

INSURANCE ACT AMENDMENT BILL.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. GIBSON moved the adoption of the report of the Standing Committee on Banking and Commerce with respect to Bill (A), An Act respecting Insurance.

Hon. Mr. POWER—The question which I had the honour to ask the right hon. leader of the House was asked really because I think that the action of the House upon this report should depend to a certain extent upon the position of the French treaty. If there is no reasonable assurance that the French treaty will reach the Senate to-morrow, then I think we should refer this report back to the Banking and Commerce Committee. The report recommends that the consideration of the Insurance Bill by the committee should be postponed until after the adjournment; but if this House is liable to sit until the middle or latter part of next week, the committee should go on with the Bill and make some progress. The hon. chairman of the committee spoke of a number of insurance officers who would like to be heard before the committee. I observe that the first 82 clauses of the Bill do not deal specially with life insurance. They are general clauses, or clauses as to which there probably will be very little discussion by the representatives of the insurance companies. The next 42 clauses deal with life insurance, and it does seem to me that if the Senate is obliged to remain here for another week waiting for the French treaty, we had better make use of our time in making some progress with the Insurance Bill. I do not know what the sentiment of the House is, but if the general feeling is the same as my own, instead of receiving this report we should adopt a resolution somewhat to this effect—that all the words after that be struck out and the following substituted therefore: 'The Committe on Banking and Commerce have leave to withdraw their second report.' That will leave them free to sit on the Bill.

The motion was agreed to.

DELAY IN PRINTING.

Hon. Mr. LANDRY—Before the adjournment of the House, I should like to know if any progress has been made with the second volume of the Auditor General's report? I am not speaking of the French edition. We will have that next year I suppose. I am speaking of the English version, and we should have that very soon now.

Hon. Sir RICHARD CARTWRIGHT—The government are very anxious to bring it down themselves, in order to expedite their business in both Houses, and are using every exertion to get it through. They are very voluminous documents, as no doubt my hon. friend is well aware, and we can hardly manage, do what we please, to get the whole of the printing through for all the volumes when the House meets, as it now does pretty early; but I shall call the attention of the Auditor General and also the Printing Bureau to the desire of the House to have that volume.

Hon. Mr. LANDRY—If the hon. gentleman goes to the Printing Bureau, perhaps, while on the same voyage, he could press a little for the printing of our revised edition of the Senate Debates.

Hon. Sir RICHARD CARTWRIGHT—I shall have their attention called to that also.

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

THE SENATE.

WEDNESDAY, December 1, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

LIGHTING OF IMMIGRATION OFFICES AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

How much does it cost the government to light that part of the immigration building at Quebec occupied by Mr. Jacques Dery, the restaurant keeper, and set apart as a restaurant, buffet, dining room and kitchen?
How much does the lighting of the same departments cost?
Is it the government or the restaurant keeper who pays in whole or in part (if in part in what proportion) these expenses of lighting and heating?

Hon. Sir RICHARD CARTWRIGHT—The answer to the hon. gentleman's questions is as follows: The immigration building at Quebec is lighted and heated at the expense of the government. Lighting and heating accounts of the quarters occupied by the restaurant keeper are not kept separate from that of the remainder of the building.

LEAVE OF ABSENCE OF IMMIGRATION EMPLOYEES OF QUEBEC.

Hon. Mr. LANDRY inquired of the government:

1. Does the government know that from the 1st January, 1909, to the 15th April of the same year, that the employees of the immigration office at Quebec obtained three days' leave of absence each week?
2. Who gave these leaves of absence?
3. Was it the Superintendent of Immigration at Quebec?
4. Did he do it on his own responsibility or had he previously obtained the authority of the Superintendent General of Immigration at Ottawa?

Hon. Sir RICHARD CARTWRIGHT—The answer to the hon. gentleman's questions are as follows:

1. No.
2. Answered by No. 1.
3. Answered by No. 1.
4. Answered by No. 1.

PROTECTION OF NAVIGABLE WATERS ACT AMENDMENT BILL.

SECOND READING.

The order of the day being called.

Second reading (Bill B) An Act to amend the Act respecting the protection of Navigable Waters.

Hon. Mr. BELCOURT—This Bill is one of very considerable importance, and several hon. members have expressed the desire to speak on the second reading. One of these gentlemen at least, I do not see in his place to-day, and, possibly, it would be better to allow the second reading to stand.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend might as well explain to the House what the general scope of the Bill is.

Hon. Mr. BELCOURT—The scope of the Bill is to secure an amendment to chap. 115 of the Revised Statutes of Canada, the Act which is entitled in the Statutes as, 'an Act for the protection of navigable waters.' In that Act there are various provisions, some of them relative to protection to navigation and others with reference to protection of public health. Some of the provisions of the Act are to the effect that no one shall place in navigable streams anything which is in the nature of an obstruction or impediment to navigation. Wherever anything of that kind is contemplated, permission of the Minister of Public Works is to be required before the work is done. The applicant has to file a plan with the minister, showing what the work is going to consist of, and the minister may or may not grant permission under the statute. Other provisions of the Act are with reference to public health. It is made a criminal offence, under the Act, for any person to deposit or cause to be deposited in any navigable stream rubbish, sawdust, refuse and other things which I forget for the moment. For some time past there has been a feeling in the public mind that the time has come when the health of the people of Canada requires that something should be done to prevent

the contamination of our sources of water supply. Everybody recognizes that of all the natural elements there is none which is of more consequence, and the more necessary to the general public health, than water. The matter was last year the subject of investigation by the Public Health Committee of this House. It was my good fortune very recently to read the report—which has not yet been printed—of that committee, which is presided over by one of our colleagues, the Hon. Mr. DeVeber. That report is full of instruction, and also full of warning. Upon reading that report, it occurred to me that one of the things which required to be done, and ought to be done at once, was action by this parliament, in so far as this parliament has jurisdiction over the matter. The depositing of sewage, offal, and vegetable and animal matter in our streams, constitutes a menace to the public health of Canada. We have not yet gone so far in the matter that remedies are of no consequence. Now is the time to apply the remedy. The difficulty in the way arises principally from the division of jurisdiction between this parliament and the provincial legislatures. That is one of the difficulties to which the committee that I have mentioned drew attention last session. I hope it will not be considered presumption on my part, as one of the young members of this House, to say that the work done by that committee is most admirably performed. Information of the greatest value and importance was collected by that committee last year, and I should like to extend my congratulations to the members of it on what they have accomplished. It is one of the ways in which the great importance of this House ought to commend itself to the public, when it is shown that senators give their attention to such vital questions as the preservation of the public health, and do it in a thorough and efficient manner. The question of jurisdiction was dealt with by that committee, and some hon. gentlemen seemed to think there was no way in which definite steps could be taken at this stage, because the provinces claim that in matters of health they alone have jurisdiction, with the exception of quarantine, which has been specially placed under federal jurisdiction by the British North America Act. On reading the report of the committee, it occurred to me that there is one way at least in which this parliament can deal with the matter, and deal with it effectively and promptly. If we have—as unquestionably we have—jurisdiction over every navigable stream and can prevent people depositing matter which is injurious or not injurious therein, surely we have jurisdiction to deal with navigable waters in the way I propose. My proposition is this: a provision will be added to that chapter of our revised statutes making it a criminal offence for any person—and I need not remind the House that the word person means corporation, municipal as well as any other kind—to deposit sewage, offal, vegetable or animal matter refuse in a navigable stream. That, I think, will be effective. The objection may occur to some people that this is a very radical measure, that it will place our municipal corporations in a difficult position, in fact, perhaps, a position that they cannot cope with. I do not think it will have that effect, and hon. gentlemen will agree with me when they remember that that statute contains a provision by which, on application, any person intending to do anything prohibited under this Act may apply to the Governor General in Council, and the Governor General in Council is empowered by proclamation to suspend from time to time the operation of any provision of the Act. The position I take is this, that if we can restrain all persons and corporations who come under our jurisdiction—and I submit all persons and corporations living along the banks of navigable waters are for the purposes of this Bill under the jurisdiction of parliament—from depositing sewage until such time at all events as they are in a position to show that the depositing of such sewage in the rivers is not a menace to the public health, we will have taken a very long step towards preventing the pollution of the natural sources of water supply. Take the case of the city of Ottawa; the newspapers and public of Ottawa have been greatly agitated on this question. Seven or eight miles above Ottawa, the town of Aylmer has constructed a sewer for the purpose of dis-

charging the sewage of that town into the Ottawa river. The citizens of Ottawa were immediately up in arms and protested vigorously against this being done, although they are doing fifty times worse than the town of Aylmer themselves. If the citizens of Ottawa object to the town of Aylmer depositing their sewage in the Ottawa river, the citizens living along the banks of the Ottawa between here and Montreal, and the city of Montreal also, have very good ground to object to what we are doing ourselves. The problem is a very serious one, and one which needs to be grappled with at once. If we can prevent people living along the navigable rivers from polluting the streams, we shall soon have given a good example to the legislative authorities of the different provinces. We shall soon have awakened the public to the necessity of doing something and applying to their own forum for the remedial legislation necessary.

Hon. Mr. McSWEENEY—Is Aylmer the only town above Ottawa that is discharging sewage into the river?

Hon. Mr. BELCOURT—Oh, no, all the villages and towns on the Ottawa river, for hundreds of miles above the city, are discharging sewage into the river. The matter may be complicated further by a system of international jurisdiction. We know that the St. Lawrence is for a great portion of its length an international stream, and whilst we in Canada take steps to prevent the pollution of the waters of that river, so far as we are concerned, it may be objected, why should we do that if our neighbours are allowed to deposit their sewage along their own shores? I think there is now a law, passed by the federal House at Washington, to prevent the pollution of navigable streams, and all that would be required in any case, I am satisfied, is for this government and the government of the United States to get together, and I have no doubt whatever that an arrangement could be arrived at by which the pollution of the water would be stopped on both sides of the river.

Hon. Mr. DOMVILLE—Does my hon. friend provide only for municipalities? Is his Bill broad enough to cover villages that are not incorporated?

Hon. Mr. BELCOURT—Yes. The word 'person' as defined by the Interpretation Act wil include any person, or corporation or company incorporated or unincorporated.

Hon. Mr. THOMPSON—Does it include navigable lakes as well as rivers?

Hon. Mr. BELCOURT—Yes.

Hon. Mr. DOMVILLE—Take a navigable stream in New Brunswick, for argument's sake; there may be municipalities, but not incorporated towns where it runs. Where there are hamlets with no municipal incorporation—does it include those?

Hon. Mr. BELCOURT—Yes. The provision I want inserted consists of four lines only. It is an addition to paragraph 19, and reads as follows:

> 19a. No person shall throw or deposit, or cause or permit to be thrown or deposited, any sewage, offal, or refuse, animal or vegetable matter of any kind whatsoever, into any river, stream or other water, any part of which is navigable or which flows into any navigable water.

The word 'person' there as defined by the Interpretation Act applies to persons incorporated or unincorporated.

Hon. Mr. DAVID—Does the Bill apply to streams or rivers situate entirely in the provinces?

Hon. Mr. BELCOURT—Of course that is a legal question. My object is to reach every navigable stream, or tributary of a navigable stream, which is under the jurisdiction of this parliament. Of course, as to rivers and streams which are under the exclusive jurisdiction of the provinces, I think is not quite clear if we have authority to so legislate.

Hon. Mr. LANDRY—Take the instance of Montreal and Quebec; could we complain in Quebec against Montreal?

Hon. Mr. BELCOURT—I do not know. My hon. friend can surely answer the question better than I can.

Hon. Mr. LANDRY—I do not know the scope of the Bill. I want to know if by

this proposed amendment to the Act a person in the city of Quebec could complain against Montreal?

Hon. Mr. BELCOURT—Yes.

Hon. Mr. JONES—May I ask the hon. gentleman the effect it would have on the city of Toronto, as an illustration, where the sewage is discharged into Lake Ontario. There are no plans in the meantime by which drainage could be provided otherwise, and if such a Bill were passed, Toronto would, if necessary, to take care of such a situation as that, require that before the Act came into force sufficient time should be allowed to make other provisions; otherwise it would create an impossible situation.

Hon. Mr. BELCOURT—Possibly I did not make myself quite clear on that point. I stated that the very Act which I am now proposing to amend contains a provision, the last provision of the statute, that upon application to the Governor General in Council, the Governor General in Council may from time to time, and for such time as he may think proper, suspend the operation of the Act if he deems that course to be in the public interest. So that the corporation of Toronto, like the corporation of Ottawa, are fully protected. All they will have to do will be to appeal to the government and say 'we want three years,' or 'we want ten years in order to install a system of purification, and when we have done that we are quite willing to submit to the Act.' So that no grave injustice or inconvenience will be created.

Hon. Mr. DAVID—Does the hon. gentleman contend that the federal parliament has jurisdiction over rivers and streams in matters not connected with navigation?

Hon. Mr. BELCOURT—There are rivers in Canada which are exclusively under the control of this parliament. The St. Lawrence, the Ottawa, St. Clair and other rivers I could mention. There are other rivers which are not under the control of this parliament.

Hon. Mr. DAVID—But as regards navigation?

Hon. Mr. BELCOURT—Yes, in every respect.

Hon. Mr DAVID—As regards navigation?

Hon. Mr. BELCOURT—I am not dealing with navigation just now.

Hon. Mr. WILSON—May I ask if any provision is made whereby the hon. gentleman would protect one incorporated city or town from the water flowing from another incorporated city or town, on any stream, or is it simply on navigable streams? Has he adopted any means in his Bill whereby septic tanks might be so constructed as to protect the citizens and then continue the drainage to the stream?

Hon. Mr. BELCOURT—No.

Hon. Mr. WILSON—If the hon. gentleman has no provision of that kind, I am afraid that his Bill will cause more harm than good. If he prevents the drainage from septic tanks entering the river it will do the municipality or the people living in the locality more harm than good.

Hon. Mr. BELCOURT—I have anticipated that, and I think I have taken the proper course. I do not propose that any particular method of purification of sewage should be adopted, for the simple reason that what may be a perfectly feasible method in one case would be utterly unfeasible and impracticable in another case. The question is left altogether open. We make it an offence to deposit sewage in the river. We simply affirm the principle. If any person wishes to deposit injurious substances in the river, he must show that he shall deposit it in a way not injurious to public health whether it is by a septic tank or by ozonation or percolation. I do not propose to discuss that phase of the question now, and I do not think we should be bothered with it here.

Hon. Mr. WILSON—The hon. gentleman is creating a criminal offence, and making no provision whereby people can escape punishment under the criminal law.

Hon. Mr. BELCOURT—Yes, I have; the hon. gentleman did not understand me. If

the city of Ottawa wishes to continue to deposit sewage in the river, it must apply to the Governor General in Council for permission to do so, and it is in the power of the Governor in Council to give that permission for one or three years, or until such time as Ottawa puts itself in a position to comply with the law.

Hon. Mr. POWER—This is a very important measure which the hon. gentleman from Ottawa proposes to have read a second time; but, as I understand, he simply rose for the purpose of asking that the order of the day be postponed, and at the request of the hon. leader of the House he gave a very clear and succinct explanation of the effect of the measure, in order that the members of this House should be able to deal with it more intelligently when the Bill comes to be read a second time. I think it is altogether irregular to have a general discussion on the matter now; that will be in order on the second reading, and the hon. gentleman should move that the order be discharged, and that it be placed on the orders of the day for a future sitting.

Hon. Mr. BELCOURT—I move that the order of the day be discharged, and that it be placed on the orders of the day for Tuesday next.

The motion was agreed to.

PRINTING OF REVISED EDITION OF DEBATES.

Hon. Mr. LANDRY—I should like to inquire from the right hon. leader of the House if there is any progress being made in the printing of the revised edition of our debates.

Hon. Sir RICHARD CARTWRIGHT—I inquired, but have not yet received a reply from the Printing Bureau.

Hon. Mr. LANDRY—They do not reply very promptly there. Perhaps we shall have a better chance if we inquire where the second volume of the Auditor General's report is.

Hon. Sir RICHARD CARTWRIGHT—As I mentioned to my hon. friend yesterday, I hope to receive that report in a few days.

Hon. Mr. LANDRY—We cannot take a holiday without having that report. We will be obliged to remain here. Is there any news of the French treaty?

Hon. Sir RICHARD CARTWRIGHT—It is standing for third reading and I am in some hope that it will be read a third time before the House rises to-day.

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

THURSDAY, December 2, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ACCOUNTS OF SOSTHENE MORISSET.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue that there be laid before this House a copy of all accounts filed during the fiscal year 1907-8 in the Department of the Interior by Sosthène Morisset, one of the clerks of the Immigration Office at Quebec.

Right Hon. Sir RICHARD CARTWRIGHT—There is no objection to the motion.

The motion was agreed to.

DETENTIONS AND DEPORTATIONS AT QUEBEC.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue that there be laid before this House the report of detentions and deportations at the port of Quebec for the month of November, 1908.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to the motion.

The motion was agreed to.

DEPORTATION OF OTTO NITTENEN.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue that there be laid before this House a copy (1) of the medical certificate given by Doctors Pagé and Nadeau to justify the order for the sending back of the immigrat Otto Nittenen, in November, 1908.

(2) Of the correspondence on this subject exchanged between the agent of the Canadian Pacific railway, Mr. Jules Hone, and Messrs. Lavoie and Stein of the Immigration Office at Quebec, and the Superintendent General of Immigration at Ottawa, Mr. W. D. Scott, in November and in December, 1908.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to the motion.

The motion was agreed to.

SENIORITY OF QUEBEC JUDGES.

INQUIRY POSTPONED.

Hon. Mr. LANDRY inquired of the government:

Who were, by order of seniority, on the 1st of June, 1906, the judges of the Superior Court of the province of Quebec, belonging to the district of Quebec, as comprised and defined for the purposes of the Court of Review, according to the exact wording of the law?

Hon. Sir RICHARD CARTWRIGHT—The Department of Justice advised me that they would require a little time to prepare an answer to the question of the hon. gentleman, and I would ask him to let it stand.

Hon. Mr. LANDRY—Stands until Tuesday next, and that means January.

SALARY OF MR. J. J. O'FLAHERTY.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Does the person who replaced Mr. Stein in the Immigration Office at Quebec, Mr. J. J. O'Flaherty, appointed chief clerk at a salary of $1,500 a year, occupy the same position at present?
2. If the position became vacant, by whom was it filled?
3. What is the salary of the new officer?
4. When was the latter appointed?

Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follow:—

1. Mr. J. J. O'Flaherty is not now in the service.
2. The position has not been filled.
3. See answer to No. 2.
4. See answer to No. 2.

NATIONALITY OF MR. JOS. P. LAVOIE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. How and since when does the government know that Mr. Jos. P. Lavoie, immigration agent at Quebec, is a British subject?
2. Was he such at the time of his appointment as assistant immigration agent at Quebec on 1st April, 1907?

Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follow:

1. The government has no advice except that Dr. J. P. Lavoie was born in Quebec and gave his nationality in his establishment form as French Canadian.
2. See answer to No. 1.

COMPLAINTS AGAINST SOSTHENE MORISSET.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Has the Department of the Interior been informed, that at the opening of navigation in April, 1907, the Superintendent of Immigration, Mr. W. D. Scott, assembled at Quebec in the Immigration Offices all the principal officers of that office to communicate to them the complaints which he had received against certain employees, and notably against Mr. Sosthène Morisset, who was accused of constantly divulging in public secrets of office, and that he threatened the said Morisset with immediate suspension after the first indiscretion committed by that officer?
2. Was the department notified that the accused officer continued to divulge the secrets of the office?
3. If the department was not notified, was the Superintendent General of Immigration at least made aware of similar indiscretions and what means was taken to cause them to cease?

Hon. Sir RICHARD CARTWRIGHT—The answer to the hon. gentleman's questions is 'No.'

ALLEGED OVERCHARGING AT IMMIGRATION BUILDINGS AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY rose to direct the attention of the government to the following

article published by the 'Morning Chronicle,' at Quebec, on the 27th June, 1906:

An Investigation.

Regarding complaints of alleged overcharging at the Immigration Buildings.

An investigation into alleged overcharging, &c., to immigrants at the immigration buildings in this city, was opened here yesterday. Mr. Blair, of the Interior Department, came from Ottawa to conduct the inquiry. A number of witnesses were heard, with regard to the charges. These were taken down in writing and will form the basis of a report which Mr. Blair will submit to the government in a few days. This gentleman, in conversation with a 'Chronicle' representative, said that in a rush of immigration work, such as there was this season, some of the cogs in the machinery may have slipped, but he said that all complaints concerning immigration matters would be fully investigated and the department would see that no injustice will be permitted. In the present case the complaints will be probed to the bottom, and if they are proven, justice will be done.

At the inquiry Rev. Mr. Williams, of the Methodist church, insisted that city retail prices prevail in the immigration building, and that lists containing these prices be posted in prominent positions throughout the building. The reverend gentleman and Mr. J. C. Thompson, who were present at the inquiry, expressed their satisfaction with the proceedings so far. Mr. Blair will make further inquiries to-day.

It was suggested to the 'Chronicle' representative, by a prominent clergyman that the catering at the immigration buildings be put up for public competition yearly. All would then have a chance of competing and the successful tenderer would always do his best to please his patrons, so as to secure the business for the next year.

And inquired of the government:

1. Is it true that at the end of the spring of 1906, a Mr. Blair, of the Department of the Interior, went to Quebec to hold an investigation concerning certain charges as to the manner in which the Immigration Office at Quebec was being administered?
2. Did this officer conducting the inquiry make a report to the government upon the object of his mission and of the conclusions to which he came after holding his inquiry?
3. What action did the government take in the matter?
4. Were the suggestions, which it is stated that the Rev. Mr. Williams made at the time of the inquiry, accepted, and was the retail prices of goods needed by immigrants posted up for the information of the latter?
5. Does the government now require that the contract for catering for immigrants or for the sale of goods for their use, shall be given after tenders have been asked for through the newspapers and regularly submitted?

Hon. Sir RICHARD CARTWRIGHT—The answer to the first question is yes; to the second question, yes; to the third question, they have adopted the suggestions as far as practicable; to the fourth question, yes; to the fifth question, no.

THE AUDITOR GENERAL'S REPORT.

The SPEAKER laid on the Table a copy of the letter received from the Auditor General on the subject of the indemnity paid to Senators for the last session of parliament.

The letter was read at the Table.

Hon. Mr. LANDRY—Will this letter appear in our 'Minutes?'

The SPEAKER—It will, now that it has been read.

Hon. Mr. LANDRY—How does it happen that this letter refers to a letter of the month of September last?

Hon. Mr. DANDURAND—September, 1908.

Hon. Mr. LANDRY—There was one in September, 1908, and also one in September, 1909. How does it happen that the latter appears in the Auditor General's report which was supposed to have been closed on the 31st of March last? I do not understand it.

Hon. Mr. DANDURAND—Since this explanatory letter of the Auditor General has been read, I think it is opportune that some one should express the views of the Senate on the subject of the letter, the discrepancy between the reported attendance of senators and the reports made by the clerk, based on the solemn declaration of the senators. The Senate has no objection to the Auditor General asking a question and getting an explanation as to those discrepancies, but it is decidedly objectionable, when the discrepancies are explained, that the name of the senator to whom it relates should appear in the report of the Auditor General, because then the incident is seized upon by newspaper correspondents and bandied about from the Atlantic to the Pacific, putting the senator in a very awkward position before the country. It seems to me that when the inquiry of the Auditor General is satisfied, the matter should end there, and the Auditor should not take it upon himself to cast a doubt on the declaration of that senator by the publication of the correspondence in his annual report.

Hon. Sir MACKENZIE BOWELL—When this question was before the Senate a few days ago, I pointed out what I considered the partiality of the Auditor General in mentioning some senators' names and not mentioning others. Apart from that, I cannot understand how it happens, as intimated by the hon. gentleman from Stadacona, that correspondence of a month or two ago should appear in the report of the Auditor General, which was supposed to have been closed on the 31st of March last, unless it was for the purpose of discrediting some members of the Senate. That is the only interpretation I can put upon it. I quite agree that it is the duty of the Auditor General, if he thinks accounts laid before him are not correct, to make the fullest possible inquiry. I had myself great admiration for the late Auditor General, who took such trouble to ferret out what he thought were improper payments, or what he thought were improper recommendations for payment. I could not find fault, as a member of the Senate, with the present Auditor General, had he followed the same line; but why should he include the correspondence of September last in a report which was closed months before? After making inquiry as to the correctness of accounts received from the Clerk, if he considered the explanation of the Clerk sufficient to justify the action which had been taken, or if the irregularity had been corrected, why should he publish the correspondence in a matter which is certainly not of public interest? As I understand the case, it is this: one senator believed, as most of us did, that parliament was to be prorogued on the 18th of May, and, under that impression, he made his declaration to the clerk; but some unforeseen circumstances prevented parliament proroguing until the 19th, and, consequently, one day should have been deducted from the number mentioned in his declaration. In that case, the senator acted in good faith, and the moment his attention was called to the error he refunded the amount overcharged. He placed himself right at once; yet, in the face of that fact, the Auditor General calls attention in his report to this innocent error. I notice also in the correspondence that he speaks of an opinion given by the clerk as 'frivolous.' That is his personal opinion, but a great many others share the opinion of the clerk as to the real meaning of the Indemnity Act. They may not be so astute and learned as the Auditor General, but it seems to me his duty was, instead of publishing that correspondence, to have called the attention of the Minister of Justice to the fact and to have asked him what the legal interpretation of the Act was. I have already pointed out what has occurred under the Act, but the Act has been interpreted in different ways, and the clerk has taken the only course which, to my mind, under the circumstances, he could take. The Auditor General should be informed at least by those who have any control over him—that is the parliament of Canada and not the government—that if he exceeded his duty, parliament, whichever branch it may be, will give their opinion on it, and try and teach him what his duties are.

Hon. Mr. GIBSON—I should like to add one word to what has been said by the hon. member from Hastings. I do not think it is proper for the Auditor General to insert in his report such communications as took place between himself and the clerk, reflecting upon several hon. members of this House. I may say frankly, as I said before, when the matter was under discussion the other day, that he should not hold the clerk of the Senate responsible for the declaration of any hon. gentleman. When a mistake of this kind occurs in a declaration made by an hon. member of this House, then it is, in my judgment, the duty of the Auditor General to put himself into communication, not with the clerk, who knows nothing about it, but with the senator himself, and I venture to say that there is not a man on either side of this Chamber who would not at once rectify any mistake he may have made in his declaration. The declaration solemnly taken by hon. members of this House should not be mutilated by any one in this Chamber or out of it. The Auditor General should accept the declaration of an hon. gentleman except in case of a palpable mistake, and in such a case he should call it to the attention of the gentleman who made the mistake. The mistake would in that way be at once rectified without

giving publicity to it through the various newspapers who are placarding with great big headlines the fact that senator so-and-so had taken from the country money that did not belong to him, a most infamous thing for a newspaper to do, discrediting that hon. gentleman in his own locality. They did not stop in this case to see whether it was a penny or one hundred pounds, but at once seized upon the correspondence in the Auditor General's report and made an accusation against an innocent person. It has been well said by the hon. gentleman from Hastings, Sir Mackenzie Bowell, that the Auditor General is the servant of parliament, and they alone should direct the Auditor General as to how he should conduct himself, it should not be done through the clerk of the House at all. If I understand parliamentary procedure aright, he is an appointee of both Houses, and can only be removed by a vote of both Houses of parliament. We should not be considered his inferiors, which is practically the position he places us in. If we are responsible in a certain measure for his position, he should be very careful in accusing any hon. gentleman in this House of taking money from the country which he is not entitled to take.

Hon. Mr. YOUNG—Part of the trouble has arisen, I understand, through the want of a little precaution. The officers of our House are very careful to get the names of members in attendance and keep the record; but every now and then some one who is in attendance has not been placed on the record as being present on a particular day. The Auditor General takes the 'Minutes,' and not the corrected record. If a member sees his name is not in the 'Minutes,' he immediately calls the attention of the proper officers to the fact that he was here the day previous, or a few days as the case may be, and an amended record is kept in the clerk's office. It is not sent to the Auditor General, who compares the member's attendance, as it appears on the unrevised record with his declaration. I think it would be well, when an error is detected in the record and corrected, that the Auditor General should be advised of it.

Hon. Mr. MITCHELL—I quite agree with what has been stated by the hon. gentleman from Killarney. I should like to ask the hon. leader of the government in this House, or hon. members of this House, if the Auditor General is supposed to take the record of this unrevised, if you like, or revised 'Minutes,' or is he supposed to take the declaration of the senator? There must be some way or other of getting at it. Our declarations are absolutely unnecessary if the Auditor General is going to be guided by the unrevised edition of the records of this House.

Hon. Sir RICHARD CARTWRIGHT—I understood from the Auditor General, and I understand from the letter which has just been read here, that in future he proposes to accept without reserve the declarations of senators. The mistake has arisen, no doubt, through our habit of printing every day in our proceedings the record of the gentlemen who have entered the Chamber, and, until it has been explained to him, he might naturally suppose that those daily minutes are a sort of official document, which they are not, as I understand it. I do not think there is the slightest fear that in future any such publication as has taken place will ever be repeated.

AUTHORITY OF CLERK OF THE SENATE.

The SPEAKER—I beg to inform the House that I have received the following letter from the clerk of the Senate:

I have the honour to request that the accompanying memorandum be laid on the table for the information of the Senate.

Memorandum referring to the authority vested in the clerk of the Senate under the title Chief of Staff, such as recommended by the report of the Committee on Internal Economy, on the 9th May, 1902, and adopted by the Senate on the 12th of that month. The undersigned would respectfully request to be informed if the instructions issued by him to the staff in connection with the discharge of their duty can be countermanded by any individual member of the House, without authority to do so by the Senate.

Hon. Mr. LANDRY—Is that in the nature of an inquiry? I suppose it will stand as a notice of inquiry. We are not able to answer that question now.

Hon. Mr. GIBSON—I think it would be advisable to refer this matter to the Com-

mittee on Internal Economy, who made the report, to deal with.

Hon. Mr. CLORAN—Would it not be advisable that the committee should have the opinion of some hon. members of the House before they decide on it?

Hon. Mr. LANDRY—Certainly we shall not decide in the dark.

Hon. Mr. POWER—It seems to me there can be only one answer to the question asked by the clerk. The committee on Internal Economy adopted certain recommendations with respect to the duties and powers of the officers of the House. They embodied these recommendations in a report which was adopted by the Senate.

Hon. Mr LANDRY—That was in 1902.

Hon. Mr. POWER—Yes, and has never been repealed or revoked. In that case, the question is simply whether the action of the Senate as a House can be reversed by a single senator, and it seems to me there is only one answer to that, that the action of the House must hold good.

Hon. Mr. CLORAN—If it really means that, the hon. gentleman is correct; but does it mean that?

Hon Mr. DANDURAND—Inasmuch as we are now discussing an academic question, it is perhaps as well that the matter should be deferred until Tuesday next, because we may not have time to-morrow to discuss it. When we are apprised of the fact, and have a concrete case before us, we shall be in a better position to discuss it.

Hon. Sir MACKENZIE BOWELL—Better say Tuesday, 11th January.

Hon. Mr. DANDURAND—Very well.

Hon. Mr. POWER—Does the hon. gentleman give notice that he will move that this be taken into consideration when the House meets in January?

Hon. Mr. GIBSON—A matter of this kind, brought before the House without a specific declaration of any particular interference with the clerk is not sufficient. The interference should be specified, so that whoever may be at fault should have a chance to be heard in the matter; and there is only one place in which it can be heard. If these regulations, affecting the rules of the House and the duties of the officers, were promulgated by the Committee on Internal Economy, it would seem to me that they are the only committee to whom this letter of the clerk should be referred.

Hon. Mr. LANDRY—We have before us a letter which has been deposited on the table. I suppose we will take that into consideration at the next meeting, and if there is a motion to refer it to a committee, it will be the proper way to deal with it.

Hon. Mr. CASGRAIN—I move, seconded by the hon. gentleman from De Lorimier, that the question be taken into consideration when we meet in January.

The motion was agreed to.

BILL INTRODUCED.

Bill (9) An Act to amend the Inland Revenue Act—Hon. Sir Richard Cartwright.

FRENCH TREATY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (12) An Act respecting certain supplementary conventions between His Majesty and the President of the French Republic.

The Bill was read the first time.

Hon. Sir RICHARD CARTWRIGHT—With the concurrence of the House, I would move that the second reading be proceeded with forthwith, and I move the suspension of rule 23 F.

Hon. Mr. LANDRY—Would the hon. gentleman not prefer to move that it be the first order of the day?

Hon. Sir RICHARD CARTWRIGHT—I would rather, looking at the short time at our disposal, of course it is a matter wholly and entirely in the pleasure of the House—take the second reading now. The Bill is extremely short, and all that has been done in it is simply to provide that certain classes of animals therein specified, to wit, oxen, cows, bullocks, steers and heifers, shall be admitted under the treaty, but not

those that are in fat condition for butchering. That is the whole purport of the Bill, one single emendation to the treaty which has been already ratified by both Houses of parliament.

Hon. Mr. LANDRY—The hon. gentleman misunderstood me. I suggested that it be made the first order on to-day's paper.

Hon. Sir RICHARD CARTWRIGHT—Then I move the suspension of rule 23 F, and I also move that this shall be made the first order of the day.

The motion was agreed to.

CORRECTION OF MINUTES.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to draw the attention of the proper authorities to the fact that there has been omitted from yesterday's 'Minutes' (No. 10), the fact that I drew the attention of the House to certain matters with regard to the library, and, after drawing attention to those facts, a member of the House rose and made an objection on a point of order, and that has been suspended, pending the decision of the Chair. I desire that in the 'Minutes and Proceedings' of this House, of Tuesday, November 13th, it should be stated that I drew attention to certain facts, that the objection was taken, and that decision on that objection was reserved. At page 82 of the 'Minutes,' hon. gentlemen will see that I called the attention of the Senate to certain facts, and the facts that were contained in my motion were recited in the 'Minutes." I ask that a similar course be followed in regard to the 'Minutes' at page 106. It is the same class of motion.

FRENCH TREATY BILL.

SECOND AND THIRD READINGS.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 12) An Act respecting a certain supplementary convention between His Majesty and the President of the French Republic. He said: As I have already mentioned to the House, this is a very short Bill. It contains but one clause, whereby animals in a condition for butchering, chiefly cows and bulls, shall not participate in the benefits of the tariff. That is the whole intent and purport of the Bill. If there is any further information hon. gentlemen desire to have on the subject, I shall be happy to give it; but, practically, that is the whole scope of the measure.

Hon. Mr. DANDURAND—Although we all seem to be of one mind as to the propriety of ratifying the slight amendment made to this treaty, I crave permission to add a few words to the explanation already given by my right hon. friend the Minister of Trade and Commerce. I should like to mention the circumstances under which this amendment came to light, so as to put on record my appreciation of the correct attitude of the French government and the very great cordiality which was shown throughout the latter part of the negotiation. Last year, at this date, I was in Paris with Hon. Mr. Fielding, the Minister of Finance. The treaty had been voted upon during the preceding winter by the House of Assembly, and the Senate had referred it to its Customs Commission, whose report had been expected since the spring. It was then a matter of public notoriety that the treaty would not find favour either with the commission or with the Senate. The principal obstacle which it encountered came from the concessions made to our agriculture and to the fear that the French market would be invaded by our cattle under the minimum tariff. The news had spread throughout France that the Americans had just bought some land in the neighbourhood of Paris and Havre, for the establishment of abattoirs, and the protectionist group of the Senate, presided over by Mr. Meline, had been urgently summoned for the purpose of requesting the government to prevent any municipality from granting a franchise to the American trust. The resolution voted at that largely attended meeting of senators denounced frankly the Canadian treaty, as a source of danger because of the advantages given to our herds. It was under these very unfavourable conditions that we met the then Minister of Commerce, M. Cruppi. He did not conceal his alarm. He asked us to study the situation with him in order to see if we could not help him to a certain

extent, but he added at the same time that whatever might be the result of our conference he would back the treaty before the Senate with all his authority and that of his colleagues of the cabinet.

We had occasion to meet Messrs. Meline, Viger, Touillot, Noel and other senators belonging to the Customs Commission of the Senate, and we found that the French herds were the object of the most serious solicitude on the part of these gentlemen. Very soon we realized that if our lean cattle could occasionally, under the very special conditions of the French market, find a market there, it was next to impossible to ever think of sending fat cattle ready for the butcher. The attempt had already been made by some of our cattle shippers with disastrous results. Cattle sent to Europe for immediate consumption lose something of their weight and of their normal condition in transit. This, joined to the fact that they are stamped as being foreign, reduces their value by at least ten per cent, whereas if they are sent to graze for a few weeks they regain their condition, and, being absorbed into the French herds, they command the current prices for French beef. We also soon realized that the day when the French market would be threatened with an invasion of our fat cattle, the French cattle raisers would find an easy way to protect themselves through the public laws on hygiene and quarantine as the British cattle raisers do. It was in view of these facts that Mr. Fielding offered to strike from the minimum tariff cattle in condition for the butcher. The Minister of Commerce, Mr. Cruppi, and the Minister of Agriculture, Mr. Ruau, both of whom had defended the treaty before the Senate Commission, assured us that with this modification the treaty had a very good chance of passing the Upper House, and as a matter of fact the Senate did ratify the treaty practically unanimously. It is true that it was not as well received when it returned to the Chamber of Deputies for the ratification of the amendment made by the Senate. Some 150 members voted against it. It is always easy to indicate the weak points in any commercial convention, for the advantages must necessarily be divided; but if one examines the beneficial effect which the limited convention of 1893 had upon our exchanges, it must become apparent that our commerce with France can only continue to grow under the much wider convention now before the House.

We have only words of gratification for the very cordial and sympathetic reception we met with at the hands of Messrs. Cruppi and Ruau, and the Minister of Foreign Affairs, Mr. Pichon, who had constantly shown us an earnest desire to carry the treaty. I cannot overlook the cordial support given to us by Mr. Siegfried, who had charge of the report of the Customs Committee in the House of Assembly, and of the help given us by the indefatigable friend of Canada, Mr. Herbette, Councillor of State.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will remember no doubt that three years ago negotiations took place between the French Ambassador at Washington, and Secretary Root, in reference to the admission of meats from the United States into the French market. Can the hon. gentleman tell us whether the point he had raised in regard to fat cattle applies to the United States?

Hon. Mr. DANDURAND—There is no question but that to-day United States cattle, fat or lean, are under the maximum list.

Hon. Sir MACKENZIE BOWELL—That is not my recollection of it. My recollection is that the arrangement entered into at that time is still in force. I notice in the Commons ' Hansard ' that the attention of the other House was called to the fact that while the Minister of Agriculture was pointing out the advantages which would accrue to Canada from this treaty, he forgot to mention the fact to which I have directed attention here. I will read the statement appearing in the report of the debate in the Commons, so that the House will understand more clearly what it means:

About three years ago Secretary Root, and the ambassador from France, who was in Washington, had made a provisional arrangement of a reciprocal character wherein France agreed to afford to the United States several advantages; first, the admission of American meats under a guarantee of their purity and

soundness made in compliance with the meat inspection laws; secondly, the admission of American cattle for slaughter within ten days after their arrival; thirdly, authority to transport American cattle through French territory, more considerate treatment of the American salt meat imports and greater leniency in the regulations for the entry of American imports generally. This arrangement still holds good between France and the United States, so it means that, without any treaty, Secretary Root and the French ambassador have agreed that the Americans should have just as good if not better terms for their farmers and their producers than the Canadian government have procured for our farmers by this much vaunted treaty.

The question asked was whether that privilege is extended to fat cattle. There is nothing in this declaration to show that it does not, and I might point out this important fact, that when the attention of the Minister of Agriculture was called to this arrangement made between Secretary Root and the French Ambassador in Washington, no contradiction was made. I therefore came to the conclusion that it must be still in force, and that is why I asked the hon. gentleman whether the Americans were to enjoy the advantages which would accrue under this arrangement, that are now granted to us under this treaty.

Hon. Mr. DANDURAND—I am not familiar with the arrangements spoken of as having taken place between Secretary Root and the French Ambassador; but I do know that one of the principal objections that the French Senate had to adopting the Canadian treaty was the admission of that principle, which the United States would, perhaps, try to avail themselves of in the negotiations that have been carried on for some time, without success to this date. It is a fact that there was an advantage given to Canada which would have to be denied to the United States, and I am quite clear as to the fact that the advantages obtained by Canada, under this convention, in favour of our lean cattle, are not enjoyed by the United States, and still less by the fat cattle of the United States.

Hon. Sir MACKENZIE BOWELL—This interview between Secretary Root and the French Ambassador, it is quite evident, arose out of the fact that a treaty had been entered into between France and Canada. Secretary Root called their attention to the effect it would have upon exportations from the United States. The hon. gentleman knows that the difference between the maximum and the minimum tariff is very great, and if we enjoy privileges under this treaty from which the United States is debarred, the arrangement is entirely in our favour. It was for this reason, I doubt not, that Secretary Root, acting on behalf of his government, had the interview with the French Ambassador. According to the statement made in the House of Commons, which was not contradicted, the arrangement made at the time, we must infer, is still in force. I understand the policy of the protectionists in France. I believe protection, under certain circumstances, is the best policy that can be adopted; but if lean cattle are admitted at the minimum rate while fat cattle are debarred, the agriculturists of France would profit by the consumption of feed supplied to the cattle. It would furnish to that extent a market for the sale of their farm produce, and at the same time protect them against the competition of foreign fat cattle. It seems to me that the Canadian negotiators—I do not desire to say it offensively—did not know what they were doing when they got into the hands of the astute French statesmen, who evidently understood the question much better than they did. It will be remembered that when this subject was under discussion some time ago, I called the attention of the then leader of the House to the statement which had been cabled from England as to the effect the treaty would have upon the different countries enjoying the favoured-nation clause. I remember distinctly that the Secretary of State looked upon it as mere newspaper gossip, and that the government knew nothing at all about it. Now it transpires that this treaty does apply to all the countries enjoying the favoured-nation clause, and we receive no compensation or consideration from those countries for the concession made to them. We are told now that the nations which would profit are the Argentine Republic, Austria-Hungary, Bolivia, Colombia, Denmark, Japan, Russia, Sweden, Venezuela, Norway and Switzerland. I do not desire to pursue the subject at any great length; but those who have

given any attention to the trade between Canada and France must come to the conclusion that this treaty is a very harmless one. If there are any advantages, they will go to the French Republic rather than to Canada. I notice also that the Minister of Agriculture laughed at the idea that it would affect our cattle exportation to any very great extent.

The statistics of the last ten or fifteen years show that the exportation of cattle from Canada have increased enormously, some 500 per cent, and we may look forward in a short time, when our western country is better settled, and transportation facilities have increased, to the production of cattle, horses and other animals in this country as great as that of the United States, and we shall have to seek markets somewhere for our output. For that reason, the greatest care should be taken in entering into negotiation with any country which would affect markets for the future enormous output of our western country. Our exports to France are a very small part of our total export of cattle. Out of about $50,000,000 they reach only one and three-quarter million, of which very nearly eight hundred thousand represent exports of foreign products. These figures show how little trade we have hitherto done with France. How far this treaty will increase that trade can only be revealed in the future. We must subsidize steamers to the extent of $200,000 to carry on this small trade. The products of France, which are included in this treaty, are of sufficient extent to fill vessels coming to this country, but it is the reverse the other way. If you except grain and cattle, it is questionable how far, unless it is done from the manufacturing industries of this country, we shall be able to supply cargoes for vessels plying between the two countries. We know how it is with the trade between Australia and Canada. It is just the reverse of our French trade. We fill every vessel that sails from Canada to Australia, but in Australia they have not freight for return cargoes to Canada. Consequently, in order to continue that trade, we are justified in paying a pretty large subsidy to keep it in existence. Then there is another point. Nearly all the farm products that are produced in this country are also grown in France. I have noticed that the government boasted of a very large market in France for eggs and butter, but when we look at the other side of the question we find that France exports double the quantity she imports, consequently it is evident there is little or no market there for the products of the farm. I think the facts as they appear in the Trade and Navigation returns will show that this provision will have little effect. On the other hand, while the Trade and Navigation returns do not indicate any increase in that respect, I frankly admit that some industries will be materially benefited under this treaty, and that is one gratification that, as a protectionist, I have in the treaty being placed on the statute-book. In looking at the returns you will find there are many manufactured articles, particularly agricultural machinery, such as threshers, reapers, etc., on which the manufacturers in this country will have an advantage that they have not had in the past. While I am convinced of that fact, I am satisfied there will be no general benefit of any great amount, otherwise, except to those who breed and raise lean cattle. That trade may increase, but if the agreement said to have been made with the United States remains in force, with their great output they will be competitors with Canadians in the market.

Hon. Mr. DANDURAND—The hon. gentleman is undoubtedly aware that there is no agreement that can be had between the Ambassador of France and Mr. Root, or could be made, without the sanction of the parliaments of the two countries. I can understand that regulations of some kind could be adopted, which would have no effect on the tariff.

Hon. Sir MACKENZIE BOWELL—I am well aware of that; but the statement that I have read, which has not been contradicted, shows there were regulations entered into. Whether they have been approved by congress and the French parliament, to make it a statutory enactment, I am not prepared to say. I quite agree with the hon. gentleman that if these regulations have been made and approved by the governments of the two countries without legislative sanction, it would act in France,

I presume, as an order in council acts in this country.

Hon. Mr. DANDURAND—It may be regulations as to quarantine.

Hon. Sir MACKENZIE BOWELL—It may be in that respect, because it says so. In one respect it says the cattle can be exported to the United States under the quarantine regulations, so far as their health is concerned. I had prepared a somewhat elaborate statement on the subject, but I do not think that any good will result from occupying the time of the House, for the reason that the passage of the treaty is a foregone conclusion. I have given in the very few remarks I have made, the views I hold on the treaty. I can readily understand that there is a great deal of sentiment connected with treaties of this kind. I can understand that my hon. friend, because of his nationality and the ancestral feeling that still prevails and properly so in his heart, would have strong sympathy with any proposal to increase trade and closer connection with the country of his ancestors. A large number of us had the same feeling when preferential trade was extended to Britain. I frankly confess that it actuated me to a very great extent, although there are conditions in the preferential that I am not particularly in favour of, because they interfere with certain industries which I thought would be affected by it; but, notwithstanding that, the sentimental feeling probably would prevail, although it would have been much stronger if the preferential had been enacted for a sentimental purpose alone. We all remember that one or two of the ministers at that time—I am not so sure but my hon. friend who leads the House was one of them—when boasting of the preference they were giving to the mother country, said its provisions were open to any country that will come down to a certain minimum tariff, to the same privileges in our markets that England enjoys to-day. So that it was not altogether sentiment but rather a movement in the direction my hon. friend from Ottawa would like to see carried out, that is a policy of free trade with which I have no sympathy whatever. Let us hope that this treaty, opening our market as it does to the countries to which I have called attention, may not have the effect that some of us anticipate it will have. I repeat again that when the preference policy was introduced the government were aware of the effect it would have on our market by letting in the products of other countries. You will remember distinctly that when the preferential trade was before parliament I called the attention of the then leader of the government, the late Hon. Mr. Mowat, to the fact that it was in contravention of the German-Belgium treaty. I will say this for the hon. gentleman that he never contradicted me, nor could an opinion be extracted from him on that subject; but he studiously, with the astuteness characteristic of that hon. gentleman, evaded the question. One of the ministers of the other House, it will be remembered, stated boldly that any child would know that the law which we were then putting on the statute book would not interfere with the German-Belgium treaty, yet when that gentleman went before the law lords of the Privy Council in England, they would not hear him, they simply told him that the matter was so plain that it was not worth his while wasting the time of the court or those who were listening to him with it. It appears to be precisely the same with this French treaty until the facts came out, that the different countries to which I have called attention are to share in the same advantages that France will in our markets. Whether this is going to have the same effect upon Canada that the denunciation of the German treaty had with England I am not prepared to say. The course adopted by Germany no doubt injured the trade of Canada to an enormous extent. It has been thought by many that the action of the present government in imposing the surtax should not have been taken. I am not in accord with that sentiment, although I think retaliation in tariff legislation should be avoided to as great an extent as possible. Germany took a certain course, that placed us in a disadvantageous position. They would have done it regardless of its effect on Canada, and the only manner in which we could meet it was by pursuing the policy that our government adopted. A retaliatory

measure, under these circumstances, was, I think, quite justifiable. This Bill is an amendment to the treaty which we affirmed two or three years ago, simply adding a few words to it to regulate the importation of cattle. I hope I may be mistaken as to the effect of this treaty. I know that under the original treaty no great results followed, and when I moved in this House for a return showing the effect of that treaty during the number of years it has been on the statute book, it was shown that it really amounted to nothing, or comparatively nothing. The trade had not increased to any great extent.

Hon. Mr. CHOQUETTE—No harm in that.

Hon. Sir MACKENZIE BOWELL—There is great harm in it, if we gave them advantages and we got none in return. If my hon. friend can get an advantage over another, and the other fellow gets nothing, it may be all right as far as my hon. friend is concerned, but not so with the man with whom he is dealing. I hope I may be disappointed in regard to the effect the treaty may have upon the trade of this country. I do not expect that it will be as advantageous as its negotiators have anticipated.

Hon. Mr. CASGRAIN—I think this Bill should not be allowed to pass without recording in the debates a little private history in regard to the connection of one member of this House with the treaty. We all remember that our plenipotentiaries, when they negotiated that treaty two or three years ago, came back to Canada under the impression that they had entered into a treaty with France, signed, sealed and delivered, and that it was to be immediately sanctioned by the French parliament. It went to the House of Assembly and passed. But when it got to the Senate, which body the eloquence or the persuasiveness of our plenipotentiaries had not reached, or perhaps they had forgotten the visit of our plenipotentiaries, the treaty was shelved and very little was heard of it, although every two or three months the papers would announce that the Franco-Canadian treaty was making progress. That state of affairs continued for some time, until another Canadian, who was not a plenipotentiary, who though not leader of this House, but sometimes acts as leader, went over to France. I refer to the hon. gentleman from De Lorimier. He there interviewed one after the other, those senators who were high protectionists and were opposed to the ratification of this treaty, and if he displayed there the same amount of activity and persuasion that he does here, he must certainly have convinced these senators and converted them to the treaty. I remember that in the city of Montreal, when they were doubtful as to whether the treaty would be ratified or not, I mentioned the fact that the hon. gentleman from De Lorimier had reached the capital of France, and what our plenipotentiaries had not been successful in finally completing—and I do not wish to detract in any way from the credit due to them—I thought we could safely leave in his hands. He could talk to the French people in their own language, as if he had been born in Paris. His patriotic appeals almost convinced the French legislators that the hon. gentleman was a son of France.

Hon. Sir MACKENZIE BOWELL—Surely the hon. gentleman would not have a colleague go to France under false pretenses?

Hon. Mr. CASGRAIN—Not at all. Since I am forced to say it, my hon. friend from De Lorimier, speaks French so much like a real Parisian that he could easily be taken for a citizen of the gay capital. He took the opponents of the treaty by storm with the burning enthusiasm of a 'Meridional.' It is a matter of pride to this House that if we have a treaty at all it it due largely to a member of the Senate.

As to the export cattle clause I have been informed that there is not very much profit in exporting lean cattle. The profit is in the fat cattle, and remains exactly as it was before the ratification of the treaty. But I should like to ask the hon. gentleman who has referred to an agreement between ex-secretary Elihu Root and the French Ambassador Jusserand, in what way that comes into this discussion, or any converstion these two gentlemen may have had between themselves? If it were not followed up by further negotiations, it could not possibly affect by one cent the

duties paid in either country. Perhaps one of the most important industries we have in this country is the manufacture of agricultural implements. There are forty millions of people in France who were provided, until recently, with crude farming machinery. They have found in Canada the very best kind of agricultural implements. They now use the Canadian harvesting machines largely. I have this information from gentlemen who have actually made sales, and, with the help of this treaty, Canadian agricultural implements will be placed on a more favourable footing than those of the United States. On a binder alone I think the difference in the duty is $8.75, and, with an advantage like that, we may expect to see the great manufacturing establishments of Ontario supplying the whole of the French market, thereby furnishing more employment to the people of that great province. To attain such a result, I think the treaty is well worth passing—and the good people of Ontario who will see their wages and trade increased will thank the hon. gentleman from De Lorimier.

Hon. Mr. LANDRY—The government should reward him by making him a minister.

Hon. Mr. McSWEENEY—I wanted to ask the hon. gentleman from De Lorimier if French goods bought in London and shipped to a Canadian port come under the minimum or intermediate tariff?

Hon. Mr. DANDURAND—The question has been discussed lately. It has been my belief that if the goods are sent from France, and bulk is broken in Liverpool or London, and there re-shipped to Canada, that they do not come under the minimum tariff.

Hon. Mr. JONES—I desire to say a few words with reference to this Treaty in so far as it affects Canadian manufacturers, as I believe it will affect them very favourably indeed. It will put Canadian manufacturers who ship goods to France in better condition to compete for business there than the United States manufacturers. The manufacturers across the line recognize that, and are already manufacturing goods in Canada to be exported to France, such as have been previously manufactured in and shipped from their own country to the French market. I think I would be within the limit if I were to say that there will this year be manufactured in Canada, by United States capital, and shipped to France not less than one million dollars in one particular line of goods, which would not have been made in Canada to any considerable extent had it not been for the expectation that this treaty would be adopted by the Dominion and become operative. This indicates that there are very material advantages coming to Canadians (who are manufacturing special lines) through the effect of the Treaty.

Canadians have been doing business in France for many years. Various kinds of farm implements have been going there for twenty years from manufacturing industries here in Canada, and the words 'made in Canada' which have been written upon each implement going, have become household words throughout the farming districts of France, where they are most favourably known.

Canadian manufacturers obtain a higher price for their goods than any maker in France receives for manufactures in similar lines of implements used for similar purposes. That is an indication that the goods shipped from here are of a high class and that, with this Treaty in force, business may reasonably be expected to materially increase and become more successful than could have been hoped for against the competition of the United States under conditions such as have heretofore existed. Canadian manufacturers have found it difficult, under the disadvantages incident to a new country, to compete in foreign markets. Most of the raw material that goes into these implements is imported, either from the United States or Great Britain, and freight rates are a considerable handicap to Canadian manufacturers. Notwithstanding that, they have been able to build up a large business in France in various lines of implements. The Treaty, I hope, will have the effect of establishing other manufacturers and will give to our railways the advantage of what we may term 'the long haul,' because the shipments must

go out by Canadian routes in order to obtain the preference.

Heretofore Canada has not been credited with the exports to France, or other foreign countries, to the extent they have really been exported, because a considerable proportion of the goods that have been shipped in the past to France, and to other foreign countries, have been shipped by United States ports—principally New York and Boston—and they are credited largely in the official returns as being exported by the United States. Going out now, as they must do, by Canadian ports, in order to obtain the minimum tariff, they will be credited to Canada and it will be shown in the returns in future years that the business from Canada is materially larger than is now shown.

It has been frequently stated, and I think it is by many believed to be correct, that Canadian implements are sold in foreign countries for less money than they are sold in Canada. I have intimate knowledge of the price at which implements are sold in all countries where wheat is grown—except in the United States, where Canadians do little, if any business, and where I am not in such close touch with the costs as I am in other countries. Possibly the cost of goods similar to those used by the farmers of Canada, made in the Eastern States—perhaps in all the States of the Union—may be less than in Canada, I am not prepared to say as to that. They cost less because they are not of as good quality as those made in Canada. Canadian farmers enjoy the use of the highest class of implements made in the world. That is a very definite statement and it is absolutely correct and Canadian implements command a higher price in every grain growing country (outside of the United States) than any implement made in such country or any other implement exported to it. Canadian manufacturers of farm machinery have a larger business in England in harvesting machinery than any maker in England has and our goods command materially higher prices than those of any of the home makers.

Hon. Mr. CHOQUETTE—Who manufactures the best implements?

Hon. Mr. JONES—Canadians.

Hon. Mr. CHOQUETTE—Which firms?

Hon. Mr. JONES—I want it put on record that Canadian firms make the best harvesting machinery made in the world and the statement that farmers in foreign countries purchase them for less money than do the farmers in Canada is entirely incorrect and it is unfair to Canadian manufacturers that such statement should be made. In England, France, Germany, Russia, in fact in all the European countries where wheat and other grains are grown, Canadians are enjoying a substantial proportion of the business. In North Africa, South Africa, South America, the Argentine Republic, New Zealand and Australia, Canadians have a large business, some manufacturers in Canada getting one-half of their total business in these foreign countries, and in no one of the countries named are Canadian implements sold (not even in England) at as low a price as they are sold in Canada. I maintain that implements made in Canada are of higher class than those made in any other country. Under these conditions, if we Canadians look closely after business in France in future, and with our advantage over the United States manufacturers—who are our principal competitors there, as everywhere—and with a difference in our favour in the duty of 60 as against 100, we will be enabled to secure a much larger proportion of the business there than we would otherwise be able to do.

It is important that Canadian manufacturers ship to foreign countries only the highest class of implements, and see that they are carefully erected and looked after when placed in the hands of the users so that we may not be placed at a disadvantage.

I am greatly pleased that this Treaty has been consummated and personally I am selfish enough to hope that it will be some time before a like Treaty will be concluded between France and the United States.

Hon. Mr. POWER—We have had a very interesting discussion on the question of the treaty with France, and a great deal of information of a valuable character with respect to the probable effect of the treaty; but that is not the question before the

House. The question before the House is simply shall we adopt this supplementary treaty, which deals only with the matter of fat cattle going to France? I do not know very much about the cattle business, but I am aware that there are certain gentlemen in Canada who, for a number of years, devoted their energies to the exportation of fat cattle, and they found that it was a losing business. There is nothing in the fat cattle business for Canada. The hon. gentleman from De Lorimier made that clear enough, but he did not indicate what the experience of the gentlemen who have tried the experiment on a large scale was. The fact that we shall not be able to send fat cattle to France really does not involve any loss to Canada. On the other hand, there is no doubt that the shipping of what they call 'stockers' to France, landing them there and having them fattened in France, is a good thing for us; and the hon. members of this House will naturally wish that England gave us the same privilege which France proposes to give under the treaty. If we could send stockers to England and have them fattened there our farmers would reap a very fine harvest indeed; and I feel no qualms of conscience at all about giving my most cordial support to this little treaty.

Hon. Mr. DOUGLAS—I am sorry that my experience and judgment do not coincide with the views which have been expressed, especially in connection with the cattle question. I listened with a great deal of interest to the manufacturing feature of the treaty, and rejoiced that it will greatly strengthen the hands of our manufacturers and bring France nearer to Canada and Canada nearer to France; but I am sorry to say that from my own knowledge of the live stock trade—and I speak from experience—the treaty holds out no inducement to the trade of the Northwest, and I am surprised that hon. gentlemen of this House should make the statement that the cattle trade is not affected by this treaty, and that the proposition now made, or the change that is about to be made, in the treaty will not seriously affect the cattle trade. I have a very different opinion. It is not the number of stockers we can sell that is going to benefit the cattle trade of Canada. The sooner we disabuse our minds of that delusion the better. Every carload of immatured cattle we send out of the country is a loss of money to ourselves. We are giving our business away to the foreigner. It is only the man who is struggling with adverse circumstances, and beginning, perhaps, to make a home, that can be induced to dispose of young cattle or stockers. When he is driven to do so, he is parting with his opportunity to make money. If he has the ability, the facilities and the feed necessary to develop his stock to the highest state of perfection, he should adopt that policy. The fact that the best of our stock is shut out of the French market is, to my mind, an argument against the treaty. We ought not to encourage anything looking in the direction of giving away our raw material for people in other countries to complete. It is simply giving away our own opportunities to make money and secure a reputation abroad. We have in Canada grand opportunities in the cattle trade. There is perhaps no country in the world that has such a supply of pure water and cheap feed, and none that can compete with our great western country.

Hon. Sir MACKENZIE BOWELL—The Argentine.

Hon. Mr. DOUGLAS—The Argentine may be our greatest competitor; but we are second to none in the facilities we possess to mature stock. The best breeders in Great Britain, the men who are at the head of the trade to-day, recognize the advantages we possess in Canada in the raising, in the improvement and in the maturing of stock, and that we are second to none in that respect. I think France is wise in the stand she is taking. If I were a citizen of France to-day, that beautiful country which I have seen from end to end, I would advocate protection under these conditions, though I believe a good deal in free trade and interchange. At the same time, I would be chary about opening the door to receiving all the matured beef that could be sent from America and other quarters into that country. We have at our disposal an unlimited supply of feed which costs us next to nothing. If we can mature our own stock and find a market in which to dis-

pose of them, that is the line of business to cultivate, and that is a business we should endeavour to secure in any treaty with a foreign country. I am disposed to support the treaty, but I do not see that much is secured for the cattle trade of the great west by this change. A large trade in cattle is springing up in the west, in Alberta especially. Only the other day, I was in communication with a company that is seeking to develop the dead meat trade by slaughtering the animals in the west and shipping them as chilled beef. There is a large business to be developed in the great Northwest which must be helpful to the general prosperity of the Dominion, and we should hesitate before doing anything which would retard it. The trade is so far developed and so well understood in the Northwest that our stock raisers are not likely to send many stockers all the way to France to find a market. The more experience and knowledge we acquire of the necessities of the trade, the greater the desire will be to keep our cattle at home until they are matured, and then put them as beef on the market and get the largest amount of profit.

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

The Bill was then read the third time and passed under a suspension of the rules.

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

THE SENATE.

FRIDAY, December 3, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL ASSENTED TO.

The Honourable Sir Charles Fitzpatrick, K.C.M.G., Chief Justice of Canada, Deputy Governor General, being seated at the foot of the Throne.

The Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House:

It is His Honour's the Deputy Governor General's desire that they attend him immediately in this House.

Who being come with their Speaker.

The Clerk of the Crown in Chancery read the Title of the Bill to be passed, as follows:—

An Act respecting a certain supplementary convention between His Majesty and the President of the French Republic.

To this Bill the Royal Assent was pronounced by the Clerk of the Senate in the following words:—

In His Majesty's name the Deputy of His Excellency doth assent to this Bill.

The Deputy Governor General was pleased to retire, and

The House of Commons withdrew.

The Senate resumed.

COMMITTEE ON PUBLIC HEALTH REPORT.

MOTION.

Hon. Mr. McMILLAN moved:

That the report of the Standing Committee on Public Health Inspection of Food, together with the appendix thereto, be laid on the table of the Senate with the recommendation that the same be printed in pamphlet form, and that fifteen thousand copies be so printed for distribution.

Hon. Mr. POWER—I am sorry that the hon. gentleman from Alexandria did not give the Senate some idea as to what the printing and distribution of this pamphlet will cost. I have not seen the report myself; I do not know what it contains, or what the cost of printing is likely to be. Before we decide to print it, we should know what expense we are incurring.

Hon. Mr. CLORAN—Not the cost of a bolt in a Dreadnought.

Hon. Mr. McMILLAN—I am not in a position to give an idea as to the length of the report, but I can speak of its value, and as this matter is likely to come before the people of Canada in the near future, when cities, towns and villages will have to look after their refuse and sewage,

money cannot be better spent than in disseminating this important report. I was a member of the committee, and can speak of the value and importance of the information and of the advisability of having it distributed as widely as possible; but I cannot give an idea of what the cost of printing will be.

Hon. Mr. DOUGLAS—As a member of the committee, I would urge the importance of publishing this report. It contains testimony on a live question, and one of the greatest importance to the whole Dominion. Men of experience and decided ability came before us and gave information which was intensely interesting and most important in the highest and best interests of the Canadian people. We endeavoured to bring it within the bounds of the sum we expected to receive, which was very moderate indeed. Since it has been prepared, and is in form to be submitted to the printer, gentlemen who have examined the report have expressed a strong desire to put it in pamphlet form so as to give the public the benefit of up to date information on a very important question.

Hon. Mr. BEIQUE—I am not a member of the committee, but I attended two of its sittings and can testify to the correctness of what has been stated by both gentlemen who have spoken on the subject. The report is valuable, and should be distributed. I am reliably informed that it will not cover more than 40 or 50 pages of printed matter.

Hon. Mr. BELCOURT—I am, perhaps, one of the very few members of the Senate who has had an opportunity of looking at this report. I read it hurriedly the other day, and I can corroborate everything that has been said in favour of its being printed. I was very much struck with the valuable —I might say invaluable—information which that report contains. You have there information from men of the very widest knowledge and experience in matters of public health, and more particularly in regard to the subject involved in the Bill which I introduced a few days ago with reference to the pollution of natural sources of water supply. I think it is almost a necessity that the members of both Houses should have this report before them in order to appreciate fully the great necessity for legislation in the direction indicated by the Bill which I have introduced. Having read the report myself, I am perfectly satisfied there is not a member of this House who will not agree with me, once he reads it, that it is most desirable and opportune to have it printed and distributed.

Hon. Mr. WATSON—I know that the chairman of the committee was very enthusiastic about the appointment and work of the committee, and he secured expert testimony on sanitation and all such matters as were referred to that committee. The chairman took the report home with him, carefully edited it during the summer months, and eliminated matters which might not be of value for publication. I know he is anxious to have it printed, and we could not do better than to vote whatever sum may be necessary for the purpose. Cities, towns, and rural municipalities have been spending large sums of money in experimenting on how to attain the object which the report of this committee points out the best means to accomplish. That information having been collected and put in good shape for publication, should be printed for free distribution throughout the country.

Hon. Mr. POWER—I am second to none in this House in the interest I take in the public health. I simply ask for information which I think the House should have before adopting the report.

Hon. Mr. BELCOURT—I should have added on that point, that if I remember correctly, the report contains about 35 or 40 pages of typewritten matter.

Hon. Mr. POWER—The statement of the hon. member from De Salaberry, that the report will probably not extend beyond 50 pages was perfectly satisfactory to me. I was afraid that it might make a large sized book. I want it to be understood that I have not the slightest objection to the printing of the report.

The motion was agreed to

IMMIGRATION EMPLOYEES AT QUEBEC.

Hon. Mr. LANDRY inquired:

Is it the intention of the government to assure itself by addressing itself to the immigration agent at Quebec, whether it is true—

1. That, from the first of January, 1909, to the 15th of April of the same year, a certain number of employees in the Immigration Office at Quebec obtained three days of leave every week?

2. That, notwithstanding this absence of forty to forty-two days, the same employees were carried on the pay-roll as having been continually and regularly at their posts?

9. That these leaves of absence were given by the immigration agent at Quebec on his own responsibility, without having previously obtained the authority of the Superintendent General of Immigration.

4. That the pay-list attesting the uninterrupted presence of these employees was certified as true by the immigration agent at Quebec?

Hon. Sir RICHARD CARTWRIGHT—The answer to each of the hon. gentleman's four questions is 'Yes.'

PAY-LIST OF IMMIGRATION EMPLOYEES AT QUEBEC.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue that there be laid before this House a copy of the attendance and pay-lists of the employees in the Immigration Office at Quebec, for the first four months of the present year.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to the motion.

The motion was agreed to.

COMPLAINTS AGAINST RESTAURANT KEEPER, IMMIGRATION BUILDING, QUEBEC.

Hon. Mr. LANDRY inquired of the government:

It is within the knowledge of the government, of the Department of the Interior, or at least of the Superintendent General of Immigration, that serious complaints have been brought against Jacques Déry, the restaurant keeper, employed as such in the immigration building at Quebec, and that one of these complaints mentions the extraordinary overcharges and criminal exactions of which immigrants have been and are the victims?

Do they know, for instance, that the said Jacques Déry was selling to immigrants at the price of 50 cents for the 6-pound loaf, when the market price of that loaf was 14 cents, and that he retailed to immigrants at the price of 40 cents a pound Bologna sausage, which was selling elsewhere at the price of 15 cents?

Who is responsible for such exactions?

Is it the Superintendent General or the restaurant keeper's immediate superior, the immigration at Quebec?

If the government is not yet aware of these outrageous exactions, does it intend to grant a serious inquiry so as to verify all these accusations, establish the responsibility therefor and punish the guilty persons?

Hon. Mr. POWER—I wish to direct the attention of His Honour the Speaker to the fact that the first two paragraphs of this inquiry are decidedly out of order, being preambles and assertions of fact, which may or may not be the fact.

Hon. Mr. LANDRY—Is the hon. gentleman serious?

Hon. Mr. POWER—I am.

Hon. Mr. LANDRY—This is an inquiry, and there is no preamble at all. I am asking if it is within the knowledge of the government that serious complaints have been made. I am asking a second question, do they know, for instance, that such and such a thing has taken place in Quebec.

Hon. Mr. POWER—That is an assertion of fact. The hon. gentleman asserts that as a fact.

Hon. Mr. LANDRY—It is not a preamble. It is an inquiry. I am asking if such a fact has come to the knowledge of the government. If they say 'yes' that ends the matter.

Hon. Mr. POWER—This is exactly on all fours with the case ruled on by the Hon. Ex-Speaker Dandurand, a few years ago.

Hon. Mr. LANDRY—I am not stating that these things were done. I am asking if the government are aware that they were done. The government will say that they know or that they do not know, and that it has been done I have proof under oath.

Hon. Mr. WATSON—Lay it on the Table.

Hon. Mr. LANDRY—I am not asserting that these things are facts, or that they are true. I am asking if the government

know. If they do not know, we shall find it out in another way.

Hon. Mr. CLORAN—Probably the hon. Speaker will decide whether the objection raised by the hon. gentleman from Halifax has any foundation. These objections come too often without any argument to substantiate them. I should like the hon. Speaker to decide whether the point of order raised by the hon. gentleman from Halifax has any bearing upon the subject, or has any basis at all.

Hon. Mr. YOUNG—I wish to make a suggestion, that, inasmuch as a case now pending before the Speaker is similar to this, as has been remarked by the hon. gentleman from Halifax, we should allow this question to stand, and we will obtain the decision of the Speaker in the previous case, and in this one as well. It will enable His Honour the Speaker, after due deliberation, to decide upon a correct ruling.

Hon. Mr. LANDRY—I have no objection to that at all; but I know that the government is ready to answer.

The inquiry was allowed to stand.

A CORRECTION IN THE MINUTES.

Hon. Mr. LANDRY—I am credited in the 'Minutes' with moving that an order be made, on the 11th January, and I call attention to the fact that an order of the Senate did issue that there be laid before the House a copy of the medical certificate, &c. This was carried yesterday, but so as not to make any change in the 'Minutes' we might say that it was called to-day and accepted as passed to-day. It was carried, but by mistake was not entered in the 'Minutes.'

The SPEAKER—The motion appears on page 128 of the 'Minutes,' No. 5, and the hon. gentleman moves that it be entered on the 'Minutes' of to-day as carried.

The motion was agreed to.

SENATE DEBATES.

Hon. Mr. LANDRY—I desire to direct attention—I do not know who is the proper authority in this House—to the fact that there are six forms of our revised statutes stuck in the Printing Bureau, and they cannot be gotten out. The House of Commons have the reports of their revised edition nearly up to date. Our revised edition is prepared, five or six forms, and they cannot get them out. They said they wanted an order from the chairman of the committee, and the chairman of the committee happens to be my hon. friend from London (Hon. Mr. Coffey). He is not here, and the whole business of the Senate is arrested on that account. Surely the old routine should be there. We should not require an order each time to get a copy of our debates from the Bureau. When the wheel commences to turn around, it should continue revolving for the session. Our printing service is degenerating into a farce. Is there any authority, or have we any authority to get what is printed in that Bureau for the Senate? I suppose it is a case of being everybody's business and, consequently, the business of nobody—no responsible party. Would the hon. leader of this House, who is our supreme officer here, give us some information.

Hon. Sir RICHARD CARTWRIGHT—In the absence of the hon. gentleman from London, I am sorry to say I can give no information.

Hon. Mr. LANDRY—If he does not return to the Senate until next year, what shall we do?

Hon. Sir RICHARD CARTWRIGHT—I imagine that the committee would have it in their power to appoint a chairman instanter.

Hon. Mr. LANDRY—Have the committee not power to do something in his absence? We should have some one to replace the chairman for the time being.

Hon. Sir RICHARD CARTWRIGHT—I can do nothing more than draw attention to the matter, which my hon. friend has already done.

Hon. Mr. LANDRY—Attention is called every day. It is not attention we want, it is the document.

Hon. Sir RICHARD CARTWRIGHT—When a committee is specially appointed

to look after that matter, it is to be hoped they will do it.

AN ADJOURNMENT.

Hon. Sir RICHARD CARTWRIGHT moved that when the Senate adjourns today it do stand adjourned until Wednesday, the 12th January next.

The motion was agreed to.

The Senate adjourned till Wednesday, 12th January, 1910, at three o'clock.

THE SENATE.

WEDNESDAY, January 12, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (No. 28) An Act respecting the Campbellford, Lake Ontario and Western Railway Company.—Mr. Campbell.

Bill (No. 31) An Act respecting the Kamloops and Yellowhead Pass Railway Company.—Mr. Bostock.

Bill (No. 32) An Act respecting the Nicola, Kamloops and Similkameen Railway and Coal Company.—Mr. Bostock.

Bill (No. 34) An Act respecting the Ottawa Northern and Western Railway Company.—Mr. Belcourt.

Bill (No. 35) An Act respecting the South Ontario Pacific Railway Company.—Mr. McMullen.

Bill (No. 37) An Act respecting the Walkerton and Lucknow Railway Company.—Mr. McMullen.

Bill (No. 38) An Act respecting the West Ontario Pacific Railway Company.—Mr. McMullen.

Bill (No. 42) An Act respecting the Edmonton and Slave Lake Railway Company.—Mr. Young.

Bill (No. 45) An Act respecting the Phœnix Assurance Company, Limited.—Mr. Robertson.

Bill (No. 46) An Act to incorporate the Pine Pass Railway Company.—Mr. Roy.

ORDER OF SENIORITY OF JUDGES IN QUEBEC.

Hon. Mr. LANDRY inquired of the government:

Who were, by order of seniority, on the 1st of June, 1906, the judges of the Superior Court of the province of Quebec, belonging to the district of Quebec, as comprised and defined for the purposes of the Court of Review according to the exact wording of the law

Hon. Sir RICHARD CARTWRIGHT—On the first day of June, 1906, the judges of the Superior Court of the province of Quebec to whom the city of Quebec was assigned as the district and county within which their ordinary judicial functions should be exercised, were Mr. Justice Routhier, discharging the duties of juge en chef; Sir F. Langelier and Sir C. A. P. Pelletier.

On the same date the judges of the Superior Court for the districts of Quebec, Three Rivers, Saguenay and Chicoutimi, Gaspé, Rimouski, Kamouraska, Montmagny and Beauce, and Arthabaska—the judgments rendered in which districts were taken in review at the city of Quebec—were the three judges above named and, (in the order of their appointment), the following:

Hon. M. H. E. Cimon, Kamouraska.
" J. E. Larue, Rimouski.
" H. C. Pelletier, Montmagny and Beauce.
" J. A. Gagné, Saguenay and Chicoutimi.
" H. G. Carroll, Gaspé.
" R. S. Cooke, Three Rivers.
" A. Malouin, Arthabaska.
" L. J. Cannon, Three Rivers.

Hon. Mr. LANDRY—The answer given by the hon. minister, which is, I suppose, prepared by the department, is not a reply to my question. They are very cute in that department.

Hon. Sir RICHARD CARTWRIGHT—It is the reply with which I was supplied by the Department of Justice.

Hon. Mr. LANDRY—My inquiry was, who were, by order of seniority, the judges of the Superior Court of the province of Quebec, belonging to the district of Quebec and comprised and defined for the purposes of the Court of Review? That is a question which could be very readily answered by the department; but they make a division, picking out the city of Quebec on one side and taking a district on the other side, and they say the order of the first is so and so, and the order of the second is so and so. That is not a reply to my question. The hon. leader of the government understands the question very well. The province of Quebec is divided, for the purposes of review, into two great districts, the district of Montreal and the district of Quebec. The district of Quebec comprises the city of Quebec and surrounding districts in the province, which together form one district for the purposes of review. I am asking what is the order of seniority for the purposes of review.

Hon. Sir RICHARD CARTWRIGHT—If my hon. friend will repeat the question, I shall endeavour to get further information. I take it that part of the information he wants is contained in the answer that has been furnished.

Hon. Mr. LANDRY—But it is all mixed up. I want to know the order of seniority, but that is not given.

Hon. Sir RICHARD CARTWRIGHT—As regards a portion of it, the order of seniority is defined. If my hon. friend will repeat the question I shall call the attention of the department to it.

DIVERSION OF THE ALLAGASH RIVER.

MOTION.

Hon. Mr. COSTIGAN moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate copies of all papers, despatches and letters connected with the diversion of the waters of the Allagash river, one of the largest tributaries of the St. John river.

He said: I desire to call attention to some points in connection with this matter, of which there is no record here, and of which the government has no record. I have already stated on this subject, that the history of this transaction, which I think is contrary to all international law, contrary to the treaty of 1842, the Ashburton treaty, and especially detrimental to the lumbering interests of the eastern portion of Quebec, the lumbering interests of St. John, New Brunswick, and contrary to the interests of a portion of the people of the state of Maine. The history of the diversion of these waters began in 1841. A man whose name, I think, was Rufus Dwinel, applied with others to the state legislature of Maine for a charter to construct a canal from the head waters of the Penobscot river to the head waters of the Allagash, so as to bring the waters of the Allagash down the Penobscot and increase the flow of that stream. This was in 1841, and must have been before the Ashburton treaty was passed. The state legislature, at that time, refused to grant such a charter, I understand, on the ground that they had no power to grant it; that it was contrary to all international law to divert the waters of a stream from its natural flow. Notwithstanding the fact that these men were refused authority to excavate the canal and build the dam, they proceeded without authority and constructed a canal, drawing the water away from the lakes of the Allagash down the Penobscot river. They built a dam across one of the lakes, tributary to the Allagash, high enough to divert the water through this canal into the Penobscot. After that, the war commenced between the lumbering interests on the Allagash river proper and the lumbering interests of the Penobscot river, all in the state of Maine. New Brunswick and Quebec were not heard in that contention at all. The legislature ordered an inquiry. Evidence was taken. I understand there is only one copy of that evidence in existence to-day. I know where it can be obtained, and I trust that it will yet be procured. After the inquiry, a Bill was passed by the legislature of Maine giving such authority as it could give to the existing diversion of the waters; that is the dam and the canal so built. Between 1846

and 1892, several Bills were introduced by different interests in the legislature of the state of Maine and passed by that legislature, all professing to give authority to these works that had been illegally commenced, illegally constructed and illegally maintained. At one time, the trouble became so serious that the party controlling the canal and dam sent an army of men there to protect their works. The opposing party, believing that there was no legal authority to construct the dam and divert the water from its natural outlet, undertook to destroy the dam, believing they could do so without rendering themselves liable to any penalty. The party that undertook to destroy the works succeeded by some means in blowing away a portion of the dam and allowing the water to flow down the Allagash. A reinforcement of men was sent at once by the Penobscot interests and the dam was repaired, and what was called a standing army was kept there—over one hundred men armed with rifles—to protect the work against any similar incident in the future. In 1903, the Improvement Company of the Penobscot river applied again to the state legislature of Maine for power to raise the dam still higher, which meant, of course, to increase the flow of water down the Penobscot river. That was refused, because of the opposition that was raised against it; but the result of it all is that the head waters of the Allagash river, which is one of the principal tributaries of the River St. John, are all turned down the Penobscot. It has reduced the flow of water, not only in the Allagash, but in the St. John river very materially, and the lumbering interests on the St. John suffer accordingly. When I say the lumbering interests on the St. John river, I may explain that the eastern portion of Quebec is also largely interested. The whole of the St. John river district is interested in it. A portion of the state of Maine is interested. The land-holders on the Allagash river below the dam have no water to float their timber down, and, of course, they cannot haul it above the dam to turn it into the Penobscot river. A large amount of the lumber that should naturally come down the Allagash and the St. John rivers has been turned down the Penobscot. These dams and other works have diverted the waters of about six of the lakes, large and small, including the Chamberlain, Churchill, and some smaller lakes from their natural outlet, the St. John river.

It is felt generally that a great wrong has been perpetrated in diverting that water, and there is a strong feeling of dissatisfaction in the province from which I come and amongst the lumbering interests in the eastern portion of Quebec, and I may say it is shared largely by the people of Maine also, who are interested in the Allagash river proper. There is no conflict between the citizens of Canada and the citizens of the United States. The only people benefited by this diversion are the Penobscot Improvement Company who are diverting this water for their own selfish purpose to the detriment of greater interests, and in violation of all international law. I earnestly hope that the government will take some action in this matter. We had hoped that the commission appointed to look into these matters would have dealt with it. The first commission appointed was the Waterways Commission. We were informed then that the United States government took the ground that that commission had no right to go into the question, but that the United States authorities would be quite willing to appoint another commission to deal with that and similar questions. Another commission has been appointed and is now looking into the fisheries question. We all hoped that they would take up this matter of the diversion of the waters from the Allagash river, but it appears that the latter commission has no jurisdiction over it either. They have not touched it at any rate. We do not want to create friction between the people to the south of us and ourselves. I share the feeling that prevails in Canada, that we wish to live in harmony with our neighbours, but we wish also that those people shall show a disposition to live in harmony with us, and that if it should be found that this water has been diverted contrary to law, one of the best evidences of good faith on their part would be a restoration of the flow of water to its proper channel.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to the motion. I am not prepared to discuss some of the points the hon. gentleman has taken up.

The motion was agreed to.

HEATING AND LIGHTING OF GOVERNMENT OFFICES AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY:

How much did the heating of the buildings used for immigrants at Quebec, and for the immigration office at the same place, cost for the fiscal year ended on the 31st March last?
How much did it cost for the lighting of the same buildings and the same office during the same period?

Sir RICHARD CARTWRIGHT—The answer is:

Louise Embankment:

Heating	$1,100 94
Lighting	909 00
Four arc lights, lighting path to building on embankment	390 00
	$2,399 94

Detention Hospital:

Heating	$1,648 35
Lighting	361 48
	$2,000 83

As the office is located entirely within the shed, this department has no means of distinguishing the cost of heating and lighting from that of the whole building.

OVERCHARGING IMMIGRANTS AT QUEBEC.

INQUIRY POSTPONED.

The notice of motion being called:

By Hon. Mr. LANDRY:

Is it within the knowledge of the government, of the Department of the Interior, or at least of the Superintendent General of Immigration, that serious complaints have been brought against Jacques Déry, the restaurant keeper, employed as such in the immigration buildings at Quebec, and that one of these complaints mentions the extraordinary over charges and criminal exactions of which immigrants have been and are the victims?

Do they know, for instance, that the said Jacques Déry was selling to immigrants at the price of 50 cents for the 6-pound loaf, when the market price of that loaf was 14 cents, and that he retailed to immigrants at the price of 40 cents a pound Bologna sausage, which was selling elsewhere at the price of 15 cents?

Who is responsible for such exactions?

Is it the Superintendent General or the restaurant keeper's immediate superior, the Immigrant Agent at Quebec?

If the government is not yet aware of these outrageous exactions, does it intend to grant a serious inquiry so as to verify all these accusations, establish the responsibility therefor, and punish the guilty persons?

Hon. Sir RICHARD CARTWRIGHT—I would request the hon. gentleman to let this inquiry stand.

Hon. Mr. POWER—I may remark that the inquiry is out of order. It is open to the objection that it contains a preamble One paragraph is as follows:

Do they know, for instance, that the said Jacques Déry was selling to immigrants at the price of 50 cents for the 6-pound loaf, when the market price of that loaf was 14 cents, and that he retailed to immigrants at the price of 40 cents a pound Bologna sausage, which was selling elsewhere at the price of 15 cents.

That is clearly a preamble, and it is stating as a matter of fact what, I suppose, the hon. gentleman's inquiry is intended to ascertain. It is clearly irregular to assume that a state of facts like that exists.

Hon. Mr. LANDRY—The hon. gentleman must know that it is not a preamble. I am asking a question; how can I ask a question without putting it on the paper. I am asking if the government know such and such a thing and the government must reply, yes or no. There is no preamble in that.

Hon. Mr. POWER—I hope His Honour the Speaker will consider the point before the inquiry comes up again.

The order was allowed to stand.

THE IMMIGRATION OFFICE AT QUEBEC.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue that there be laid upon the table of this House the report made in 1906 to he Department of the Interior by Mr. Blair, upon the inquiry held by him at Quebec, at the Immigration Office,

on the subject of certain complaints concerning the administration of the said office.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to the motion.

The motion was agreed to.

THE SENATE DEBATES.

INQUIRY.

Hon. Mr. LANDRY—Before the orders of the day are called I should like to know when we are to receive the revised edition of the debates of this House—the English copy? I am not speaking of the French copy. I do not want to ask for too much at a time. We have now reached the 12th day of January, and we have not received a single copy of the revised edition of the debates yet. In the House of Commons they are getting the revised edition from day to day, while here we are far behind. If we do not want the Senate to be held up to the public as an institution that is going back instead of advancing, I think it is time for us to have the revised edition of our debates. I suppose it is a case where everybody's business is nobody's business.

THE AUTHORITY OF THE CLERK OF THE SENATE.

The order of the day being called:

Consideration of the memo. referring to the authority vested in the Clerk of the Senate under the title of 'Chief of Staff.'

Hon. Mr. GIBSON—In the absence of the Hon. Mr. Casgrain, I would call attention to the character of the memorandum. It is as follows:

Referring to the authority vested in the Clerk of the Senate under the title of Chief of Staff, such as recommended by a report of the Committee on Internal Economy on the 9th of May, 1902, and adopted by the Senate on the 12th of that month, the undersigned would respectfully request to be informed if the instructions issued by him to the staff in connection with the discharge of their duties can be countermanded by any individual member of the House without authority to do so by the Senate?

SAML. E. ST. O. CHALPEAU,
Clerk of the Senate.

As this is a matter that the clerk wishes to have explained, the authority having been given to him by the Internal Economy Committee, the reasonable course to pursue would be to refer this memorandum to that committee, where the clerk originally got his instructions and authority. I therefore move that the memorandum be referred to the Committee on Internal Economy for consideration.

Hon. Mr. LANDRY—I am surprised that no objection is taken to this procedure. 'Referring to the authority vested in the Clerk of the Senate'—that is an assertion of a fact, and yet my hon. friend from Halifax is mute.

Hon. Mr. POWER—A memorandum is not a motion.

Hon. Mr. LANDRY—But there is a motion to refer that memorandum to the Internal Economy Committee.

Hon. Mr. YOUNG—There is no preable to the motion.

Hon. Mr. LANDRY—In my case, I was not making a motion; I was making an inquiry. If I ask a man 'How do you do?' I am inquiring about his health, I am not making a motion about his health. If this memorandum is referred to the Internal Economy Committee, no doubt they will say that the authority exists. We know nothing of the facts; we are in the dark. What are we referring back to the Internal Economy Committee?

Hon. Mr. GIBSON—We are referring back this memorandum, because the clerk wants to be informed if instructions issued to him can be countermanded by any individual member of the House without the authority of the Senate. We cannot try this thing here. Both sides must be heard, and I respectfully submit that my motion is quite in order.

Hon. Mr. LANDRY—Supposing the clerk had asserted that his authority has been countermanded by an individual member. This is purely a clerical question. We do not need to refer it to a committee for an answer. We know that if an instruction is given to the clerk it must be followed. We do not require the committee to say it should be followed. But if the clerk has a complaint to make against the intervention of any member of this House, let him state the complaint, and it may be sent

to the committee to have the whole question ventilated there. But this is merely a clerical question. Any one could answer it without taking the trouble to send it to the committee.

Hon. Mr. GIBSON—My hon. friend will pardon me for insisting on the motion, from the very fact that we may all plead guilty. There is nobody named in this memorandum. It is simply some conflict between a member of this Senate and the clerk, and the clerk claims that his authority is vested in him by the power of that committee, and surely the House cannot deal with the subject without having the doors closed. I am sure the proper parliamentary practice in all matters of this kind is to refer it to the proper committee, and the Committee of Internal Economy is the proper one. I am astonished that my hon. friend objects to that. The member referred to may be myself; I do not know. If so, I am willing to be reprimanded by the committee or anybody else. I am willing to take my share of the blame. This is merely an insinuation.

Hon. Mr. LANDRY—It might be an insinuation.

Hon. Mr. GIBSON—And it is only fair that it should be removed from the journals of the House, if there is no ground for it.

Hon. Mr. LANDRY—The hon. gentleman misunderstood me. The memorandum says:

> Referring to the authority vested in the Clerk of the Senate, under the title of Chief of Staff, such as recommended by a report of the Committee on Internal Economy on the 9th May, 1902, and adopted by the Senate, on the 12th of that month, the undersigned would respectfully request to be informed if the instructions issued by him to the staff in connection with the discharge of their duties can be countermanded by any individual member of the House, without authority to do so by the Senate.

If he had added 'as has been done.' I could understand how it could be referred to the committee to investigate the whole matter. But I contend there is no accusation in that memorandum. We are asked to decide if such a thing can be done.

Hon. Mr. LANDRY.

Hon. Mr. GIBSON—What are those instructions? We do not know. We have not seen them. They have not been placed before the House. It is not stated in black and white that instructions were given. I think that this insinuation could be more effectually cleared up in the committee than in the Chamber.

Hon. Mr. LANDRY—I contend that the memorandum should not come before this House.

Hon. Mr. GIBSON—The hon. gentleman is right, but it is here.

Hon. Mr. LANDRY—It is not a statement of fact. We are called upon to give an opinion, but what opinion can we give?

Hon. Mr. YOUNG—That is, without adopting the report.

Hon. Mr. LANDRY—Yes, without adopting the report. The motion is to consider the memorandum. There is no motion to refer it.

The SPEAKER—A motion has been moved just now.

Hon. Mr. LANDRY—It must come as an amendment.

Hon. Mr. GIBSON—I made the motion in that way, to refer it to the committee.

Hon. Mr. LANDRY—Is the hon. gentleman moving that as an amendment? If it is in the form of an amendment, who moved the main motion?

Hon. Mr. GIBSON—It is a consideration of the same question.

Hon. Sir RICHARD SCOTT—It is the consideration of the motion. It is not the amendment.

Hon. Mr. LANDRY—The consideration of the motion is supposed to have been moved by an absent member; and in amendment the hon. gentleman moves that it be referred to a certain committee.

Hon. Mr. LOUGHEED—As I was not present when the matter was brought up, may I inquire how it has come about that we have seriously considered, trying on the

floor of this chamber so to speak, a conflict between an officer of this House and a member of the House? Are we in all seriousness about to try whether an hon. member of this chamber has been guilty of some allegation brought against him by the Clerk of the Senate or what are we going to do? It seems to me to be beneath the dignity of the Senate to consider a petty conflict between the Clerk of this House and a member of the Senate. We depart very much from the dignity of the Senate to consider on the floor of this Chamber whether an honourable gentleman of this House is in the right or in the wrong. I certainly, with all due deference to the attitude taken by His Honour the Speaker cannot appreciate the circumstances which lead him to submit a matter of this kind to the House. It seems to me it should have gone to the committee, and the dignity of this House should have been upheld, instead of referring it in all seriousness to this Chamber.

Hon. Mr. MILLER—Hear, hear.

Hon. Mr. POWER—Well it goes to the committee.

The SPEAKER—If this motion is dealt with, it would go to the committee.

Hon. Mr. LANDRY—It goes to the committee because it is sent there by us, and I refuse to be a party to sending it.

The motion was agreed to on division.

A QUESTION OF PROCEDURE.

Hon. Mr. LANDRY—I desire to call attention of the House to the procedure at the opening of the session to-day, and I should not like it to be considered as a precedent. I may be wrong, but I desire to bring the matter before hon. members. I refer to the message from His Excellency the Governor General which was read to us by the right hon. leader of the House. I think it should have been communicated to us through the Speaker as a communication between His Excellency and the House. Bourinot provides that if a Speaker receives a communication from the Governor General's secretary relative to the opening of the session, he rises and says: 'I have the honour to inform this House,' and the same with regard to prorogation, it is the Speaker who delivers the message to the House. I am not saying that I am right.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend will see that there is a distinction. Messages signed by His Excellency are usually communicated by one of His Excellency's ministers. The messages to which he refers I think are messages from the Governor General's secretary addressed to the Speaker direct. Those would be, as a matter of course, read by the Speaker; but in the other chamber—and I think the practice here has been the same—whenever His Excellency sends a message signed by his own hand, it is read by the minister in either House. I think that has been the usual practice.

Hon. Mr. LANDRY—I am not quite sure of that. Bourinot, at page 388, says 'These messages are either written or verbal.' He says in one place, 'A verbal message will be given in such case by the minister.' He does not say that a written one is given by the minister. He makes the distinction, that a verbal message is communicated by the minister.

Hon. Sir RICHARD CARTWRIGHT—I think, a fortiori, a written message signed by his own hand should be delivered through the minister, one of his responsible advisers, as far as that goes, and I can speak from a knowledge of the practice in the House of Commons extending over forty-six years, that it has invariably been done in that way in that chamber. My hon. friend on my left, (Sir Richard Scott) can speak from a long experience here, and I think his recollection is the same as mine, the answer is sent back through a minister who is a member of the Privy Council.

Hon. Mr. POWER—And the address is presented to His Excellency by a minister who is a member of the Privy Council, and the answer is sent back through a minister who is a member of the Privy Council.

Hon. Mr. LANDRY—That is not the same; that is done by an order of the

Chamber. It is this Chamber which names the person who is to carry the message to His Excellency.

Hon. Sir RICHARD CARTWRIGHT—Does my hon. friend contend that the practice is not correct?

Hon. Mr. LANDRY—No, I am ready to accept the explanation of my hon. friend. His experience is greater than mine. I just mentioned the incident and stated that I did not think it should be made a precedent.

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

THE SENATE.

THURSDAY, January 13, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (E) An Act respecting the St. Clair and Erie Ship Canal.—Mr. Lougheed.

Bill (F) An Act to incorporate the Congregational Union of Canada.—Mr. Gillmor.

Bill (G) An Act to incorporate the Merchants Bank of Canada Pension Fund.—Mr. Beique.

REVISED EDITION OF THE SENATE DEBATES.

Hon. Mr. LANDRY—Before the orders of the day are called, as I observe my hon. friend from London (Mr. Coffey) is in his place to-day, I desire to ask him if he will kindly tell me when we are to have the revised edition of our debates before us. We have been here more than a month and we have not yet received a single copy.

Hon. Mr. POWER—One copy was distributed to-day.

Hon. Mr. LANDRY—I did not receive it.

Hon. Mr. COFFEY—I must apologize to the hon. gentleman for not being in my place to answer his question the other day. I am glad now to be in a position to give him the required information. I will take the liberty of reading a letter I received to-day from the King's Printer in regard to this matter. It reads as follows:

Dear Senator Coffey,—I have inquired into Senator Landry's mild and not unreasonable complaint of delay in distributing the Senate 'Revised Hansard.' I find that no great attempt was made to get the 'Revised Hansard' out with despatch because some of my officers were under the impression that your Debates Committee contemplated an early change in the distribution of the 'Hansard.' They had understood that you were on the point of following the Commons example and getting out a comparatively large number of the daily 'Hansard' for general distribution and a smaller number of the 'Revised Hansard' for distribution to the senators and for the purpose of binding after the session. As that change has not taken place, and as it may not ever take place at all, I am having the revised edition brought up to date just as rapidly as possible. I am having sent to the Senate this afternoon the 'Revised Hansard' to the 2nd of December, making in all about 120 pages. The balance will follow as soon as possible.

In this connection I wish to draw the attention of the House to the fact that oftentimes the members of the Senate complain about delay in the Printing Bureau. At this moment I have not in my mind a single instance where the Bureau was to blame. In conversation with the King's Printer some time ago, he said to me 'Senator, it is not the fault of the Bureau. We have all the men we require; we have all the presses we need; we have all the type that we can use, and there is not excuse for delay on the part of the Bureau. The delay is usually caused in one of two ways. The first is that the Bureau does not receive the copy, and the second is that there is sometimes delay in returning the proof.' One instance came under the observation of the King's Printer where a member of this House entered protest against the delay in the Printing Bureau. I would rather not mention the hon. gentleman's name; but it so happened that at that very moment a certain piece of work was being held up in the Bureau because an hon. gentleman had not returned the revised proofs of his speech. I say once for all, that wherever there is any well grounded complaint in regard to delay in the Bureau I shall do my utmost to search it out and give the

House satisfaction; but I would impress upon all the absolute necessity of, in every instance, returning revised proofs to the Printing Bureau as soon as possible. Do not ask the reporters or the Prining Bureau when they require proofs returned; anybody who understands the printing business would say, do not ask such a question, but return them as soon as you can. Frequently the habit of postponement, which one or more members may have contracted, will hold up the printing of a whole issue. Therefore, I hope that in future the proofs will be returned as soon as possible, and there will be no delay at the Printing Bureau.

Hon. Mr. LOUGHEED—It is a regretable thing that our idols are always being shattered. The government of the day have educated the House for some years past up to the idea that the Printing Bureau was ever at fault. I am pleased to find, from my hon. friend from London to-day, that the Printing Bureau is the embodiment of all virtue, and that the representations made by the ex-leader of the House in this Chamber for some years past as to the volume of work in the Printing Bureau being accountable for the delay, and our failure to obtain reports promptly, should be further considered. No later than yesterday a question came before us in regard to the very great inconvenience in the transportation of members by the delay in issuing certificates, and the fault was laid entirely on the Bureau; but hereafter, since my hon. friend has been appointed chairman of the Debates Committee, I have no doubt the Printing Bureau will be no longer in fault.

ORDER OF SENIORITY OF JUDGES IN QUEBEC.

INQUIRY OPSTPONED.

The notice of motion being called.

By the Hon. Mr. LANDRY:

That he will inquire of the government:

Who were, by order of seniority, on the 1st of June, 1906, the judges of the Superior Court of the province of Quebec, belonging to the district of Quebec, as comprised and defined for the purposes of the court of review, according to the exact wording of the law.

Right Hon. Sir RICHARD CARTWRIGHT—I have called the attention of the Department of Justice to the matter, but have not yet received a reply.

The motion was allowed to stand.

OVERCHARGING IMMIGRANTS AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired:

Is it within the knowledge of the government, of the Department of the Interior, or at least Superintendent General of Immigration, that serious complaints have been brought against Jacques Déry, the restaurant keeper, employed as such in the Immigration buildings at Quebec, and that one of these complaints mentions the extraordinary overcharges and criminel exactions of which immigrants have been and are the victims?

Do they know, for instance, that the said Jacques Déry was selling to immigrants at the price of 50 cents for the 6-pound loaf, when the market price of that loaf was 14 cents, and that he retailed to immigrants at the price of 40 cents a pound Bologna sausage, which was selling elsewhere at the price of 15 cents?

Who is responsible for such exactions?

Is it the superintendent general or the restaurant keeper's immediate superior, the immigration agent at Quebec?

If the government is not yet aware of these outrageous exactions, does it intend to grant a serious inquiry so as verify all these accusations, establish the responsibility therefor, and punish the guilty persons?

Hon. Sir RICHARD CARTWRIGHT—Probably a good deal of the information my hon. friend desires has just been laid on the table, in a return which I have presented, but I have the following replies to the hon. gentleman's questions:

1. No complaints since 1906, which were investigated at the time.
2. No.
3. Answered by No. 2.
4. Answered by No. 2.
5. Any formal complaints made will at once be investigated.

INLAND REVENUE ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (9) An Act to amend the Inland Revenue Act.

He said: This Bill consists mainly of two provisions. The first raises the rate or fee for bonding warehouses from $20, as at present, to $50. The reason given by the department for that is that the granting of these licenses for small bonding warehouses involves a considerable expense, very much in excess of the fee to the department. They think $20 is altogether too small a sum, and that in future they must charge at least $50, particularly as it is not expedient in the pubic interest to multiply excessively the number of these bonding licenses.

Hon. Mr. LOUGHEED—Does that fee extend to additional warehouses in each case? As my hon. friend knows, under the existing law there is a provision by which additional warehouses are licensed for reduced amounts.

Hon. Sir RICHARD CARTWRIGHT—I think it does not extend to those. This is intended to apply to applications which are being constantly made for new warehouses, but I am not absolutely certain about that. I will get positive information from the department before we go into Committee of the Whole on the Bill. I think this is intended to rather prevent the undue multiplication of these small bonded warehouses, which my hon. friend will understand involve a considerable charge on the public funds. The second paragraph makes certain alterations with respect to packages of imported cigarettes. This is asked for by the trade, and I believe all parties are agreed to it.

Hon. Mr. LOUGHEED—Why is the provision as to snuff changed? I see no change between this paragraph and the existing section of the Act, except that the fraction of one-sixth is introduced in this paragraph.

Hon. Sir RICHARD CARTWRIGHT—It is a small alteration asked for by the trade. That is all the information I have about it. It is one of those comparatively minute details involved in the working of the Act which the parties concerned are desirous of having amended. The third paragraph is simply giving power to determine the rates of duties.

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

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

THE SENATE.

FRIDAY, January 14, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SENIORITY OF QUEBEC JUDGES.

INQUIRY POSTPONED.

The order of the day being called.

By the Hon. Mr. LANDRY:

That he will inquire of the government—

Who were, by order of seniority, on the 1st of June, 1906, the judges of the Superior Court of the province of Quebec, belonging to the district of Quebec, as comprised and defined for the purposes of the Court of Review, according to the exact wording of the law?

Hon. Mr. BOLDUC—In the absence of the hon. gentleman from Stadacona, I beg to make this inquiry.

Hon. Sir RICHARD CARTWRIGHT—This question has been answered, but the hon. gentleman who moved it appeared to consider the answers given as insufficient; I have, therefore, called the attention of the Department of Justice to his remarks. I have not yet received a reply. The hon. gentleman had better let it stand.

The inquiry was allowed to stand until Tuesday.

EMPLOYMENT OF PERSONS IN CONSTRUCTION OF GRAND TRUNK PACIFIC.

MOTION.

Hon. Mr. BOLDUC (in the absence of Mr. Landry) moved:

That an order of this House be made for the production of a statement comprising, in so many distinct columns, the names, dates of appointment, nature of employment, salary, travelling expenses, and indication of the section where the persons were employed, of all persons in the service of the commission for the construction of the Grand Trunk Pacific railway between Moncton and Winnipeg.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to the motion.

The motion was agreed to.

REMOVAL OF RUINS OF QUEBEC BRIDGE.

INQUIRY POSTPONED.

Hon. Mr. BOLDUC (in the absence of Mr. Landry) inquired of the government:

Has the government granted the contract for removing the ruins of the Quebec bridge?
To whom has this contract been given?
For what amount?
What is the date fixed for the completion of the work of clearing away?
Before granting this contract did the government ask for tenders?
Who tendered, and what was the price asked by each tenderer?

Hon. Sir RICHARD CARTWRIGHT—I would ask my hon. friend to let this inquiry stand. The department will have the answer ready on Tuesday or Wednesday next.

The inquiry was allowed to stand until Wednesday next.

BILLS INTRODUCED.

Bill (H) An Act respecting certain patents of Henry Alexander Wise Wood.—Hon. Mr. Belcourt.

Bill (I) An Act for the relief of George Robert Buttonshaw.—Hon. Mr. McMullen.

Bill (J) An Act respecting the Northern Empire Railway Company.—Hon. Mr. Talbot.

Bill (K) An Act respecting the Erie, London and Tilsonburg Railway Company.—Hon. Mr. Coffey.

SECOND READINGS.

Bill (No. 28) An Act respecting the Campbellford, Lake Ontario and Western Railway Company.—Hon. Mr. Campbell.

Bill (No. 31) An Act respecting the Kamloops and Yellow Head Pass Railway Company.—Hon. Mr Bostock.

Bill (No. 32) An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.—Hon. Mr. Bostock.

Bill (No. 34) An Act respecting the Ottawa, Northern and Western Railway Company.—Hon. Mr. Belcourt.

Bill (No. 35) An Act respecting the South Ontario Pacific Railway Company.—Hon. Mr. McMullen.

Bill (No. 37) An Act respecting the Walkerton and Lucknow Railway Company.—Hon. Mr. McMullen.

Bill (No. 38) An Act respecting the West Ontario Pacific Railway Company.—Hon. Mr. McMullen.

Bill (No. 42) An Act respecting the Edmonton and Slave Lake Railway Company.—Hon. Mr. Young.

Bill (No. 45) An Act respecting the Phœnix Assurance Company, Limited.—Hon. Mr. Robertson.

Bill (No. 46) An Act to incorporate the Pine Pass Railway Company.—Hon. Mr. Roy.

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

TUESDAY, January 18, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SECOND READINGS.

Bill (E) An Act respecting the St. Clair and Erie Ship Canal Company.—Hon. Mr. Lougheed.

Bill (F) An Act to incorporate the Congregational Union of Canada.—Hon. Mr. Gillmor.

Bill (G) An Act to incorporate the Merchants Bank of Canada Pension Fund.—Hon. Mr. Béique.

INLAND REVENUE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 9) An Act to amend the Inland Revenue Act.

(In the Committee.)

Hon. Sir RICHARD SCOTT—This Bill does not involve any change in the law. The first paragraph has reference entirely to the fee, which is increased from $30 to $50. The other changes are also verbal, and are introduced at the instance of members of the trade. For instance, paragraph (d) of section 1, simply provides for snuff in packages of one-sixth of a pound. Provision had been made for packages of 1-12th, 1-8th and 1-4th, but the provision in regard to packages of 1-6th had been omitted. Similarly provision is made with regard to the number of cigars in a package.

Hon. Mr. LANDRY—If I understand it, the fee is increased from $30 to $50.

Hon. Sir RICHARD SCOTT—Yes.

Hon. Mr. LANDRY—This is imposing a tax on the people.

Hon. Sir RICHARD SCOTT—It is imposed by the House of Commons. It is a Commons Bill.

Hon. Mr. LANDRY—No money Bill should pass here without a declaration that a message has been received from the Governor General recommending its passage.

Hon. Sir RICHARD SCOTT—This Bill has come up from the House of Commons in the ordinary way, like all other public Bills. It has been read the first and second time, and now is in the Committee of the Whole.

Hon. Mr. LANDRY—I have the right to raise an objection at any stage of the Bill. I have not done so; I am asking has any message been presented introducing this Bill?

Hon. Sir RICHARD SCOTT—It was introduced in the House of Commons in the ordinary way; but it does not follow that all money Bills are presented by message to this Chamber. We are not making any change in the Bill.

Hon. Mr. LANDRY—There is a rule in the House which says that a message from the Governor General must accompany the introduction of a money Bill in this House before we proceed with it.

Hon. Sir RICHARD SCOTT—I am quite sure that any necessary formality has already been observed. It goes through as a matter of course.

Hon. Mr LANDRY—It should go as a matter of rule.

Hon. Sir RICHARD SCOTT—The Governor General gives his assent to all these measures.

Hon. Mr. POWER—Strictly speaking, the hon. member is right; but the practice is not that way. We assume that things have been done regularly in the House of Commons, and a Bill of this kind cannot be introduced in the other House unless that House has been informed that a message has been received from His Excellency the Governor General. I do not mean to deny that, strictly speaking, the minister in charge of the Bill in this House must be in a position to inform the House that a message from the Governor General had come down; but I think we are justified in assuming that such a message was presented. Further, the committee stage is not the proper stage at which to raise the question. It should have been raised at the second reading. It might be raised at the third reading, but not when the House is in the Committee of the Whole.

Hon. Mr. LANDRY—I have not made any objection; I have merely asked if the rules of this House had been observed in connection with this Bill? I am willing to let it pass, even if the rules have not been strictly complied with, but I am asking for information.

Hon. Sir RICHARD SCOTT—I am quite safe in making the statement that I did a few moments ago—that everything has been done in a regular way. These are

matters of form, and the Governor General gives his assent to the introduction of the Bill. At all events, this is not the proper stage at which to raise an objection.

Hon. Sir MACKENZIE BOWELL—This is another illustration of the laxity which has prevailed in this House for a long time. If my recollection serves me correctly, the rule is distinct and requires that the same practice shall prevail in the Senate as obtains in the House of Commons. It does not matter at which stage the objection is taken, if a message has not been received that the Governor General has assented to the introduction of the Bill, the whole of the proceedings would have to be repeated. I do not rise to prevent the passage of the Bill, but we ought to adhere to our own rules, and also the practice of the House of Lords. The 70th rule of this House is as follows:

> The Senate will not proceed upon a Bill appropriating public money that shall not, within the knowledge of the Senate, have been recommended by the King's representative.

I do not think there is any misunderstanding that rule.

Hon. Sir RICHARD SCOTT—I am not going to discuss the question. This is not an appropriation of money. It is rather a collection of money. However, if the hon. member insists upon the point, I shall simply have to ask the committee to rise; but I do not think the rule applies to this case.

The first clause was adopted.

On clause 2.

Hon. Sir RICHARD SCOTT—In the existing Act, provision is made with regard to packages of 1-16th, 1-12th, 1-8th, 1-4th and half a pound. It is found that packages of one-sixth of a pound have been imported into the country, and provision is made to cover such packages.

Paragraph (e) is exactly on the same lines. It was found that packages came in containing 25 cigarettes, and no provision existed in the Act for packages containing that number, and the words 25 are inserted, to suit the convenience of the trade.

The clause was adopted.

On clause 3.

Hon. Sir RICHARD SCOTT—The only change in this clause is the introduction of the words 'other materials.' At present foreign raw leaf tobacco taken for use in any tobacco or cigar manufactory is subject to duty, but it is found that there are other materials used also which ought to pay duty, and it is for the purpose of imposing a duty on these other materials this amendment is provided.

Hon. Mr. LOUGHEED—What kind of material would it be?

Hon. Sir RICHARD SCOTT—I cannot say.

Hon. Mr. LOUGHEED—It would appear to me as if it were giving assistance to some artificial material that will supercede tobacco. It seems to me an unwise provision. It is practically a recognition of some substitute for tobacco which is not tobacco.

Hon. Mr. POWER—There is always some foreign matter in tobacco.

Hon. Mr. LOUGHEED—No, no. This means material that is not tobacco. It may be the by-products of tobacco.

Hon. Sir RICHARD SCOTT—It may be oil or other substance. It can do no harm.

Hon. Mr. LOUGHEED—This refers to material which is not tobacco, and it would give a statutory recognition to adulteration of manufactured tobacco. The whole trend of legislation has been against adulteration of products entering into consumption by the people. It would seem to me that this is flying in the very face of the policy of the legislation of to-day.

Hon. Sir RICHARD SCOTT—The explanation given by the department is that there is other material used to a limited extent, say ten per cent, and it is important that where that is the case it should be subject to duty. Probably at the third reading we may obtain the explanation.

Hon. Mr. LOUGHEED—Yes, I should like to know what it is.

The clause was adopted.

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

BILL INTRODUCED.

Bill (No. 30) An Act respecting the Eastern Townships Railway Company.—Hon. Mr. Mitchell.

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

WEDNESDAY, January 19, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

REMOVAL OF QUEBEC BRIDGE RUINS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Has the government granted the contract for removing the ruins of the Quebec bridge?
2. To whom has this contract been given?
3. For what amount?
4. What is the date fixed for the completion of the work of clearing away?
5. Before granting this contract did the government ask for tenders?
6. Who tendered, and what was the price asked by each tenderer?

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

1. Yes.
2. To Messrs. Koenig and Company.
3. For the bulk sum of $45,000.
4. The anchor pier to be ready for the contractor by April 1, 1910, and the main pier by May 15, 1910.
5. Yes, tenders were invited by newspaper advertisement. Leopold Stern, Cobalt, offered to remove material, approximately 10,600 tons at $12.50 a ton, $132,500; material to remain the property of the government. L. A. Beauchemin, Chatillon, Quebec, offered to remove for the price of 1 cent per pound and the material; no time given for completion. The Linde British Refrigerator Company, Montreal, offered to remove for the actual cost of the labour, plant and material, plus 10 per cent, the government to retain the material; no time stated for completion. The Hamilton Bridge Works, offered to remove the material, the government to pay them $50,000 in addition to the steel and wrecked plant, tools, &c., to become their property. The Chaudiere Machine Foundry Company, Ottawa, offers $1,000 for the scrap; no offer made to remove the same. Subsequently two more offers were received as follows: Messrs. Frankel Bros., of Toronto, Ontario, sent an offer by wire, to remove the wreckage for the sum of $40,000, but could not undertake the work this winter. Messrs. Koenig and Company, offered to remove wreckage for the sum of $45,000, to clear the anchor pier 50 feet therefrom towards the river, and the main pier 50 feet back towards the south shore. They agreed to commence the work immediately.

Hon. Mr. ELLIS—Has the hon. gentleman answered the question whether the persons who obtained the contract get the material also?

Hon. Mr. POWER—The first part of the answer gave that.

Hon. Mr. DANDURAND—Koenig and Company offer to remove the wreckage for the sum of $45,000. It is not stated whether they become the owners of the scrap or not.

Hon. Mr. LANDRY—I think they are to retain it; at all events I intend to make a few more inquiries on the subject, and it had better stand.

The inquiry was allowed to stand until Tuesday next.

SENIORITY OF QUEBEC JUDGES.

Hon. Mr. LANDRY inquired of the government:

Who were, by order of seniority, on the 1st of June, 1906, the judges of the Superior Court of the province of Quebec, belonging to the district of Quebec, as comprised and defined for the purposes of the Court of Review, according to the exact wording of the law.

Hon. Mr. DANDURAND—I have not the answer before me; so that the inquiry had better stand.

PAY LIST OF IMMIGRATION OFFICE, QUEBEC.

INCOMPLETE RETURNS.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to draw the attention of the hon. leader of this House to the fact that a few days ago I received a return to an order made by this House on the 3rd day of December last. The order reads as follows:

That an order of this House do issue that there be laid before this House a copy of the attendance and pay-lists of the employees in the Immigration office at Quebec, for the first four months of the present year.

Probably my motion was not well framed, or there must have been some misunderstanding, because I got only the four months commencing the 1st of April. They probably thought I wanted a return for the first four months of the fiscal year, instead of the first four months of the calendar year. I would, therefore, ask leave to amend the motion in order to get the first three months. I have the month of April, but I should like to have also the return to cover January, February and March. I would ask that this be considered as a notice of motion.

SECOND READING.

Bill (I) An Act for the relief of George Robert Buttonshaw.—Mr. Campbell.

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

THE SENATE.

THURSDAY, January 20, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COMPANY NO. 1, SIXTH REGIMENT, LEVIS.

INQUIRY.

Hon. Mr. BOLDUC (in absence of Hon. Mr. Landry) inquired of the government:

1. Has a person named J. B. Aubert laid a complaint against the commander of company number 1 of the 6th regiment of Lévis?
2. What is the nature of such complaint?
3. Has this complaint been acceded to?
4. Has the commander in question been dismissed?
5. Has he been put on the reserve list or upon the retired list? And what grade does he occupy therein?

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

1. Yes.
2. That the regulations relating to the payment of men of No. 1 company, 6th regiment, had not been carried out.
3. Yes.
4. No.
5. Retired list, with rank of Major.

GUARDIANS OF THE MILITARY FORTS AT LEVIS.

INQUIRY.

Hon. Mr. BOLDUC in absence of Hon. Mr. Landry inquired:

1. What are the names of the guardians of the military forts at Lévis designated by the numbers 1, 2, and 3?
2. Do these guardians give all their time to the care of these forts?
3. Do they all, or some of them, occupy other positions at Lévis in the service of the municipal corporation?
4. If the government does not know, can it assure itself whether the same guardians are or are not in the service of the town of Lévis every evening and every Sunday?
5. And in case there is an accumulation of functions is it the intention of the government to put an end thereto?

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

1. No. 1 Fort, A. Bilodeau; No. 2 Fort, F. Martineau; No. 3 Fort, M. C. Lemieux.

2 and 3. On receipt of a complaint on the 30th August, last, with reference to Caretakers Bilodeau and Martineau doing duty as constables at the market and at Notre Dame hall at Lévis, inquiry was made and a report received from the district commanding officer at Quebec to the effect that the caretakers of the Lévis Forts did not, as a rule, act as constables at the places mentioned.

They have been sworn in as constables for the municipality of Notre Dame de

Lévis to assist the constables of that municipality when needed, providing it does not interfere with their duties as caretakers of the forts. In return they apply, by telephone or otherwise, to get the assistance of the constables of the municipality when needed.

4. Yes, steps will be at once taken to do so.

5. No statement can be made until the facts of the case have been ascertained.

BILL INTRODUCED.

Bill. (L) An Act respecting the Bay of Quinte Railway Company.—Hon. Mr. Power.

INLAND REVENUE ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. DANDURAND (in the absence of Hon. Sir Richard Cartwright) moved the third reading of Bill (No. 9) an Act to amend the Inland Revenue Act.

Hon. Mr. LOUGHEED—Has the hon. gentleman from Ottawa obtained the information which he promised to obtain before the third reading?

Hon. Sir RICHARD SCOTT—On the inquiry made by my hon. friend, I addressed a letter to the deputy minister, whose reply is as follows:

The 'other materials' referred to in section 3 of Bill (No. 9), 'An Act to amend the Inland Revenue Act' are liquorice, sugar, gum, flavourings, &c.

When the duty on manufactured tobacco was reduced from twenty-five (25) cents to five (5) cents per pound it was necesary to provide for a duty of sixteen (16) cents per pound on these materials when used in factories under specified conditions. The amendment referred to has no bearing on the question of this duty beyond giving the necessary authority to enable the department to collect it, as in the case of raw leaf, upon the 10th 20th and last days of each month.

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

SECOND READING.

Bill (No. 30) an Act respecting the Eastern Townships Railway Company.—Hon. Mr. Mitchell.

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

Hon. Mr DANDURAND.

THE SENATE.

FRIDAY, January 21, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

QUEBEC BRIDGE RUINS.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue for the production of a copy of the contract entered into between Messrs. Koenig and Company and the government for clearing away the ruins of the Quebec bridge.

The motion was agreed to.

THIRD READINGS.

Bill (J) An Act for the relief of George Robert Buttonshaw.—Hon. Mr. Campbell.

Bill (No. 45) An Act respecting the Phœnix Assurance Company, Limited.—Hon. Mr. Gibson.

SECOND READINGS.

Bill (I) An Act respecting the Northern Empire Railway.—Hon. Mr. Talbot.

Bill (K) An Act respecting the Erie, London and Tilsonburg Railway Company.—Hon. Mr. Coffey.

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

TUESDAY, January 25, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SENIORITY OF QUEBEC JUDGES.

INQUIRY POSTPONED.

Hon. Mr. LANDRY inquired of the government:

Who were, by order of seniority, on the 1st of June, 1906, the judges of the Superior Court of the province of Quebec, belonging to the District of Quebec as comprised and defined for the purposes of the Court of Review, according to the exact wording of the law.

Right Hon. Sir RICHARD CARTWRIGHT —I expect to have further replies to that question to-morrow. In the meantime my hon. friend will let it stand.

The Motion was allowed to stand until to-morrow.

PAY LIST OF IMMIGRATION EMPLOYEES AT QUEBEC.

MOTION.

Hon. Mr. LANDRY moved:

That an order of the Senate do issue that there be laid before this House a copy of the attendance and pay-lists of the employees in the Immigration office at Quebec for the months of January, February, March and April of 1909.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to the Motion.

The Motion was agreed to.

BILLS INTRODUCED.

Bill (M) An Act to regulate the transportation of intoxicating liquors.—Hon. Sir Richard Scott.

Bill (17) An Act to authorize the government of Canada to acquire by lease, lines of railway connecting with the government railway.—Hon. Sir Richard Cartwright.

Bill (85) An Act to amend the Criminal Code.—Hon. Sir Richard Scott.

Bill (36) An Act respecting the Union Life Assurance Company.—Hon. Mr. Jones.

Bill (78) An Act respecing the Edmonton Dunvegan and British Columbia Railway Company.—Hon. Mr. Roy.

Bill (59) An Act respecting the St. Maurice Valley Railway Company.—Hon. Mr. Mitchell.

Bill (58) An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company. —Hon. Mr. Casgrain.

Bill (68) An Act respecting the Kettle River Valley Railway Company.—Hon. Mr. Ross, (Middlesex.)

THIRD READINGS.

Bill (32) An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.—Hon. Mr. Bostock.

Bill (38) An Act respecting the West Ontario Pacific Railway Company.—Hon. Mr. McMullen.

Bill (35) An Act respecting the South Ontario Pacific Railway Company.—Hon. Mr. McMullen.

Bill (34) An Act respecting the Ottawa, Northern and Western Railway Company. —Hon. Mr. Belcourt.

Bill (37) An Act respecting the Walkerton and Lucknow Railway Company.—Hon. Mr. McMullen.

Bill (31) An Act respecting the Kamloops and Yellow Head Pass Railway Company.—Hon. Mr. Bostock.

Bill (28) An Act respecting the Campbellford, Lake Ontario and Western Railway Company.—Hon. Mr. Campbell.

Bill (42) An Act respecting the Edmonton and Slave Lake Railway Company.—Hon. Mr. Young.

BAY OF QUINTE RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (L) An Act respecting the Bay of Quinte Railway Company. He said: This Bill is in my hands, to a certain extent, accidently. It simply appears in my name because the hon. gentleman who was to have taken charge of it was not present. It appears there were two Bay of Quinte companies, one of which was a railway company and the other a railway and navigation company. These two companies were consolidated in 1896. Certain amendments were made in the legislation of 1900, 1902, and 1905. The Act had provided for a railway from Deseronto to Picton, and a further Act was passed authorizing the construction of a branch from Bridgewater in the county of Hastings to a point at or near Actinolite Mines, in the township of Kaladar, Addington. The first clause of this Bill is simply re-enacting the first section of the Act of 1905, but dating the two years and five years from the present time, instead of from the year 1905. The second clause further extends the time for the completion of the other lines of railway which the company has been authorized to construct, and the third clause repeals the

Act of 1905 which contained an extension of time limited to this year.

The Motion was agreed to and the Bill was read the second time.

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

THE SENATE.

WEDNESDAY, January 26, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PREVENTION OF RACE TRACK GAMBLING.

Hon. Mr. MACDONALD (British Columbia) presented a petition from residents of the city of Victoria, praying that steps be taken to prevent the evils of race-track gambling. He said: I know that it is not customary to speak on the presentation of a petition, but in this case I claim the indulgence of the House for a moment. We have experienced so severely the evil effects of gambling and horse-racing in British Columbia this last year that I call the attention of the government to these petitions, and urge that they shall not be thrown aside as waste paper, but that they shall be acted upon and stringent laws passed. Last year, many a young man, and woman and families were ruined in Victoria by gambling. Over one hundred race-horses were brought from California, with the usual accompaniment of sharpers, rascals, thieves, and a low class of people, who remained in Victoria for two months racing in the park, gambling and cheating our citizens. I hope the governement will take prompt action in the matter.

SALE OF SCHOOL LANDS IN NORTH-WEST PROVINCES.

MOTION.

Hon. Mr. DAVIS moved:

That an order of the Senate do issue for a return showing the total amount of lands set apart for school purposes in Rupert's Land or what now comprises the provinces of Manitoba, Saskatchewan and Alberta.

The amount of said lands sold for school purposes yearly before the formation of the provinces of Saskatchewan and Alberta, and the average price realized per acre for same.

The amount sold yearly in all the said provinces up to the year 1910, and the average price realized for same.

The total amount of acres of school lands yet remaining unsold in the said provinces.

He said: I require this information in order to intelligently discuss the other resolution which I have placed on the Order Paper, in relation to school lands.

Hon. Sir RICHARD CARTWRIGHT—There is no objection whatever.

The Motion was agreed to.

SERVICES OF BRIGADIER-GENERAL BUCHAN.

MOTION WITHDRAWN.

The order of the day being called:

Hon. Mr. DOMVILLE rose to:

Call the attention of the Senate to the military services of the late Brigadier-General Buchan, and will move that an order of the Senate do issue for an official copy of the record in the Department of Militia and Defence.

He said: It does not require a great stretch of the imagination, nor much time on my part, to explain this matter to the House. I have before me the answer to an official communication I wrote to the department, dated 2nd December, signed by Col. Lessard, giving me a statement of the services generally, of the late General Buchan, and I have in my hand his war services as recorded in the Militia lists. Wherever a gallant officer in the old country had rendered good service to the Crown and to his country, that service was always recognized in some tangible way. They did not let him go abroad to fight and win for the nation credit and renown, and then, when compelled by age and infirmities to retire, leave him or his family to starve. Nelson, three generations ago, and Wolesley, who did great service, received money grants. Kitchener and others were also rewarded; the country appreciated their services; the matter was brought before parliament and

a vote of thanks was passed and a sum of money was awarded, as a present if you choose to call it so, from the nation, in recognition of the services of these officers. General Buchan went to South Africa. As far as I can learn, he was one of the most gallant, if not the most gallant officer Canada sent to the Boer war. In England, I met some very distinguished officers whom I need not name. They referred to Buchan, as they called him, because he was not a general then, and said his services were grand; that Canada never had a better exemplification of a gallant and brave officer. He was always found in the front in the fighting line. He got his reward in some respects. That was a recognition of service, which every officer gets. I will read his record of war services:

Buchan, Lawrence, Northwest Rebellion, 1885, actions at Fish Creek, 24th April, horse shot, and Batoche 9-12 May; operations against Chief Big Bear's band June-July, despatches 'Canada Gazette" July 11, 1885, medal with clasp. South Africa war, 1899-1900. Operations in Orange Free State, February to May, 1900, including operations at Paardeberg, 17-27 February, actions at Poplar Grove March 9, Driefontein, March 10. Hout Nek, May 1 and Zand River May 10. Operations in the Transvaal in May and June, including actions near Johannesburg, May 29, and Pretoria June 4. Commanded 2nd (special services) Battalion Royal Canadian Regiment, April 26, May 25, 1900, inclusive. Commanded Convalescent Depot Elandsfontein from July 30 to November 7, 1900. Despatches London 'Gazette' February 8 and April 16, 1901. 'Canada Gazette' Brevet of Col. C.M.G. Queen's medal with four clasps.

He was gazetted in the 'Canada Gazette,' Brevet of Colonel, and the Order of Companion of St. Michael and St. George. He did not win this title by walking around and being pleasant as some have. He got it by fighting and risking his life. He got the Queen's medal with four clasps. I have been reading from what is called his record of war services, not compiled by himself, but prepared in the department. I have received the following letter from the Militia Department, with the list of his qualifications:

Ottawa, December 2, 1909.

Dear Sir,—I have much pleasure in inclosing herewith the record of the services of the late Brigadier General Buchan, which you have asked for.

Yours faithfully,
F. L. LESSARD.
Colonel,

The Hon. James Domville,
The Senate.

STATEMENT OF SERVICE AND QUALIFICATIONS.

RANK and Service of Brigadier-General (temp.) Laurence Buchan, C.V.O., C.M.G., A.D.C., Permanent Staff (Regt.) Officer commanding Quebec Command.

MILITIA HEADQUARTERS, OTTAWA, December 2, 1909.

Appointment, promotion, retirement and resignation, &c., &c.	Corps.	From.	Authority.	To.	Remarks.
		Date of Birth, June 29, 1847.			
Formerly Private in	2n Bn., Q.O.R.	.....	.....	.....	(1) Local and Acting rank Brigadier, annual training, '99. G.O., 51-'99. (2) Major and 2nd in command 2nd (SS) Bn. R. C. R. I., 27-10-'99. G.O., 107-'99. (3) Returned from S. A., 31-12-'00. G.O., 106-'00. (4) Comd't. Convalescant Depot? Imp. Forces, Transvaal, 30-7 to 19-11-'00. (5) Granted C.M.C., M. O., 97-'01. (6) Resumes command, R.C.R., M.O., 30-1-'00. (7) Command No. 2 R.D., R.C.R., M.Os. 57-66-'01. (8) Temporary command M.D. No. 2, M.Os. 121-'02 and 194-'03. (9) A.D.C. to H. Ex. G. G., 29-7-'05. G.O. 168-'05. (10) War services: as per Mil. List. (11) C. V. O., 22-9-'08. (Can. Gaz.)
Ensign	"	7-6-'72	G.O. 16-'72	23-4-'74	
Captain	"	24-4-'74	" 9-'74	27-10-'82	
Captain and Adjutant	"	19-1-'77	" 2-'77		
Captain on	R. L.	27-10-'82	" 19-'82	23-3-'85	
Captain and Adjutant	90th Wpg. Bn. of R.	23-3-'85	" 8-'85	15-8-'85	
Captain, School of Mounted Infantry from adjutancy of 90th 'Winnipeg' Bn. of Infantry.	Sch. of Mt. Infantry.	15-8-'85	" 22-'85 " 21-'85	29-5-'91	
Brevet Major (as a sp. case)	"	15-8-'85	" 23-'85		
Captain and Bt. Major (in command)	'A' Com. Inf. Sch. Corps.	29-5-'91	" 8-'91	22-4-'92	
Captain and Brevet Major	No. 2 Co. "	22-4-'92	" 6-'92	31-8-'93	
Major (Royal Sch. of Infantry)	"	1-9-'93	" 54-'93	28-9-'99	
Temp.: Command M.D. No. 2, in addition to No. 2 R. D., R.R.C.I. and 'A.' Squadron R. C. Dragoons.	"	27-3-'95	" 15-'95		
Brevet Lieut.-Col.	In Act. Mil	9-3-'95	" 15-'95		
Lieut.-Col. in Command	R.C.R. I.	28-9-'99	" 98-'99	(G.O. 181-'03 10-11-03	
Brevet Colonel	"	17-5-'01	Sp. G.O. 17-5-'01		
Lieut.-Col. and Brevet Col. (Asst. Insp. of Infantry).	"	30-5-'01	G.O. 128-'01	30-5-'04	Staff Service.
Dist. Officer Commd'g. from R.C. Reg., Lieut.-Col. and Brevet Col.	M. D. No. 3	18-11-'03	" 119-'04 " 181-'03	1-5-'05	
Relieved from Appt. Asst. Insp. of Infantry.	"	30-5-'04	" 76-'04	.....	
Col. in Command, Quebec, Command in addition to.	M. D. No. 5	1-5-'05	" 65-'05	.....	
Brig.-Gen., Can. Mil. (Temp.)	"	1-4-'08	" 44-'08	10-'09	

QUALIFICATIONS.

2nd Class Certificate, M.S., 28-7-'65, G. O., 28-7-'65.

1st Class Certificate, V.B., 5-5-'76, G.O., 8-1876.

1st Class Certificate, Special Course (Cavalry), 8-1-'86, G.O., 2-'86.

1st Class Certificate, Special Course, Grade 'A' (Artillery) 2-6-'93, G.O., 38-'93.

Musketry Certificate, Hythe, Eng.—Extra—24-9-'94, G.O., 85-'94.

Passed promotion examination for rank of Lieut.-Colonel, Aldershot, Eng., 10-11-'94, G.O., 85-'94.

P. E. THACKER, Major,

A. A. G.

Hon. Mr. DOMVILLE.

It is admitted in England that Canada did great work in South Africa. Canadians stood to the front, and Buchan was considered a good officer, none better. He went through many engagements and was mentioned in special despatches as in the case where an officer has done excellent work. I think he is a D. S. O. I am not sure. He may have some decorations that are not recorded in the list I have submitted. I know that it would be out of order for an hon. gentleman in this House to ask for a grant or to move such a motion as some of us might wish, that a payment should be made to his family; all we can do or all that I can do on his behalf, is to direct the attention of the House to his services, and the position of his family to-day, left without any recognition or compensation from the Crown. I think it would be a very considerate thing if the government should feel inclined to follow the example of the imperial parliament, and on the merits of the services of General Buchan, make a new departure. Canada never before took an active part in a war beyond our own borders as she did on that occasion, and I think the government might very fairly follow the precedent of England in giving some substantial recognition of the services by granting some allowance to the family of this gallant soldier, who has left nothing for them but the record of his duty to his country. I might refer to the fact that we are going to have a navy. It is not a pleasant prospect for those who may serve in a man of war, whether a Dreadnought or a Bristol, to feel that no recognition of their services will be given because we are Canadians. That will be the argument advanced—that Buchan being a Canadian, parliament will not recognize his services. That is a poor proposition to place before the world, with regard to men who risk their lives for their country. Buchan had no compensation for the great risks he ran except an elegant funeral in Montreal. I have placed the record of his services before the Senate and they will be recorded here for ever, if the books are not destroyed. Recognizing the fact that the Senate cannot vote money, I think it would be a nice tribute to his family if the government could make some kindly recognition of the services of General Buchan. I do not think it is necessary to make a motion. I placed the notice on the paper in order to call the attention of the Senate to the matter, and as one who has served in the militia and served the country in a more humble way, I have only done my duty in placing the matter before parliament.

Hon. Sir RICHARD CARTWRIGHT—Does the hon. gentleman withdraw the motion?

Hon. Mr. DOMVILLE—Yes, I withdraw it.

Hon. Sir RICHARD CARTWRIGHT—I shall have pleasure in calling the attention of the government to the remarks the hon. gentleman has made. I am aware that the late General Buchan was an officer of great merit, and did very good service, I believe, not merely in Canada, but while he was detached on special service in South Africa. Of course it is entirely beyond our power in this House to meddle with money grants. My hon. friend is aware that the late General Buchan belonged to the permanent force, and in the case of his widow and children some provision is made in the Pension Act. However, I will call the attention of the government to my hon. friend's remarks.

The motion was withdrawn.

SENIORITY OF QUEBEC JUDGES.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Who were, by order of seniority, on the 1st of June, 1906, the judges of the Superior Court of the province of Quebec, belonging to the district of Quebec, as comprised and defined for the purposes of the Court of Review, according to the exact wording of the law.

Hon. Sir RICHARD CARTWRIGHT—I have conferred with the Department of Justice on the subject, and I shall be pleased to read to my hon. friend the reply of the Minister of Justice and a memorandum therewith attached. It is as follows:

Ottawa, January 26, 1910.

Dear Sir Richard Cartwright,—I have read, as you asked, the 'Hansard' report of what took place in the Senate on the 12th inst., upon your reading the answer to the question of Hon. Mr. Landry relating to the seniority of Superior Court judges at Quebec, and I am not able to see how any other answer could have been given to the question as framed.

The question demands an answer according to the exact wording of the law, and the answer follows the exact wording of the provincial statutes, constituting the court referred to. I do not know what further information it is possible to give, unless by stating the dates of first appointments to the bench of each one of the judges mentioned in the answer, and I herewith inclose a list of those judges with the date of first appointment of each to the bench.

I remain,

The list is as follows:

Mr. Justice Routhier, September 1, 1873; Mr. Justice Langelier, November 12, 1903; Mr Justice C. A. P. Pelletier, September 30, 1904; Mr. Justice Cimon, July 22, 1882; Mr. Justice Larue, April 12, 1886; Mr. Justice H. C. Pelletier, April 12, 1886; Mr. Justice Gagne, December 10, 1889; Mr. Justice Carroll, January, 29, 1904; Mr. Justice Cooke, November 16, 1904; Mr. Justice Malouin, January 7, 1905; Mr. Justice Cannon, July 29, 1905.

Hon. Mr. LANDRY—I suppose the list gives the dates?

Hon. Sir RICHARD CARTWRIGHT—It contains the list of appointments I believe.

EXCHEQUER COURT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. BELCOURT moved the second reading of Bill (C) An Act to amend the Exchequer Court Act.

He said: On a previous occasion I explained at some length the object of this Bill. It is for the purpose of amending one of the provisions of the Exchequer Court Act by which a remedy is created in favour of the subject for injury to the person or to property being the result of negligence of an officer of the Crown on a public work. The provision which I am seeking to amend is subsection (c) of section 20 of the Exchequer Court Act, and I may say at once that I have been impelled to introduce a Bill seeking this amendment, by a suggestion which is contained in a recent judgment of the Supreme Court, in which the subsection was being construed. Subsection (c) of section 20, reads as follows:

(c) Every claim against the Crown arising out of any death or injury to the person or to property on any public work.

The provision was taken from the old Act concerning the official arbitrators, chapter 40, of the Revised Statutes of 1886. The wording in the old Official Arbitrators Act is practically the same as in this section. Prior to the Act concerning the official arbitrators, there was no remedy whatever in favour of the subject for any claim of this kind being one for Tort against the Crown. A great many hon. gentlemen are familiar with a number of cases which were tried, and in which an attempt was made to recover for injuries of that kind. Hon. gentlemen will remember, for instance, the case of McLeod, who had his legs cut off on the Intercolonial railway, by what was proven to be a clear case of negligence on the part of the officers of the railway; but because there was no provision of the kind suggested in this Bill, the suppliant failed. It was in order to get over that difficulty that the minister was authorized by the official Arbitration Act to refer such matters to the then Board of Official Arbitrators. The provision contained in the Act of the Revised Statutes was in 1887 embodied in the Act which is now under consideration, that is the Exchequer Court Act. I submit that the object of the enactment was to give a remedy in every case where the injury was the direct result of negligence of an officer of the Crown whilst performing his duties on a public work, the proximate cause or reason of the remedy being the negligence of an officer of the Crown on a public work. That interpretation was given to the provision up to the judgment in the case to whch I propose to refer in a moment, Chamberlain vs. the King. I would like to make that point clear, and for that purpose I desire to read from the book on the Exchequer Court Cases, second edition, compiled by Mr. Audette. On page 116, dealing with this very subsection, Mr. Audette says:

Claim against the Crown. On public work, negligence. With respect to the place where the injury to property on the public work occurs it is sufficient to bring the case within the statute if the cause of the injury is or arises on the public work. It would be no answer to those entitled to bring an action for the death of any one on the public work

to say that the death did not occur there, if the injury causing death was received on the work, and so it seems that the intention of the statute is to give a remedy to persons whose property is injured by the negligence of the Crown's officer in the discharge of their duties or employment on public works, whether such property is actually on the public work.

I draw special attention to those words, because that is really where the whole difficulty lies.

Whether such property is actually on the public work, or being near enough thereto to be injured by such negligence is actually injured thereby. The foregoing is a view expressed by Judge Burbidge, in re Latourneux vs. the Queen, seven Exchequer Court reports 7, which however he thought he could not hold in view of the contrary opinion of four learned judges in re the city of Quebec vs. the Queen, (24 S.C.R. 420.) However, on appeal to the Supreme Court of Canada, Chief Justice Taschereau, who gave the judgment of the court at P. 339 (33 S.C.R.) said that 'the court did not see anything in the case of the city of Quebec vs. the Queen that militated against the right to recover damages under the circumstances, restoring thus the view of Judge Burbidge as above set forth. But in the case of Price vs. the King, it was distinctly held that it is sufficient to bring a case within the statute if the cause of the injury is or arises on a public work.

The case of Price vs. the King, is an exactly similar case to the one which has caused this amendment to be made. In that case, as in the case of Chamberlain vs. the King, which is under discussion, the damages were damages caused by the emission of sparks from an engine on the Intercolonial railway. In Price and the King, the Exchequer Court gave judgment for some thirty or forty thousand dollars, and the Crown paid it without an appeal. The point subsequently raised in Chamberlain vs. the King, was not raised in the case of Price vs. the King, but the jurisdiction of the court was not questioned. He says:

It was distinctly held that it was sufficient to bring a case within the statute if the cause of the injury is or arises on the public work.

I draw special attention to those words: 'If the cause of the injury is or arises on the public work.' That is the interpretation put on that section up to the decision of Chamberlain vs. the King, and the interpretation which I am seeking to have placed on the section by the Bill which I have introduced. I should like to refer to this case. The suppliant was the owner of property along the right of way of the Intercolonial railway. I think his farm was crossed by the Intercolonial railway. The right of way was taken from him for the railway, and sparks emitted from a passing engine started a fire and his barns and property were destroyed. In rendering judgment the Chief Justice said:

In this case the property destroyed by fire previous to and at the time of its destruction was upon the land of the suppliant, some distance from the right of way of the I.C.R., and was not property on a public work.

Then Mr. Justice Davies says:

This was an action brought in the Exchequer Court on a claim for damages arising out of the destruction of the property of the suppliants claimed to have been caused by the sparks from a smoke stack of an Intercolonial railway engine. The property destroyed was previous to and at the time of its destruction upon the land of the suppliant some distance from the right-of-way of the railway, and was not property on a public work.

The learned judge found as a fair conclusion to be drawn from the evidence that the fire originated from a spark or sparks emitted from an engine.

On this appeal the jurisdiction of the Court of Exchequer over the claim in question was challenged and denied by Mr. Chrysler, his contention being that such jurisdiction was limited to claims against the Crown arising out of injuries to the person or property on a public work, and did not extend to injuries happening away from a public work, although caused by the operations of the Crown's officers or servants.

Further on he states:

Claims for injuries not within these words of the section and occurring not on but away from the public work, although arising out of operations wheresoever carried on were held not to be within the jurisdiction conferred by this section. With the policy of parliament we have nothing to do. Our duty is simply to construe the language used, and if that construction does not fully carry out the intention of parliament and if a wider and broader justification is required to be given the Exchequer Court, the Act can easily be amended. Under these circumstances, we must, without expressing any opinion on the conclusion of the facts reached by the learned judge dismiss this appeal with costs.

I have no desire to question, criticise, or discuss the judgment of the Exchequer Court. It might, perhaps, be not unfairly said that it is a very fine distinction, and that the court carried technicality a very long way in arriving at a decision. However, it is there and binding, and no amount of criticism, even if it were proper,

would help the situation. The remedy, if there is to be a remedy, lies with parliament alone. The Act must be amended, if I succeed in convincing hon. gentlemen that the Act has not been given the interpretation that parliament intended it should have. I submit that, when parliament made the enactment that a remedy should be given for injuries caused to persons or property by the negligence of some officer on a public work, it did not intend such a conclusion as that arrived at by the court. Reducing the question to an absurdity, to show I am right, assume that one man standing one inch from the line of division between the public work and the private work, or the public property and private property; another man is standing one inch inside the line and by the gross negligence of an officer of the Crown both are killed. Damages are recovered for the man who is one inch in on the government property, and damages for the man who is one inch outside the property cannot be recovered. That is the meaning of the judgment. It seems to me an illustration of that kind is sufficient to show that it never was intended there should be a remedy in one case and no remedy in the other. If you admit there is to be liability for negligence which arises on a public work, you must carry that negligence as far as it operates. For instance, you cannot say there is negligence in allowing a spark to emit from a smokestack, and that that negligence continues only so long as the spark is on the public work, and that the moment it crosses the right of way of the railway on to private property, the negligence ceases. There can be no question whatever that the intention of parliament was to give a remedy in cases such as I have mentioned. I therefore, propose to ask this House to place on the statute the interpretation I think it was intended it should have had from the beginning, and I want to give a remedy to the party, who, though not on the public work at the moment, suffers injury in his person, or to his property, by reason of negligence such as mentioned in the statute. I had at first proposed to amend the Act as the Bill is now printed. Since it has been printed I have discussed the matter with some hon. gentlemen, and I think I may be in a position to suggest, when we go into committee, some language which perhaps will more clearly define the jurisdiction. In committee I will therefore move that the Bill should read as follows:

Subsection (c) of section 20 of the Exchequer Court Act, chapter 140, Revised Statutes, 1906, is repealed, and the following substituted therefor: Every claim against the Crown arising out of any death, injury or loss to the person or property, when such death, injury or loss is due to any cause arising on or connected with any public work, and resulting from the negligence of any officer or servant of the Crown, while acting within the scope of his duties of employment.

There is another provision of the Bill to which I think I should refer, and that is section 2, the effect of which is to make the Bill retroactive. It reads:

This Act shall be held to have come in force on the 28th day of June, 1887.

My reason for doing that is because I think it was the intention of parliament that the Act should have that meaning at the time it was passed. The Exchequer Court Act was passed in 1887, and I think the House would only be doing what is right in providing that the amendment we are now making shall be retroactive, and relate back to the passing of the Act itself. I expect there will be some objection to that, and I am prepared, perhaps, to hear the objection—that we might be resurrecting a number of cases, perhaps issues that may have been adjudicated upon, and that by making a retroactive provision of this kind, we would be reopening the door for further litigation in those cases. I confess the objection is, perhaps, a serious one, and I would be prepared, after discussion, if hon. gentlemen are of the opinion that that provision goes too far, to amend it. I think the provision should go far enough to provide a remedy to those persons who have availed themselves of the provision of the Act, and that it should apply to cases which are now in the Exchequer Court, or before the Department of Justice, for a fiat on a petition of right, in order that they might not be defeated by a provision which was not in the sta-

tutes at the time they brought their claims against the Crown. In any case, I contend it should go that far.

Hon. Sir RICHARD CARTWRIGHT—I have listened with great attention to the remarks of my hon. friend, and there is no doubt they are weighty and deserve our consideration. I have not, however, been able to confer with the Department of Justice as to the provisions of this Bill, and clause 2, at any rate, appears to me to require very serious consideration before we open the door to actions dating back 23 or 24 years. If my hon. friend has no objection, I should like to confer with the Department of Justice before expressing any opinion on the merits of the proposition he has submitted, and if it meets the concurrence of hon. gentlemen here—unless some of them wish to offer further remarks—I should like to have the debate adjourned until Tuesday next, in order that the Department may be able to give some attention to the hon. gentleman's remarks, and to advise me, so that I may advise the House, as to the view they take of the whole situation.

Hon. Mr. BELCOURT—I certainly quite agree with the suggestion. I realize that I am very largely in the hands of the Department of Justice in a matter of this kind and they have to be fully satisfied that the Bill is a proper one. I shall certainly do everything in my power to facilitate the consideration and passage of the Bill.

Hon. Sir RICHARD CARTWRIGHT—Then I move that the debate be adjourned until Tuesday next.

The motion was agreed to.

BILLS INTRODUCED.

Bill (No. 29) An Act respecting the Columbia and Western Railway Company.—Hon. Mr. Bostock.

Bill (No. 23) An Act to incorporate the Northern Mortgage Company of Canada.—Hon. Mr. Chevrier.

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

THE SENATE.

THURSDAY, January 27, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (N) An Act for the relief of Hope Eileen Moreland Drinkle.—Hon. Mr. Douglas.

CONDITION OF PARLIAMENTARY LIBRARY.

INQUIRY.

The order of the day being called:

By the Hon. Mr. LANDRY:—

That he will draw the attention of the government and of this House to the fact that the library of parliament, formerly the joy of the studious class and the pride of the capital, has become, by reason of an excessive encumbrance of volumes of all sorts, and by the disgraceful arrangement that has been made of them, an inconceivable horror, an unnameable lumber room, where the statue of Queen Victoria and the objects of art are disappearing, little by little, under the rising tide of daily journals; where the joint librarians, backed into their little rooms, are constantly menaced with isolation from their families by the ever increasing wall of impenetrable sessional documents; where all the employees, visible and invisible, await suffocation with wonderful resignation, and where, worse than the white plague, the yellow peril or the German danger, death watches for all the subjects of the British empire, members of the Upper Chamber or members of the House of Commons, when the love of the sciences or the way of duty draws into the fatal passage.

And that he will inquire of the government—

Is it the intention of the government to put in the estimates a sufficient sum for the enlargement of the present library or the erection of a new library of greater dimensions and better fitted for the wants of our epoch?

The SPEAKER—This question was proposed and objection was taken to it, and, after the fullest consideration I have been able to give the matter, I have concluded that the hon. gentleman is within his right and that the question is in order.

Hon. Mr. LANDRY—Then I will put the question to the government. I need not add any words to my inquiry. Every one who has been in the library of this parliament will observe, as I have myself, the

unsatisfactory conditions that exist. Steps should be taken to remove unnecessary obstacles and to make our library, as it was in the past, an object of pride to the Canadian people. As it is now, it is really a disgrace to parliament, and I think the government should take prompt measures to remove everything that is actually in the way. Under the present crowded condition, books cannot be placed so as to be found readily, and anybody can take a book and go away with it without being observed even by the employees in charge. Proper supervision cannot prevail under existing conditions, because so many journals and books are crowded in the middle of the Chamber.

Hon. Mr. POWER—On the whole, I think that the hon. gentleman's question is a very reasonable and proper one—I mean the substance of it. The language in which it has appeared on our minutes for a very considerable period is perhaps open to criticism; but I concur with the hon. gentleman in hoping that something will be soon done in order that the library may be, if not restored to what it was formerly, relieved of the mass of bound volumes, newspapers and other documents which now encumber the floor. When it was proposed to erect the large addition to the House of Commons end of the parliament buildings, I thought there was an understanding that better accommodation was to be provided for the books, newspapers and pamphlets in the library, and I must confess to a very keen sense of disappointment when I found that although something over half a million dollars had been spent in extending the Commons end of the buildings, nothing had been done in the way of improving the condition of the library, and that things are only getting worse as the mass of books, newspapers and pamphlets accumulates. If we are to follow the example of the Washington of the South, one of the next things we should do is to provide suitable accommodation for the books, papers and documents in the library.

Hon. Mr. DOMVILLE—This is an important question. I wanted to get from the library a very emiment work, only two copies of which are known to exist in the world. We have it mentioned in the catalogue, but it cannot be found. It has got astray somewhere, and you cannot get it for love or money. It is largely due, no doubt, to overcrowding in the library.

Hon. Sir RICHARD CARTWRIGHT—As regards the question put by the hon. member from Stadacona, that could only be answered when the estimates come down. The fact, however, remains that the condition of the library is, without any question, not very creditable to the administration of that department, and I am in hopes that some means will be found to put the main body of the library, at any rate, in a more desirable condition than it is in now. The library itself is a beautiful building, but is horribly disfigured by the accumulation, I was going to say of rubbish of miscellaneous documents that now occupy a great portion of the floorage. The attention of the Minister of Public Works has been called to the matter, I believe, and I understand he is in hopes that he may devise some means of obviating the difficulty.

Hon. Mr. POWER—That has been proposed for about five years now.

Hon. Sir RICHARD CARTWRIGHT—I dare say, but great bodies move slowly, and I hope all parties will agree with me that whatever is done the library as it is, which is a really beautiful room and a credit to the country, will not be interfered with.

INUNDATION IN FRANCE.

Hon. Mr. BELCOURT—Before the orders of the day are called, I crave the indulgence of the House for a moment, in order to bring to its attention, and to the attention of the government, the terrible calamity which has befallen the French Republic, and more particularly the loss to Paris. I have just read in one of the morning papers an account of the disaster which has befallen the great French capital. I shall not trouble the House to read all the despatches, but I would like to make a few extracts.

The article is entitled: 'The Floods in France.' It is in French, and I will trans-

late some portions of it. The first despatch is dated Paris, 26th, and is as follows:

The snow storm has ceased but the level of the Seine rises steadily, and the city of Paris is struck with a dark and profound terror. Half the city is plunged in darkness. Staff officers galloped through the dark streets carrying despatches, which cannot be sent by telegraph or phone. The danger is increasing and every moment the inundation extends. The quays crumble and immense cracks appear in the streets and public places. The water has invaded all the labyrinth of underground Paris. Everything is menaced with destruction and ruin. Nobody can predict what new disaster will befall the city before the level of the Seine lowers. The damage is officially stated at two hundred million dollars, and every hour increases the formidable figures by other millions. The catastrophe threatens to assume proportions not merely of a national calamity but of an international disaster. The list of deaths extends in a melancholy manner, and should an epidemic occur, which appears inevitable, the victims will number tens of thousands. Scarlet fever has already made its appearance among the sad misfortunes at Ivry. The list of public subscriptions opened by the newspapers already reaches one hundred thousand dollars. The Red Cross and other societies have valiantly undertaken the work of relief.

Another despatch says:

At present the water is within an inch and a half of the parapet of the Quai du Louvre. The inundation threatens to invade the gallery of sculpture where the Venus de Milo stands.

Then later on at midnight, the water was only an inch and a half from the floor of the Louvre. The flood is now invading the gallery of sculpture where the Venus of Milo is to be found. All the latest dispatches announce that the walls of La Gare D'Orsay have crumbled into an enormous mass, and water is pouring in along the railway and carrying everything in its wake, as if they were mere straws. The whole of that quarter is now completely inundated, and the water has reached a depth of at least two feet over that part of the city.

The article goes on recording the terrible calamity, which I think is properly described, not only as a national calamity, but an international disaster. I wish to draw the attention of the House and of the government to this terrible disaster, and to respectfully but earnestly urge that it would be only proper and right for the government of Canada to show its appreciation of the friendly, cordial and sympathetic relations which exist to-day between the French republic and the empire of Great Britain. The terrible loss of life and property, and of the priceless art treasures which are gathered in the city of Paris, the accumulation of centuries, in which the whole civilized world has properly taken the greatest interest, and which are now being destroyed, it seems to me cannot leave this country, any more than the rest of the world, unsympathetic. The opportunity is an admirable one to give tangible effect to the entente cordiale, and I would respectfully suggest to the government the propriety of showing, as soon as possible, our sympathy with the French republic in words and in deeds. This despatch, from which I have quoted, states that a subscription list has already been opened, and I would respectfully suggest that the government of Canada might very properly contribute to that subscription. Perhaps it is not necessary to say that there are many precedents for such a course. I need only remind the House of what was done on a recent occasion when the city of San Francisco was visited in a manner somewhat similar; but the disaster on that occasion did not assume the tremendous proportions of the present calamity. If my suggestion appears to the right hon. leader of the House to be a reasonable one, I would ask him to convey the sense and feeling of the Senate that the government of Canada might in propriety show its sympathy to France in the manner I have indicated.

Hon. Mr. ROSS (Middlesex)—If I am in order, I should like to emphasise the view expresed by the hon. member for Ottawa. This is a terrible disaster, and, as he said, an international disaster, and it appeals with particular force to the people of Canada. Our relations with France have been of the most cordial character for a great many years. France assisted in founding Canada. We celebrated that great event last year at the tercentenary at Quebec, when France was represented by one of her leading men, and brought to that celebration a battleship as an evidence of goodwill, not of hostility. We have grown up amongst us a large French population which has taken

a full share in the government of Canada and its development, in filling places of honour and trust, and the bonds which bind us to that race have become stronger and stronger by the lapse of years. There is a tie of kinship between us and France such as does not exist between us and any other country in the world except the motherland. That tie can give expression to itself at this moment in a manner that I am sure would be appreciated by the French citizens of Canada and by the great republic. Recently we have been drawing these ties more closely together in a commercial sense. We will probably have before us this session the ratification of a treaty with France by which we hope the commerce of Canada will flow into her ports, and by which her trade will find reciprocal advantages here. We have established a line of shipping between this country and France in order that commerce may be extended. In one hundred ways our interests and our reputation and our sympathies are woven and interwoven with the history and the international relations between Canada and the republic of France. I remember a few years ago when a great disaster overtook the University of Toronto that the first response that came to us in the way of relief from that disaster, was a contribution of $10,000 from the government of Quebec. It was a contribution practically from the French population of that province to the English people of Ontario, in order that they might recover, as far as money could assist in that way, from the effects of that great disaster. That was a provincial contribution. Now we are on a larger plane, and we can look across the sea and feel what suffering there must be amongst the thousands of those who are deprived of their homes as well as their gorgeous public institutions which are suffering loss, and the citizens who are deprived of their habitations. I cordially agree with what the hon. gentleman has said, that we ought to do something now. He gives twice who gives quickly, and a message to France from the people of Canada just now would strengthen our relations and would sweeten the atmosphere, if it would add to that cordial feeling which would need sweetening; at all events it has sprung up and which we hope may long remain. We have a common interest in the trade of the world, and we have a kinship which I think we should not overlook. I should be delighted if the government could see its way to do this and do it now. To delay a day would be to deprive this gift of a part of its merits. It is the moment of particular distress you feel really the most, and it blesseth him that gives as well as him that takes. We know it will be received, and we know we can afford to give it, for we know that the French people of Canada have contributed their full share of labour, enterprise and skill to the wealth of Canada.

Hon. Mr. POIRIER—Subscriptions have already been opened in New York, as I observe by to-day's despatches, and I think it is very apropos that Canada should act quickly with the other countries in coming, I will not say to the rescue, but in extending her sympathies in a tangible manner to France, which is the mother country of about one-third of the population of this Dominion. Therefore, I endorse as far as in my power the remarks that have been made by the two hon. gentlemen who have preceded me.

Hon. Mr. POWER—I think we all agree in the sentiments of the hon. gentleman from Ottawa with respect to the expression of our regret for the calamity which has befallen Paris and other portions of France; but I do not see eye to eye with him on the other point, that we should immediately tender pecuniary assistance. In the first place, I do not think the Senate is the place where tenders of pecuniary assistance should originate.

Hon. Mr. OWENS—Hear, hear.

Hon. Mr. POWER—I think the Commons is the proper place for that. There is also the fact that France is probably the richest country in the world. France is also a proud country and my own impression is that, as happened some years ago in the case where government help was tendered in connection with the earthquake and fire at San Francisco, the government of the other country might decline to accept the assistance if tendered. I think it is a perfectly proper and seemly thing to express

our sympathy and regret, but I think it would be well to ascertain whether the French government would be prepared to accept any pecuniary help before we undertake to tender it.

Hon. Mr. CLORAN—I intended to say nothing on the subject, as it has been sufficiently developed by the previous speakers, but I really cannot concur in the position that the hon. senator from Halifax would wish this House and parliament to assume. He has no ground for saying that a pecuniary contribution would not be accepted by France. The hon. member from Ottawa made a proposal, which is merely a suggestion and not a motion, and the hon. senator from New Brunswick has given the true expression of the feeling in this matter, both as to the matter of regret and the question of contribution. I regret very much that the hon. gentleman from Halifax, with his vast experience in this House, should throw a note of discord into this discussion. If the government of France will not accept, or does not need our money, there are charitable societies there which are doing the work of humanity. There is the Red Cross Society, which will take money from all sources, so as to assist in its good work in relieving the distress which has overtaken Paris, and I for one as well as the vast majority of hon. senators of this House are prepared to endorse the suggestion made by the hon. gentleman from Ottawa, and to urge the government of the day to make this offer, if not directly to the government of France, at least to the Red Cross Society, which is looking after the maimed, wounded and dying.

Hon. Mr. BEIQUE—I think the suggestion made by the hon. gentleman from Ottawa is a very proper one. It is quite possible the government of France may do as the government of the United States did, refuse the pecuniary assistance which would be tendered by this country; but the compliment would be paid, and it would be a proper expression of sympathy under the circumstances; therefore I cannot agree with the hon. member from Halifax. As was stated, Paris is a great city from many points of view. Most of us know Paris in its gaiety, but few really know the wealth of that city as far as science is concerned. Those who know Paris better, are aware that there are in that city thousands and thousands of people who have devoted the whole of their lives to scientific study and research of all kinds, without any idea of pecuniary reward for the discoveries they made; but in the interest of humanity at large. The disaster which has been brought to the attention of this honourable House is a disaster without precedent, and I think it would be but proper on the part of Canada to show its sympathy in the manner indicated. It is perfectly true that Bills or resolutions involving payment of money from the public exchequer cannot originate in the Senate; but I think this honourable Chamber should not be closed to an expression of sympathy on such an occasion as this.

Hon. Sir RICHARD CARTWRIGHT—There can be no doubt that the whole civilized world will agree in feeling sympathy for the extraordinary disaster that appears at the present time to have overwhelmed a portion of the city of Paris. Every one in this House, probably every one in America, I might almost say, knows that Paris is in every sense of the word a cosmopolitan city, and every one who has had the advantage of paying a visit to Paris must regret that there is the slightest danger to any of those beautiful works of art and those beautiful edifices which adorn its streets and parks, being imperiled by the present disaster. The government, beyond all question, entirely endorses the expressions of sympathy which have been stated, in the disaster which has overtaken the city. As to what else may be done, I think, bearing in mind that the present Premier of Canada is a gentleman of French origin, the House may very well leave the matter in his hands, and in the hands of the House of Commons, if they see fit to take further action. My hon. friend will pardon me for saying that the hon. gentleman from Halifax is right in reminding the House that it has nothing to do with the question of money contributions, and I do not think it would be a good precedent for this House to advise the government in any form or shape to make a money contribution. That should

be left to those who are charged with the task of administering the funds belonging to the people of Canada. I have not the slightest doubt that if, on consideration, the occasion appears to them to require aid, they will be found fully equal to the duty imposed upon them.

PRINTING OF PARLIAMENT.

FIRST REPORT OF COMMITTEE ADOPTED.

Hon. Mr. COFFEY moved the adoption of the first report of the Joint Committee of both Houses on the Printing of Parliament.

Hon. Mr. MACDONALD (British Columbia)—May I ask the hon. gentleman if the committee to which he belongs is taking any notice of the great expenditure and waste in publishing and printing documents. We know that a large number of blue books are sent broadcast all over the country, and I question very much if the members ever look at any of these publications. I think there is a great chance for curtailing expense in this regard. Tons of blue books have been distributed through Canada, overloading the mails, and crowding the houses; so much so that at times they have been burned. In my experience I know that tons of blue books have been thrown in the fire where people could not find room for them. I would suggest that not more than one copy of a blue book be sent to each member. That would effect a saving to the country.

Hon. Mr. ELLIS—The committee cannot be blamed in the least for the surplus of printed matter. If any hon. member will read carefully the report of the committee he will see that they have turned down almost every document which came before them. The difficulty is not with the committee, but it is with the system which has made the committee rather a supernumerary. A great deal of printing is done before the committee meets. It is in the hands of the department and of various officials to have documents printed if they wish, and all those documents are published as 'printed by order of parliament.' The system requires revision. I would say off-hand that it is a very bad system. The committee ordered very few of the papers submitted to them to be printed. Whether the committee could deal with the vast mass of public documents which are printed by order of other officials, I am not prepared to say; but I do say that there are a great many blue books printed which are quite unnecessary. The quantity is enormous and the weight of them something tremendous.

Hon. Mr. COFFEY—I am very glad the hon. gentleman from British Columbia has referred to this matter, because it affords me an opportunity of stating that since I have been honoured with the chairmanship of the Joint Committee, it has engaged my attention to a very considerable extent. As you all know, there is a tremendous amount of printed matter going through the Bureau that may be termed a criminal waste. A few days ago the secretary of the Joint Committee showed me on the third story of the new building a mass of printing concerning, I think, the lobster industry. A large number of books in reference to this matter were distributed in places where they would do some good, but over and above that, at present, we find stored away in one of the rooms of the new building printing that must have cost at least twelve or fifteen hundred dollars, which is absolutely waste. As you all know, we have a great amount of blue books that find their way to what is called 'the dump.' I believe that a gentleman has a contract with the government by which he receives one thousand dollars a month for receiving the dump of the Printing Bureau. As you all know, every bit of the printed matter we receive here appears on paper that costs at least five cents a pound. From day to day and week to week we have reams upon reams of paper, costing a large amount of money, passing through the printing office of the Bureau. It then goes to the bindery, and later on the post office handles it. It overloads the mail bags going to distant parts of the country in large bundles to the different members of the two Houses; and we suppose this is a scheme merely to get rid of it, because I have not yet found a member who could properly utilize a bundle of that kind received through

the post office. I am in communication with the secretary of the Printing Committee, and will do my best to find some means of curtailing this waste. Some means should be found to stop what is really a criminal waste. I do not desire that parliament should in any way be penurious in this matter, that we should cut and carve every thing to the lowest possible cost. Wherever it is necessary to have documents printed they should be printed, but in such quantities as will be properly utilized. If we have, for instance, a mass of printing for the Department of Agriculture in regard to the Experimental farms, or anything of that kind, it is better not to send such printed matter to the members of the two Houses. It should be distributed to the agricultural societies all over the country, if it is intended that it should produce any good. The same holds good with the other departments; but as the hon. member from St. John has said, it is a difficult thing for the Senate to deal with a matter of this kind, because so much power has been placed within the hands of the ministers of the departments; they govern things and the Printing Committee often find it impossible to interfere. But so far as they can interfere, I can assure hon. gentlemen that during my term of office I shall do all I can to put a stop to this waste which has been going on for a number of years.

Hon. Sir MACKENZIE BOWELL—I am not altogether in accord with the sentiments expressed by those who have preceded me on this question. When returns are moved for in either House it is for the purpose of obtaining information relating to the public service. My hon. friend from Victoria has little to complain of in reference to this particular report, because I notice that only three of the papers in the list are recommended to be printed. No doubt there is a good deal of waste of the character mentioned by the chairman of the committee, and anything the committee can do to economize in that direction would be welcomed by the House; but I notice in this report that every paper which has been laid before parliament referring to expenditures in connection with the construction of the Grand Trunk Pacific and the difficulties which have arisen in reference to overcharging and improper classifiation of work, are not to be printed. There are no less than seven or eight papers of that character. I do not know of any question which has agitated the public mind to a greater extent than that of the management and construction of the National Transcontinental railway, and the alleged improprieties that have occurred in connection therewith. When the committee recommend that documents upon that subject be not printed they are withholding information which the public should possess. It is impossible for me, not being a member of the committee, to see what reasons the Printing Committee have for recommending that these documents be not printed. There may be some good reason for it. There may be other means of obtaining that information, and possibly the chairman of the committee could explain it in that way; but, I repeat, the documents which are not to be printed contain information on a subject which the public generally are interested in, and that information should be at their disposal. The members of both Houses also should possess that information in order that they may reach a correct conclusion as to the course to be pursued when those questions are brought before parliament. I do not say that these documents should all be printed and included in the journals, but for general distribution among the members of both Houses of parliament; they should be printed in order that we may know for ourselves how these works are being constructed. Probably the committee is going a little too far in recommending that these documents should not be printed, if only for circulation among the members of both Houses. Apart from that, I agree to a great extent with the remarks made by the hon. chairman of the committee. There is plenty of room for economy; but there is such a thing as economizing to the detriment of the public interest.

Hon. Mr. COFFEY—The hon. gentleman is quite right in stating that some very important documents appear in the list of subjects which we should have printed. These were gone over very carefully by

the members of both Houses, and it often happens, in fact invariably happens, that an important document, or a number of important documents, will be up for consideration as to whether they will be printed or not printed. The reason in this case why they are not printed is because they will appear in the Auditor General's report or in the annual report of the department to which they belong. If they were not to appear in those reports, the committee would certainly have ordered them printed on their own account; but as they will appear in another form it was thought quite unnecessary to print them by order of the committee.

Hon. Sir MACKENZIE BOWELL—The Auditor General's report does not give the information contained in those returns. The Auditor General gives the details of expenditure and the correspondence connected with it.

Hon. Mr. COFFEY—These reports will appear in the annual report of the different departments.

The motion was agreed to.

PATENTS OF HENRY ALEXANDER WISE WOOD—BILL.

SECOND READING.

Hon. Mr. BELCOURT moved the second reading of Bill (H) An Act respecting certain patents of Alexander Wise Wood.

Hon. Mr. JONES—I was not in the House when this Bill was read the first time, and I do not know whether at that stage the explanations which would reasonably be expected when a Bill of this nature is introduced, were made, and that accounts for this formal motion that the Bill be read the second time. To me it seems rather an extraordinary Bill. I have only had an opportunity of looking at it since taking my seat. It is a Bill dealing with six different patents, patents apparently taken out by one Alexander Wise Wood, of New York. The first of these patents was taken out in the year 1900, the second in 1902, the third in 1905, the fourth in 1907, and the fifth and sixth in 1908. It is proposed by this Bill to reinstate, in so far as needs be, these several patents and make them legal in Canada without reference to whether they are in existence or otherwise, or whether they have been dead for some considerable time. In the first clause of the Bill, we are asked to say that notwithstanding the non-payment of fees, especially as I read the Bill on the second patent taken out in 1902, the patents are reinstated. I understand that the fees have not been paid, and that the patent, for this reason at least, has been dead for two years, without reference to other conditions which may surround it. The patent may have been dead for four or five years for other causes; but from the fact that the fees have not been paid, it has not been effective for two years or more. Whether the fees have been paid for the first one I do not understand from the Bill. We are asked also in the second clause to say that when these patents were taken out in Canada, there were none of them taken out under what is known as the licensing clause of the Act. They have been in existence now from two to ten years, and the patentee has decided that, under the circumstances, if he can have them reinstated, he desires to have the privilege of placing them under the licensing Act. We are empowering him in this Bill to transfer them to such clause in the Patent Act as will enable him to do this, if he should so desire. In the third clause we are asked further to grant an extension of time not exceeding twelve months within which to import the said inventions into Canada. Under the law, if I recollect it correctly, any inventor taking out a patent in Canada may for the first twelve months after that patent is issued import the article covered by the patent into Canada without interfering with his patent rights. Whether importations have been made during all this period or not I do not know; but now, ten years or so after some of these patents are out, we are asked by this Bill to say that notwithstanding what has transpired within this period either by the patentee or other foreigner, that he may have another twelve months to import these goods without affecting the validity of any of the several patents which we are validating by this Bill. Further the fourth clause says that:

4. Notwithstanding anything in the Patent Act aforesaid or in the patents mentioned in the preamble, the said patents are declared not to have become null and void nor to have ceased and determined under paragraphs (a) and (b) of section 38 of the said Act, and shall not become null and void nor cease and determine for six months after the passing of this Act, if within such period of six months, application for further relief is made to the Commissioner of Patents.

And, further, the fifth clause provides that if any person in Canada has been making any of these articles and doing so within the period previous to the 28th of November, 1909, he may be privileged to go on and manufacture. That would be providing for legislation that in the meantime is not in existence, and would be retroactive legislation to prevent a Canadian who may have been using features that are covered by these patents, which are clearly null and void, and have been so for two years or more, if any of the articles have been imported, from continuing to manufacture them after the 28th of November last. It does appeal to me that that clause is objectionable because it is retroactive, and then it says further—

But this provision shall not extend to any person who, without the consent of the holder of the said patents, commenced the construction or manufacture of any of the said inventions before the expiry of the patent relating thereto, or before the date at which default under the said section 38 may have occurred with respect thereto.

That, as I understand it, means this: supposing some Canadian, believing that these patents were void, commenced to manufacture in Canada five or ten years ago, and has been doing so all this time, and desires to continue manufacturing them in Canada, if it is shown that he began within the period named here, although for the past four or five years clearly he had the absolute right to manufacture in Canada, notwithstanding that, he shall be obliged to cease to manufacture and come under the law as it will apply to the resurrected patents which have been clearly void and of no effect for all these years. Such legislation ought to receive the most careful consideration of this House before it goes through. Like most legislation of the kind, I submit that it is not in the best interests of Canada, and would not be considered for a moment in the country from which most if not all of these patents come. The people for whom these patents are resurrected and brought into force should not receive so much consideration. It is not in the interest of Canada that they should.

Hon. Mr. BELCOURT—The Bill was handed to me by a firm of solicitors in the city of Ottawa, who told me that the only reason why patents were void or voidable or ineffective, was the default or delay in paying the fees mentioned in clause (1), that otherwise the patents are in full force and effect, and that the non-payment of the fees was due to the negligence of some person in Canada who had been charged with the duty of making the payments on behalf of the holder of the patents. There are two kinds of Bills which come before parliament that are absolutely dependent on facts; they are Bills for divorce and Bills of this kind under the patent laws. I do not suppose that this House would think it proper to go into the merits of a Bill of this sort before the facts are laid before a committee and fully investigated. It would be practically the case of a court giving judgment before hearing the evidence. After the facts have been inquired into, and the Bill is reported by the committee, the points to which my hon. friend has called attention, I have no doubt, will receive full consideration, as he evidently wishes they should.

Hon. Mr. McMULLEN—Before giving this Bill a second reading, we should have a clear and distinct statement from the member who has charge of it why parliament should revive those patents. We should have such a statement instead of a general statement with regard to the Act. This kind of legislation is becoming altogether too common. I can remember when we had no such legislation. I contend that we should not permit Bills of this character not merely reviving a single patent, but reviving five or six at a time, as in this case, to pass this House. These patents are dead and buried, and should never be resurrected. I entirely endorse the views of the hon. gentleman from Toronto with regard to this class of legislation. I would suggest to my hon. friend from Ottawa that

he should suspend the second reading of the Bill and get a clear and distinct explanation of the measure before asking the House to give it a second reading. By giving it a second reading now, we are virtually endorsing the principle of the Bill. We cannot afford to do that on the very meagre explanation that is given regarding it. I hope that my hon. friend will see that it is his duty to suspend the further consideration of the Bill until he is ready to explain every clause of it. For my own part, I am opposed to the second reading without such an explanation.

Hon. Mr. BELCOURT—My hon. friend evidently did not understand me. I stated that I had been told by the gentleman who asked me to take charge of the Bill that the only reason why the patents had become ineffective was owing to the neglect of those who had been instructed to pay the fee.

Hon. Mr. JONES—Does not the Bill say on the face of it in the plainest way, that that is not the reason? That can be seen at a glance.

Hon. Mr. BELCOURT—The Bill simply asks that the petition of the holder of the patents for the receipt of these fees may be entertained. I can only repeat what I have stated, that that is the only reason for the Bill.

Hon. Mr. JONES—Read the second clause.

Hon. Mr. BELCOURT—The second clause is as follows:

2. Notwithstanding anything in the Patent Act aforesaid, or in the patents mentioned in the preamble, the Commissioner of Patents may, within six months of the passing of this Act, receive from the holder of the said patents applications asking that the said patents, instead of being subject to the conditions with respect to the construction and manufacture of the patented inventions as set out in 38 of the said Act, shall be subject to the conditions as to licenses set forth in paragraphs (a) (b) (c) and (d) of section 44 of said Act, and upon any such application duly made the commissioner may make any such order as he might make under the said section 44.

Hon. Mr. BELCOURT—I confess that I have not looked at the Act recently. I cannot say what it means.

Hon. Mr. JONES—It means to transfer it to a different clause. Give the House clauses 3, 4, and 5.

Hon. Mr. BELCOURT—I am not prepared to say that my hon. friend's objections are not good. The only reason I am advancing is this, that in a case of this sort, as in cases for divorce, this House, or the committee of the House, is not in a position to judge without having the facts before it. If these provisions are not such as commend themselves to the committee, or to this House, they can be thrown out; but to throw out the Bill, or to prevent its second reading on the ground that some of the provisions of the measure are objectionable, in the absence of the merits on which this Bill must rest, would seem to me illogical. It would be deciding a case which depends on initiative fact without ascertaining the fact. I do not think that in adopting the second reading the House sanctions the principle of the Bill at all. It only sanctions the Bill so far as may be justified later on, by the facts that may be adduced before the committee. I do not think the second reading of the Bill has any other meaning. I do not think, if it is postponed for a week or two, that I will be in any better position to enlighten the House, and if I had all the facts to be submitted to the House today we would not be in a better position to judge. The committee would have to sift the facts and hear the evidence. It has to go to the committee in any case, and it would be time enough for the committee not to report it if the facts did not justify them in reporting. In what better position would this House be if I were able to give in detail every bit of evidence which is going to be submitted to the committee, or which has to be investigated there? It seems to me there is no reason for refusing the second reading of the Bill.

Hon. Sir MACKENZIE BOWELL.- The analogy given by the hon. gentleman in asking us to proceed with this Bill without knowing the reasons, comparing it with a divorce Bill, is not applicable at all.

Hon. Mr. BELCOURT—I said the evidence—

Hon. Sir MACKENZIE BOWELL—I understand what the hon. gentleman said. Before this House is asked to pronounce upon a divorce Bill, as to whether they shall pass it or not, all the evidence that is given before the committee is printed and sent to each member of the House so that he is in full possession of the reasons which lead the Divorce Committee to recommend the adoption of whatever they may report. It is quite different with the Private Bills Committee. These Bills are referred to that committee, and all this Senate knows afterwards is the fact that the committee recommend the passage of the Bill. They never give the reasons unless some member asks for information and puts categorical questions, and then the House is placed in possession of the reasons which led the committee to recommend the granting of the petition. There is the difference in dealing with the two subjects to which the hon gentleman has referred. There are clauses in this Bill that I have never seen in any other Bill asking for the renewal of a patent. The common reason given is that which my hon. friend has given; that is for nine or ten years during which these parties have had this patent, they have failed to comply with the provisions of the law. Surely they knew when they obtained the patent that they either had to continue paying the fees for an extension of time and to commence the manufacture of the article in the Dominion within a certain period. They allow it to drop. They do not pay the fees, for the simple reason that at the time they sent to the patent office, and for years and years afterwards, they saw no probability of making a success of the invention in the country in which they obtained the patent. In this case, the rapid growth of the stereotyping process in all the newspapers throughout the Dominion, and the profits likely to accrue under stereotyping by this new process, for which they are asking a renewal of their patent, may have induced them at last, after having failed to comply with the law, to seek a renewal of their patent. It is a direct violation of the principle upon which patent rights, in any part of the world, are granted. Go to the United States and ask for the renewal of a patent there under similar circumstances, and they would no more grant it to you than they would give you permission to be elected president. In England, the practice had become so prevalent in reference to lapsing of patents and the applying for renewals, and the non-fulfilment of the conditions of the patent, one principle of which is to commence the manufacture of the article in the country, that the English parliament placed upon record an Act forbidding, in almost every case, the renewal of a lapsed patent. What has been the result? The experience of those who have watched the position taken by the imperial parliament, is that it has caused the parties holding patents for the manufacture of those certain patents, either to drop the rights they held or to bring tens of thousands of pounds into the country in the establishment of new industries. Patentees find fault with that, because they cannot secure for all time to come—I might say that—for twenty or thirty years, the right to manufacture without doing so, notwithstanding the fact that they failed to comply with the condition of the law. My sympathy goes with the inventor who has the brains to invent the article. There is nothing to show that the applicant in this matter is the inventor. He is the owner of the invention. It is too often the case that some man's money will buy from the man who invented the article, whatever rights he has, and he obtains the patent. The very articles themselves which this patent covers, would indicate to my mind that they are the result of the work of practical men who have studied the question of stereotyping in the various newspaper offices of the country. These rights have been purchased by somebody who is now trying to retain for the next ten or fifteen years the exclusive right to manufacture in this country. The position my learned friend takes that we should not judge until we know the facts, is just what my hon. friend from Toronto and others, who hold the same views on the question, desire. On the second reading of a Bill of this character the fullest explanations should be given in order that the House may be in a position to judge whether it is proper or improper to allow it to go to the committee. For my part, I would vote against this Bill and all

others of a similar character, unless the gentleman introducing it can give much better reasons than have been given for the introduction of this Bill. It is too much the practice to introduce Bills in this Chamber without making the slightest declaration of the purport of the measure or the effect it would have if it became law. I have never undertaken the responsibility of introducing a Bill unless I knew precisely what the effect would be, no matter whether I was in the government or out of it, and the sooner we put a stop to this practice of renewing patents unless we have the fullest possible information as to why the conditions in the law have not been complied with, the better. Unless the hon. gentleman is prepared to give us sufficient reasons to justify us in passing it I would feel inclined to move the six months hoist; but out of respect to my hon. friend I will not do that. Last session I intimated that I would test the opinion of the Senate upon the question of renewal of these charters in the indiscriminate manner in which it is done, without having the slightest information as to why the conditions of the Act had not been complied with.

Hon. Mr. POWER—The House has been, perhaps, rather loose in its way of dealing with Bills relating to renewal of patents, but it strikes me that after the speeches which have been made by the hon. gentlemen from Toronto, Wellington and Hastings, the committee must be seized of the fact that there is a serious question as to the desirability of passing this particular Bill. I am glad, however, that the hon. gentleman from Hastings does not propose to move the six months hoist. That would be dealing out a measure of severity in this case which I think is rarely ever dealt out to a private Bill. It is not a fact that the House approves of the principle of a private Bill when it gives it a second reading. There is not really any principle involved in a private Bill. The House does not know whether it is one which should pass or not until it has heard the evidence which is adduced before the committee for and against the Bill. The hon. gentleman from Toronto, or any other hon. gentleman, if he is not a member of the committee, has a perfect right to appear before the committee to whom the Bill is referred and to cross examine the witnesses and to propound objections, and then if the report of the committee should happen to be favourable to the Bill —and, as a rule, unless the Bill does not deserve to pass, the committee report favourably—if the report of the committee should happen to be favourable to the Bill and any hon. gentleman thinks the report is not justified by the circumstances, he has a right to move against the report here in the House, and the House is always willing to give a patient hearing to any objection of that kind. Sometimes the committees are too easy about passing measures; but I trust the House will allow this Bill to go to the committee on Miscellaneous and Private Bills, and allow the facts to be brought before that committee. Whether we should renew these patents at all is another question; but it has been the practice for a great many years, and I should not like to see a different treatment dealt out to the hon. gentleman from Ottawa from that which has been dealt to other members.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. leader of the government in the House whether they have decided upon any policy on this question? If my recollection serves me, when this question was before the Senate last year the leader of the House intimated his intention to bring the question before the Minister of Agriculture and to decide upon some policy as to the propriety or impropriety of renewing patents in the indiscriminate manner we have been doing.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman is quite correct. I did bring the question to the attention of the Minister of Agriculture. I understood from him that he proposed to assign one or more of his officers especially to examine into all these Bills and to report to him and to the various committees of the House. What he has done in this instance I am not in a position to say. I would suggest to the hon. gentleman that, under the circumstances, my hon. friend might have his Bill sent to the committee, who will, no doubt, investigate the matter fully, and I on my

part, as the matter has been brought to my attention, will direct the attention of the Minister of Agriculture to it.

The House divided on the motion, which was carried on a standing vote, by the following division:

Yeas, 24; nays, 13.

Hon. Sir MACKENZIE BOWELL—I should like to ask why the yeas and nays were taken under the circumstances, when there was no motion other than that to refer it to the committee, and no objection made to it?

The SPEAKER—It was the motion for the second reading.

Hon. Sir MACKENZIE BOWELL—No one asked for a vote. I understood, after the remark made by the leader of the government, there was to be no objection taken, but to allow it to go to the committee.

The SPEAKER—I declare the second reading carried.

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

Hon. Mr. BELCOURT—I move that the Bill be referred to the Committee on Private Bills.

Hon. Mr. WILSON—It is all very well for my hon. friend to say he is going to move the Bill to the Private Bills Committee, there to thresh out the matter and obtain any information possible in connection with it. It appears to me the right of the people of New York to have this Bill brought to life again is equivalent to saying that they neglected to remit the fee for registration. Such cannot be the case. If this Bill is referred to the Private Bills Committee, do hon. gentlemen suppose they are going to give any information as to why the fees were not originally paid? That will not be done. What information will you get?

Hon. Mr. DANDURAND—Where does the hon. gentleman wish to send it?

Hon. Mr. WILSON—I want to bury that Bill and all Bills of the same character which come before the Senate. I say it is a mistake to renew these patents. We are not here for that purpose, unless sufficient reason is given.

Hon. Mr. DANDURAND—I rise to a question of order. The merits of the Bill cannot be discussed at this stage. If the hon. gentleman wants to move in amendment that the Bill be referred to another committee, he can make that motion.

Hon. Mr. WILSON—If my hon. friend will confine his imagination to himself and not impute motives to me, it will be much better for him. I am able to think for myself without the aid of the hon. gentleman. I am objecting to this Bill and objecting to its being referred to the Private Bills Committee, and if I could move a second motion that this Bill be not sent there I would be justified in doing it. We have a resolution. The hon. ex-Speaker must know that I have a right to move in amendment that this Bill be not now referred to that committee, but that it be sent there at some future time.

And why should he interfere with the course I am pursuing? I contend that this Bill ought not to have been brought to this House under existing circumstances, and my hon. friend, in moving the Bill, gave us no reason why, further than the statement made by him that the fees had not been paid when they ought to have been paid and a certain time had elapsed. How long? We are not in a position to know. The Bill before us says that on account of the patent having expired they are desirous of a renewal. If the Bill is sent to the Private Bills Committee and they report it back to the Senate, we shall be told that we endorsed the principle of the Bill when we gave it the second reading, and if they report favourably we will be told that we have no right to discusss the principle of a Bill that was affirmed by the second reading. I am strongly opposed to the Bill. If there be any benefit to the people of the country in his patent, why should we be asked by a person in New York to have the patent renewed? We are prevented from getting any benefit from it. We are not being treated fairly, and I claim the right, when the Bill comes up for third reading, to move the six months' hoist.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman was quite in order in giving reasons why he thought the motion should not carry referring it to a committee. It is usual to refer a Bill to a committee the moment it passed the second reading, but it is not against the rules of the House for an hon. gentleman to object to sending it to a committee, and make some other suggestion. I was not going to oppose the reference to a committee, but in order that the House may be placed in a position to judge of the Bill, I would suggest that what evidence is taken before the committee be taken under oath and reported by one of the official reporters, and that that report be presented to the House with the committee's report, then at the third reading the House would be in a position to judge whether the Bill should become law. I know that this is an unusual proceeding, but from the fact that we are asked to make these concessions almost every session, without really knowing the reasons why we grant them, it is well that the evidence should be taken under oath and presented in the House. If my hon. friend has no objection, I would move that the Bill be referred to a committee and that evidence be taken on oath.

Hon. Mr. DANDURAND—Are the facts not generally ascertained and established before the Private Bills Committee by affidavits?

Hon. Sir MACKENZIE BOWELL—I do not know. I have never been there. If so, let us know what they are. The facts have never been laid before us in the past.

Hon. Mr. BELCOURT—I have no objection to the suggestion of my hon friend. It is not a new suggestion, except in one respect; the evidence is always given under oath, sometimes orally, but if not orally by affidavit in both Houses.

Hon. Mr. BOWELL—But is not reported.

Hon. Mr. BELCOURT—I think it is a suggestion which might apply to every Bill of this kind.

Hon. Mr. POWER—Oh, no.

Hon. Mr. LOUGHEED—I would point out that there is a very substantial difference between Bills of this nature and other private Bills which go through this House. Parliament, under the Patent Act, has given an extraordinary power or right to patentees to permit them to exercise certain rights against the public at large, and they preserve those rights to the patentee for a number of years. The difficulty that I see when a matter of this kind goes before the Private Bills Committee is this: they take evidence upon the subject and the House is not seized with knowledge as to the manner in which the committee have exercised their discretion. They determine what the public policy is, entirely irrespective of this House. Consequently the House should be in possession of the evidence which is placed before that committee so that we as well as the committee may exercise our discretion on a very important question of public policy, as to whether extraordinary rights of this nature should be continued in view of the default of the patentee.

Hon. Mr. CLORAN—There is a mistaken impression in regard to the procedure before the Private Bills Committee. I have been in charge of that committee for several years, and during that time there was never any evidence taken under oath. The only evidence would be an explanation by the attorney for the parties promoting the Bill.

Hon. Mr. BELCOURT—Affidavits are put in.

Hon. Mr. CLORAN—I remember very few, if any of them, and the only evidence brought before the committee would be the explanations of the company or of the individual applying for the extension or renewal of the patent. The suggestion made by the hon. gentleman from Hastings in regard to obtaining the evidence in this matter is worthy of consideration, if practicable. The committee could not employ a stenographer or secretary. I suppose it would have power to administer the oath, but, under the circumstances, the suggestion made by the hon. gentleman from Hastings is a proper one, and I thoroughly agree with one point of his argument, and it is a most serious one. We grant patents to foreigners just the same as foreigners grant patents to our people, with this dis-

tinction, that when we grant a patent to a foreigner he manufactures say in Buffalo or New York. He does not need to manufacture in Canada. He imports the products of his invention into Canada, and by his patent he has the right for five or six years to prevent anybody else manufacturing that article; but when the patent lapses in Canada the policy of the government should be that foreigners shall have no renewal. The suggestion made by the hon. gentleman from Hastings should receive serious consideration by the government, and especially by the Department of Agriculture. If a man holds a right under a patent for five or six years, that is enough. If he does not want to manufacture in Canada, let some one else do it.

Hon. Mr. BEIQUE—I do not propose to contradict the statement made by the hon. member from Victoria division. I know that he has been chairman of the committee for several years, and I do not know what has been the practice of the committee. Last year I was a member of the committee, and I know that it was very critical of all Bills of that kind, and that the committee invariably exacted not only evidence in writing and under oath, but the confirmation of that evidence by the Department of Agriculture. The deputy minister of Agriculture was invariably present, and the inquiry made by the committee was most critical in every respect. I must say that as far as I have been able to ascertain, the committee was of opinion, as I gathered from the expression of members, that this remedial legislation was being abused. Such legislation should be curtailed considerably, and for my part I am very glad to hear an expression of opinion in that sense at this sitting of the House. I see no objection to the suggestion made by the hon. gentleman from Belleville. It will give an additional opportunity for this honourable House to pronounce itself on the question of principle whether legislation of that kind should be continued, and to what extent.

The motion was agreed to.

MONTREAL, OTTAWA AND GEORGIAN BAY CANAL COMPANY BILL.

SECOND READING.

Hon. Sir RICHARD SCOTT (in the absence of Hon. Mr. Casgrain) moved the 2nd reading of Bill (No. 58) An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company. He said: The purpose of the present Bill is to keep alive the charter of the Montreal, Ottawa and Georgian Bay Canal Company. It extends the time for making a commencement up to the first of May, 1912. In moving the second reading of this Bill, I cannot but express my regret that the prospects for this important work are no better now than they were sixty years ago. At that time there was a very general agitation, not only locally but throughout a large portion of this country, that that work was one of the first importance in the interests of Canada. I had the honour of attending a banquet, I think, in 1851 or 1852, at which several members of the government of the day were present. The banquet was held under canvas in the city of Ottawa, then Bytown, and assurances were received that the work was one which was likely to obtain public support. If my memory is correct, Sir Francis Hincks, who was the Finance Minister of the day, attended that banquet, as did also the Hon. John Young, Minister of Public Works at that time, and the Hon. Lewis P. Drummond, then Attorney General for the province of Quebec. The moving spirit at that time in his efforts to bring the work before the public was John Egan, who represented the county of Ottawa at that date, and subsequently the county of Pontiac. As an evidence of the interest the government of that day took in it, a sum of money was placed in the estimates some little time afterwards for the commencement of the work, and a contract was given to A. P. McDonald for the construction of a portion of the work at the Chats, which would connect two considerable links of the proposed canal. That work was continued for some years, but in 1858, I think it was, I have a distinct recollection of Mr. McDonald coming to Toronto and showing the members generally that with the explosives then in use, it was impossible to make any

advance with the construction of the work except at very large cost, and he asked that the contract be taken off his hands. In proof of that, I remember his bringing up some very hard stone to show that the ordinary powder—because at that time the high explosives that we use to-day had not been invented—made no real impression on the work. That contract having been given up, other public works engaged the attention of Canada down to a comparatively recent period, and this canal project was allowed to fall into oblivion. It was revived in 1894, and has now been in existence for fourteen years. Some evidence of its value, and of the character of the work has been obtained by the surveys which have been made, and all who have given it any thought or attention, are perfectly convinced that the work would be one of very general value inasmuch as it cheapens the cost of transporting the wheat of the Northwest very perceptably in reaching tide-water. It is a route that would defy competition by any other. Under the circumstances, I have much pleasure in moving the second reading of the Bill.

Hon. Mr. McMULLEN—I regret personally that the House of Commons have seen fit to pass this Bill and send it to the Senate. I do not think such an Act should be put on the statute-books of Canada. This company has had considerable time to mature its scheme for the construction of the canal, and it virtually has done nothing. By an expenditure of $50,000, I presume, in surveys and office expenses, and some work, they are authorized to hold up the project for another ten years until 1918, unless, in the meantime, the government take it over; and if that were done they would have to take it over at arbitrated value for whatever these people might have spent upon it. If that canal is ever built —and I earnestly hope it will be, because I endorse the statement made by the hon. member from Ottawa that it is an exceedingly important work—it will have to be built by the government of Canada, the same as they are building the National Transcontinental railway. We are only burdening the country with increased cost by extending the time to build for another ten years. We are certainly not furthering the prospects of getting the canal built. I am opposed to the Bill, simply because it will fetter the government in proceeding with the work. If the finances of the country would warrant their doing so, and I earnestly hope they will before many years, I should like to see them take up that work because it is an exceedingly important one. This Bill will only tend to increase the amount that will have to be paid to this company. I do not think that the company have any hope whatever of building the canal. There is no prospect that they will be able to carry it through, and the result will be what I have indicated.

Hon. Mr. POWER—I cannot quite understand the attitude of the hon. gentleman from Wellington. He says he is in favour of the construction of this work. If so, why should he try to kill this measure? If this Bill is defeated, then there is no means in the hands of the country by which the work can be undertaken. If the Senate passes this Bill, it does not give any exclusive rights to the members of this company. The hon. gentleman can come the day after to-morrow, if the requisite notice is given, and have another company incorporated for the construction of the canal; and the Act which this Bill proposes to amend contains a provision that the government can take the work over at any stage of progress. The hon. gentleman seems to think that the government would be made to pay more than they should. That position is inconsistent with the position which he had taken a little earlier, that there is no probability that these people will do anything. It does not matter which way, he does not like it: it is a case of, 'I do not like you, Dr. Fell.' The hon. gentleman from Ottawa has referred to the history of this undertaking, and has expressed his regret that it does not seem to be any more forward than it did sixty years ago. Sixty years ago it was a thing which was really almost in the clouds. The people of Bytown were very optimistic at that time, but there are many reasons why the people along the Ottawa should be more optimistic now. Then no products were coming from the west, or almost none, to use this canal. Now there are products valued at over a hundred mil-

lion dollars coming down from our western country which may be helped by the building of this canal. The country has spent a good deal of money in having accurate surveys made, and when a company, of which Sir Robert Perks is a very prominent member, are apparently prepared to take hold of this undertaking, if what they consider sufficiently favourable terms are obtained, I do not see why we should try to stop them. When hon. gentlemen bring in Bills here, as we all do, proposing to build railways in various parts of the country, the hon. gentleman does not say, 'I think these roads should be built by the government.' Now, why should a canal be built by the government more than a railway? I think it is desirable that canals as well as railways should be built by private capital, with the assistance of the government, and as a citizen of Canada I do not wish to see the government operating any of these public works. They operate one or two transportation works now, and I should rather see these public works in the hands of companies. I hope that the government will not undertake the building of this canal as a public work, and certainly that they will not undertake the operating of it as a public work. Further, this work will cost anywhere from one hundred to one hundred and fifty million dollars. If the government build that canal, I suppose the same objectionable step will be taken with regard to it as was taken with the other canals, of making them free. Why should we undertake to spend this immense sum of money, and then spend a large sum yearly for the purpose of carrying freight through that canal free? We do not do that with the Intercolonial railway. How would gentlemen from the West look if the people from the lower provinces were claiming that no tolls should be collected on the Intercolonial railway?

Hon. Sir RICHARD CARTWRIGHT—Instead of half rate.

Hon. Mr. POWER—Perhaps they are two-third rates. Hon. gentlemen will understand that the little sarcasm of the right hon. gentleman does not hurt me, because I am not advocating that goods shall be carried free either on canals or railways. If these works are operated by the government there is a continual pressure to abolish the tolls on freight or to carry it for less than cost, which I think is highly objectionable. That sort of business is not proper work for the government. I hope that this company, with reasonable assistance from the government, will be able to build this canal and charge reasonable tolls. The government can control the tolls through the railway commission. If they have not that power now, they can be given power to control the tolls. I can see no objection to passing this measure.

Hon. Mr. BELCOURT—The hon. gentleman from Wellington objects to this Bill being read the second time on the ground that this company has done nothing, and they are holding up the canal project. My hon. friend is entirely mistaken in his facts, that this company has done nothing. This company has done a great deal, and has submitted to the government of Canada a proposition to build this canal. That proposition is now under consideration by the government of Canada. The company is ready to commence work to-morrow if the government will say 'go on with the work.'

Hon. Mr. CAMPBELL—What subsidy do they expect.

Hon. Mr. BELCOURT—The hon. gentleman says they are not doing anything. I am showing that they have done something, and are prepared to proceed with the work. The fact of the company having presented a proposition to the government does not prevent the government from building the canal. All they have to say is, 'We do not adopt your proposition. We will build it ourselves.' Surely this company having prepared plans, and having made a proposition to the government, should have its rights preserved. I know my hon. friend from Toronto is opposed to the project, and no arguments of mine would convince him, and I am not addressing my remarks to him.

Hon. Mr. CAMPBELL—I have not expressed my views yet.

Hon. Mr. BELCOURT—The hon. gentleman did last year, and I have no hope of convincing him. The other objection which my hon. friend from Wellington has is, that this company is going to incur more expense. They are not incurring more expense. They have done everything they can do, and their proposition is before the government. There is no expense being now incurred, so that the burden on the country is not being increased. It would be absolute injustice to prevent this company holding the rights it has acquired. They should have their charter extended to enable them to go on and build this canal which they are prepared to do if the government of Canada deems proper that they shall. There is nothing more or less involved in this Bill.

Hon. Mr. EDWARDS—I wish to say a word in reply to the remarks of my hon. friend from Halifax. I disapprove entirely of this country owning the railways. I think they should be in the hands of private enterprise; but I do not think that the time has come in Canada when private enterprise can build such works without government aid. There is this great differences between railways and canals: If a canal goes into the hands of a private corporation, I do not think the same competition would exist that prevails in the case of railways. The canal is a public highway, open for the use of numerous navigation companies, and I think the government of Canada made a good move when it gave free canals in order to encourage transportation. The canals must, after all, be our regulators of rates in so far as transportation is concerned.

Hon. Mr. POWER—So are railways.

Hon. Mr. EDWARDS—They are regulators for themselves. I have been criticised sometimes pretty severely as a resident of the Ottawa district because I have not joined so spontaneously as some of my friends in promoting the construction of this canal. I think it is a great work for Canada and a work which should be carried out as soon as the resources of the country would permit. I do not think private enterprise will build a canal to-day without government assistance. This question was dismissed last year in this Chamber and it was somewhat dealt with as to its merits as compared with Welland canal. We need not discuss that question to-day. I then expressed some doubts as to the desirability of making this a ship canal believing the St. Lawrence route was more favourable in that respect. Possibly both of them should be dealt with in due time and just as soon as the resources of Canada will permit of such being done.

Hon. Sir MACKENZIE BOWELL—The Welland first.

Hon. Mr. EDWARDS—So far as canals are concerned, I am a citizen of Canada, not merely a citizen of the Ottawa valley. If it is in the best interests of Canada that the Welland should be dealt with first, let it be undertaken first. My reason for supporting that idea at all is that I have believed, and believe now, that the Ottawa canal, even if thirty feet deep, is not a route which will be used to any great extent by the large freighters which cross the ocean to-day. I do not believe they will go inland so far for cargoes. The Welland canal is the route for that class of vessel. At the same time, there is a very decided place in the interests of the people of Canada for the construction of the Georgian Bay canal, and I hope it will be undertaken at as early a date as our resources will permit. Any opposition to this idea, because the work has not been gone on with as rapidly as some would desire, should not be entertained for a moment. These large undertakings involve very large capital, and it is not as easy to get the means as some of our friends may possibly think. This canal project, it is true, has been agitated for many years. Forty years ago it was a live question in the Ottawa valley. The introduction of railways caused a cessation of the agitation for canals for some time, but the agitation has been revived of late years, surveys have been made, and let us hope that in the early future this great work will be carried out.

Hon. Mr. DOMVILLE—The hon. gentleman from Ottawa says that a proposition has been laid before the government. When

such statements are made, it is usual to explain what the proposition is. I have still an open mind.

Hon. Mr. BELCOURT—This company, headed by Sir Robert Perks, has made an offer to the government of Canada to build this canal from end to end. I cannot give the House the details of the proposition. I only know it in a general way; but there is, I assure the House, a proposition of that kind under consideration.

Hon. Mr. DOMVILLE—The House should be seized with this proposition before proceeding with the Bill.

Hon. Mr. BELCOURT—The hon. gentleman should ask the government. I cannot give him the details.

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

SECOND READINGS.

Bill (No. 59) An Act respecting the Saint Maurice Valley Railway Company.—Hon. Mr. Mitchell.

Bill (No. 68) An Act respecting the Kettle River Valley Railway Company.—Hon. Mr. Ross (Middlesex).

Bill (No. 78) An Act respecting the Edmonton, Dunvegan and British Columbia Railway Company.—Hon. Mr. Roy.

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

THE SENATE.

FRIDAY, January 28, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NATIONAL PARKS OF CANADA.

MOTION POSTPONED.

Hon. Sir RICHARD CARTWRIGHT moved:

Resolved, that the regulations of the 21st day of June, 1909, intituled: 'regulations of the National Parks of Canada,' which were passed on the date above-mentioned by His Excellency the Governor in Council, under authority of section 4 of the Rocky Mountains Park Act, being chapter 60, R.S.C., 1906, copies of which regulations, as well as the necessary order in council, have been laid before this House, are, in so far as they relate to the Rocky Mountains Park of Canada, approved by this House, in accordance with the provisions of subsection 3 of section 5 of the said chapter 60.

Hon. Mr. LOUGHEED—May I ask the right hon. leader of the House if these regulations are printed?

Hon. Sir RICHARD CARTWRIGHT—They were laid on the table yesterday. Did my hon. friend not see them?

Hon. Mr. LOUGHEED—I overlooked the statement by my right hon. friend in regard to them, if they were laid on the table. Are they lengthy?

Hon. Sir RICHARD CARTWRIGHT—If the hon. gentleman wishes the motion deferred, it may stand until Tuesday.

Hon. Mr. LOUGHEED—If it would not be inconvenient to the government, I should like to look them over.

The motion was allowed to stand.

BANKING AND COMMERCE COMMITTEE.

Hon. Mr. GIBSON—I should like to call the attention of the House, and of the Committee on Banking and Commerce particularly, to a request that has been made by the Fire Underwriters since the committee adjourned, that they would like to have the sitting of the committee postponed from next Tuesday until the following Tuesday. They state that they would hardly be ready until next week. I think the request a reasonable one, and the committee will meet a week from next Tuesday.

Hon. Mr. JONES—I should like to suggest, if this course is adopted, that publicity be given to the fact that the committee are going to meet at that time, and I hope that the chairman and committee will see their way to sit from day to day, and probably in the evening when the House is not in session, so that a number of business men, who are anxious to present their views upon this very important question, will not be detained.

Hon. Mr. GIBSON—The assurance has been given to me by the representatives of the fire insurance companies that they will confine themselves to one or two representatives, who will present their cases, and that three, or at most four, sittings will finish their side of the case. With regard to notification, that is one reason why they wanted the delay, so that everybody would know when the committee would meet.

Hon. Mr. WATSON—It seems to be taken for granted by some members of this House that only the fire insurance companies are to be represented before this committee. I can assure hon. members of the committee and chairman that there are two sides to this question, and that a great many people will desire to be heard in regard to the measure, gentlemen who are not representing the fire insurance companies, but representing the assured, and I hope they will receive such consideration at the hands of the committee as the gentlemen who have been referred to as representing the fire insurance companies.

Hon. Mr. GIBSON—I can assure the House that no one has been refused a hearing, and no one will be refused, as far as the committee is concerned. In fact, on the last occasion, I asked the question time and again if any one wished to be heard before the committee, and the same opportunity will be given to all who appear before the committee.

Hon. Mr. LOUGHEED—In that connection, it might be determined whether the House will sit on Ash Wednesday. If the House will not sit on Ash Wednesday it will be inconvenient for some hon. gentlemen to attend on Tuesday.

Hon. Mr. GIBSON—I had that in view. We might obtain leave on Tuesday to sit on the following day.

Hon. Mr. POWER—I would like to ask this one question of the hon. gentleman. I assume from his observations that the committee have got through with hearing the representatives of the life insurance companies?

Hon. Mr. JONES.

Hon. Sir RICHARD SCOTT—Not altogether.

Hon. Mr. POWER—Then why should the work not go on, even if the fire insurance representatives are not ready?

The SPEAKER—I call attention of the House to the fact that this discussion is entirely irregular. I understood the committee met to-day and adjourned until next Tuesday. However, that matter is in the hands of the chairman.

The Senate adjourned until Tuesday at three p.m.

THE SENATE.

TUESDAY, February 1, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SENIORITY OF QUEBEC JUDGES.

INQUIRY.

Hon. Mr. LANDRY called the attention of the House to the following letter of the Honourable Minister of Justice:

Ottawa, January 26, 1910.

Dear Sir Richard Cartwright,—I have read, as you asked, the 'Hansard' report of what took place in the Senate on the 12th instant, then your reading the answer to the question of Hon. Mr. Landry, relating to the seniority of Superior Court judges at Quebec, and I am not able to see how any other answer could have been given to the question as framed.

The question demands an answer 'according to the exact wording of the law,' and the answer follows the exact wording of the provincial statute constituting the court referred to. I do not know what further information it is possible to give unless by stating the dates of the first appointment to the bench of each one of the judges mentioned in the answer, and I inclose herewith a list of those judges with the date of first appointment of each to the bench.

I remain, yours faithfully,
A. B. AYLESWORTH.

The Rt. Honourable
Sir Richard Cartwright,
Minister of Trade and Commerce.

Mr. Justice Routhier—1st September, 1873.
" Langelier—12th November, 1903.
" C. A. P. Pelletier—30th September, 1904.
" Cimon—22nd July, 1882.
" Larue—12th April, 1886.

Mr. Justice H. C. Pelletier—12th April, 1886.
" Gagné—10th December, 1889.
" Carroll—29th January, 1904.
" Cooke—16th November, 1904.
" Malouin—7th January, 1905.
" Cannon—29th July, 1905.

And asked:

If the rank of seniority of the judges of the Superior Court of the province of Quebec, belonging to the district of Quebec, as comprised and defined for the purposes of the Court of Review, was on the 1st of June, 1906, the following one:—

1. Mr. Justice Routhier—1st September. 1873.
2. " Cimon—22nd July, 1882.
3. " Larue—12th April, 1886.
4. " H. C. Pelletier—12th April, 1886.
5. " Gagné—10th December, 1889.
6. " Langelier—12th November, 1903.
7. " Carroll—29th January, 1904.
8. " C. A. P. Pelletier—30th September, 1904.
9. " Cooke—16th November, 1904.
10. " Malouin—7th January, 1905.
11. " Cannon—29th July, 1905.

He said: I think the Minister of Justice misunderstood my question. I did not ask to have the question answered according to the words of the law; I asked to have an answer to this question: 'Who were the judges of the Court of Review, as defined by the law.' In our 'Court Procedure,' part second, book first, section 2, I find the following:

494. A review may be had.
1. Upon every final judgment from which an appeal lies, excepting the case of article 343 J., mentioned in article 5889 of the Revised Statutes of Quebec.

The next section reads:

495. The review takes place before three judges of the Superior Court, and the judge who has rendered the judgment complained of cannot be one of them. (Id., art. 5907.)

And the next article reads as follows:

496. The review of judgments rendered in the districts of Montreal, Ottawa, Terrebonne, Joliette, Richelieu, St. Francis, Bedford, St. Hyacinthe, Iberville and Beauharnois, takes place at the city of Montreal; that of judgments rendered in the district of Quebec, Three Rivers, Saguenay, Chicoutimi, Gaspé, Rimouski, Kamouraska, Montmagny, Beauce, and Arthabaska, at the city of Quebec.

So that the province is divided into two districts for the purpose of reviewing judgments rendered in all those other districts. We have the district of Montreal, and the district of Quebec, and in answer to that question, the hon. gentleman gives me the list which was inclosed with his letter giving the names of the judges, Langelier, Pelletier, and so on, with the dates of their nomination, but they are all mixed up, and it is for that reason that I ask if the rank of seniority of the judges of the Superior Court of the province of Quebec, belonging to the district of Quebec, as comprised and defined for the purposes of the Court of Review, was on the 1st of June, 1906, as follows: I am taking the order of seniority according to the date of nomination, Judge Routhier, first, September, 1873; Judge Cimon, 12th April, 1886, and so on. Those are all the districts that form the district of Quebec for the purposes of review.

Hon. Sir RICHARD CARTWRIGHT—The reply that I have received from the Department of Justice is as follows: On the date mentioned, the several judges of the Superior Court of the province of Quebec, who are named in the question, ranked as among themselves in seniority of appointment in the order stated.

ARCTIC POSSESSION OF CANADA.

INQUIRY.

Hon. Mr. POIRIER inquired:

Whether it is the intention of the government to appoint a commissioner charged with the superintendence of the Arctic lands and islands upon which the Canadian flag has recently been planted?

He said: I do not know what the answer of the government to this inquiry will be, but whether favourable or unfavourable I ask permission to make a few remarks before it is given. I for one—and I am not alone—attach great importance to the absolute, uncontradicted and uncontradictable possession of the lands that lie to the north of Canada proper. If there are overseas possessions to which England can claim undisputed right, it is the northern portion of Canada—the arctic lands between Hudson bay and the newly discovered pole. A representative of England was the first to set his foot on the continent of America; John Cabot discovered the continent of America even before Columbus. He was a genius apparently as great as Columbus was. He did not himself realize his ultimate object, but it was later on realized for him. He

showed to King Henry the seventh that there must needs be a northern passage through the northern lands of the still undiscovered continent to the kingdom of the great Khan. Following up his idea,—it is not known where he got his information—he started in 1496, came back and reported that he had seen land. He returned the next year with a fleet and articles of barter, and, from all appearances, he lost his life in the recesses of Hudson bay, taking possession of the northern hemisphere of America in the name of England and of Venice, but more particularly of England, by which country he was employed. Therefore, that part of America was from 1496 incontestably a possession of England, by right of discovery and that possession was confirmed later on by treaties. Bitter fights were waged on Hudson bay in the far past, and some brilliant military exploits occurred between England and France up to half a century before Canada proper was ceded to England for the possession of those regions. Hudson bay and all the circumjacent lands and islands were, by treaty of Utrecht, ceded to England, and, therefore, Britain has undoubted possession of those parts of America, both by discovery and by treaty rights. No one imagines that those lands, though covered with perpetual snow, are not valuable. They were worth fighting for two hundred years ago; who knows that they may not again be worth fighting for. It is to prevent contention over those regions that I desire the government should assert in the name of the mother country and of Canada, our undisputed rights. Their resources are not without value. In a report made by Dr. Tyrell, a few years ago, I find that in the region extending from Hudson bay northward and from Ungava to the western limit of Canada, there is to be found the following list of the chief economic resources of the district, with their localities:

MAMMALS.

Moose.—Not found to the east of Hudson bay, but south and southwest they are commonly met with as far north as about latitude fifty-seven degrees; valuable for flesh and hide.

Woodland Caribou.—Common throughout the districts south and southwest of Hudson bay. Reported to be about exterminated in Labrador. Valuable for flesh and hide.

Barren Ground Caribou.—Very abundant in the barrens both east and west of Hudson bay. The chief source of both food and clothing for the native population, and the great local source of food for future explorers and prospectors.

Musk oxen.—Common north of Chesterfield inlet, and the valley of the Thelan river. Flesh may be used as food and hides for valuable robes.

Fox (red, cross, silver and black).—Common throughout the district. Fur of silver and black varieties very valuable.

Arctic fox.—This species is abundant throughout the barren grounds. Fur not so valuable as other varieties.

Gray wolf.—Becoming scarce in southern districts; more common in the semi-barrens.

Arctic wolf.—Common, though not very numerous, throughout the barrens.

Wolverine or cafcajou.—Very common throughout the barrens. Skins are valuable as furs.

Canadian lynx.—Abundant in some places in wooded country. Fur very fine and warm for rugs or clothing.

Sable or pine marten.—Common below north limit of semi-barrens. Fur valuable.

Fisher.—Abundant in some of more southern districts.

Mink.—Very common in southern portions.

Weasel.—Common throughout the wooded country.

Ermine.—Common in wooded as well as in barren lands.

Otter.—Common in more southern districts. Very abundant in parts of Labrador.

Beaver.—Common in more remote wooded districts. Very abundant along some of the rivers emptying into the east coast of James bay.

Muskrat—Very common everywhere throughout southern wooded region.

Black bear.—Not uncommon throughout wooded districts.

Barren ground bear.—Rare, but met with occasionally in the barrens. Skins valuable.

Polar bear.—Abundant about the shores of Hudson bay in some localities, and found for a considerable distance inland.

Walruses.—Very abundant in several localities in Hudson bay for hides and ivory tusks.

Bearded or square-flipper seal.—A large species, common in Hudson straits and bay. Valuable for oil.

Gray seal.—Not common.

Hooded seal.—Not very abundant.

Harp seal.—Common along the whole Labrador coast. Valuable for oil and hide.

Ringed seal. Most common species in Hudson bay and straits and quite numerous. Valuable for oil and hide.

Harbour or fresh water seal.—Common about the coast of bay and in some lakes, both in Labrador and the western barrens. The skin of the thoetis of this species, contrary to the usual rule, is black and glossy and makes a beautiful soft, rich fur.

White whale.—Very abundant in both Hudson and James bay, and especially about the mouths of large rivers, where they resort to feed upon the small fish. Valuable chiefly for oil.

Narwhale or sea unicorn.—Found in Hudson straits and other waters to the west and northwest. This peculiar creature, whose body is only eighteen or twenty feet in length, poss-

esses a single spiral ivory horn, not uncommonly eight feet in length, and of great weight. This horn, or tusk, which extends from the end of the nose in line with the body of the animal, is composed of a very fine grade of ivory and is therefore very valuable.

Right whale or bow-head.—This is the most valuable and one of the largest of the several species of whales, and furthermore, is nowhere so common as in the water of the northern part of the Hudson bay district. Although the value of an average right whale is in the neighbourhood of ten thousand dollars ($10,000) it is a most regretable fact, that to the best of my knowledge, there has never been a Canadian whaler in the bay, whilst our neighbours to the south have habitually for years had a number of vessels hunting and carrying away these prizes to the ports of New Zealand. Indeed, this foreign wholesale destruction has been carried on for so many years and to such an extent that the whales have become comparatively scarce.

FISHES.

Sturgeon.—Common throughout southern portion of district. A small species, plentiful in many rivers of Labrador.

Salmon (common sea.)—Found in abundance in Ungava bay.

Cod.—Found in Ungava bay.

Heran's salmon.—Common along the coast of Hudson bay.

Great Lake trout.—Abundant throughout lakes and rivers. Twenty-five pounds is not an uncommon weight for this fish.

Brook trout.—Abundant in many streams.

Whitefish.—Very abundant in lakes and rivers. Ordinary size from six to ten pounds; fourteen pound whitefish caught in Lake Mistassini.

Herring whitefish.—Abundant about the mouths of most of the rivers flowing into Hudson bay.

Halibut.—Reported to occur in Hudson bay.

Pike or jackfish.—Very abundant throughout district in lakes and more sluggish streams.

Pickerel.—Reported common. Many other less important species may also be found, but the above list will be sufficient.

Without attempting to present a full list of the birds of the Hudson bay district, I will merely call attention to the existence of great numbers of water and land fowls such as geese, ducks, grouse and ptarmigan.

Fires are of such frequent occurrence, entirely destroying large areas of timber from year to year, which may have been a century or more in attaining its growth.

MINERALS.

From the third and last great division of natural resources we may expect, in course of time, the greatest results. There is every reason to believe that many parts of this great district will prove to be rich in the possession of minerals. As yet neither the prospector nor the miner has operated to any appreciable extent within the circumference of this vast district, but from what preliminary exploratory work has been carried on it is abundantly proved that many large mineral areas exist, and only await means of access for development. The following is at least a partial list of those already reported:—

Iron (hematite and magnetite).—Extensive deposits in various localities in Labrador, on the Albany river, near the east end of Lake Athabaska and on Artillery lake.

Copper.—Occurs extensively on west coast of Hudson bay, also southwest of Lake Mistassini on East Main river and elsewhere.

Silver.—Found associated with lead in the limestone of Cambrian areas of east coast of Hudson bay, where it occurs in quantities sufficient to be of economic value. It has been traced for a distance of twelve miles, and has given assays of from 5·104 to 12·3 ounces silver in the ton.

Gold.—Discoveries of this most coveted metal have been reported from the Lonely lake region, the west coast of Hudson bay and the shores of Repulse bay.

Mica.—Large specimens have been obtained from the north shore of Hudson straits, also from near Lake Manouan, in Labrador. From the Ison-Glass river, where a quarry was opened as long ago as 1685, from Lake Winokapaw and elsewhere.

Graphite.—Found on north shores of Hudson straits, etc.

Asbestos.—Found on J. Gordon island, on east coast of Hudson bay.

Coal.—Lignite coal reported to exist on Coal river, a tributary joining the Moose river, at about 114 miles from tidewater.

Anthraxolite.—This mineral has been found at Lake Mistassini, at Petitsikapaw and Menihek lakes in Labrador, and on Long island in Hudson bay, from which latter locality an analysis of some samples gave 94·91 per cent of carbon.

Jasper.—Is found in large masses in several places in Labrador, whence it is easily obtainable. On the Koksoak river there is a thick band of applegreen jasper, brecciated with small angular fragments of the red variety, which might be used for panels, etc.

Agates.—Found on east coast of Hudson bay.

Labradorite.—Large and beautiful crystals of this mineral are found in great abundance on the northeast side of Lake Michikamau for a distance of ten miles or more, besides other places in Labrador.

The existence of these riches has been lately confirmed to us by our own Captain Bernier, who brought down with him samples of economic minerals, showing conclusively that that part of the Dominion is worth looking after. The deposits of coal alone would give it a very considerable value, because the supply in many countries is rapidly being exhausted. If we have, as I believe we have, immense coal measures in our northern territories, they are worth looking after. But, apart from the mineral and other wealth of that region, we possess there an already existing channel between the Atlantic and the Pacific. We are ahead of the Panama canal. We have the very canals to which Cabot referred when he pleaded with the English king for ships

and men to cross over to Asia. The hardy mariners of England for two centuries have plunged into the depths of our northern seas, and many of them lost their lives reaching for it, until McClure, in the latter half of last century, found the northwest passage dreamed of by Cabot.

The existence of that canal or passage, was confirmed several times since, and, no later than last year, Captain Bernier spent part of the winter along it. In the month of August he found it perfectly open, and took soundings. The water is very deep. The length of the passage is about 100 miles, and he says he got the confirmation from whalers that that canal is, as a rule, open for several months in the year. That canal will enable our fishermen and navigators to cross over from Lancaster sound through Barrow strait, Melville sound and McClure's strait into the great Beaufort sea, and on to Behring's strait. That is a most important question. Our northern possessions have not been sufficiently studied. What we have to-day is worth while holding, but we must not forget that no later than 700 years ago parts of this northern district were settled. You all know the geographical term Greenland. Whence Greenland? Because at one time the land was green. The name Greenland was given to that country about one thousand years ago. We know that up to 600 or 700 years ago there were prosperous villages in Greenland. There were bishoprics in Ungava, and flourishing parishes on the Melville land. Who knows but that there may be a recurrence of similar climatic conditions that existed when these localities were inhabited. We are moving in cycles. The old theory of the heat all emanating from the sun has been shaken since the discovery of radium. We do not know but in 700 years more those latitudes may be again habitable. Our duty is, as we know, to build not merely for to-day, but as the Romans of old, build for eternity or earthly eternity. This is the time to take absolute possession of these lands and that absolute possession we have not now. An important United States newspaper gives the following summary of the situation from the point of view of the republic:

By a treaty concluded in 1783 the people of the United States obtained certain fishing rights in the Gulf of St. Lawrence and on the Newfoundland banks, and also in 'all other places in the sea where the inhabitants of both countries used at any time heretofore to fish.' The treaty of Ghent, which closed the war of 1812, established the fishing rights of Great Britain and her colonies in the territorial waters of British North America. But this did not fully determine the limits of those territorial waters. The convention of 1818 is more definite, and upon this the Canadians have rested more than one claim regarding their fishing rights. This convention established the 'three-mile limit' over certain areas, but gave to American fishermen equal rights with British and Canadian fishermen in certain other areas whose northern limits were only vaguely defined beyond the fact that the rights were to be 'without prejudice to any of the rights of the Hudson Bay Company.'

That is how those lands and islands stand from a historical point of view. I will only quote from one paper. The New York 'Sun' states as follows:

The rights secured to American fishermen by the convention of 1818 remain. Under that convention, they were at liberty to fish along the coast of Labrador and 'northward indefinitely.' For many years they have fished and maintained whaling stations 'northward indefinitely,' past Cape Chudleigh, along Baffin Land, through Hudson strait and in Hudson bay. The Canadians have done no business there. The Americans have done much. Canada is now considering the establishment of a barrier from Cape Chudleigh to Baffin Land, at the entrance of Hudson strait, on the ground of sovereignty over these waters, as an inland sea, and under the old British 'headland theory,' which the United States government has never officially recognized.

The paper further writes:

The wisest policy for Canada, so far as the water area is concerned, would seem to be an 'open door' for many years to come. Such a policy might do much toward building up the vast waste places of Keewatin and Ungava and constitute a highly valuable source of national wealth. It may be found difficult, as well as impolitic, to close a door 100 miles wide at the end of a 500-mile channel leading into a 600,000-mile expanse of ocean water.

This conclusively shows that the absolute ultimate right of possession of those parts is not yet settled: The United States has not subscribed to the British headland to headland doctrine, by which all the waters within a line drawn from headland to headland are held to be embayed, and to constitute the mare clausum of diplomatists. Uncle Sam has, on the contrary, contended for the three-mile limit following the sinuosities of the sea-board. As strengthening the pretensions of the United States, it is contended that for the last 50 years, few

Canadians did fish in those regions; that, on the contrary, the New Bedford and Massachusetts whalers were there every year, and performing acts that were tantamount to acts of possession. This is the time when we should, I think, assert our undisputed rights over these regions; rights that are further supplemented by the Dominion buying those unlimited regions from the Hudson Bay Company for a million and a half dollars, as we all know. An ounce of prevention is better than a pound of cure, I have heard said. We have had experiences of delimitation of frontiers as between us and the United States, which have not always proven very satisfactory. Very few of them were brilliant. The experience we have had from Maine to British Columbia has hardly resulted favourably to our view of the question, and the Alaskan boundary matter was hardly more satisfactory. Here is an instance to the point which I believe should make us look into this question seriously and act without any further delay. We all know of Russian Alaska. It has been found of late that England was cheated out of the whole of Alaska, that it ought by right to have remained an English possession, as it was from the discovery, as I have mentioned; but that by fraud Russia got possession of Alaska, which was sold afterwards to the United States. I will read to the House a confession lately made by a Russian diplomatist. It is headed in this way:

Most Gigantic Theft ever Known—How Russia Stole the whole Pacific Coast—A Strange Story.

It is told by Leo Nabokoff, as published in a despatch from Winnipeg.

Winnipeg, Man., Sept. 13.—Leo Nabokoff, a friend of Count Leo Tolstoi, who is armed with a mission from his chief to the wandering Doukhobors, is in Winnipeg, and has opened an office at 901 Main street, has unearthed some ancient Russian documents in Alaska, which materially affect Canada's position in the Alaska boundary question, showing how Russia forged evidence of early occupation of the Pacific coast. Nabokoff formerly resided at Sitka, Alaska, where he was at the time of the transfer of that territory from Russia to the United States. Later he was sent by his government to Sitka to put in order the archives kept by Russian authorities who had not taken the trouble to receive them. In doing this he found the documents kept in old Russia, which is not generally understood by those who knew the modern language but which Nabokoff had studied.

The purport of the records is that Russia stole the whole of the Pacific coast. The document referred to as translated by Nabokoff, and of which a copy was forwarded to the Governor General, is dated at St. Petersburg in 1836, and is marked 'strictly private.' The translation reads as follows:

'To the Governor of Russian American territory, Sitka (now Archangel).

And here is how the trick was perpetrated. The article continues:

'We are sending you ten tables representing the Russian coat of arms, securely packed, which package you are to open privately. Next summer you are to organize an expedition of several men under a navy officer so secretely that neither Russians nor Indians will see them start to cross the continent, taking with them those tables and marching as far as possible in a southeasterly direction, without danger of being observed even by the natives. Then these tables will have to be buried, separately at considerable distances one from other in holes about an arshine or an arshine and a half deep, due north by south.

'These places of concealment must be marked on a map (astronomical) and so accurately and locally described that there should be no difficulty in finding them long afterwards in case a dispute on priority of occupation will arise between Russia and Canada.

'The same great caution must be observed in marching back to the new archangels and officers and men who took part in the above transaction must be taken on board immediately and sent to Russia. Please see that this is done as directed.'

Earl Grey has referred the documents to his ministers for consideration.

It was apparently done as directed. Russia through that fraud was able to show priority of discovery over an area which Britain had discovered, somewhat like the map that was shown at the Ashburton treaty, and through this device Russia got possession of the whole territory of Alaska, which was subsequently sold to the United States, and the United States is the sole possessor of that wealthy country to-day, a country which Canada should have and hold. In the face of all this trickery; in the face of the importance that attaches to the possession of the Arctic land; in the face of the United States people, who are dangerously in a certain way, our neighbours to the west; from the fact that whalers on the eastern waters come from New Bedford and Massachusetts, and, whalers visiting those parts on the western side, come from San Francisco, that the United States people encompass us, as it were, it is time

that the government should take possession, in a formal manner, of the undisputed territory, and parts of the territory that may be disputed. I acknowledge that the Liberal government have done much towards securing that possession, but something more should be done. It is not sufficient, according to international law, that a new country should be discovered, or that navigators should plant a flag over it to insure its possession; there must be continuous occupation, or, possession renewed at certain intervals. By the appointment of a commissioner, who would patrol those waters every summer, levying some tribute; who would keep the aborigines, the Esquimaux, who are very favourable to Canada, under control, we would, by that means, assert our undisputed right, and possibly, save our descendants trouble in the future. It is our duty, now that everything is peaceful, and favourable, to avert trouble for future generations. I hope, therefore, that the answer of the government will be favourable, and that they will appoint a permanent commissioner, to patrol that district, and assert the undoubted jurisdiction of Canada over all these Arctic lands, on which the Canadian flag has been planted, and, further north, over those islands which have been sighted but not yet explored and mapped.

Hon. Sir RICHARD CARTWRIGHT—I am sure the House is obliged to my hon. friend for the interesting information he has been at such pains to gather together with respect to those somewhat distant and unknown regions. The government are not blind to the possible importance of asserting the jurisdiction of Canada over these islands and waters, and they have, as he is probably aware, twice despatched expeditions in that direction, and are now about to send forth a third one. They have also, as he probably knows, established, one or two posts of the Northwest Mounted Police on the mainland to exercise jurisdiction in these waters. As for the question the hon. gentleman puts, the government have the matter under their consideration, but have as yet come to no decision on the point.

Hon. Mr. LOUGHEED—Might I say in this connection, without any desire to prolong the debate, but touching upon the question that has just been mentioned by my hon. friend, it is very regrettable that officials appointed by the government to carry out very important commissions, such for instance as that with which Captain Bernier has been entrusted, should emblazon to the world by indiscreet interviews and otherwise, the designs of the Canadian government in acquiring territory in those northern waters. No longer ago than the last few days we find it mentioned in the United States press, and also circulated through the Canadian press, that Captain Bernier is at the present time in New York with the intention of attending the Arctic dinner in that city, and that he proposes asking Sir Wilfrid Laurier to authorize representatives of Russia, of the United States, of Norway and Sweden, and of Denmark, to accompany him on a polar expedition, and thus to distribute the whole of the Arctic territories between the respective nations. In fact, I might say that the government seems to have found it difficult in many cases to send officials north without its designs having been frustrated through the publicity given to their movements through the press, which, I need not say, at once destroys the objects which the government has in view. Officials of this character certainly should be charged with secrecy as to the purpose for which they are sent. It is well for the government to submit to parliament the necessary estimates to fit out expeditions of this character; but surely it is not an impossible task to expect of the government to muzzle its representatives so that important state secrets may be kept, and the world at large shall not be apprised of what Canada's designs may be in regard to the assertion and exercise of its territorial jurisdiction.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is correct. He may have observed that this question was alluded to in another place, and that the Prime Minister took occasion to comment somewhat severely on the statements that are alleged to have been made. Of course, it is quite possible that what Captain Bernier said may have been greatly exaggerated by newspaper reporters, whose talents in that respect both my hon. friend and myself have had occasion to know, are very great in-

deed; but I agree with him that officers of the government entrusted with such expeditions, owe it to the country and to themselves, not to speak without due warrant and authority from the government that employs them, and care will be taken that any such indiscretion as that which has occurred, shall not be repeated.

REGULATIONS OF NATIONAL PARKS.

MOTION.

Hon. Sir RICHARD CARTWRIGHT moved:

That the regulations of the 21st day of June, 1909, intituled: 'Regulations of the National Parks of Canada,' which were passed on the date above-mentioned by His Excellency the Governor in Council, under authority of section 4 of the Rocky Mountains Park Act, being chapter 60, R.S.C., 1906, copies of which regulations, as well as the necessary order in council, have been laid before this House, are, in so far as they relate to the Rocky Mountains Park of Canada, approved by this House, in accordance with the provisions of subsection 3 of section 5 of the said chapter 60.

The motion was agreed to.

THE IMMIGRATION OFFICE AT QUEBEC

MOTION.

Hon. Mr. LANDRY moved:

That an order of the House do issue that there be laid before this House a copy of the accounts sent by the restaurant keeper, Jacques Déry, to the Immigration Department, for meals furnished the employees of the Immigration Office at Quebec, from 1st January, 1906, until 1st January, 1910, specifying separately for each employee, the date of each meal and the sum asked, and also a copy of all the accounts sent, from time to time, by the same restaurant keeper during the same period, for meals given and provisions furnished in connection with the Immigration Office at Quebec.

The motion was agreed to.

BILLS INTRODUCED.

Bill (No. 51) An Act respecting the Montmagny Mutual Fire Insurance Company, and to change its name to 'Factories Insurance Company.'—Hon. Mr. Choquette.

Bill (No. 55) An Act to amend the Seed Control Act.—Hon. Sir Richard Cartwright.

Bill (No. 62) An Act respecting the Esquimalt and Nanaimo Railway Company.—Hon. Mr. Riley.

Bill (No. 63) An Act respecting the Manitoba and Northwestern Railway Company of Canada.—Hon. Mr. Watson.

Bill (No. 93) An Act respecting the Vancouver and Coast-Kootenay Railway Company.—Hon. Mr. Bostock.

GOVERNMENT RAILWAYS BRANCH LINES BILL.

SECOND READING POSTPONED.

The order of the day being called.

Second reading (Bill 17) An Act to authorize the government of Canada to acquire, by lease, lines of railway connecting with the government railways.

Hon. Sir RICHARD CARTWRIGHT—I have received communications from several hon. gentlemen who are disabled from attendance here by illness or otherwise, asking me to postpone the second reading of this Bill, and there can be no objection, at this stage of the session, for doing so. I therefore move that the order of the day be discharged, and that it be set down for Tuesday next.

Hon. Mr. LOUGHEED—It would be very desirable, when the Bill is brought up again for the second reading, to have information before the House as to the various branch lines that will be probably taken over by the government. I do not know whether it is possible to give information on that point or not.

Hon. Sir RICHARD CARTWRIGHT—I do not know that it is possible, because my hon. friend must see that no specific line is indicated, and conditions are attached which may render it impossible to take over any line at all.

Hon. Mr. LOUGHEED—I presume my hon. friend will be able to say how many of those branch lines have been importuning the government to take them over, or shall we assume that all the lines in the maritime provinces want to be taken over?

Hon. Sir RICHARD CARTWRIGHT—I dare say they would all be desirous of making a good thing out of the government. I will mention the matter to the Minister of Railways, and see what information he has. I have none at present, as to any specific line.

The motion was agreed to.

INCORPORATION OF RAILWAY COMPANY'S BILL.

SECOND READING POSTPONED.

The order of the day being called:

Second reading Bill (D) An Act to provide for the incorporation of Railway Companies. —Hon. Mr. Davis.

Hon. Mr. WILSON moved that the order be discharged and that the second reading take place to-morrow.

Hon. Mr. LOUGHEED—The greater part of last session, and I think I am justified in saying the whole of the present session up to this date, this Bill has stood on our order paper, and applications have been made from time to time for its postponement. That is a very unsatisfactory way of transacting the public business. I make no reflection on the hon. gentleman who has charge of the Bill; possibly his engagements are of such a pressing character as to render it inconvenient for him to proceed with the Bill to-day; but an important measure like this should not be allowed to appear day after day on the orders for two sessions without action being taken.

Hon. Mr. WILSON—There is a good deal in what my hon. friend says, but I hope he will understand that I have not charge of the Bill. I hope he will be considerate enough to allow the gentleman who has charge of the Bill an opportunity to be present, and he could offer his criticism then, and with that consideration, and forbearance generally exercised in matters of this kind, an amicable arrangemnt may be reached as to when the discussion shall take place.

The motion was agreed to.

SECOND READINGS.

Bill (No. 29) An Act respecting the Columbia and Western Railway Company.—Hon. Mr. Bostock.

Bill (No. 33) An Act to incorporate the Northern Mortgage Company of Canada.—Hon. Mr. Chevrier.

Bill (N) An Act for the relief of Hope Eileen Moreland Drinkle.—Hon. Mr. Douglas.

EXCHEQUER COURT ACT AMENDMENT BILL.

ORDER POSTPONED.

The order of the day being called:

Resuming the adjourned debate on the motion for the second reading (Bill C) An Act to amend the Exchequer Court Act.

Hon. Sir RICHARD CARTWRIGHT—With respect to this measure, I have been in conference with the Minister of Justice, and that gentleman is of opinion that the Bill is of a very much more far reaching character than might appear in the first instance, and he has requested, in order that he may give it full consideration, to have the debate adjourned until Thursday next. I move, therefore, that this order be discharged, and that the debate be continued on Thursday next.

The motion was agreed to.

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

THE SENATE.

WEDNESDAY, February 2, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE LATE SIR GEORGE DRUMMOND.

Hon. Sir RICHARD CARTWRIGHT—Before the orders of the day are proceeded with, I desire to say a few words with respect to the loss which this body has sustained by the very recent decease of Sir George Drummond. He was, as every body is aware, for many years a member of this body, occupying a very influential position as chairman of one of their most important committees, but wholly and entirely independent of that he was, as every one who has any acquaintance with banking and commercial affairs is aware, one of the most prominent and distinguished commercial magnates of Canada, and I am bound to say that I have always understood that in addition to his business capacity, Sir George quietly and unostentatiously

was always found a most liberal promoter of all liberal and charitable movements which took place in the community where he lived. He was a man not merely of very considerable natural ability, but in addition to his remarkable success in commerce, he was a gentleman of very considerable culture and a liberal patron of the arts. Unless I am greatly mistaken, the collection of paintings which he brought together is one of the finest, if not the very finest in Canada—in fact I am not sure, but I can say the finest in all North America, although, of course, he was not in a position to rival some of the multi-millionaires on the other side of the border in the matter of expenditure. In the matter of good taste, however, and of judicious selection, he was very fully their peer. I need not say that the House regrets extremely the loss it has sustained, but, no doubt, at his time of life it was not likely that he could have remained very long with us. I sincerely regret, as every one does, that he should have been taken from us, and I have no doubt the House will agree with me in desiring His Honour the Speaker to extend to the bereaved family the sympathy of his colleagues in the Senate.

Hon. Mr. LOUGHEED—I quite concur in everything that my right hon. friend has said with reference to our late colleague. The Senate has been called upon of late years to mourn the loss of many who have filled a very large space in the public eye of Canada, and who have rendered valuable official and public services to this country. To-day we have been apprised of the death of one who has pre-eminently bulked very largely in the public affairs of the Dominion of Canada, one who has been associated with its larger and more varied interests to probably a greater extent than any other hon. gentleman in this Chamber. Since 1888, he had been an active member of the Senate, performing his duties most actively on the floor of this Chamber, but, of late years, owing to increasing infirmities, he was not so actively engaged in the transaction of public business. As chairman of the Banking and Commerce Committee, in the performance of his duties, his wide knowledge, experience, and high sense of honour, furnished a guarantee to the people of Canada that the highest talents would be brought to bear in the transaction of the public business over which he presided. As my right hon. friend has already stated, he was a man of varied attainments. Probably no citizen of Canada has been of late years more largely identified with the financial affairs of the Dominion than our late colleague. For many years he was associated with Canada's leading banking institution, and which latterly had the advantage of his ripe experience, knowledge and reputation as its president. For many years he was closely identified with the development of the great manufacturing interests of the Dominion. In fact, I doubt if any other name has been more closely linked with the industrial life of Canada during the early part of the present generation than that of the late Sir George Drummond. Not only has be been associated with the material development of Canadian resources, but he has been equally prominent in connection with the arts and sciences, and the great sociological questions of this progressive age. In 1903, he was the recipient of very distinguished honours at the hands of his sovereign on account of the eminent public services which he had rendered to the Dominion. I need not say that his memory will be long revered in the great city of Montreal, where his name has always been identified with the great commercial, educational and philanthropic institutions of that progressive city. To-day the members of this Chamber unite with his family, with the community in which he lived, and the country at large in mourning the loss of a citizen of whom Canada was justly proud.

Hon. Mr. DANDURAND—Allow me to add a few words to the just tribute to our lamented friend paid by the right hon. Minister of Trade and Commerce and the leader of the opposition. Reference has been made to his work in this House, and especially in the committee on Banking and Commerce. I may mention an incident showing how conscientiously our good friend looked upon his work and on his responsible position as chairman of that committee. In the last two years that he presided over that important committee,

finding that he could not be here to follow that work because of his ill health he had one of his attorneys from Montreal attend the whole of those last two sessions to keep him posted on the progress of Bills that were moving towards the Banking and Commerce Committee, which he would have to review and pass judgment upon. This one incident shows how thorough he was in everything that he undertook. One of the many reasons which explain the esteem in which he was held by his fellow citizens in Montreal was his liberal mindedness and his large spirit of tolerance. He did his utmost in every way to bring about and maintain a good understanding between the two main races that compose the population of Montreal. He always showed an earnest desire to promote harmony in that great city by bringing all its component parts in contact, socially and otherwise. He was a benefactor of all institutions that needed private help, and he will be immensely missed by the community at large. He was whole-souled and kindhearted, and played a most important role in all the affairs of the city of Montreal, private and public. There is no position in the gift of the citizens of the commercial metropolis, on the board of trade, on the board of our premier banking institution and in the diverse philanthropic institutions which he was not called upon to fill and over which he was not asked to preside. His departure is a very serious loss to the city of Montreal and to the country at large. Our sympathies go fully to his gifted and most public spirited widow and to all the members of his family.

THIRD READING.

Bill (G) An Act to incorporate the Merchants Bank of Canada Pension Fund—Hon. Mr. Beique.

CRIMINAL CODE AMENDMENT BILL. SECOND READING.

Hon. R. W. SCOTT moved the second reading of Bill (85) An Act to amend the Criminal Code. He said: A year ago the attention of the government was drawn to the necessity for legislation of this kind in consequence of the large amount of valuable ores that were being stolen by men working in the mines at Cobalt. These ores were sold to the blind pigs, or illicit grog shops in Cobalt, and by the owners of those places transferred to other parties and sold to receivers knowing that the ore was stolen.

The government was impressed with the importance of the measure and introduced some amendments to the Criminal Code. The Bill came down at the end of the session, although it should have been presented at an earlier period, and exception was taken to it because it threw on the possessor of the ore the necessity of proving where he had obtained it. As there was considerable opposition, the Bill was withdrawn. It comes now in improved shape, modifying the objections that were then taken to it, and I have no doubt it will now commend itself to this chamber. The necessity is manifest. Any gentleman who has been following the reports in the newspapers will notice that enormous sums have been lost by Cobalt alone, amounting, according to some calculations, to a quarter of a million dollars. I notice that fourteen or fifteen men have been arrested at Toronto for having obtained ore from miners who were stealing it and disposing of it in a certain quarter there. We all know that the practice of the mine men is to send the ore away to smelters in quantities, generally in car lots. The ore is not disposed of by men carrying it about in carpet bags. Any one who obtains a quantity of ore from a neighbour, or a man who is not a mine owner, is certainly warned of the probable theft of that ore, and should be exceedingly careful, before purchasing, as to the ownership of the ore. I will read an extract to the House from the Toronto 'News'. It is as follows:

> Could make three thousand pounds a week. Startling evidence given by the detectives in the ore case.
>
> Here are no less than fifteen men arrested, thirteen against whom the Crown places the responsibility for the most gigantic theft in the history of Canada: may be a quarter of a million of dollars of ore from the Cobalt mines.

I need not read the account of it, but in many cases it was shown that as much as

ten, fifteen and twenty thousand dollars had been stolen by the men who were charged. They have not been tried yet. The only way to stop the theft of ore is to get at the receiver. As the law stands at present, the receiver is absolutely free, because it is quite impossible to prove the identity of the ore taken from the different mines. No one can say: 'That particular ore was taken from my mine'. You must throw on the receiver the onus of proving where he obtained the ore. Hon. gentlemen were somewhat sensitive on that point last session. They said it was contrary to the principles of justice that a man should be called upon to convict himself; that the mere possession of ore should throw the responsibility of proving where it came from on the person who has possession of it. There is no possibility of that arising, because we know that where a quantity of ore is lodged, and the suspicions are strong, that no question would arise as to the possession of the ore. It has been found necessary in other countries to enact such a law. I have here the different Acts in force in South Africa, Australia, and other mining countries, on this subject. Taking Western Australia the law reads as follows:

Any person who is charged before any resident or police magistrate with having on his person, or on any animal, or in any cart or other vehicle, or in his possession on any premises, of which he is the tenant or occupier, or reputed tenant or occupier, any gold, reasonably suspected of being stolen, or unlawfully obtained, and does not prove to the satisfaction of the magistrate that the gold was lawfully obtained, is subject on summary conviction to a fine not exceeding fifty pounds, or to imprisonment with or without hard labour for any term not exceeding six months.

— In Cape Colony the Act reads as follows:

It shall not be lawful for any person, save as in this ordinance is excepted, to have in his possession any rough or uncut diamond, and any such person as aforesaid who shall be found in the possession of any rough or uncut diamond, and who shall be unable to account satisfactorily for or prove his right to the possession of such rough and uncut diamond, or to produce his proper permit for the same in accordance with the provisions of this ordinance, shall, on conviction, be liable to the penalties provided by the next succeeding section.

Another section reads:

It shall not be lawful for any person, save as in this ordinance excepted, to buy, deal in, or receive by way of barter, pledge or otherwise, either as principal or agent, any rough or uncut diamond, or to be accessory to such buying, dealing in or receiving, unless such person so buying, dealing in or receiving as aforesaid, shall be duly licensed or authorized under this ordinance. Penalty, one thousand pounds or fifteen years imprisonment, or both.

6. Persons competent to purchase, not to buy from persons incompetent to sell.

9. Accused person, &c., being unauthorized, unless it is proved to the contrary.

Here is the law in force in the Transvaal:

No person shall carry on any trade whatsoever in unwrought precious metal under which is included the buying or selling, the bartering or exchanging of such unwrought precious metal, unless he has a special license to do so, for which he shall pay £25 per annum, provided that the individual digger or the company need not take out a license for the sale of the unwrought precious metal dug out or found by him or it personally or on his or its instructions.

Any person who deals in unwrought precious metals without having a special license for the purpose, or who is found in possession thereof, and cannot give any proof that he came into possession thereof in a lawful manner, shall be punished with a fine not exceeding £500, or imprisonment with or without hard labour for not more than two years.

That is the law in other countries. We have a law on our own statute-books so far as the individual miner is concerned—the labourer. I will read an extract from the Criminal Code as amended in 1909. Section 424 reads as follows:

Every one is guilty of an indictable offence and liable to two years imprisonment who—

(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 or mineral, stone, quartz or other substance containing gold or silver or any unsmelted or untreated, or manufactured, or partly smelted, partly treated, or partly manufactured gold or silver, or

(c) Purchases any rock or 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, &c.

Hon. gentlemen quite recognize that as far as the individual miner is concerned, it is simply impossible to enforce the law, as long as the receiver cannot be got at. It is the receiver who keeps up the traffic in

the ore. The receiver must know that the ore coming from a man who does not own a mine, who is probably a vendor of liquor, or in some business of that sort, must have been obtained improperly, and therefore, it is necessary to get at the receiver. I desire to read a few extracts from a speech delivered by the Minister of Justice in the other House, (Mr. Aylesworth) which meets some of the objections raised in this Chamber. I refer to the debates in the House of Commons on January 19, 1907, where Mr. Aylesworth states:

It seems absolutely necessary if any check is to be given to the evil which has been described that legislation of this nature should be passed. This House was of that opinion last session and in passing the legislation in question did so simply from the conviction, as I understood the action of the House, that it would be impossible without it to afford any effective redress in cases of this description. The evil seems certainly serious. It is a crime in respect to which there ought to be prosecution and conviction where there is guilt, and it is practically impossible to secure a conviction, no matter how plain a case, according to ordinary ideas, the evidence may show, simply because it is impossible to identify the particular piece of ore, or any quantity of ore, which may be found in the possession of the person accused, as ore which has come from a particular mine.

In another place he says:

It is an unknown thing in the course of either a civil case or a criminal prosecution that the burden of proof should rest upon the person who is charged with either responsibility for the payment of damages or responsibility upon a criminal charge. There are many instances of it perfectly well known to petitioners in the courts, and apart altogether from instances in which the burden or presumption is at once upon or against the person charged with any particular course of action. It is an every day occurrence in trials that the burden shifts from the one side to the other side according to the special evidence which may from minute to minute or hour to hour in the course of the proceedings be given.

In another part of his speech he says:

Legislation of this character, as the hon. gentleman has stated, has been found necessary in mining communities. We have the example of legislation, not only of South Africa, but also of different states of the Australian commonwealth upon this very subject, at least as severe as anything which is proposed in this legislation. But in our own Criminal Code there are plenty of instances where such a presumption is already created by the existing law and where no evil has come from it. Take any one found in possession of naval or military stores bearing the broad arrow or marked otherwise as being public property, and at once the burden is put on that person of accounting for it satisfactorily. It is but common sense that it should be so, and in the sections of the Criminal Code dealing with evidence at trials many instances of the same sort of thing are to be found. The presence of cards, dice, counters, tables or other implements of gaming affords prima facie evidence that gaming is carried on in the place where they are found. It is but a statutory statement of the deduction and inference which any man exercising ordinary common sense would make in his own mind on finding such a condition of affairs. The finding in an unlicensed house of an unusually large quantity of intoxicating liquor at once affords the presumption that it is there for an unlawful purpose, that it is kept for sale instead of for private consumption. Things of that sort found in legislative enactment, as I have pointed out, simply state in words and by Act of parliament that which is the ordinary inference that any jury would draw from such circumstances if proved before them in evidence.

Then he goes on:

We have already upon our Criminal Code a provision of that character with regard to workmen and labourers. Section 98 of the Criminal Code provides that in any prosecution, proceeding or trial for stealing ores or minerals, the possession, contrary to the provision of any law in that behalf, of any smelted gold or silver or any gold-bearnig quartz or any unmelted or unmanufactured gold or silver by any operator, workman or labourer actively engaged in or upon any mine shall be prima facie evidence that the same has been stolen by him. That has been our law for ten years or more. I do not know that any one has ever found any difficulty from it or been wrongfully prosecuted under it. This legislation is on the same lines and I cannot but think if its effect and the reason for its introduction had been appreciated in the other House, the Bill would not have met with the fate which befel it last year.

I may say that this Act passed in the House of Commons. Mr. Borden voted in favour of it, and not a single voice was raised against it. It was an absolute necessity, under the circumstances. The present Bill has been modified in some respects. Last year the proposed Bill read as follows:

44a. Every one is guilty of an indictable offence and liable to two years' imprisonment who, having in his possession or on his premises with his knowledge 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, is unable to prove that he came lawfully by the same.

Those words have been struck out and the following substituted:

And is unable to account satisfactorily for, or his right to the possession of the same.

It does not apply to the Yukon Territory, because there they have no other circulating medium than the gold nuggets or washed ore. I think the objections to this legislation have been largely removed, and I therefore move the second reading of the Bill.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman repeat the explanation he gave for exempting the Yukon Territory from the operation of the Bill?

Hon. Sir RICHARD SCOTT—In the Yukon, they use the gold dust instead of coin. It has come into general use as currency, and it is thought wise that it should not apply there, as they appear to have no silver or gold coin, and the mode of making change is entirely by the ounce or half ounce of gold.

Hon. Mr. POWER—I do not propose to move the six months hoist, but I think that a few observations should be made on the Bill. The hon. gentleman on my right, who introduced the Bill was, I think, a little astray as to his history. I have not looked at the journals of the House, but my impression is that the Bill we dealt with last year was a Bill containing several amendments to the Criminal Code.

Hon. Sir RICHARD SCOTT—This was one of the amendments.

Hon. Mr. POWER—In that Bill certain amendments were accepted by the House, and certain others were not; this particular amendment was not accepted. I wish to call attention to the wording of the laws of other countries, to which the hon. gentleman has referred. I find that in the case of Western Australia the law says, if a party is reasonably suspected, and so on. That is a very different thing from a law which contains nothing about reasonable grounds for suspicion against the party who is charged. Then in South Africa, if I am not incorrect, no person is allowed to deal in the precious metals unless he has a license. I think it would be a very reasonable and proper thing for the province of Ontario to pass legislation to the effect that no person should be allowed to deal in unwrought gold or silver without having a license for the purpose, and the legislation with respect to the license would naturally contain provision that a registry was to be kept and proper entries made, so that there would be no difficulty, say, if an improper purchase had been made by the dealer, in finding out whence he got his ore, or to whom he sold it. The provisions in the Criminal Code at the present time, I think, are nearly sufficient for all reasonable purposes. I noticed in the speech which the hon. gentleman quoted as having been made in another place, two cases were given as being on all fours with the legislation now proposed. One was that in the case of military or naval equipment which bore the broad arrow, bearing the broad arrow was considered to be prima facie evidence that the goods were wrongfully in the possession of the person who held them. That is plain on the face of it. If a man buys an article that bears the government stamp, the broad arrow, that is prima facie evidence that he has improperly acquired it, and in the same way the possession of dice and cards being prima facie evidence that gambling has taken place; but crude ore is in a totally different position from these articles. There is nothing about the possession of crude silver, or of quartz containing gold or silver to put any one on his guard with respect to the ownership. I have not looked up the debates of last session, but it was pointed out that the proprietor of museum who collected samples of ore for his own information, or for the purpose of making use of them afterwards, possibly for statistical or literary purposes, would, under the wording of the Bill as it came before us last year, be liable to prosecution. I think it is only fair to say that the amendment which was made in the other House would remove one of the most serious objections to this Bill, but I think that it is susceptible of still further improvement, and when we go into the Committee of the Whole, we shall try to make it more workable.

Hon. Mr. LOUGHEED—I must express my unequivocal opposition to this legislation. It seems to me that a very danger-

ous principle is being imported into the large body of our criminal laws of late years, namely, the making of crime, owing to certain artificial conditions which have nothing whatever to do with morality or immorality. Almost every session of parliament we find some artificial crime being incorporated into the Criminal Code, with which moral questions have nothing to do. There was a time when we thought the fundamental basis of crime was immorality; but almost every session now we find that owing to some local conditions existing which are not approved of by the people of that locality, or of a certain school of thought, they must at once have an amendment to the criminal law in order to repress those conditions or compel the public to view conditions as they do themselves. We are here asked to amend the criminal law and establish a new crime, all because of what? Because certain local conditions exist in the district of Cobalt, under which certain mine owners have been unable to protect themselves against some of their employees stealing ore of a very valuable character. I doubt if these local conditions can be paralleled in any part of Canada, yet we are asked to practically brand the people of Canada as criminals if they happen to have ores in their possession, because, forsooth, some few Cobalt mine owners think they are not in a position to protect themselves from petty thefts in their mines. Now, Cobalt is not the only district in Canada in which ore is to be found. Just consider the application of this law: In British Columbia, Alberta, Saskatchewan and a portion of Manitoba, where low grade quartz is to be found containing gold and silver, I venture to say that in almost any office you enter in any of those four provinces you cannot fail to find samples of quartz for which the owners would find it impossible to account Mining is one of the greatest industries in British Columbia. There are thousands of explorers in the mountains of the western country, and in all those provinces low grade ores are to be found. Periodically the miners come in with large sacks full of ore and distribute specimens among their friends and others whose help they wish to obtain in carrying out mining enterprises. If quartz should be found averaging $20 to the ton, it would be considered fairly rich and worth developing. Now we are asked, because the mine owners at Cobalt find themselves unable or unwilling to go to the expense of protecting themselves by a proper system of inspection from their employees, that this great prospecting industry carried on in the western provinces should be suppressed, and that every person found with a specimen of ore should be stamped as a criminal.

Hon. Sir RICHARD SCOTT—Oh, no.

Hon. Mr. LOUGHEED—I say yes, stamped as a criminal until he accounts before a court for having possession of the ore. We are asked, in fact, to disturb one of the best established principles, one of the fundamental principles of the criminal law, as old as the criminal law itself, namely, that the onus of proof is on the person who alleges the commission of a crime; or the principle which is well recognized in the whole body of our criminal law, that the accused is in law presumed to be innocent until his guilt is established. Now we are asked to reverse that and to say, if a man is found in possession of ore, even if it has no value whatever, that the whole machinery of the law may be set in motion, a warrant may be issued, and he may be hauled before a criminal court and compelled to assume all the responsibility and opprobrium of a criminal proceeding and then attempt to account before the court as to how he got possession of the ore which admittedly may be of no value whatever. Possibly he could never satisfactorily account for it. We know that in the western provinces there have been accumulations of ore specimens for many years, going back to the establishment of transportation facilities in those western provinces. It would be utterly impossible in many cases for the owners of those ores to account for their possession of them. Why should this Act be confined to ores? Why should it not be extended to other articles of commerce, clothing or anything else? My hon. friend has referred to the existence of this law in South Africa, Australia and other countries. None of the laws the hon. gen-

tleman refers to are as drastic as this Bill. The hon. member from Halifax has referred to the law in Western Australia, in which the words are used, that there must be a reasonable suspicion. He has also referred to the law in South Africa which is different from this. This Bill is no better than the one which we rejected last session; in my opinion it is worse. If enacted it will require the holder of mineral specimens to prove before a court of criminal law how they came into his possession. In very many cases it would be utterly impossible for him to do so. The illustration cited by my hon. friend as to the naval stores seems absurd. The possession of naval stores is prima facie evidence of stolen property, because the broad arrow is stamped on such articles, and it is at once apparent that they have been stolen from the Crown. I object to this Bill very strongly. It is legislation arising from local conditions, changing the whole body of our criminal law. If our friends in Ontario want this legislation, I have no objection to supporting it if it is made applicable to the province of Ontario only. The Yukon Territory is exempt, though there is greater reason for exempting the other western provinces. There is very little quartz mined in the Yukon, nothing like as much as in the four western provinces. Why should the people of these provinces have placed on them the responsibility of having to appear before a court to prove how quartz specimens came into their possession, if they have any? I am opposed to the principle of the Bill. It is a mischievous principle. The criminal law should not be amended to meet local conditions, and to create artificial crimes. Speaking in a broad sense unless immorality enters into an act it should not, in my judgment, be made a crime. It is not contended for a moment that the great majority of the people who are in possession of samples of ores throughout the Dominion have not come justly and honestly by those ores to be used for flotation and development purposes. I, therefore, object to the Bill and shall vote against it.

Hon. Mr. ROSS (Middlesex)—I remember distinctly when this Bill was before us last session as part of an amendment to the Criminal Code, that a brief discussion ensued, in which I did not take part, and I hesitated as to whether I should support this clause. As a result of the discussion, the clause was rejected, as well as a few other clauses of the Bill to which the Senate could not agree. It would appear that there is a call for some legislation, and, from the precedents of Australia and South Africa, that the proposed legislation is the only remedy to meet the evil complained of. I agree with my hon. friend from Calgary, that we should not change the fundamental principles of the common law, or at all events should not give a different phase to criminal legislation unless there is a pressing necessity for it. I do not agree however, with the hon. gentleman that innocent persons are very likely to be involved in serious difficulty, even if this amendment were made to the Criminal Code. Let us see: Here is a mine broker who has in his window samples of ore on exhibition, and which he uses perhaps to tempt hungry speculators to invest in those particular mines. He will have no difficulty in accounting for his possession of that ore. If he could not account for it, the ore would be of no use to him. It represents the Coniagas, the La Rose, or some other mine, and he would say, 'I got these samples for the purpose of showing the character of the ore in those mines.' He could explain how that ore came into his possession; he had it for a specific purpose, just as a sample of goods that a merchant wishes to sell. Take another case—a person who likes to make a collection of ores as a matter of curiosity, to show to his friends. He has samples from Cariboo, from the Porcupine and other mines. The value of these samples is in the fact that he is able to associate them with the mines from which he got them. Now, suppose I visited the hon. member from Calgary and found in his office a cabinet of ore; he would tell me that some came from Cariboo, some from the Yukon, and would ask me to look at these beautiful samples of ore, including samples from Cobalt. He did not gather those samples as a labourer would gather stones to pile up in the field—he got them for a specific purpose. I cannot conceive how an honest man can have in his possession

any considerable quantity of ore for which he could not account.

Hon. Mr. LOUGHEED—Would the hon. gentleman be satisfied to have to go to a court of law and satisfactority account for the possession of specimens of ore?

Hon. Mr. ROSS (Middlesex)—It follows from what I have said, that such a person would not be suspected. No one would suspect my hon. friend or any one who keeps such samples; but there are people who would naturally be suspected. Take a case in point: A man may have a considerable quantity of liquor in his house for domestic use; but if he is found with an extraordinary quantity in his house it is prima facie evidence, and has been taken as prima facie evidence, that he has it for an improper purpose. It depends on the quantity of ore he has in his possession and the reputation of the one who has it in possession. In Australia there must be reasonable suspicion, but who would proceed against any man without reasonable suspicion. There is no danger to any man who is known to have ore in his possession for a special purpose, and with good reputation, being proceeded against. We want to proceed against men who traffic in ore for improper purposes. As the law stands, a workman having ore in his possession is considered to be prima facie guilty of theft from the fact of having it in his possession without being able to account for it. Section 988 of the Criminal Code provides that

> In any prosecution, proceeding or trial for stealing ore, or minerals, the possession contrary to the provisions of any law in that behalf of unsmelted gold or silver, or any gold-bearing quartz, or unmanufactured gold or silver, by any operator, workman or labourer actively engaged in or on any mine, shall be prima facie evidence that the same has been stolen by him.

That is the Criminal Code as it now stands. We propose to extend that beyond workmen, operators and labourers to any person who may have a considerable quantity of ore in his possession.

Hon. Mr. BELCOURT—The hon. gentleman has just used the words 'considerable quantity.' If the legislation can be made to cover only a considerable quantity, I for one feel disposed to support it; but under the Bill as it stands, if I have a small piece of ore in my possession I am liable to be brought before a court to prove how I got possession of it.

Hon. Sir RICHARD SCOTT—No.

Hon. Mr. ROSS (Middlesex)—That is supposing almost an impossible case. The information that comes to us is that considerable quantities of silver ore at Cobalt have been taken——

Hon. Sir RICHARD SCOTT—A quarter of a million.

Hon. Mr. ROSS (Middlesex)—And in another case $100,000. That was stolen by miners and sold to purchase liquor and for other purposes. We want to get at that evil. The hon. gentleman says you might by inspection of the workmen check that evil. Perhaps you could do that; I do not know but it could be done, yet in South Africa where they have diamond mines there is a very stringent law against the holding of uncut diamonds by unlicensed individuals. My hon. friend has dwelt a good deal on what would happen to any person having a specimen of quartz in his possession. You are not going to carry away any considerable quantity of quartz. It is too burdensome, too cumbrous to do so; but in Cobalt you find native silver which is worth over $5 a pound. A man very easily, by secreting rich ore from time to time, may take a considerable quantity away in his pockets from day to day, and in the aggregate the loss to the owner of the mine would be very considerable. Why can we not get at such individuals? My hon. friend says if we make this Bill apply to Ontario alone he will be satisfied. It is in Ontario it is needed. The hon. gentleman says there is no such evil to correct in British Columbia, Alberta, Saskatchewan or Manitoba. If there is no evil, then it will not apply.

Hon. Mr. LOUGHEED—What I said was that the Bill would have a mischievous effect there because of the amount of quartz handled in those western provinces, exceeding infinitely the amount handled in Ontario. This strikes at quartz.

Hon. Mr. ROSS (Middlesex)—The stealing of quartz is not the trouble; it is the

stealing of silver in such quantities as to be a source of loss to mine owners. The western silver mines are of a very different character from the silver mines of Cobalt.

Hon. Mr. LOUGHEED—If you confine the Bill to native silver, there is no objection to it. What I object to is its application to quartz.

Hon. Mr. ROSS (Middlesex)—The difficulty would be to prove it was actually silver. It would apply to quartz, I have no doubt, but we have no evidence that there has been any wrong-doing in connection with quartz. The trouble is in connection with high grade ores, where theft is easy. You cannot carry off a log of wood, but you can carry off a small piece of wood if it is worth taking. It is because the silver ore is so valuable, and in such small compass, that it is easy to carry away, and that is why the Bill is required. The burden of proof in this Bill is put upon the person found in possession of these articles. Take the case of South Africa; what is the law there?—

Any person who deals in unwrought precious metals, as laid down in article 141, without having special license for the purpose, or who is found in possession thereof and cannot give any proof that he came into possession thereof in a lawful manner, shall be punished with a fine not exceeding $500.

Then in the case of Western Australia:

Any person who does not prove to the satisfaction of the magistrate that such gold was lawfully obtained, is liable on summary conviction, &c.

The onus of proof is on the individual in whose possession the article is found. I am sure this House might go as far as the Minister of Justice believed the other House should go, and let the person who is found with the goods on him, unless he can explain how he got them, suffer the consequences. I have no fear of any honest person having such specimens in his possession without being able to account for them. It does not follow that everybody will be suspected. There are people who are suspected because of their relations with miners, and these are the people to be prosecuted. If they cannot satisfactorily account for having possession of ore, they should be prosecuted. It has always been a crime to steal, but we should pass this Bill and put the onus of proof on the defendant.

Hon. Mr. BOSTOCK. I object to this Bill as far as the province of British Columbia is concerned. It deals with ore and not with the metal in the ore. It does not necessarily apply to very rich ore. As the hon. member from Calgary has said, there is a large amount of ore in the hands of various people in the western provinces. They are not simply brokers, but peoeple in all walks of life who get possession of ores and very often have forgotten how they got them. If we pass legislation of this kind, it leaves it in the power of an irresponsible person to make a charge against such persons and force them to prove where they got the ore. I know of many people in British Columbia who have considerable quantities of ore in their possession, and I think we should be very careful about passing legislation of this kind without looking at the possible consequences which may follow its adoption. If we are to apply this principle why confine it to ores? We have in British Columbia at the present time a good deal of trouble from horse stealing. Why not include in this Bill a clause making a man who is found in possession of a horse prove where he got the horse? The same thing would apply to a considerable extent to the lumber trade. I know of instances where logs are stolen, and it would be very handy for the mill owners if they could compel suspected people to prove where they got their logs. I think the principle of this Bill is very objectionable. Possibly, if it could be confined to those particular cases which, I understand, it is desired to deal with, it might not be so bad; but I certainly am not in favour of the Bill as it is now before us.

Hon. Mr. DAVIS—I agree with the remarks made by the last speaker and also by the hon. leader of the opposition with reference to this measure. If hon. gentlemen in Ontario want legislation of this kind, and would accept the suggestion of the leader of the opposition, that it be confined to Ontario, where the people appear to be a little light fingered, we in

the west would not object. I do not think our people in North Saskatchewan would agree to a Bill of this character. There is a lot of ore in the possession of people in that part of Canada. They have been collecting it for 20 years. There is not a board of trade room in northern Saskatchewan without a considerable quantity of such ores, and as the officers change frequently, I do not think there is one secretary who could tell you where any single piece of that ore came from.

Hon. Sir RICHARD SCOTT—They would not be called to show where it came from.

Hon. Mr. DAVIS—Do I understand the hon. gentleman to say they would not be called under this Bill to prove where it came from?

Hon. Sir RICHARD SCOTT—No, they could not be called on.

Hon. Mr. DAVIS—One cannot tell. Somebody said a while ago that the hon. leader of the opposition would not be suspected; but under this Bill any person who is found with ore in his possession is liable to be haled before a magistrate and made to prove how it came into his possession. It is vicious class legislation in the interest of a few people in a part of Ontario. As the hon. gentleman opposite (Mr. Bostock) asks, why not extend it to other things? Why not apply it to cigars and one hundred other things. We should consider what we are doing. We have a a law for the punishment of stealing, which applies to the theft of gold and silver just as much as it applies to anything else, therefore this legislation is unreasonable and unnecessary. We showed very good sense last year when we threw it out, and I think we should reject this Bill in the same way. I might give a case in point. A very respectable man, the inspector of Indian agencies in my district, Mr. Chisholm, had in his possession a piece of quartz. He gave the specimen to somebody who had it assayed, and it showed over $15,000 to the ton; but when they asked him where he got it, he said he could not say. He had been perambulating the north country for some six or seven years attending his duty, picking up pieces of rock where he could find them, and he came across this piece. If this proposed Bill became law, and Chisholm was brought into court, his statement that he found it in some place that he could not remember would be considered a cock and bull story, and he would have difficulty in proving he was not a criminal, and then the penalty—two years—just think of it. If the people of Ontario wish to pass legislation of this kind to punish a particular class of thieves, as far as I am concerned I have no objection; but I certainly object to extending it to Saskatchewan.

Hon. Mr. BELCOURT—I confess I am under considerable difficulty as to whether I should vote for or against the second reading of the Bill. On reflection, I think I shall vote for the second reading, in the hope that it may be amended in committee to meet my particular objection. This Bill, to my mind, does not differ very materially from section 988 of the Criminal Code which says that in any prosecution, proceeding or trial for stealing ore or mineral, the possession contrary to the provisions of any law on that behalf of unsmelted gold or silver, or any gold bearing quartz, or any gold or silver, by any operator, workman or labourer actively engaged in or on any mine, shall be prima facie evidence that the same has been stolen by him. I think that was quite a proper provision to make—that the possession by any operator, workman or labourer actively engaged in or upon any mine shall be prima facie evidence of guilt on his part, and I assume, if I correctly interpret the meaning of the present law, that it would have the same effect, it would be applied to the whole community.

Hon. Mr. LOUGHEED—So it would.

Hon. Mr. BELCOURT—I do not see any difference between the present Bill and section 988. I take it that the wording of the present law is no stronger it it said that the possession of ore under those circumstances by people outside of any company—operators, workmen or labourers—shall be considered as evidence of the ore having been stolen. To my mind, the present law is as

strong as this Bill. You want to apply to the community at large the same law which is applicable to labourers and workmen who are engaged on mines. I do not know that I am quite right, but I believe I am interpreting the law to that effect. I take it, in this city which has been largely interested in operations in Cobalt, that there is hardly a broker's office or a financial agent's office where you will not find large quantities of samples varying in size and value.

Hon. Sir RICHARD SCOTT—They are not trafficking in them. They are not buying and selling ore.

Hon. Mr. BELCOURT—But they have it in their possession.

Hon. Mr. LOUGHEED—This Bill says nothing about trafficking.

Hon. Mr. BELCOURT—I do not think my hon. friend is going to gain anything by asking the House to read the language in other than the ordinary way in which the section would be read. The section reads:

> Every one is guilty of an indictable offence, and liable to two years imprisonment, who having in his possession, or on his premises, with his knowledge, any rock, ore, mineral, stone, quartz, or other substance containing gold or silver, and so on.

The offence is, having it in his possession or on his premises. He may not be trafficking in it. He may have no intention to traffic in it; still he has it in his possession, and that is the offence. While there may be some reason for legislation of this kind, I see in it a very great danger to the liberty of the people, in that it is placing in the hands of persons who would be inclined to use it, a very dangerous weapon. Suppose some one has a grudge against me. He comes to my office, and sees samples of this ore. It is quite true, that when I go down to the police court, and am charged with an offence, I will be able to show I came into possession of the ore honestly and fairly, and did not intend to evade the law or any thing of that kind, but I am bound to go to the police court to account for having the few samples of ore in my possession.

Hon. Mr. LOUGHEED—If the hon. gentleman is not aware by what process he became possessed of it, what then?

Hon. Mr. DAVIS—Some one left it on his desk.

Hon. Mr. BELCOURT—There are to-day in my office samples from Cobalt, the region this is intended to cover, which I cannot account for at all. I do not know from whom I obtained them. If some one chose to go to the police court to-morrow morning, and charge that I have unsmelted ore in my office, I have to go to the police court to explain how I came by that ore. In any case, I have to account for it. Unless some safeguard such as I have indicated, when my hon. friend was speaking—the quantity is limited, or the place where the ore is kept will on its face show it is intended for illegal purposes, I am going to vote against the Bill. If my hon. friend submits some amendments to get over the difficulty, I shall vote for the Bill, but if not I shall vote against it.

Hon. Mr. POIRIER—If we are to keep on multiplying the occasions of tripping into mortal sin or into the Criminal Code, this country of ours will soon be rather dangerous to live in. The idea of enacting general legislation because in some locality certain abuses have occurred, I think, is not wholesome. It is not good for the country to have too much legislation, and stamp petty acts as criminal acts. It familiarizes the people with acts which are stamped by law as criminal, and which do not rise to what are considered in civilized countries as acts of immorality. We should confine criminal provisions to acts clearly deserving imprisonment, and prosecutions to acts that are really within the realm of moral or social criminality, and not multiply them. A great thinker once said that a country is judged by its criminal law to a great extent; that a sound healthy country does not require to stamp petty acts as criminal acts. It has a bad signification. These small offences should, of course, be guarded against, and the general law for protection should apply, but we should not be educated to consider a petty theft in the same light as a burglary or hideous crimes. Such a lack of discrim-

ination is not good for any country. This law places the possessor of any ore in a worse position that the thief who steals a horse, or the hotel man who may be privy to an act of highway robbery. I have to-day in my possession, as many others have, collections of ores of different varieties. I could not possibly justify my possession of these samples before a magistrate in the face of this legislation, if some spiteful person or enemy were to bring me before a criminal court. Is that proper? Should the citizens of Canada be made to stand on such grounds that they could hardly move to the right or to the left without being amenable to the criminal law? I say not. I say that this is too much legislation. Some of those people from Cobalt have lost money, and others have made some. Is it proper that because some of them, through possible negligence, or perhaps through economy in not making proper provision for guarding the ores, or not storing them securely, have had ores stolen, the whole community of Canada to-day should walk under the sword of Damocles? If I went prospecting, and perchance, not knowing that I was passing through an area owned and staked by another prospector, picked up a piece of ore innocently, possibly not belonging to me, but without any intent of doing a criminal act, is it right that I should be brought before the police court? In my humble opinion that is too much criminal law. Such legislation is unwholesome, making trivial misdemeanours criminal offences, and particularly placing upon me, and upon any and all the citizens of the Dominion the onus of proving that we are not thieves or public robbers because we have perchance in our possession some valuable piece of ore. It is certainly legislation that is too far reaching. I shall on the present occasion, and on any future occasion when any similar measure comes before the House, vote against it.

Hon. Mr. BEIQUE—If I understood the hon. leader of the opposition, and the hon. member from Ottawa properly, their construction of the Bill is to this effect: That it would be open to anybody to indict any person found in possession of ore, and that then, after that person had been indicted, it would be incumbent upon that person to prove his right to possession of the ore. I doubt very much if this is a proper construction of the Bill. It seems to me that the offence is not merely being in possession of the ore, but is having in his possession or on his premises a piece of ore, and being unable to prove the lawful possession of the same. Before anybody can be indicted, I suggest that it should be incumbent upon the party who desires to indict that person to himself call upon him, or direct some other person to do so, and give him an opportunity of justifying his possession of the ore.

Hon. Mr. LOUGHEED—Will the hon. gentleman pardon me? Let us assume that I have ore in my possession, and my hon. friend alleges it is a class of ore referred to here, and I state to him how I came into possession of it, and he says: 'No, I won't accept your explanation.' The criminal law must be set in motion before I can establish within the meaning of the law my rightful possession of the ore.

Hon. Mr. BEIQUE—If the hon. gentleman reads the Bill as it is now suggested, then we agree that it would be encumbent upon any person, before making the complaint, to give the party who is in possession of the ore an opportunity to prove how he came to possess it.

Hon. Mr. LOUGHEED—But he is not bound to accept the explanation.

Hon. Mr. BEIQUE—There is considerable difference between one construction and the other; but it would be very dangerous if it were open to any one, before the party had an opportunity to prove his rightful possession, to lodge a complaint without being liable for damages.

Hon. Mr. BELCOURT—Would my hon. friend say that prosecution under this law would not be possible, or would not be proceeded with unless the prosecutor were in a position to prove that he went to the accused before and gave him an opportunity of explaining? Does he undertake to say that would be a condition precedent, or a step necessary to be taken on the part of the prosecution?

Hon. Mr. BEIQUE—I am inclined to think that that would be the effect of it. My reading of the clause is that it would have to be alleged not only that the party is in possession, but that he is unable to satisfactorily account, or refuses to satisfactorily account for his being in possession of the ore.

Hon. Mr. LOUGHEED—Is my hon. friend prepared to say that justification of possession can be made before any other forum than that of the court?

Hon. Mr. BEIQUE—It would then be open to the party, and it would be encumbent upon the party who had refused, to justify his possession before the court. It seems to me there is quite a difference between making it an offence to have ore in possession of a person, or making it an offence to have ore in a person's possession, and being unable or refusing to satisfactorily account for the possession of the same I think the two things are quite different. I make the suggestion with some diffidence, that the proper construction requires two things, not only being in possession, but also being unable or refusing to satisfactorily account for the possession of the same.

My main object in rising was to call the attention of the Department of Justice and the House to this point. It seems to me that this Bill may be retroactive, and in that way may be very dangerous in its effect. It is not now a crime to be in possession of ore, and this Bill will have the effect of making it a crime, to have acquired possession of ore three or four or five years ago. Should the Bill not be so amended that the accused person may be able to prove that he came lawfully into possession of the ore obtained after the passing of the present Act.

Hon. Sir RICHARD SCOTT—Hear, hear.

Hon. Mr. BEIQUE—It would be going very far to make it an offence to have acquired possession, although it might not be a lawful possession, three or four or five years before the passing of the Act. I merely call attention to this point in order that the minister may consider it.

Hon. Sir RICHARD CARTWRIGHT—I think the House would do well to remember that this measure twice passed without opposition through the lower chamber, and that the minister, who is usually tolerably acute in these matters, took upon himself the responsibility of declaring that it was absolutely necessary, if any check was to be given to the evil described—that is to say the pilfering of ore, which has been going on, on a very considerable scale in certain mines in Canada—that some legislation of this kind should be passed. There can be no possible objection I think to this House very carefully considering the phraseology of any such measure, and inserting such safeguard as may avoid those particular dangers that the hon. member from Ottawa, and my hon. friend the leader of the opposition have alluded to. I may say, however, there is no intention of creating a new crime. As I understand the Bill, the intention is simply to reach parties who act as receivers of stolen goods in the case of certain of these minerals, and to a very large extent. I believe there is no sort of doubt that in many of these mines in Cobalt, and presumably elsewhere, that parties have been in league with the miners in the theft of ore to an extent that seems almost inconceivable unless people have perused the evidence which has been brought before the Department of Justice; and before certain magistrates. I would suggest to my hon. friend that this is pre-eminently a case in which the House might very well under the circumstances, allow my hon. friend's Bill to go to a second reading, and there consider what reasonable amendments could be introduced. As I understand my hon. friend, the leader of the opposition is not particularly opposed to the thing itself, but he thinks it would be entirely inapplicable to certain sections of the country. That idea is recognized to some extent in the Bill itself, for I see it excepts the Yukon district. Perhaps my hon. friend would, before the matter comes up again, read the somewhat careful remarks made on the 19th January by the Minister of Justice with respect to this very important matter. There is no sort of intention—and the government would be very sorry indeed if the Act could be so

construed, of interfering with collectors of specimens of precious metals, or of ordinary parties who may come into possession of samples of ore, whether gold or silver or anything else. They wish to deal with a specific evil which had attained very considerable proportions, which I imagine, from the experience of other mining countries, is always likely to occur where there are miners employed by corporations, where diamonds or precious metals occur in sufficient quantity and sufficient purity to enable them to be collected and transported in small parcels, which I understand is the case in some of these Cobalt mines. I would,therefore, suggest that my hon. friends who object to the details of the Bill shall consider what amendment should be introduced when we go into committee, and in the meantime that the second reading be permitted to pass.

Hon. Mr. LOUGHEED. In view of what my hon. friend has said, I might remind him with reference to his remarks about the Minister of Justice, that the Minister of Justice became responsible at the last session of parliament for the introduction of the same measure. Consequently, there is no reason to suppose that he was more sound in his judgment then than during the present session; but what I wanted to point out was this: I understand from the promoters of this legislation, who simply represent private parties, and who have been industriously at work during the last week or ten days within the precincts of the Senate, that the so-called abuse has been very largely confined to a district within easy reach of Cobalt. That admittedly is the case. I did suggest to the gentleman in charge of the legislation that it should simply be made applicable say to the province in which the abuse exists, or the Act might be brought into force and made applicable to certain districts in Canada on proclamation of the Governor in Council; but with reference to the greater part of Canada, and particularly that section where the low grade ores prevail to a large extent, as I have mentioned, the Act should not be made applicable. I received no reply from him with reference to that, and I simply throw out the suggestion, in order that my hon. friend who has charge of the Bill may give consideration to that part of the proposition, as to whether it is wise to include in the Bill such a very large scope which is admittedly of no importance, because he will appreciate, upon my pointing it out, that the abuse complained of would possibly not exist in the western provinces or in the provinces by the sea. It must necessarily be of a local character. It must be confined to the locality where the abuse exists.

Hon. Sir RICHARD CARTWRIGHT—I want to ask the hon. gentleman a question. As I understand, he is willing enough to see some such Act as this passed, if it is either localized in the present instance, or if power is placed in the hands of the government in the case of localities arising in which similar conditions prevail, of issuing a proclamation to bring them under the Act.

Hon. Mr. LOUGHEED—Yes, I suggested that as a solution some time ago. That is only my individual opinion. I am not prepared to speak on behalf of other hon. gentlemen who have criticised the Bill.

Hon. Sir RICHARD CARTWRIGHT—I shall take care to have that suggestion considered.

Hon. Mr. LOUGHEED—But my individual opinion is that the Act may be made possibly an acceptable measure, leaving it to the Governor in Council to apply it on proclamation to the districts where the abuses obtain.

Hon. Sir MACKENZIE BOWELL—The objection to this Bill seems to me to be more of an imaginary character than one of reality. I must confess I was not a little amused and surprised at my hon. friend to my left and the hon. gentleman who spoke previously who were willing to confine the operations of the Bill which they considered of such an iniquitous character to the province of Ontario. I have yet to learn that a measure which is wrong in principle is properly applicable to any por-

tion of the Dominion. The principle involved in this Bill has been objected to on the ground that it obliges a man to prove his own innocence. It may be objectionable I admit, but there are circumstances under which the principle must be applicable in the administration of the Customs and Inland Revenue Departments. It would be absolutely impossible without it to trace smuggling offences. Where a smuggler is continually cheating the revenue, the law provides that if an importer is suspected of importing goods illegally, the customs official may enter his premises and demand evidence from his books and invoices and his bank account, to show that he is not smuggling those goods. The onus of proof rests on the importer. I could occupy your time for an hour giving illustrations of frauds that have occurred, which could never have been traced unless such authority had been given to the Customs officials. If I understand this Bill, its object is to meet the cases of a similar character and not the cases which have been instanced by the hon. gentlemen from Ottawa and Calgary. The danger in working it out practically is more imaginery than real. We have learned that there are establishments in the city of Toronto and other places where valuable specimens of ore are bought when the purchaser had every reason to believe they have been stolen. Why the operation of the Bill should be confined to Cobalt, I am not prepared to say. There may be some reason why it should not be applicable to the Yukon, but if you go to the Yukon and show a piece of gold quartz or gold from the placer mines, any miner could tell you at a glance from what locality it comes. It is unnecessary to argue that point, because the law is not intended to apply to the Yukon. It must be evident to all who have studied the question that those who deal in these ores, purchasing them continually and exporting them by the ton, collecting them from men coming from Cobalt and other mining districts must know that they are stolen ores. It has been mooted that these people intended to establish a small smelter for the purpose of refining these ores, which they know must have been stolen, not having been procured from the owners of the mines. There ought to be some means by which that can be met. I am not prepared to say that the wording of this Bill meets my approval, though I am strongly in favour of the principle of the measure. Amendments have been suggested which might be accepted by the Senate. It would be well to let the Bill be read the second time and carefully considered and amended in committee to meet the objections which have been raised. No one in the Senate desires to have the principle of the Bill apply to individuals who merely have samples of ores in their possession. I have read of cases in Nova Scotia, where mines have been developed to a considerable depth and the foremen, when they would find very rich pieces of ore containing a quantity of gold, would hide them somewhere until an opportunity offered to carry them off. When at the Waverley mines on one occasion, I was told that the owners of the mines got nothing because the ore must have been stolen—that the foreman or manager when he left the country was able to buy a very good estate and live in comfort for the balance of his life. I was told that he was a very pious man who had been brought out from England. When he was coming up from the mine, he was always singing some pious hymn, and in one instance he was caught paraphrasing one.

> Rock of ages cleft for thee,
> Let me hide thyself in me.

And he would hide the gold until he could take it away. The thieves in Cobalt and other mining districts manage to get possession of very rich specimens and hide them until they can take them to some collector who sells them and gets wealthy at the expense of the mine owners. That is why this legislation is sought. It is the duty of parliament to enact a law to meet such cases, but not to place the people of the country in a position to be treated in the manner indicated by the hon. gentlemen who oppose the Bill. I must confess that until experience leads me to another conclusion, the idea that a man should be compelled to prove his own innocence is abhorrent to my mind; but there are circumstances under which you cannot pos-

sibly reach the evil-doer unless the onus of proof is thrown on him to establish his innocence. It has been pointed out that this Bill is not dissimilar to the South African legislation to which the ex-Secretary of State called the attention of the House. That is quite true; but the circumstances are different here. In the Transvaal they deal largely in diamonds as well as in gold. In British Columbia the mining is totally different in character from the mining at Cobalt. That is why a special measure is required to deal with the peculiar conditions in Cobalt. The strong point in this legislation is to reach the receiver of the stolen goods. With that accomplished, every precaution should be taken to prevent innocent people being harassed. Someone has said to me: You have specimens in your House, and you may be called upon to show how they came into your possession. I have no objection to that. I can show where I got them. Wherever I have gone I have tried to collect specimens to take home with me, and I am not at all afraid, if this Bill is passed, of ever being accused of having stolen them.

Hon. Sir RICHARD SCOTT—I am very glad to accept the suggestion of my hon. friend opposite. If the Bill is allowed to go to the second reading, I shall not consider any one bound to the principle of the measure. If we cannot agree on a satisfactory amendment in committee, the Bill will have to be withdrawn. I am a very innocent mover inasmuch as I have not been spoken to about the Bill. It came to us last week, and, after having been introduced, nobody seemed disposed to take charge of it. It seemed to me a very worthy proposition. The papers have been full of accounts of thefts committed in the mining country of Northern Ontario and they seemed to me to be of such a serious character that some legislation should be adopted to meet the case. My whole motive in taking up the Bill was to endeavour to ascertain whether some legislation could not be had to check this evil which has been prevalent for some time. I therefore ask that the Bill be allowed to go to the second reading, and if we cannot agree on proper amendments in committee, the Bill will be withdrawn.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. DAVIS—As I understand, in giving the Bill a second reading we accept the principle of the measure?

Hon. Sir RICHARD SCOTT—Not in this case.

Hon. Mr. DAVIS—I do not want to be put on record as accepting the principle of this Bill.

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

The Senate adjourned until to-morrow at 3 o'clock.

THE SENATE.

THURSDAY, February 3, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CIVIL SERVICE ADMINISTRATION COMMITTEE.

SECOND REPORT ADOPTED.

Hon. Mr. POWER presented the second report of the Committee on the Civil Service Administration. He said: This is a purely formal report. At the first meeting the committee neglected to include a recommendation that the quorum be reduced. It is a committee of nine, and we had to have five to constitute a quorum, so to-day we recommend that the same reduction be made as in the case of the other committees containing the same number of members. The other is to remove any possible question as to whether the committee had the right to consider these matters. These matters realy constitute the sphere of action of the committee and the general feeling was that there was no necessity for putting the clause in the report; but in order to remove any possible doubt, the committee decided to include it. I therefore move that paragraph 8 of rule 34 be suspended insofar as the same relates to this Bill.

The motion was agreed to.

Hon. Mr. POWER moved concurrence in the report.

The motion was agreed to.

BILLS INTRODUCED.

Bill (P) An Act for the relief of Jessie Maud Mary Maxwell.—Hon. Mr. Edwards.

Bill (Q) An Act respecting the Kingston, Smith Falls and Ottawa Railway Company. —Hon. Mr. Derbyshire.

ATTACKS ON THE SENATE.

MOTION.

Hon. Mr. CLORAN moved:

That an order of the Senate do issue for the production of all correspondence between the Hon. George E. Foster, M.P., and the government of Canada, or any of their members, since the year 1878, in relation to appointment of judges to the judicial bench and of members to the Senate of Canada.

He said: In presenting this motion, which I was urged earnestly by several of my colleagues to put on the orders of the day, I wish to explain why I have done so. This body is accustomed to attacks, both public and private, in the press and on the platform, and in other places. Sometimes these attacks are taken into serious consideration owing to the source from which they come. No doubt, some of my colleagues have noticed in the public prints of this country, the daily press especially, an onslaught on the Senate, not as a part of the constitution, or an element in the government of the country, but on the character, the ability, and the dignity of the members who constitute this body. Had the attack been made on the Senate as a governing body, criticising it for lack of judgment, we would have nothing to say; but when the attack is personal in its character I consider it my duty to repel that attack and to deny to any one the right to disparage our personal qualifications or criticise our physical ailments; and especially do I deny that right to any one who holds an important position in this country. Especially do I deny it to a man who ought to know better than to descend to the level of a political hoodlum or demagogue and use his powers of invective and vituperation against an honourable body of men. He has attacked us, not as a Senate, but as individuals, and that is what I condemn. I take issue with any man who will speak of his fellow countrymen composing this body as 'old, decayed and powdered material,' and as 'a body of incapables and incurables.' I take issue with him for several reasons; in the first place because these statements are not true, and in the second place because he is not in a position to throw stones at the character of any member of the Senate. I take issue with him, not because he is worthy of attention, but because every one may not know him as we do. Some of my colleagues said to me, 'Senator, pay no attention to him.' I was prepared in the first place to act upon that advice, but on further consideration, and consultation with some of my colleagues, I came to the conclusion that the man is unknown to a large number of the rising generation. We who have known him for the past thirty years can weigh him in the balance and pay no attention to what he says, but his words may have some effect on the rising generation who know nothing of the man called George E. Foster.

There are hundreds and thousands of Americans going into our Northwest, and thousands upon thousands coming from European countries. They know nothing of our institutions until they get here, and learn it either by active participation in our public affairs, or on our school benches, and they and our children will read that a man high in the councils of the nation, who held a high position in the government of his country, denounces you and me as a set of incapables and incurables, men who are ready to kiss the shoe of another man. What will the young generation think of this body? Here is a statement which went unrebuked, I am sorry to say—a denunciation, as intemperate as it was unjustifiable, that went unrebuked in the other branch of parliament, and has gone forth to the country. It is in the annals of the press of Canada, open to inspection to all people who read. There are people who do not know the individual, Hon. Geo. E. Foster, who had the courage or rather the treachery one day to say that he was led by an imbecile. That is the man that calls you and me incapable and

incurable. How many of the new voters in this country know that fifteen years ago that gentleman declared on the floor of the House that the Prime Minister of this country, his own leader, was an imbecile? How many of the young generation know it? None. But they will know that the ex-Minister of Finance and the ex-Minister of Marine (Mr. Foster), the would-be leader of the present opposition, denounces us as an 'old, powdered, decayed body,' 'incurables and incapables.' That is what the young generation will learn, and that is why I rise to-day to vindicate my character, not being an incapable or an incurable; not one upon whom Foster can cast reproach. If I wanted to, I could charge him with dereliction of duty, but I have no use for such arguments; yet he is the man who comes to me and says, 'the Senate should be composed of men leading an irreproachable life.' Oh, I pardon him, because in his lifetime he has had moments of weakness, when he was a paid orator in the interests of the temperance cause down in New Brunswick and through the country, and there is nobody who knows him better than the 'old decayed material,' in the person of Senator Domville, who drove him out of New Brunswick. He had his moments of weakness; he preached that sacred and holy cause through the country, and when the time came to give substance to his words, to embody the principles he had advocated in the statute books at the demand of the men and women whom he had led to believe that temperance was necessary for the country, what was his reply? 'Oh, I cannot do it. I proclaimed these things from the platform and in churches in a moment of weakness.' When the temperance people asked for water he gave them good old Scotch. This is the man who dared to stand before the people of the country and denounce this Senate as an unworthy body, as humble creatures who kissed the shoe of another man. That language is vulgar, and the idea behind it is more vulgar still; but he was too cautious to express himself more clearly. Kiss his shoe! What nice language to hand down to our children, that the senators of our country are creatures who can stoop to kiss the shoe of another man. Are we to stand idle and remain silent in the face of such charges? I would say, 'yes, if these charges had not gone abroad.' But the man reeking with intellect, no doubt about it as his young life in the temperance cause reeked with virtue, allowed his temperance principles to collapse when he was a minister in the government, and I am sorry for it. Though endowed with a bright, and keen intellect, he does not use it to the best advantage always. Too often he allows it to run into the gutter. His invective, his vituperation, his vulgarity, can be discounted by men like ourselves, and men who know him; but the rising generation, hundreds of thousands of voters throughout the Dominion, never heard of Geo. E. Foster as a wrecker of temperance, a dabbler in and manipulator of trust funds, as the chief conspirator in the famous 'nest of traitors' against Sir Mackenzie Bowell, leader of the government of that day. This man dares to go before the people of Canada, and tell them that we of the Upper House should be men of irreproachable lives. He tells the country that I am incapable and incurable, and he states before parliament that I kiss the shoe of a man. I deny him the right to make these charges. 'Oh,' he said, 'if only we had the Roman Senate,' the Senate of paganism, what an ideal it would be. It was his ideal when he passed through the schools and universities of this country. He looked for a Senate with men of experience, irreproachable life and wisdom, and all that, and that was his ideal; but when he got into the public life of the country, all he could find to direct the destinies of Canada was a body of incapables and incurables, and he says, hon. gentlemen, that you are to blame. That is the man who wants to become the director of the purse, of the confidence and the future of the country. I deny him that right. I know not whether I speak the sentiments of my colleagues, but I know I speak the sentiments of those who have urged me to take this stand, and to denounce the man who dared impugn the honour and dignity of the Senate. He ought to be ashamed of himself when he appeals to the people of this country on the ground that the men of this Senate are old

and decayed. What a compliment to pay to the late senator whose loss we deplored yesterday, a master of finance, a generous donor of gifts, a patriot in every sense of the word, a man who, since he arrived in the country in 1854, worked for its development along social, commercial, artistic and charitable lines; that was the compliment which was sent over the wires to a dying man, that he was 'old and decayed.' Sir George Drummond has gone to his grave under that reflection. Have we not in this House men who have grown old and gray in the service of their country; have we not Bowells, Cartwrights, and Rosses, eminent as statesmen, men who have given their lives and all their strength to the development of this country, and are they to be told in the face of the rising generation that they are old, incapable, and incurable! To my mind it is a crime against the best traditions of this country. We have men who hold high and eminent positions in this Senate in all branches of human endeavour and human effort, men who have made a mark for themselves in science, in literature, in journalism, in finance; men who have made a mark for themselves in every walk in life. We have men amongst us who have risen from the place wherein they used the pick and shovel, to command vast enterprises. Yet they are denounced by this gentleman, Geo. E. Foster, as incapables and incurables. We have men in this Chamber like the Talbots, the Davises, the Watsons, the Lougheeds and Perleys and the Youngs, who have been pioneers in the country; who have gone west with the Rileys and others to open up our vast territories, and they are denounced before the people of Canada as incapables and incurables. Look at the men who opened up our forests, the McLarens and others. Look at Senator Ross of Halifax who, years ago, before Mr. Foster was born, was devoting his life to the development of Canada. I am not going over the whole list. Take political veterans like Senator Landry and others; take our friend who is 'decayed and incurable,' the man who drove him (Geo. E. Foster) from New Brunswick, Senator Domville, who gave his young days and young life to the service of his Queen in the army of the empire. I could go over the entire list of senators here, and point out what they have done, both in charity, science, literature, journalism, commerce and in all the walks of life, and yet we have to tolerate denunciation, vituperation, and vulgarity from Hon. Geo. E. Foster. I say that this Chamber owes it to itself—I am not going to say by what means—but at least by an expression of opinion, that such charges cannot go unchallenged and unrebuked in the country.

They are unfair, unworthy, untruthful and vulgar. I have done my duty. Probably others, more competent and more authorized to speak should have taken action. I hesitated long before giving expression to these views. Up to an hour ago, I had almost made up my mind to leave him to the extravagance of his own language—to leave him there to brood over his own thoughts of the past, not wishing to involve the government, to make public the correspondence that I would like to have, I should like to know whether that man was an applicant for a position in this honourable House, or if they have from him any written document recommending the appointment of 'decayed, incapable, incurable persons' to the Senate. If such correspondence exists, the government might render a public service by producing it. Probably when he left office such correspondence disappeared; but one thing is sure, the members of the Senate to-day compare favourably with Geo. E. Foster—Oh, I will not use the comparison; it would be odious, because there is no man in the Senate who has a serpent's tongue and an empty heart.

The motion was agreed to.

CHIEF ENGINEER OF STEAMBOAT MONTCALM.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Who is chief engineer on board the steamboat 'Montcalm'?
2. When was he appointed?
3. Does he possess a first-class engineer's certificate?
4. Has any other engineer possessing a first-class certificate asked for the position of chief engineer on board the 'Montcalm'?
5. If so, why has he not obtained it?

6. Is it because the law requires that the position of chief engineer shall be given only to an engineer having a first-class certificate?

Hon. Sir RICHARD CARTWRIGHT—The answers to the questions the hon gentleman has put are as follow:

1. Joseph Cantin.

2. Joined service April, 1907. Appointed acting chief engineer November, 1908. Confirmed in position of chief engineer on April 1, 1909.

3. Second class certificate.

4. Yes.

5. The position was not vacant.

6. The law requires that the chief engineer of a vessel such as the 'Montcalm' should possess a second class certificate.

PAYMENTS TO NAPOLEON DROUIN.

INQUIRY.

Hon. Mr. LANDRY inquired:

What sums of money have been paid, year by year, from January 1, 1906, to January 1, 1910, by the Transcontinental Railway Commission and by any public officer, to Mr. Napoléon Drouin, of Quebec, or to Drouin Brothers, of Quebec, or to Drouin & Company, or to the Rock City Company?

Hon. Sir RICHARD CARTWRIGHT—The National Transcontinental railway furnishes the following information:

January 1, to December 31, 1906,	$ 8,307 07
January 1, to December 31, 1907,	13,070 97
January 1, to December 31, 1908,	11,700 09
January 1, to December 31, 1909	7,242 19
Total	$40,320 32

PAYMENTS TO QUEBEC PRESERVING COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired:

What sums of money have been paid by the Transcontinental Railway Commission, and by any other public office, year by year, from January 1, 1906, to January 1, 1910, to the Quebec Preserving Company, or to Mr. Louis Letourneau?

Hon. Sir RICHARD CARTWRIGHT—The National Transcontinental railway furnishes the following information:

January 1, to December 31, 1906,	$4,498 49
January 1, to December 31, 1907,	6,862 67
January 1, to December 31, 1908,	8,816 08
January 1, to December 31, 1909,	6,866 79
Total	$27,044 03

Hon. Mr. LANDRY.

THIRD READING.

Bill (N) An Act for the relief of Hope Eileen Moreland Drinkle.—Hon. Mr. Douglas.

SECOND READINGS.

Bill (O) An Act for the relief of Frederick Joseph Gustin McArthur.—Hon. Mr. Watson.

Bill (No. 51) An Act respecting the Montmagny Mutual Fire Insurance Company, and to change its name to 'Factories Insurance Company.'—Hon. Mr. Choquette.

Bill (No. 62) An Act respecting the Esquimalt and Nanaimo Railway Company.—Hon. Mr. Riley.

Bill (No. 63) An Act respecting the Manitoba and Northwestern Railway Company of Canada.—Hon. Mr. Watson.

Bill (No. 93) An Act respecting the Vancouver and Coast-Kootenay Railway Company.—Hon. Mr. Bostock.

EXCHEQUER COURT ACT AMENDMENT BILL.

SECOND READING POSTPONED.

The order of the day being called

Resuming the adjourned debate on the motion for the second reading Bill (C) An Act to amend the Exchequer Court Act.

Hon. Sir RICHARD CARTWRIGHT—The Department of Justice have requested me to postpone the discussion of this Bill for a day or two. They were to have given a formal opinion upon it, but they are not quite prepared to do so. I therefore move that the order of the day be discharged and that the debate be postponed until Tuesday next.

Hon. Sir MACKENZIE BOWELL—In referring this Bill to the Department of Justice, has my right hon. friend asked them to consider the retroactive effect it will have in some disputed cases?

Hon. Sir RICHARD CARTWRIGHT—I would prefer not to discuss the matter on its merits until I receive their report; but I may say generally that the department consider the measure is of a very far

reaching character and, as drawn, would involve consequences of so important a nature that they desire to have very full consideration of it. That particular clause to which the hon. gentleman refers as to carrying the effect of the Bill back for I think twenty years, would be, I presume, especially objectionable in their eyes.

The motion was agreed to.

BILLS INTRODUCED.

Bill (R) An Act to incorporate the Montreal, Kapitagewan and Rupert's Bay Railway Company.—Hon. Mr. Young.

Bill (S) An Act to incorporate the Retail Merchants' Association of Canada.—Hon. Mr. Young.

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

THE SENATE.

FRIDAY, February 4, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (T) An Act for the relief of Archibald Laurie.—Hon. Mr. Gillmor.

AN ADJOURNMENT.

Hon. Mr. CAMPBELL moved that when the Senate adjourns to-day, it stand adjourned until Thursday next, the 10th instant, at three o'clock in the afternoon. He said: My object in making this motion is—because of Wednesday being a holiday. The state of our business is such that we can easily conclude our work without meeting on Tuesday, and I thought it would suit the convenience of hon. members if we did not bring them back until Thursday. There is nothing for Tuesday except the meeting of the Committee of Banking and Commerce. I think if notice is given that the Senate has adjourned until Thursday no inconvenience would arise.

Hon. Mr. THOMPSON—I cannot quite appreciate the remarks of the hon. senator in respect to the business before the House. The Insurance Bill is an important matter. The rumour in the other Chamber is that parliament will prorogue early in April. The committee arranged to hear the representatives of the fire insurance companies on Tuesday, and I think the House should make good their promise by meeting on Tuesday. The hon. gentleman states they would probably see the notice in the newspapers if the Senate adjourns. The chairman of the committee is not here to announce that they could hold the meeting on Thursday, and in that case the Bill would go over until the following week, and notices would have to be sent out again to the fire insurance representatives. In that case it would be ten days before the committee could be got together. I think there are sufficient members of that committee in attendance to form a quorum. We are under an obligation to be here on Tuesday. The members who desire to go away might take the holiday, and the members who made the pledge to the insurance companies, in my opinion, should keep it.

Hon. Sir RICHARD CARTWRIGHT—It appears to me there is a great deal of force in what my hon. friend has just stated. So far as the government are concerned, if the Senate desire, they would have no objection to the adjournment over Tuesday on condition that the business of the Insurance Committee is not interferred with; but I think that is a condition precedent. There was an adjournment of the committee for the whole of the present week, and notice having been given that it will meet on Tuesday next, it appears to me that unless provision can be made for that meeting as agreed, we shall have to sit on Tuesday. However, the matter is for my hon. friends to decide.

The motion was declared lost.

THE NATIONAL TRANSCONTINENTAL RAILWAY—SECTION B.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Into how many districts is the country traversed by the Transcontinental railway divided, and what are these districts?
2. What is the length of the line of the railway in district B?

3. Into how many divisions is district B subdivided?

4. What are the boundaries of each of these divisions?

Hon. Sir RICHARD CARTWRIGHT—The answers are as follow:

1. The country traversed by the National Transcontinental railway, eastern division, is divided into six districts, viz: districts A, B, C, D, E and F.

2. The length of the line in district 'B' is 507·22 miles, of which 107 miles was transferred from district 'C' and added to district 'B.'

3. District 'B' is subdivided into nine divisions with 80 miles as yet not all located.

4. The boundaries of these divisions are as follows: Division 1, boundary between New Brunswick and Quebec, 44 miles westerly to near St. Alexandre. Division 2, from west end of division 1, 58 miles westerly to near Lake Therrien. Division 2a, from west end of division 2, 34 miles westerly to near Otter Creek. Division 3, from west end of division 2a, 34 miles westerly to near St. Claire. Division 4, from west end of division 3, 34 miles westerly to south end of Quebec bridge. Division 5, from north end of Quebec bridge, 65 miles westerly to near St. Adelphe. Division 6, from west end of division 5, 50 miles westerly to Creek a Beauce. Division 7, from west end of division 6, 28 miles westerly to near Vermilion river. Division 8, from west end of division 7, 38 miles westerly. Division 9, from west end of division 8, 42 miles westerly. From west end of division 9, 80 miles yet to be erected into divisions.

THIRD READINGS.

Bill (No. 58) An Act respecting the Montreal, Ottawa, and Georgian Bay Canal Company.—Hon. Mr. Casgrain.

Bill (No. 78) An Act respecting the Edmonton, Dunvegan and British Columbia Railway Company—Hon. Mr. Roy.

Bill (K) An Act respecting the Erie, London and Tilsonburg Railway Company.—Hon. Mr. Coffey.

Bill (No. 68) An Act respecting the Kettle River Valley Railway Company.—Hon. Mr. Ross (Middlesex).

Bill (No. 59) An Act respecting the St. Maurice Valley Railway Company.—Hon. Mr. Mitchell.

Bill (No. 29) An Act respecting the Columbia and Western Railway Company.—Hon. Mr. Bostock.

Bill (No. 30) An Act respecting the Eastern Townships Railway Company.—Hon. Mr. Mitchell.

Bill (E) An Act respecting the St. Clair and Erie Ship Canal Company.—Hon. Mr. Lougheed.

Bill (L) An Act respecting the Bay of Quinté Railway Company, as amended.—Hon. Mr. Power.

CLASSIFICATION OF SENATE EMPLOYEES.

MOTION.

The order of the day being called:

Consideration of the correspondence between the Clerk of the Senate and the Auditor General, &c.

Hon. Mr. ELLIS—I move that this correspondence be referred to the Committee on Internal Economy, seconded by the Hon. Mr. Power.

Hon. Sir MACKENZIE BOWELL—I do not object to the motion. I rise more for the purpose of asking some questions. I notice that there has been a conflict of opinion between those members of the Senate who took part in the discussion when this classification was dealt with, and the Department of Justice. There were similar differences of opinion in reference to the appointment of the Clerk of Committees, I think he was called. I mean Mr. Nicholson. I remember at the time the matter was before the Senate, I objected to the appointment on the ground that the law was not complied with, that the report made to the Speaker by the Clerk of the Senate did not cover the provision of the law, and that the Speaker's report based on that letter was not sufficient to justify the appointment. I would like to ask whether the difficulty has arisen in connection with that appointment between the Department of Justice and the Senate, or the Auditor General, and the Senate, and if so could the Speaker, or any one in the House, inform us as to the position that gentleman occupies at the present moment, and whether the Auditor General has taken any steps towards withholding his salary—in

fact whether any difficulty has arisen at all.

The SPEAKER—I have to state to the Senate that the question was raised by the Auditor General in regard to the classification and bonuses. The whole subject is under discussion at the present time, and no final conclusion has been arrived at. In the course of a few days I hope I will be able to announce a satisfactory arrangement.

The motion was agreed to.

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

TUESDAY, February 8, 1910.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

TREATIES BETWEEN BRITAIN AND FOREIGN COUNTRIES.

ORDER OF THE DAY POSTPONED.

The order of the day being called:

By the Hon. Mr. ROSS (Middlesex):

That he will call the attention of the Senate to the difficulty in obtaining the full text of treaties made by the government of the United Kingdom and foreign countries affecting the Dominion of Canada, and will move that steps be taken at an early day to compile such treaties or such portions of them as effect Canada into a volume for the use of members of parliament, with a reasonable number for distribution among the public libraries of Canada, and in the same connection to compile the various constitutional Acts passed by the parliament of Great Britain since 1759, relating to any of the provinces now forming part of the Dominion of Canada.

The SPEAKER—As the hon. gentleman from Middlesex is absent to-day, I presume this order will stand.

Hon. Mr. POWER—I wish to call attention to the fact that this notice is not in proper form. The hon. gentleman has given notice that he will call the attention of the Senate to a matter, but he does not conclude with an inquiry, and that is necessary if the hon. gentleman wishes to discuss it.

The order of the day was allowed to stand until Tuesday next.

SUSPENSION OF RULES.

MOTION.

Hon. Mr. TESSIER—In the absence of the hon. gentleman from Victoria (Mr. Cloran) moved:

That Rules 112 and 110 be suspended in so far as they relate to a petition presented by R. B. Masson and others, praying to be incorporated as the Gatineau and Ungava Railway Company.

Hon. Sir MACKENZIE BOWELL—I desire to ask why the presentation of these petitions is left for two or three months after the meeting of parliament? Surely the gentlemen who desire to introduce Bills, or to amend Bills, must know what the rules of the House are. The practice in the past has been such as to render the rules governing the presentation of petitions and the introduction of Bills almost useless. The committee has usually recommended an extension of the time for presenting petitions, and this has been done very often because of the long and numerous adjournments which take place before the time limit has expired. I do not know the character of this Bill. It seems to be free from anything objectionable, but I desire to call the attention of the House particularly to the practice which prevails here of paying no attention to the rules which have governed us in the past, and which were adopted for the protection of the public. I have heard of other instances in which petitions may be presented for Bills which are likely to cause a good deal of discussion. If there is nothing objectionable about this Bill, why has not the committee recommended an extension of time? I would suggest that if this practice is to be permitted, it would be far better to abolish the rules altogether.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is right in saying that when our rules are dispensed with in a matter of this kind it ought to be on the recommendation of the Committee on Standing Orders. Anything of this kind should come from that committee.

Hon. Mr. POWER—The difficulty is this, that unless there is a petition, the Standing Orders Committee cannot take cognizance of the Bill, and I suppose the hon. gentleman who is acting for the hon. member from Victoria division wishes to get this petition before the committee. But apart from that, I quite concur in what has been said by the hon. member from Hastings. The hon. gentleman who makes this motion should be in a position to show clearly why the parties asking for incorporation have not presented their petition in due time, and unless the reasons are entirely satisfactory to the House, the rules should not be suspended. The practice, up to the present date, was that the party who was behind time presented a petition asking to be allowed to present a petition. That was sent to the Committee on Standing Orders, and, if a good case was made out, they reported in favour of suspending the rule and allowing the original petition to be presented; but when the rule is suspended in this way, the committee really have not the same latitude in dealing with the case that they ought to have.

Hon. Mr. TESSIER—I am not in a position to give the reason.

Hon. Mr. POWER—Then let the matter stand.

Hon. Mr. TESSIER—Two days ago, in a similar case, the request was granted without objection from anybody. This is simply a petition for a Bill to incorporate a railway company, and I do not see how harm can be done to anybody. I have no objection to letting it be understood that the petitioners must be prepared to give satisfactory explanations to the Committee on Standing Orders, and if the committee are not satisfied with the reasons advanced, they can deal with the petition as they please. There are exceptions to all rules, and I do not see why the same favourable consideration which has been extended in similar cases to this in the past should not be extended in this case.

The SPEAKER—I would suggest that it would be better to let the motion stand for a couple of days until the hon. member is prepared with an explanation of why he wants to have the rules suspended. He might imperil the passage of the motion if he were to press it now, whereas if he allows it to stand for a couple of days he may be able to present an explanation which will satisfy the House.

Hon. Mr. TESSIER—I have not the slightest objection to let the motion stand until Thursday.

The motion was allowed to stand.

THIRD READING.

Bill (O) An Act for the relief of Frederick Joseph Gustin McArthur.—Hon. Mr. Watson.

SECOND READINGS.

Bill (No. 36) An Act respecting the Union Life Assurance Company.—Hon. Mr. Jones.

Bill (R) An Act to incorporate the Montreal, Kapitageuwan and Ruperts' Bay Railway Company.—Hon. Mr. Young.

MEETINGS OF BANKING AND COMMERCE COMMITTEE.

Hon. Mr. GIBSON—Before the House adjourns, I should like to direct the attention of hon gentlemen to a notice given last Wednesday with regard to the calling together of the representatives of the different fire insurance companies. The notice was given with the leave of the House that we should sit on Wednesday. I would therefore ask leave of the House that the committee sit to-morrow. There are many people from a distance—some from the far west, and it would be in the interest of legislation to have the committee sit to-morrow and every day this week, and probaly in that way we might be able to conclude the consideration of the Insurance Bill. There was some doubt expressed, and I want to remove the doubt. It was distinctly understood that notice should be given to the fire insurance companies that the committee would meet on Tuesday at eleven o'clock, and as there was no sitting of the Railway Committee this week, that the Banking and Commerce Committee should sit every day until the work was completed.

Hon. Mr. POWER—To-morrow is a statutory holiday, and there is a proviso at the

end of rule 85 to the effect that where a committee purposes to sit during a short adjournment, notice shall be given to the members. The hon. gentleman has already notified the members verbally, as I understand, that the committee will meet to-morrow. and I think the better way is to let it go at that and waive the written notice. If the members of the committee are satisfied, the House need not worry.

Hon. Sir MACKENZIE BOWELL—Without a motion?

Hon. Mr. POWER—As I understand, the hon. gentleman has already given notice to the members of the committee that there will be a meeting to-morrow. It is not in writing, but the committee would naturally be disposed to waive the formality of a written notice.

Hon. Mr. YOUNG—I do not know whether a meeting of the committee which would be a reasonably complete committee can be held to-morrow, because, as I understand, some members have religious scruples about sitting on Ash Wednesday.

Hon. MEMBERS—No.

Hon. Mr. YOUNG—I am very glad to know that. However, there is no objection to that.

Hon. Mr. FORGET—As long as we fast to-morrow it is all right.

Hon. Mr. POWER—There is a misapprehension on the part of some hon. gentlemen in regard to Ash Wednesday It is not a holiday in the church to which I belong.

The SPEAKER—It appears to me that rule 85 covers it, if it is understood they are going to meet. That rule reads:

A select committee may adjourn from time to time, and by order of the Senate, from place to place, and where the Senate adjourns for less than a week, may sit on those days over which the Senate has adjourned, provided that in the last case, notice of the intention to meet during the adjournment of the Senate has been given to the members of the committee one day before such adjournment.

Hon. Mr. POWER—The hon. gentleman has given that notice.

Hon. Mr YOUNG—No, that is not the notice spoken of.

Hon. Mr. GIBSON—Yes, that is the notice I refer to.

Hon. Mr. YOUNG—I call attention to the fact that a notice to a committee is a written notice to the members of that committee. That is what we understand by a notice.

The SPEAKER—I will put the motion.

Hon. Mr. DANDURAND—There is no motion.

The SPEAKER—Yes, the hon. gentleman from Grimsby (Mr. Gibson) has made a motion.

Hon. Mr. POWER—No, he gave a notice.

Hon. Mr. GIBSON—I gave the notice last Wednesday.

Hon. Mr. POWER—What motion can the hon. gentleman make?

The SPEAKER—That the committee sit to-morrow.

Hon. Mr. POWER—We cannot contravene the rules of the House. I do not agree with the hon. member from Killarney (Mr. Young) because the parties who are interested are members of the committee, and if they are willing to accept a verbal notice from the chairman instead of requiring a written notice, I do not see why the other motion should be made.

Hon. Sir MACKENZIE BOWELL—They will accept it.

Hon. Mr. YOUNG—Permit me to call attention to the fact that a verbal notice is only a notice to those present, while a written notice is a notice served in the usual way.

Hon. Sir MACKENZIE BOWELL—There can be no possible objection. The committee will not to-morrow deal with any of the clauses of the Insurance Bill. They will simply sit and listen to the insurance representatives talking.

The SPEAKER—I call attention also to the fact that this House met to-day in order

that the Banking and Commerce Committee could meet to-day and to-morrow.

Hon. Mr. DANDURAND—I reached the committee a little late to-day, but I was surprised to find that people from afar have given place to an Ottawa gentleman, who is to occupy the whole day.

BILLS INTRODUCED.

Bill (No. 89) An Act respecting the Calgary and Edmonton Railway Company.—Hon. Mr. Lougheed.

Bill (No. 82) An Act respecting the Merchants and General Insurance Company.—Hon. Mr. Casgrain.

Bill (No. 92) An Act respecting a patent of the Mond Nickel Company.—Hon. Mr. Belcourt.

The Senate adjourned until Thursday next at three o'clock.

THE SENATE.

THURSDAY, February 10, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

WATER TRANSPORTATION IN THE NORTHWEST.

MOTION.

Hon. Mr. DAVIS moved:

That an order of the Senate do issue for a return of all surveys, plans, reports and other documents connected with the improvements of the Saskatchewan river, with a view to facilitate transportation by water of passengers and freight from the foot of the Rocky Mountains to the city of Winnipeg, Manitoba.

He said: I might say in connection with this motion that up to the present time very little is known of the water transportation facilities of the western country. I suppose one of the reasons for it is that until recent years the provinces have not been thickly populated, and there has not been any demand for the improvement of waterways; but in the last few years conditions have changed. The country, and I am now alluding particularly to my own province, Saskatchewan—has developed very rapidly. We are getting a very large population there. What was fifteen years ago a wilderness along the banks of the Saskatchewan river is occupied to-day by thrifty farmers; in fact the banks of the river from one end of the Saskatchewan to the other—that is from the city of Edmonton to Prince Albert, where I live—are very nearly all settled, and the interior of the province is in the same condition. Fifteen years ago, when I had the honour of representing the whole of that province, we were producing something less than a million bushels of wheat in Saskatchewan. This year, our product is something like eighty-six million bushels, and, naturally, the people are looking for the cheapest transportation routes available.

In eastern Canada, the policy of the government has always been to provide water transportation, and every available stream has been converted into a navigable waterway at very large expense. I am bound to say that the money has been well spent. Water transportation has a tendency to regulate freight rates, and in that way are valuable to the people even though they are not utilized to a great extent. There is no question that in eastern Canada the waterways have a tendency to keep down freight rates on railways, and I am satisfied that the improving of the waterways in the Northwest will have the same effect there. The Trent canal and other canals in the east are improvements on small streams, but when you come to the Saskatchewan you have a river which compares with the Ottawa, and it can be made navigable for something like 1,200 miles. The length of the North Saskatchewan from the head of navigation at Edmonton to the Forks, is 500 miles. The length of the South Saskatchewan, from Medicine Hat to the Forks, is 370 miles. The length of the Main river from the Forks, which is near the city of Prince Albert, to the head of the Grand Rapids, is 350 miles; and the total fall at the Grand Rapids is 71 feet. We have in connection with the Saskatchewan river, lakes Winnipeg, Winnipegosis and Manitoba. Taking the river route from Edmonton to Grand Rapids, the distance is something in the neighbourhood of 1,000 miles

of navigable water. All that is needed is to construct wing dams at the sand bars, and you have a navigable stream for a 1,000 miles at small expense. Near Grand Rapids, by making a short canal, you get into Lake Winnipegosis. No lock is needed, because the level of the water is the same as in Cedar lake. All that is required is a ditch, and you have access to a navigable lake 160 miles long running into the heart of Manitoba. Another little canal at Mossey portage would give communication to Lake Manitoba which extends south nearly to Portage La Prairie, in the very heart of Manitoba, 100 miles. At Grand Rapids, a small canal of about two and one-half miles will continue navigation into Lake Winnipeg. We are building locks now on the Red river at St. Andrews and they are about completed, and, with the improvements of which I have spoken, you would have navigation all the way from Winnipeg to Edmonton, and besides on lakes Winnipegosis and Manitoba. One result of this would be to give us cheaper wood and coal. At Grand Rapids, we have the finest water-power in Saskatchewan or in fact in all that northern country. I have the authority of the minister for saying that he had an engineer examine it, and he reports that 80,000 horse-power can be developed there at small expense in connection with building the canal; and he told me that he was going to ask the government to reserve that water-power for the country. It is only a question of time, if we are going to build the Hudson Bay road, when large mills will be established at Grand Rapids to grind the wheat coming down the Saskatchewan from the prairie country. From Grand Rapids the flour can be shipped to eastern markets by way of Hudson bay. As every one knows, we have in Alberta vast fields of lignite coal. As a matter of fact good domestic coal underlies the whole province. We have in the western country room for a population of 50,000,000 people. The climate is cold in winter, and the supply of fuel is an important question. The coal of Alberta can be carried down the Saskatchewan and is sufficient in quantity to supply the population in the Saskatchewan valley and all the way through to Manitoba. In Saskatchewan we have no coal, and our farmers have to pay a high price for their fuel. Coal can be put on barges at Edmonton for $1 a ton. The freight to Prince Albert where I live is $3.40 per ton. That is a high tax on the farmer for fuel. It may not appear much to people who dwell in cities, but to the man who has to make his living by working on a farm it is a serious tax.

In Manitoba to-day most of the coal used is imported from the United States. That can be replaced by coal from the province of Alberta if we have cheap transportation, and the only way we can get it is by improving our waterways. I observe that the Minister of Public Works has taken the matter up. He was up there this summer, and saw the river for himself, and started some surveys of the river. I hope he will go on with this work, because I know that it is an absolute necessity. It will not cost very much. There is any amount of water in the river. Like the Mississippi, it has widened out in certain places. and there are too many blind channels. By putting in certain dams as they do in the Mississippi, you can throw all the water into one channel, and the moment you do that, the water will scour the channel clear, and there will be no trouble. In the 1,000 miles there are only two small rapids to be dredged out, and the construction of this canal I mention at Grand Rapids, which would not cost a great deal of money. That would give us a continuous waterway from the foot of the Rockies to the city of Winnipeg. The other channels into Lake Winnipegosis and Lake Manitoba might come later on. I think the time is now ripe for this development, and I would suggest to the consideration of the government the fact that the people of our province are contributing largely to the public treasury. Not figuring on the customs duties we pay at Toronto and Montreal—because some of the cities in the west pay their customs duties in Toronto and Montreal—but looking up the figures I find that we paid something over eleven million dollars into the treasury in excise duties collected at home, and I think the total expenditure paid on our account out of the treasury is something like $1,900,000. We get less than

ten per cent of what we pay in, while some other provinces receive forty or fifty per cent. However, I am not grumbling about it. We are having a larger revenue. The amount of money it would take to commence the improvement of the Saskatchewan would be very small. Forty or fifty thousand dollars would do a lot towards making it navigable. We have six or seven steamboats at Prince Albert plying up and down the river. I do hope the minister and the government will see their way clear to take this matter up and push it to a successful conclusion.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to the motion. Until the papers are brought down I think further discussion of the matter would not be useful.

The motion was agreed to.

SUSPENSION OF RULES.

MOTION.

Hon. Mr. CLORAN moved:

That rules 112 and 110 be suspended in so far as they relate to a petition proposed to be presented by R. B. Masson and others, praying to be incorporated as the Gatineau and Ungava Railway Company.

He said: The notice of motion that stands in my name was placed on the orders of the day by courtesy, to oblige a member of the lower House. I am in no way connected with this measure, and know nothing of it except what is contained in the document which has been just placed in my hands. I was surprised to see that in my absence on Tuesday some slight objection was taken to the motion being adopted, especially on the ground that no reason was given for it. At the time when I asked my hon. friend from De La Durantaye (Mr. Tessier) to put the motion before the House in case I was absent, I was then unable to give any explanation of it, as the paper had only been placed in my hand as I came into the House. I must thank the hon. gentleman from De La Durantaye for his kindness in the matter in having saved it from a sudden death. On my return, I forwarded it to the member for Wright (Mr. Devlin), who is in charge of the Bill in the lower House, with a copy of the Debates, asking him if he had any reason to give to this honourable House why the motion, which is really his, should pass. I have just received the following note from the hon. gentleman:

February 10, 1910.

Dear Senator,—I fear the Bill is doomed in your chamber. I do not know what reasons I can give. Death in the family caused my absence for the last week of presenting Bills. All the notices had not been fully published.

Consequently, the only reason I can give this honourable House on behalf of the hon. gentleman from the lower House is that death in the family prevented him from attending to his public business. Mr. Devlin is one of the gentlemen who is asking for this incorporation. The Bill, as I understand it, is for the construction of a road in a certain part of this country where it will interfere with the rights of nobody. It will probably interfere with the moose and cariboo. Certain gentlemen are asking to build a railway away up in the wilds of Pontiac and the northern country. Arthur T. Genest, civil engineer, of Ottawa, Mr. S. Tanner Green, of Quebec, gentleman, Mr. Roderick B. M. Masson, of Terrebonne, P.Q., gentleman; Frederick K. Rous, Montreal, gentleman, and Emmanuel B. Devlin, City of Ottawa, barrister. The Bill is an application in the following form:

That it is proposed that application be made to the parliament of Canada, at its present session, for an Act to incorporate a company to be named the Gatineau and Ungava Railway Company, with power to construct, equip and operate, for the general advantage of Canada, a line of railroad from a point on the National Transcontinental Railway, at the head of the Gatineau river, northwest branch, in the province of Quebec, north-easterly, following, adjoining to, or in the vicinity of the 'Height of Land,' to Lake Chibougamau, a distance of about 140 miles; thence to Lake Mistassini, the east side, a further distance of 60 miles; thence to the northern boundary of the province of Quebec, at Homani or Summit lake, a distance from the starting point of about 450 miles; thence turning round the sources of Big river to Lake Kaniapiskau, near the intersection of the 70th meridian and the 54th parallel of latitude; thence north-westerly, crossing the source of Stillwater river, to a point on Lake Minto or Leaf river, or in a generally northern direction to a point in Koksoak river, and from either point north-easterly, to Leaf lake on Ungava bay— a total distance of about nine hundred miles. Also possibly, from Lake Minto, a main branch

line stretching approximately two hundred miles to Payne lake.

To construct, acquire, and operate steam and other vessels for the transportation of freight and passengers on all navigable waters along or touched by its railroad; and to construct and maintain canals, docks, warehouses, offices, wharfs, dry docks, piers and other structures; to construct and operate any telegraph or telephone lines or any lines for the purpose of distributing electricity for lighting, heating, compressing air or motors of any kind, and to collect tolls for the transmission of messages and power thereon; to acquire electric, mechanical horse power or other power, and to dispose of and distribute the surplus thereof; to acquire timber and mineral lands, lumbering and mining rights, and develop, operate and turn to account the same; and to acquire patent rights and franchises for the purpose of the new work hereby authorized and dispose of the same; to build and construct branch railways and manage the same, and for that purpose exercise all the powers, privileges and authority necessary therefor in as full and ample a manner as for the railway; to connect with, and make traffic or other arrangements with railway or other companies, and to purchase, take over, lease or otherwise acquire the property, rights and franchises of any other company or companies, and to lease or sell to any other company or companies the property, rights and franchises of this company, the whole subject to the laws and regulations of the province governing these matters.

Wherefore your petitioners humbly pray that your honourable House may be pleased to pass an Act for the purposes above mentioned.

This honourable House can see that the proposition contained in this Bill does not interfere with any existing railway project. It simply asks parliament to give these gentlemen an opportunity to start this work. They ask for certain powers with regard to building canals, docks, &c.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has given us notice of what the Bill contains, but has not touched the point raised as to the continual practice of setting the rules of the Senate aside, when ample time has been given under the rules of parliament for presenting petitions. I pointed out yesterday that the Committee on Standing Orders had, as a rule, extended the time for the presentation of petitions by reason of the adjournments which had taken place; but parliament has been in session now for over two months, and, as far as we know, no steps have been taken towards complying with the rules of the House when presenting petitions asking for the incorporation of a railway or for any other purpose. No reason has been assigned why two months has been allowed to elapse without complying with the rules of parliament. That is the reason why I have objected to the continual violation of the rules of the House, pointing out that we had better rescind these rules than continually violate them by motions for a suspension. In the other House there is, under their rules, a very heavy penalty imposed for the non-presentation of Bills or petitions in the proper form if they are intended to be presented. While the hon. gentleman has given us a very full description of what is intended to be done if the Bill becomes law, he has given us no reason why the parties interested in this project had not presented the petition within the proper time. For that reason, I have taken objection to the constant evasion of the rules, moving their suspension in order to enable parties to do that which the rules of the House say they shall not do.

Hon. Mr. CLORAN—I thought I gave a very substantial reason, and a very sad one. The gentleman who is in charge of this Bill in the lower House was prevented from performing his duty owing to death in his family, and I think we certainly should respect his position under the circumstances.

Hon. Mr. LANDRY—Before the motion is carried, I would call the attention of the House to rule 112, the suspension of which was asked. It reads as follows:

> No motion for the suspension of the rules upon any petition for a Private Bill is in order, unless such suspension has been recommended by the Committee on Standing Orders.

I do not know that in this case the Standing Orders Committee has made a recommendation to suspend the rule, and it is for that reason the suspension of rule 112 is asked. If that rule were suspended, in what position would we be? The petition would be presented.

Hon. Mr. YOUNG—If rule 112 were suspended, then the hon. gentleman's way would be quite clear to present the petition, if the time had not expired. That is all. Then a petition, in natural course,

would have to go before the Standing Orders Committee.

Hon. Mr. LANDRY—Because the committee has just passed a resolution declining to take any petition into consideration that would be presented after such a date.

Hon. Mr. YOUNG—No. The committee recommended from time to time the extension of time for presenting petitions. On a report of the committee which was read in the House here, hon. gentlemen will find that the committee decided to recommend no further extension of time in so far as petitions were concerned. They did not, nor could they, go so far as to say that they would not consider a petition which they received in regular order, which can be presented any time by a suspension of the rule.

Hon. Mr. LANDRY—I think the regular way would be to bring in a petition asking leave to present a petition.

Hon. Mr. CLORAN—That is what they did. I consulted the clerk of the House, and I am following the procedure, which he is well acquainted with, and also made inquiries from the chairman of the Standing Orders Committee, and he told me this was the procedure I had to adopt. I am in the hands of the House. I am prepared to follow the regular procedure, and have been advised by authorities in regard to procedure that this is the proper method of dealing with the matter.

Hon. Mr. YOUNG—If my hon. friend will permit me, when he asked me the question what course was open to him, I pointed out that this course was open, and I thought I made myself clear that a petition for leave to present a petition was also a course open. In this matter, he is, of course, at the mercy of the House. In the other alternative, his petition asking for leave to present a petition would be considered by the Standing Orders Committee, as my hon. friend has just pointed out. This is what I might call a short cut.

Hon. Mr. LANDRY—It is short and irregular.

The motion was agreed to.

Hon. Mr. YOUNG.

THE LATE SENATOR BAKER.

Hon. Sir RICHARD CARTWRIGHT—It is my painful duty to call to the notice of the House the loss which we have sustained recently by the death of Senator Baker. Under the circumstances, and particularly in view of the recent death of Sir George Drummond, it is doubly painful to us to have to record the loss of another hon. gentleman from the same province, occurring as this has, so suddenly after. It is but a few days, I might almost say a few hours, since we had the pleasure of having Senator Baker with us, and, to all outward appearance at the time, few of us could have expected or had a better prospect of living a few years more of honourable usefulness than the departed gentleman. For many years he was a member of the House of Commons on the opposite side of politics from myself; but I remember particularly that on every occasion when we came in contact, I had every reason to form a very high opinion of the honesty and uprightness of the late senator. I believe that in this House, for some considerable time, he occupied a very important position as chairman of one of our principal committees, and I think that the whole House will unite with me in saying that in every possible form and way the departed senator was one of those men who had no enemies, and who inspired all who came in contact with him with a very high opinion of his ability, and of his impartiality. Not having had the advantage of being intimately acquainted with him, I can say little more, except to express the regret, which I know every hon. gentleman here will feel, at the very sudden death of our lamented colleague.

Hon. Sir MACKENZIE BOWELL—In the absence of the hon. leader of the opposition, it falls to my lot to say a few words in reference to the departed senator. I can fully endorse every word which has been uttered by the leader of the House in reference to the late Senator George Baker. He was a gentleman with whom I was intimately acquainted and had very close associations, personal and political, for a great many years, and I know of very few men whom the public generally, and those with whom he has been connected, holds in

higher esteem. Personally, he was one of those men with whom one could associate, no matter what political views we might hold, and, the more intimate the acquaintance, the higher opinion you would have of that hon. gentleman. He was in his day what we might call one of the stalwarts of the party to which I belong. He held a very prominent position in that section of the Dominion in which he resided. The best evidence that his ability and his qualities were appreciated in that section of the country is the fact that he was elected to parliament, following in the footsteps of his father, who represented that constituency in the old parliament of Canada. He was a member of the legislative assembly in the province of Quebec. and had the honour of serving as Solicitor-General in the cabinet of our present colleague, the Hon. Mr. DeBoucherville, and after having left that branch of the legislature, he was re-elected to the House of Commons, and, as has been very properly stated by the hon. leader of the House, his position there was always that of a courteous gentleman, always ready to give advice, and to assist in the work of the House. Without making any disparaging comment on those who followed him as chairmen of the Railway Committee of this House, I think I shall be borne out by every one who was a member of that committee in saying that they never had a better chairman than our late friend. If there is any one who can sympathise more readily and earnestly with those who are bereft, it is myself, for the reasons that I have already intimated—by close association with our late colleague, socially, personally and in many other ways. I always looked upon him as a man of the strictest integrity. Though he has not for some three or four years past given so much attention to public business, he occupied a position second to none in the legislative halls of this country in the past. I think the Senate has lost a very valuable member, and the country, the services of one whose ability and talent in his younger days were of great service to the Dominion.

THIRD READING.

Bill (F) An Act to incorporate the Congregational Union of Canada.—Hon. Mr. Ellis.

SECOND READINGS.

Bill (P) An Act for the relief of Jessie Maud Mary Maxwell.—Hon. Mr. Edwards.

Bill (Q) An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.—Hon. Mr. Derbyshire.

PATENTS OF HENRY A. W. WISE WOOD BILL.

REFERRED BACK TO COMMITTEE.

Hon. Mr. McHUGH moved concurrence in the:

Report of the Standing Committee on miscellaneous private Bills, to whom was referred (Bill H) An Act respecting certain patents of Henry Alexander Wise Wood.

Hon. Mr. BELCOURT moved in amendment:

That the report be not now concurred in, but that it be recommitted to the Committee on Private Bills.

He said: The report of the committee is simply to the effect that the preamble of the Bill has not been proved. The reasons which led the committee to that conclusion are not stated in the report. Now rule 126 provides as follows:

When the committee on any private Bill report to the Senate that the preamble of such Bill has not been proved to their satisfaction, they must also state the grounds on which they have arrived at such decision; and no Bill so reported on shall be placed on the orders of the day unless by special order of the Senate.

Hon. Sir MACKENZIE BOWELL—When the debate took place on the second reading of that Bill, and its reference to the committee, it was then understood, although no motion was made, that the reasons for reporting the Bill should be given, provided the report was in favour of granting the petition.

Hon. Mr. BELCOURT—There can be no mistake about the rule; they must state the grounds on which they arrived at their decision.

Hon. Sir MACKENZIE BOWELL—Then the report is not in order—is that it?

Hon. Mr. BELCOURT—Yes.

Hon. Mr. YOUNG—That is the position the report is in, and the easiest way out of

the difficulty is to refer the report back to the committee.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman should state the reason why the report is referred back.

Hon. Mr. BELCOURT—There is a motion before the chair for concurrence in a report which, on the face of it, is not in accordance with rule 126. I have moved in amendment that the report be not now concurred in, but that the Bill be recommitted to the committee from which it came. I do not say for what purpose; the committee will deal with it in any way they may think proper.

Hon. Sir MACKENZIE BOWELL—Would it not be well to state in the amendment that it is referred back because it is not in accordance with the rule of the House?

Hon. Mr. BELCOURT—No; but there is nothing to prevent my hon. friend moving an amendment to the amendment to that effect.

Hon. Mr. LANDRY—The report is either in order or not in order. If it is in order, let it go; if it is not in order it can be ruled out.

Hon. Mr. DANDURAND—This is the easiest way to deal with it.

Hon. Mr. POWER—It would involve considerable delay to have to replace it on the orders of the day.

Hon. Mr. LANDRY—I suppose we can let it go, with the understanding that it will not be a precedent.

Hon. Mr. POWER—Yes.

The motion was agreed to.

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

THE SENATE.

FRIDAY, February 11, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (U) An Act to incorporate the Northern Quebec Colonization Railway Company.—Hon. Mr. Tessier.

Hon. Mr. YOUNG.

Bill (V) An Act to amend the Dominion Lands Act.—Hon. Mr. Davis.

Bill (No. 67) An Act respecting the Improved Paper Machinery Company.—Hon. Mr. Kirchhoffer.

DELAYED RETURNS.

Hon. Mr. DAVIS—I should like to know when may I expect to get the return respecting the amount of school lands sold in the Northwest. I moved for it some time ago. I have a motion before the House, and cannot go on with it until I get the return.

Hon. Sir RICHARD CARTWRIGHT—I have not heard anything further about it; but I shall call the special attention of the Minister of the Interior to that return.

Hon. Mr. LANDRY—I should like to know what progress is being made with the preparation of a return I asked for some weeks ago relating to an inquiry that took place in Quebec in connection with immigration affairs?

Hon. Sir RICHARD CARTWRIGHT—I laid certain papers on the table of the House yesterday with respect to that.

Hon. Mr. LANDRY—That is not the return that I asked for. I am speaking of a return that was ordered shortly after we reassembled in January. It relates to an inquiry that took place in consequence of complaints published in the Quebec 'Chronicle.'

Hon. Sir RICHARD CARTWRIGHT—If the hon. gentleman will send me a memorandum of the return he wants, I shall have an inquiry made about it.

SENATE DEBATES.

Hon. Mr. JONES—Before the orders of the day are called, I should like to know when we may expect to receive the revised copy of the debates of this House. I was looking for a revised copy of the debate which took place early in December with reference to the French treaty, and I am advised that it is not yet available.

Hon. Sir RICHARD CARTWRIGHT—If my hon. friend will call the attention of the chairman of the Debates Committee to the subject, he will probably ascertain the cause of the delay.

Hon. Mr. JONES—The chairman of the Debates Committee is not here to-day, and I thought if I made the inquiry in this way I might get information on the subject. There are many people who are anxious to get copies of that report.

Hon. Sir RICHARD CARTWRIGHT—I will try and get hold of the proper authority and call his attention to the delay.

Hon. Mr. YOUNG—We have the revised version up to the 2nd of December, but not later.

SECOND READING.

Bill (No. 82) An Act to incorporate the Merchants and General Insurance Company.—Hon. Mr. Casgrain.

The Senate adojurned until Tuesday next at three p.m.

THE SENATE.

TUESDAY, February 15, 1910.

The ACTING SPEAKER (Hon. Mr. Power) took the Chair at Three o'clock.

Prayers and routine proceedings.

COST OF NATIONAL TRANSCONTINENTAL RAILWAY RIGHT OF WAY.

MOTION.

Hon. Mr. LANDRY inquired:

How much has the right of way for the Transcontinental railway cost in the counties of Lévis, Dorchester, Bellechasse, Montmagny, L'Islet, Kamouraska and Témiscouata, respectively?

Rt. Hon. Sir RICHARD CARTWRIGHT—The following information is supplied by the Transcontinental Railway Commission:

Lévis	$ 47,893 00
Dorchester	60,859 50
Bellechasse	28,329 78
Montmagny	27,110 26
L'Islet	21,593 72
Kamouraska	28,897 62
Témiscouata	23,152 33
Total	$237,836 21

The above amounts include the land, wood, removal of buildings and damages.

INTERCOLONIAL RAILWAY DISMISSALS.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue for a statement showing, in so many distinct columns—

1. The names of all the employees of the Intercolonial railway who have been dismissed or who have resigned since the Intercolonial railway was put under the direction of the commission of that road.
2. The respective salaries of such employees.
3. The date of their appointment.
4. The date of their dismissal.
5. The number of the division or of the section of the railway where they were employed.
6. The domicile of such employees at the time of their dismissal?

Rt. Hon. Sir RICHARD CARTWRIGHT—There is no objection.

The motion was agreed to.

THE INSURANCE COMPANY OF CANADA BILL.

MOTION.

Hon. Mr. CASGRAIN moved:

That rules 112 and 110 be suspended in so far as they relate to a petition proposed to be presented by John Boyd and others, of the city of Montreal, praying to be incorporated as The Insurance Company of Canada.

He said: I have a letter from the attorneys for the applicants for this Bill, which I should like to read to the Senate:

Re Insurance Co. of Canada.

Dear Senator Casgrain,—We have consulted our clients in regard to the objection made by Senator Cox to the proposed name of this company, and are authorized by them to consent, if necessary, to another name being substituted in committee, the name suggested by our clients being 'Laurentian Insurance Company.'

We would point out at the same time, that we are anxious to retain the name 'Insurance Company of Canada if possible, and would prefer that the change should not be made unless it should appear advisable in the interests of the Bill.

We may point out that, as this company is not asking for permission to do a life business, Senator Cox's objection is not well taken, and that moreover, as the Bill has been printed, and the other petitions signed under this name, a change at the present time would prove very inconvenient.

Yours very truly,
DAVIDSON & WAINWRIGHT.

The SPEAKER—One of the reasons why this motion was opposed was that the

House expected some reason should be given for the delay in presenting the petition in due time.

Hon. Mr. CASGRAIN—I understood that would be discussed before the Standing Orders Committee, and if the applicants did not show good reason for delay, the committee would so report.

Hon. Mr. LANDRY—The motion made by my hon. friend is to suspend the rules in order that he may present a petition asking for leave to introduce the Bill. I do not see how a discussion on that point could take place here now. How does it come to us if there is opposition to the Bill?

Hon. Mr. CASGRAIN—The senator from Toronto (Hon. Mr. Cox) rose in his seat the other day and asked that the name 'The Insurance Company of Canada' should not be used, because it might conflict with the name of the Canada Life.

Hon. Sir MACKENZIE BOWELL—This is another case of violation of the rules. Two or three months have elapsed since the opening of the session, and not the first step has been taken towards the introduction of the Bill under discussion. I doubt if the notices have been published. If a notice has appeared in the 'Canada Gazette,' it must have been in the last issue, and in that case, some three weeks must elapse before even the rule can be complied with and the Bill introduced. If the Bill reaches the Banking and Commerce Committee, however, it will be time enough to discuss that point. I make the same objection in this case that I did in a similar case two or three weeks ago. We should either adhere to our rules, or dispense with them altogether. The sooner we put a stop to these requests to suspend the rules, the sooner will we get our business done in a businesslike manner; I am opposed to the motion.

The motion was agreed to on a division.

BILLS INTRODUCED.

Bill (No. 61) An Act respecting the Canadian Northern Railway Company.—Hon. Mr. Davis.

Bill (No. 80) An Act to incorporate l'Institut de Notre Dame des Missions.—Hon. Mr. Ross (Middlesex).

The SPEAKER.

Bill (No. 90) An Act respecting the Central Ontario Railway Company.—Hon. Mr. Ross (Middlesex).

Bill (No. 96) An Act respecting the Canadian Pacific Railway Company.—Hon. Mr. Watson.

Bill (No. 97) An Act respecting the Algoma Central and Hudson Bay Railway Company.—Hon. Mr. Ross (Middlesex).

Bill (No. 113) An Act respecting the Manitoulin and North Shore Railway Company.—Hon. Mr. Ross (Middlesex).

THE SPANISH RIVER RAILWAY WRECK.

Hon. Mr. CLORAN—Before the orders of the day are called, I should like to draw the attention of the House to a matter which is occupying the attention of the government, and which, I think, a great many people of this country would like the Senate to supplement or duplicate. The attention of the government has been called to the heroic conduct of one of the employees of the Canadian Pacific railway in the discharge of his duties in the lamentable wreck of the passenger train at Spanish river two or three weeks ago. I understand that the Prime Minister has accepted the invitation of the leader of the opposition in another place to bring the matter to the notice of the imperial authorities, and, if possible, secure for him imperial recognition in the way of obtaining a medal which is granted by His Majesty King Edward, for such heroic services. The members of this Chamber are just as appreciative of heroic and noble conduct as are the members of the other branch of parliament. When that conductor did his duty he did it as an officer of the company in charge of human life, and his bravery deserves recognition; but, while he was saving life, a lady from the Northwest, Mrs. H. A. Linall, of Winnipeg, a daughter of Mr. David Ward, of Toronto, showed remarkable self-sacrifice, devotion, coolness and bravery, unexampled in the history of our country, and probably in the history of any other country. The testimony comes, not from myself, because I did not see her acts of courage and devotion, but from the men with whom she laboured in the cause of humanity. When

the wreck occurred, Mrs. Linall was in the Pullman car with her little child, a boy three or four years of age. When the car left the track and was rolling down the bank, she wrapped him between two cushions, and that was the means of saving his life. She was knocked senseless herself by a blow from a car fixture. After several minutes she came to her senses, and instead of crying for help or some one to relieve her pain, without even waiting to know if her child was safe—she only found him ten minutes afterwards—she devoted all her energy to the care of the wounded and dying. According to Irwin, the Pullman car conductor, who is equally worthy of recognition with conductor Reynolds in this matter, Mrs. Linall, instead of running away, took charge of the maimed, wounded and dying in the Pullman car, which was turned into a hospital for the time being. He tells how she took a little boy in her arms and cared for him. He had been badly wounded, his head almost smashed beyond recognition. He was so badly injured and so covered with blood that the conductor had to cut the clothes from him. She put him with her own boy on the seat, told them to be good, and passed the whole afternoon until dark in binding up the wounds and caring for those who had been injured in the accident. According to the conductor, Irwin, she used every shred of linen, blankets and mattresses in the car to bandage wounds, and, finally, when he brought one or two of the last victims, and there was no more linen in the car, she said, 'excuse me,' and when a few seconds later he looked around, he found her bandaging the wounded with her own apparel. There is enough gallantry in the Senate to recognize the heroic work of this woman, and I am sure the gallant knight who leads the House will join her name with those of the conductors and see that she secures recognition that will be imperial, because she is not only a woman of Canada, but has proved herself to be a valuable daughter of the empire.

Right Hon. Sir RICHARD CARTWRIGHT —I shall mention the matter that my hon. friend has brought up when the question is discussed in council.

THIRD READING.

Bill (P) An Act for the relief of Jessie Maud Mary Maxwell.—Hon. Mr. Edwards.

SECOND READING.

Bill (No. 89) An Act respecting the Calgary and Edmonton Railway Company—Hon. Mr. Lougheed.

CRIMINAL CODE AMENDMENT BILL.

NOTICE OF AMENDMENTS.

Hon. Sir RICHARD SCOTT moved that the House resolve itself into a Committee of the Whole on Bill (No. 85) An Act to amend the Criminal Code.

He said: I have drafted amendments to meet the objections which have been raised to this Bill. I wish to move the House into committee and submit the amendments, and if any objection should be raised to either of them, the committee can rise and sit at some future day; in the meantime the amendments will appear in the 'Minutes.'

Hon. Mr. BOSTOCK—It was understood that this Bill was to stand over until the hon. member from Calgary could be present.

Hon. Sir RICHARD SCOTT—I am not aware that there was any such understanding. The Bill has been on the orders for a fortnight, and, I think, with the amendments I am about to submit, there will be no objection to the measure.

The motion was agreed to, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Hon. Sir RICHARD SCOTT—The amendments I propose are as follow:—

424c. No prosecution shall be entertained under section 424a unless it has been initiated and proceeded with by the manager or agent of a mining company, or by the owner of a mine claiming to have been defrauded of similar rock, ore or other substances to some one of those defined in said section 424a.

The other amendment is:

424d. This Act shall have no force or effect unless or until brought into operation by proclamation issued under the authority of the Governor in Council, and will then only

apply to those provinces, or parts of a province, specifically defined in the said proclamation.

The object of the first amendment is that the prosecution may not be commenced by any individual informer, but only by the company officially itself. Then there was considerable objection to the Act going into force over the whole Dominion. The second amendment therefore is to limit the operation of the Act so that it will only go into effect on a proclamation issued by the Governor in Council, and then only in those provinces or parts of provinces that may be defined in the proclamation.

Hon. Mr. DAVIS—I would rather have the province of Saskatchewan cut out entirely. Yukon is outside of the application of the measure, and I do not see why Saskatchewan cannot be put in the same position.

Hon. Sir MACKENZIE BOWELL—These amendments would give the Governor in Council very large and unusual powers.

Hon. Mr. LANDRY, from the committee, reported that some progress had been made with the Bill, and asked leave to sit again on Tuesday next.

LAURIE DIVORCE BILL.

SECOND READING POSTPONED.

Hon. Mr. GILLMOR moved the second reading of Bill (T) An Act for the relief of Archibald Laurie.

Hon. Mr. LANDRY—The Bill, as it reads, names the co-respondent, which is something new. If you look at the legislation of past years you will find no precedent for this Bill. For instance, in the session of 1906, you will find several Acts, in all of which, though the fact of the offence being committed is mentioned, the name of the co-respondent is not mentioned. You will find the same thing in the statutes of each year.

Right Hon. Sir RICHARD CARTWRIGHT—It was understood—and on the understanding some Bills have been allowed to stand over—the non-contentious business would be taken up this afternoon. I would therefore ask the hon. member in charge of this Bill to let it stand over until to-morrow.

The order was discharged and placed on the orders of the day for to-morrow.

MOND NICKEL COMPANY PATENT BILL.

SECOND READING POSTPONED.

Hon. Mr. BELCOURT moved the second reading of Bill (No. 92) An Act respecting the patent of the Mond Nickel Company (Limited). He said: The occasion of the Bill is the negligence of the agent of the company, which is an English corporation, to pay the fee to the Department of Agriculture for the extension of the patent. The Bill, when considered by the Committee of the House of Commons, was not objected to by the Minister of Agriculture or his deputy, who were present. It is merely for the purpose of allowing the applicants to pay the fee in order that they may get the extension which they would have been granted had not the party who was charged with paying the fee neglected to do so.

Hon. Mr. ELLIS—In view of the fact that the Minister of Agriculture and the deputy minister of his department are opposed on principle to bills of this character, I think it would be better to let it stand until to-morrow.

The order of the day was discharged, and the second reading was fixed for to-morrow.

The Senate adjourned until to-morrow at three o'clock

THE SENATE.

WEDNESDAY, February 16, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (W) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.—Hon. Mr. McHugh.

Bill (X) An Act to incorporate the Protectorate Life Assurance Company of Canada.—Hon. Mr. McHugh.

Bill (Y) An Act to amend the Government Annuities Act of 1908.—Hon. Sir Richard Cartwright.

TRADE RELATIONS WITH GERMANY.

Hon. Mr. ELLIS—Before the orders of the day are called, could the right hon. gentleman make a statement with regard to the reported arrangement of new trade relations with Germany?

Rt. Hon. Sir RICHARD CARTWRIGHT—I have laid several copies of the agreement on the table in order that hon. gentlemen might advise themselves more particularly of the details. I may say generally that the object of the agreement which is provisionally entered into between the Finance Minister and the Consul General of Germany, representing their respective governments, is to abolish the surtax which has been imposed up to the present time on German goods. In return therefor, the German government places a number of articles exported from Canada under their minimum tariff. The list of articles will be found in the papers I have submitted, and they comprise, I think, most of those which are of any considerable interest to Canada. They include many agricultural products, wheat, barley, oats, grass seed, fruits of various kinds, fresh and dried, &c., and certain other articles, which will be found more in detail in the papers that I have submitted. As hon. gentlemen are aware, that surtax was imposed in consequence of the German government penalizing Canada, or refusing to give Canada the consideration which it had formerly enjoyed in consequence of our granting a preference to the mother country. The effect of the present agreement, if carried out, will be, I think, to give us access to the German market for the various classes of articles we are likely to export to them in any quantity, and on the whole it will be found to be mutually beneficial.

Hon. Sir MACKENZIE BOWELL—I intended to put a somewhat similar question to that asked by my hon. friend from St. John, to the right honourable gentleman. Since I took my seat, a copy of the document has been laid on my desk. I have not had time or opportunity to examine the correspondence or the list of articles mentioned in the treaty which has been signed, I understand, by the Finance Minister of Canada and the Consul General of Germany in Montreal. But, looking at it, I notice there are very few, outside of footwear, of the manufactured articles of Canada included in this list. There may be others, but I have not had time to examine the document to ascertain. Might I ask whether the concessions, which have been made in this treaty, are confined entirely to the articles mentioned in the schedule accompanying this document, or whether we are to receive the benefits derived under the favoured nations clause that England enjoys in entering into the German market? Looking at the list of articles, the products of orchards and fields are included in this list; but I fail to see many important concessions to the manufacturing interests of this country. I can understand, knowing the protective policy of Germany, that manufactured articles which come at all in competition with articles manufactured in Germany would be excluded under this treaty; but if the same concessions are made to us outside of the articles mentioned, it would be a decided advantage to this country. I am sure that every one interested in the trade of Canada will be pleased to know that Germany has consented to make certain concessions, but they are in consideration, as I understand it, of the removal of the surtax from every article imported into Canada from Germany. I would ask the right hon. gentleman whether the view I have taken of the treaty and the documents before us is correct?

Rt. Hon. Sir RICHARD CARTWRIGHT—I think the hon. gentleman is correct, and that the articles specified are the only ones that will benefit under the minimum tariff.

THE SPANISH RIVER WRECK.

Rt. Hon. Sir RICHARD CARTWRIGHT—Before the orders of the day are called, I would ask the indulgence of the House to say a word or two in reply to the question which was put to me yesterday by the hon.

gentleman from Victoria division (Hon. Mr. Cloran). He called the attention of the House to a recent act of gallantry performed by Mr. Reynolds, a conductor on the Canadian Pacific railway train recently wrecked at Spanish river, and inquired what the government were disposed to do in reference to that matter, and also with respect to the case of a certain lady, whose conduct on that occasion appeared to him, very justly, to have deserved high commendation. With respect to Mr. Reynolds, I am happy to inform him that several days ago—in fact within a very short time of the occurrence of the accident—my colleague, Mr. Murphy, Secretary of State, had forwarded to the imperial authorities full details of Mr. Reynold's gallant conduct, and I have no doubt in due time that we shall hear from the imperial authorities on the subject. As respects the lady in question, while I entirely appreciate the coolness and courage which she displayed on the occasion, and also the manner in which she devoted herself to the assistance of her less fortunate fellow passengers, I am doubtful whether it is one of those cases which, under the regulations, would come within the scope of the distribution of either the Albert or the Edward medals; but that matter can be further inquired into later on. In the meantime, he will be glad to know that everything we can do to ensure recognition of Mr. Reynold's conduct, has already been done by the Secretary of State.

Hon. Mr. CLORAN—I have simply to say on behalf of Mr. Reynolds, that I knew his case was safe in the hands of the lower House, and I expected that the lady, Mrs. Linall, under the circumstances, would, if it were possible, receive the same recognition, because her work on that occasion was, as has been stated, most extraordinary in the way of devotion and self-sacrifice, and I trust that the hope of the gallant knight who leads this House will be realized and that her merits, if not recognized by the imperial authorities, will be recognized by associations formed to do what they can to encourage those who risk their own health and their lives to save others.

Right Hon. Sir RICHARD CARTWRIGHT.

DELAYED RETURNS.

Hon. Mr. DAVID—Before the orders of the day are called, I should like to ask the right hon. leader of the government in this House whether anything has been done in connection with a motion I made, and an order which was granted, for copies of letters patent issued?

Rt. Hon Sir RICHARD CARTWRIGHT—If the hon. gentleman will give me a memorandum of the date, I will cause inquiries to be made.

GOVERNMENT RAILWAYS BRANCH LINES BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 17) An Act to authorize the government of Canada to acquire by lease, lines of railway connecting with the government railways. He said: The Bill, although one of importance, is one which does not require any long explanation. In fact, the title almost explains the object that the government had in view. The leader of the opposition inquired of me some time ago as to whether any, or what branch railroads, had made application or were being considered by the government. I am informed by the Department of Railways that this is a purely permissive Bill, and that no railroads have as yet applied for leave to come in under its terms, and, of course, it is not likely that anything will be done for some considerable time in any case. The House will note that the Bill does not propose to purchase, but simply to lease on payment of a certain percentage to be fixed on examination of the gross receipts which may accrue on any one of these railroads, and considerable precautions are being taken to prevent this feature being abused. In the first place, the proposition must emanate from the board of management of the railway, who must satisfy themselves that it would be to the advantage of the Intercolonial Railway system to lease any one of these subsidiary lines. It must then pass the ordeal of the Council, and, finally, the ordeal of both Houses of parliament. When we go into committee, of course, the question can be more fully discussed. In the

meantime, I may add that the Bill appears to have passed the lower House unanimously. There is but little to add to the explanation I have made. As I have said, it is purely a permissive Bill, and is only intended to take effect where it is seen to be clearly to the advantage of the Intercolonial railway to acquire possession of some subsidiary line.

Hon. Sir MACKENZIE BOWELL—The proposition made by this Bill is to my mind of a serious character. I listened with considerable attention to the remarks of the right hon. gentleman in moving the second reading, where he pointed out what he conceives to be the safeguards in the acquiring of these branch lines, and the principal reason given for the belief that no lines would be purchased except those which would be feeders to the Intercolonial railway is based upon the presumption that the commission which manages the railway at the time would not recommend to the government the purchase of any lines other than those which would prove to be profitable feeders to the Intercolonial railway. My impression is that if the title of this Bill, and the preamble were changed a little, it would meet the views that I have upon the subject, and the results which I believe will follow from the acquisition of those branch lines. I notice the preamble says that the lines to be acquired by the government of Canada are 'lines of railway connecting with the government railways as feeders thereto and in connection therewith.' If that were changed to read as 'feeders on the revenue of the country at the expense of the people', I think it would be a more accurate statement than to say that they are to be feeders of the Intercolonial railway. The country has not yet been able to ascertain the financial results of acquiring certain roads in the maritime provinces and in Quebec on the expenditure and revenue of the Intercolonial railway. The only information I could secure on that point was that they have been an additional expense in the operation of the Intercolonial railway. I have tried on one or two occasions to ascertain the effect of acquiring that portion of the Grand Trunk railway from St. Rosalie to Montreal upon the earnings and expenditures of the Intercolonial railway, but have never been able to obtain the slightest information upon the question. On inquiry I was told that the officials were unable to lay a statement before parliament in compliance with the order of this House, because there was no separate account kept of the earnings or expenditures of that particular branch of the line. In acknowledging receipts and in charging expenditures, the accounts of the main line and branches were all lumped together, and they said it was impossible to furnish the information that I sought. If we could get details showing the results of the purchase of what is called the Canada Eastern railroad, we would be able to judge what the effect has been upon the earnings and expenditures of the Intercolonial railway. Every one knows that when the government acquired that road it was in a state of bankruptcy, that it was not safe to be operated by the individual who controlled it, and that a very large amount had to be expended on it in order to put it in condition for traffic. That is information which, I think, the country is entitled to, and if there is any probability of getting it, a motion should be made and an order issued for the return. We would then be in a better position to judge the effect of acquiring these branch lines. We all know that the ex-Minister of Railways and Canals has been a constant advocate of the acquisition of all these branch lines in the maritime provinces. Whether it is from a desire to extend government ownership to all public utilities I do not venture to say, but I believe if every branch line in the maritime provinces were acquired, the revenues would not equal the expenditures. My own view has been for a number of years, and more particularly since I spent three or four months in the Department of Railways while I was a member of the old government, and my conviction deepens with increasing years, that the sooner the government disposes of that road or places it under management independent altogether of political influences, the sooner will the receipts cover the expenditures. I have reason to know that since this government came into power offers have been made by private companies to acquire that road and pay a good handsome annual rental for it, pledg-

ing themselves at the same time not to increase the freight rates beyond what should be legitimately imposed. There is not a senator from the maritime provinces who has paid attention to the operation of that road that does not know it has been managed for political purposes. On the verge of an election contest in that part of the country hundreds of voters have been put on the pay-lists, and after the elections have been discharged. Under the circumstances, is it not time that those who have to pay the extra amount of debt incurred, in addition to the interest, should demand that steps be taken by which the Intercolonial railway should be made to pay at least running expenses? The result of placing the management of the railways of Australia under a young Canadian, who had experience of railway management in this country, has been attended with the best results. The roads having been removed from political influences dominating the governments of these colonies, are now so managed as to pay interest on the investment, and contribute to the revenue of the country. Until some such system is adopted in the management of our government roads they will continue to be an incubus on the revenue of the country.

Hon. Mr. POWER—Perhaps the hon. gentleman would be kind enough to read the summary which he has before him of the results of independent management in Australia.

Hon. Sir MACKENZIE BOWELL—The memorandum which I have before me is as follows:

The report of the Victorian (Australia) Railway Commissioners, of which Mr. Thomas Tait, formerly of the Canadian Pacific Railway staff, is chairman, continues to reflect the executive ability of the man from Canada. The blue-book giving details of operation, which is just to hand, is for the year ended June 30, 1909.

A noticeable feature of the report is the reduction which has been accomplished in the ratio of working expenses to gross revenue. For six years up to 1903 this was 59·83 per cent, while for the following six years this was reduced to 54·41 per cent. It is but natural that this ratio should be lower than Canadian railways can show, in view of the fact that they have no such winter climatic conditions to contend against or snow-fighting apparatus to maintain.

During the past fiscal year the Victorian railways earned $20,332,840, while the working expenses, including a special payment of $340,519 to railway accident and fire insurance fund, were $11,725,535, giving a net revenue of $8,607,305. After the payment of interest charges, pensions, gratuities, &c., there was a surplus of $143,837 creditable to consolidated revenue. For the past six years the amount placed to credit of consolidated revenue was $3,779,047, while for the preceding six years, that is from 1897 to 1903, there was a deficit of $7,767,537 paid out of that fund.

The gross revenue for the past six years showed an increase of $22,4443,685, compared with the previous six years, with an increase for the corresponding period of $7,394,866 in working expenses. The balance of net revenue in six years likewise showed an advance of $12,431,810.

A noticeable feature of the portion of the report which compares the two periods of six years in the operation of the system is the increase in the number of passengers carried. The commission now operates 3,414·91 miles of track, which is but a comparatively small increase over the past few years and for the past six years there was an increase in the number of passengers carried of 99,974,678, the total handled in that period being 405,170,581. There was also a large increase in the number of tons of goods carried.

This is a synopsis of the official document laid before the Australian parliament. It is an illustration of what might, I believe, to a certain extent, if not the fullest extent, be attained if the Intercolonial railway and its feeders were placed under the independent management of a gentleman well versed in railway management, instead of remaining under the guidance of a commission which must to a greater or lesser extent be dominated by politicians and the government of the day. I was somewhat surprised at the remarks of the Minister of Railways, reported recently in Montreal, in which he used this expression:

The chief drawback to the Intercolonial is that the details of all expenditures are made public. Every little tender is made public, and the contractors get a chance to force up the price. In Germany these details are not given, and the management is able to get an advantage in buying. Give us less publicity and we can make the Intercolonial pay, and pay handsomely.

What does that mean? Does he want to prevent the prices paid under contract from being made public? That would only occur after the contracts are given out. The terms of the contract are not published to the world until after they are received

by the government officials. Why, then, should the Minister of Railways ask for secrecy in the management of a public work like the Intercolonial railway? That is something I cannot understand. Looking at this whole question as it is presented to us to-day by the leader of this House, we have a proposition made to give the government power, through the commission, to acquire all the—shall I say useless—branch railways that exist in the maritime provinces. Why should the maritime provinces have their roads owned by the government and run at a cost much greater than the receipts, while other lines in the Dominion are operated by private companies, and the people, for all the advantage they receive, have to pay the highest passenger and freight rates, regulated, of course, by the Railway Commission? I have had very little experience in the management of the Railway Department, only three or four months, but I began to get an inkling of the working of the Intercolonial some years ago, and I hesitate not to say that even then—and it has been intensified ever since—there were actions, particularly in the matter of contracts, where they were dealt with only by the minister and his officials, which would not bear the light of day, and when they did come to light the political effect which followed was of an extraordinary character. I will give one illustration. It came under my notice—I am not going to say on what part of the Intercolonial railway this occurred—that a foreman had been accused and proved guilty of stealing ties, lumber and hardware. He was suspended and ultimately dismissed. A deputation waited on me and demanded his reinstatement. I positively declined. The answer was: 'If this man is not restored to his former position the Conservatives will lose the county.' I said: 'If the Conservative party could not retain power without condoning a theft, they had better lose the county,' and they did lose the county. I give that as an illustration of how the management of the Intercolonial railway is attempted to be swayed. This has been going on continually, until we find a great public work which has cost us some eighty or ninety million dollars going behind every year to the extent of thousands, yes, millions of dollars. A surplus is claimed for last year of $6,000. That was done three or four years ago, but unless I am much mistaken, before another couple of years roll around you will find deficits occurring again. I would not give the power to any government to acquire branch lines to be used as feeders to the Intercolonial railway, and which would prove a source of loss instead of a source of revenue. My impression is that if a proposition of that kind were made by other than those in power, we would hear the stentorian voice of my hon. friend opposite denouncing it in stronger terms than I could use. But political influences are exercised to such an extent at the present time that scarcely any government has the courage to grapple with the question as I think it ought to be.

Hon. Mr. WOOD—The object which the government may have in view in introducing this measure as it is presented to the House, does not appear very clear. I can hardly understand why it is necessary by Act of parliament to give the government and the Minister of Railways authority to enter into negotiations for acquiring or leasing the branch lines of the Intercolonial railway. They have undoubtedly this power at the present time without any special Act of parliament for that purpose.

The other provisions of the Bill which are intended to operate as safeguards in any transactions of this kind that may be entered into, provides that the chief engineer of the Department of Railways and Canals shall first certify that the roads are in good and safe condition for operation, and the managing board and said engineer shall operate any such line or lines of railway as a part of the government railways. These are preliminary precautions which I imagine any prudent minister, under any circumstances, would be sure to take before entering into any arrangement for either the purchase or lease of a railway, and it is rather difficult to understand why, in this instance, it is necessary to surround the Minister of Railways with these unusual safeguards by Act of parliament. The hon. gentleman who has just addressed the House sug-

gested some change in the wording of the Bill. It occurred to me that if this Bill had been called, 'an Act to limit the powers of the government, and the Minister of Railways with regard to the acquisition of branch lines', it would have been a more suitable title than the one which it has at the present time.

The preamble states as a reason for the introduction of this measure, that it is desirable that the traffic of the Intercolonial railway should be increased, and it proposes to accomplish that end by the acquisition of these branch lines. There is no question as to the first proposition, that the traffic should be increased. The second one may be more debatable in its nature. The branch lines of the Intercolonial railway at the present time are feeders to that railway. I can understand how in any country where there were two rival lines of railway, that each of those rival lines would consider it to their advantage to build or purchase branch lines, or acquire control of them in order that they might secure for their own line the transportation of any traffic originating in the adjacent country, and prevent it being diverted to their rivals; but it must be borne in mind that the position of the Intercolonial railway is very different from that of competing lines in other sections of the country. It has an actual monopoly of the railway traffic of the country through which it runs, and the branch lines of railway connecting with it are obliged to transfer all the freight they have which is not purely local traffic to and from that railway. I am glad to be able to refer to a valuable report which was made by the commission appointed by the province of New Brunswick to examine the branch lines of the province and report to the government with regard to them. This commission confirms what I have just said. It is dated December 18, 1907, and deals with nine branch lines.

Hon. Mr. McSWEENEY—Who are the commissioners?

Hon. Mr. WOOD—Mr. T. M. Burns, and Mr. Gillmor Brown. In this report it is stated that from 1901 to 1906 inclusive there were 419,893 passengers carried on these 9 branches. During the same period there were 1,097,218 tons of freight carried by these branches. They then remarked that:

> When we consider that nearly all this freight, amounting to more than a million tons in six years, and a large percentage of the 419,893 passengers were hauled over the Intercolonial railway in going to and from these branch lines, and when we further consider that in nearly all cases the Intercolonial gets a long haul for all this traffic, we begin to realize the value of the business that these branch lines as feeders give to the Intercolonial Railway.

Hon. Mr. CLORAN—What was the mileage of the 9 branch lines?

Hon. Mr. WOOD—The total mileage was 301,410. In view of this report it does not appear to me very apparent what advantage would be gained by transferring the ownership from the companies that now operate them to the government.

There is another part of this report, however, which may have influenced the government in adopting this policy. The report upon the operation of the roads gives these figures: In 1901 six out of the nine branch railways showed deficits, and three showed surpluses. In 1906 this condition was exactly reversed. Six out of the nine showed a surplus and three showed a deficit. I should remark that two of these three last mentioned roads were very short lines, only 8 and 10 miles respectively, and had a very small and unimportant traffic, so there is really only one branch line of any importance which showed a deficit in 1906. In 1901 the operation of the nine branch lines, that is taking the aggregate, showed a deficit of $3,764. In 1906 this deficit was wiped out and a surplus of $10,650 earned, which is certainly a gratifying result, and shows a prosperous condition of affairs.

Hon. Mr. McSWEENEY—That would be merely the running expenses? It did not take the bonds into consideration, I suppose?

Hon. Mr. WOOD—No, I should think not. Looking at this report, we might naturally infer that the acquisition of these lines would be desirable from the government point of view, in order that the deficits that the Intercolonial railway has shown for the

same period might be, to a small extent at least, lessened. As a business proposition it would occur to me that a Bill which would authorize the branch lines to acquire the Intercolonial railway would have very much to commend it.

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. WOOD—For I think I am safe in saying if the same care had been exercised in the management of the Intercolonial railway, instead of showing deficits, it would show a gratifying surplus during the period which this report covers.

There are, however, reasons which might be brought forward in support of this measure, and they are the reasons which are generally referred to in the press of the maritime provinces by those who favour the adoption of this policy generally. It is claimed that if the branch lines of the Intercolonial railway were acquired by the government, they would be put in better condition, that money would be spent in raising the road bed, to a higher standard, that various improvements would be made along the lines, such as increased siding accommodation, and matters of that kind, that through railway rates would be established, avoiding the double local rates which are now sometimes charged, and thus the cost of transportation would be lessened, and in a general way the rolling stock would be improved, and a better service rendered. That is no doubt true. Public opinion under government ownership would demand changes of this kind, and expenditures of this character, and I have not the least doubt, whatever government is in power, sufficient political influence will be brought to bear to secure these results, and for this reason I have no hesitation in saying that the change in ownership proposed in this Bill will be welcomed, not only by the owners of the roads, but by the population which they serve; but I must at the same time express my fears that the change of ownership, instead of decreasing the deficits of the Intercolonial railway, would involve some additions to the capital account, and probably in their operation they would contribute their quota to the annual deficits. These branch lines have done a useful work in the province of New Brunswick. They have been subjected to criticism at times in the press, and by some of the patrons who think that the condition of the roads is not in all respects what it should be, and that the service is not as good as should be given by them. This is very liable to result when they compare the services of the branch lines with the services on the Intercolonial railway. We cannot give as good service on the branch lines in a province like New Brunswick as is given on the Intercolonial railway. It cannot be expected. These lines have been built very largely with the aid of Dominion and provincial subsidies. The capital invested in them has been invested rather by those who have an interest in the country and desire to see railway communication established in remote parts, which would help to develop the resources and contribute to the prosperity of the people; and while they have not been, and are not able, and cannot be expected to give as good a service as is given on the Intercolonial railway, they have at the same time given the best service their circumstances have permitted, and the best service that the volume and character of the traffic would warrant. I am very glad that I am sustained in this view also by a paragraph in the report to which I have already referred, and with the permission of the House I will read it. This is the closing paragraph of the report:

> Apart from their value to the Intercolonial as feeders these lines of railway have been of incalculable benefit to the localities which they serve and to the province at large. What the country would do without them is best illustrated by the consternation that prevails when one of them closes down for a day or two. Their successful operation is of a great benefit to the people of the province and any money which has been put into them by the government in the way of subsidies has been much more than repaid in the increased value of property in the districts which they serve and in the increased business and prosperity of the country at large; due in a great measure to their existence.

The hon. gentleman from Hastings (Hon. Sir Mackenzie Bowell) referred to a change of policy with regard to the management of the Intercolonial railway, and I should like to say a few words on that subject. I think it arises from a consideration of the Bill before us. To those who have been in

the Senate for the last few years, it is well known that I have never favoured the extension of the Intercolonial railway. I have held the opinion for many years that it was impossible to conduct the management of a government railway like the Intercolonial railway on business principles. The last speaker referred to political influences which had been brought to bear upon him, when acting as Minister of Railways, I believe that it is utterly impossible to prevent political influence being brought to bear and political power from being exercised upon the management of a government railway, and such exercise of power undoubtedly leads to extravagance and loss, very often, I regret to say, the result of dishonesty, corruption and fraud; but a loss which to a certain extent paralyses the management of the railway and utterly destroys the relations which should exist, and under other circumstances, would exist between the income and expenditure.

Hon. Mr. DOMVILLE—Is my hon. friend referring to the Intercolonial railway now?

Hon. Mr. WOOD—Yes.

Hon. Mr. DOMVILLE—During the term of the present government or of the late government?

Hon. Mr. WOOD—My remarks would apply to the Intercolonial railway from its first construction.

Hon. Mr. DOMVILLE—It is very bad that such a state of affairs should have existed.

Hon. Mr. WOOD—I am aware of it, and regret it very much. To confirm what I have said, I shall merely refer to the experience of the last few years. In 1898-9 the Drummond County railway was purchased and the Intercolonial railway was extended to the city of Montreal. It was claimed by the Minister of Railways at that time, and by those who supported that measure, that the advantages to be gained from that extension would be so great that it would place the road upon a paying basis, that the era of deficits would be at end, and the Minister of Railways, in the first proposition which he presented to parliament, estimated that the profitable results from that extension would be so great that he would be not only able to equalize all expenditures and receipts, but that he would have a surplus which, in the course of time, would pay the whole cost of that extension, and he proposed to form a sinking fund from the surplus for that purpose. I do not question for one moment the sincerity of the Minister of Railways, or any one else who supported that proposition, at that time. He was supported by the opinion of men who should be in a position to express opinions of value upon that subject. It was supported by a statement that was presented in the House over the signature of the chief engineer of railways at the time, Mr. Collingwood Schreiber, and in that statement he estimated that the earnings of the Intercolonial railway, as the result of that extension, would be increased by something like a million dollars annually. He estimated that for the first year after they had the extension completed to Montreal, there would be an additional traffic of upwards of $900,000, and after making what he considered a liberal allowance for operating expenses and additional cost for this extension, he estimated there would be a net profit of half a million dollars. This was regarded at the time, no doubt, by almost every person acquainted with such matters, as a reasonable statement, and I so regard it even to-day. I believe that any private railway, under similar circumstances, that had obtained access to a great commercial centre like Montreal, would in their operations have realized the results which the chief engineer predicted would follow that extension. Every person acquainted with business matters, although he is not a railway expert, knows the very great advantages which must result to any railway system to have access to a great commercial centre like the city of Montreal. It brings the management in contact with the leading business men of the country. It places them in a better position to secure their fair share of the traffic which originates in that great city, and more than that, it places them in a position where they can exert their energies usefully and successfully in creating new traffic, if they chose to do so. These results, in the case of a

private company, should have followed, and I believed would have followed an extension of that character. Now that estimate of results, and the actual results, bear a very striking contrast. It is gratifying to know that the increase of business which Mr. Schreiber anticipated has been realized. There has been a very rapid growth of business on the Intercolonial railway during the time that has intervened between the acquisition of the Drummond County railway and the present time. I find, from the report of the Minister of Railways for the present year, that the traffic receipts previous to the acquisition of the Drummond County railway were about $3,000,000. They increased, until in 1908-9, they amounted to about $9,000,000. Unfortunately, in the case of the Intercolonial, the working expenses have increased in the same ratio as the increase of traffic receipts. The working expenses in 1896-7 were practically $3,000,000—a few dollars less. In 1908-9 they exceeded nine million dollars. These figures show that the Intercolonial railway, in common with other railways, and in common even with the branch lines in the province of New Brunswick, have had an increased traffic resulting from the increased population and business, and the general growth and prosperity of the country. In this respect, their experience has been similar to that of other railways, but it is in this respect alone. The results of their operations during this period, instead of showing a profit, as they should have shown, showed an aggregate deficit amounting to something over three and a half million dollars.

Hon. Mr. McSWEENY—During what time?

Hon. Mr. WOOD—Since 1898—about eleven years. But in addition to this, there have been during that time enormous expenditures on the Intercolonial railway on capital account. A reference to the report shows that during the period the expenditures on capital account have exceeded $35,000,000. This is more than one-third of the whole cost of the railway, the construction cost amounting up to the present time to a little more than ninety million dollars. This expenditure is said to have been necessary in order to raise the condition of the road up to a high standard, in order to acquire new and improved modern rolling stock, in order to equip the road in every respect, to enable it to handle its traffic quickly and economically, and yet with all this expenditure, and with a road equipped as well, I believe, as any road of the Dominion, and with every facility for doing business, we have the unfortunate results to which I have just referred. These are cold facts taken from the report of the Minister of Railways, and in view of those facts I am rather confirmed in my opinion—I certainly do not feel I have any reason to revise my opinion in regard to the desirability of having our railways run as government railways. I am at a loss to see how any reasonable person can by any sophistry of argument convince himself that the management of the government railways has been in this case a conspicuous success.

There is one other feature of this question to which I wish to allude before I take my seat, and that is a feature in regard to which the opinions that I may express will, I presume, be opposed to the public opinion generally entertained throughout this country. It is my opinion that the Intercolonial railway as a government owned railway has not exerted the influence which a railway under company management could and would have exerted upon the business life and activities of the country. From the very fact that it is a government railway, it is hampered in its operations, and the scope of its activities is limited. From the fact that the management are government employees, they cannot identify themselves as they otherwise might with the business life of the country. To illustrate what I mean by this reference, let me draw your attention to the matter of tourist travel. We know that along the Atlantic coast from Maine to Florida there are numbers of seaside resorts, that many of these have been established by the railway companies, more of them have been made popular through the influence of the railway companies, and that hundreds of thousands of tourists throng these resorts every year during the summer season. Railway companies also have built and own and manage some of the best hotels in the principal

cities. They have also built hotels in the mountains, by the lakes, and in other places where people desire to resort for pleasure or health. These are of such a character that they do not yield sufficient profit to induce any private persons to invest their capital in such underakings. The railway companies are able and willing to invest capital in such enterprises because, although they bring but a small return directly for the capital invested, they give to the railways themselves a good return in a very profitable class of traffic which they create. I noticed in one of the papers only this week an article calling attention to the action of the New York Central railway in this connection. It was stated in that article that the railway corporation had purchased a number of old worn out and abandoned farms along their line. Their object in purchasing these was, as we all know, not because they wished to go into the farming business either for profit or pleasure, but it was stated they had looked carefully into the matter, and the management had decided that they could purchase these farms, and invest sufficient money to restore their fertility, and that they expected after this was done to sell them to a class of prosperous farmers who would afterwards become valuable patrons of the railway. The Canadian Pacific railway, I am informed, is doing something similar to this in the Northwest. I understand they are building cottages and breaking up the land, and sowing seed in certain places with a view of having properties of this character to offer to intending settlers that may come from Europe or the United States, or from the eastern provinces of the Dominion, so that they could find a home ready for them, and the very first year they settled in the country obtain from the crops the soil would yield them a profit on their investments. That same railway by a system of irrigation which it has established, is converting millions of acres of waste land in the Northwest into valuable farms. They have in addition to this placed their steamers on the lakes, and contributed to a very large extent in building up such places as Fort William, Owen Sound, Depot Harbour, and other cities on the lakes. They have also their lines of ocean steamers which have developed to a large extent an important traffic with European and Asiatic ports, and which have exerted a very important influence in adding to the commercial importance as a seaport of the city of Vancouver, and they have also, I am glad to say, made our city of St. John in the province of New Brunswick, the winter port of the Dominion.

Hon. Mr. ROSS (Halifax)—I thought Halifax was the winter port?

Hon. Mr. WOOD—I will make that one before I get through. Now, while the government railway may be in every respect a first-class road, it cannot go outside its limited sphere of action to enter into business transactions of this kind. It is obliged to confine its work to the business of transportation, and it is impossible for the management of a government railway, from the very nature of the case, to identify themselves to the same extent as the management of the company railway can with the agricultural, commercial and manufacturing interests of the country. The very fact that they are employees of the government, and paid by the government prohibits this.

Hon. Mr. McSWEENEY—Does the hon. gentleman think that the Canadian Pacific railway will build hotels in Scott Act counties? They would not waste their money. They could not keep a hotel 25 hours in a Scott Act county, and in New Brunswick, twelve out of the fourteen counties are under the Scott Act.

Hon. Mr. WOOD—I am not able to give the hon. gentleman the views of the Canadian Pacific railway on the Scott Act. I do not know whether they support that measure or not; but if they have objections to Scott Act counties, there are places in the maritime provinces where they might conduct a hotel business which would permit of selling refreshments of the kind the Scott Act prohibits. However, I merely wish to say we will never get the full benefit of the natural advantages we have in the maritime provinces. We will never have the full development of our resources. Never have that keen life infused into our business centres which

characterizes the business life of the present day, we will not have out interprovincial trade developed to the extent that it otherwise might be, and I feel confident that we can never get our legitimate share of the export and import trade until these great railway systems, which extend across this continent, and control to so large an extent the whole traffic of this Dominion, have extended their operations, and their influence, to the city of Halifax and to our other important seaports, and chief business centres.

The practical question which arises in connection with this subject is how this can be best accomplished. The last speaker suggested that something might be done by placing the railway in the hands of an independent commission. That, however, in my opinion would be largely open to the objections which I have urged, or the limitations which I have just complained of, and which apply to railways operated directly by the government. It would be subject to the same limitations if it was operated by means of a commission. I have suggested on other occasions when this subject was under consideration, that the Intercolonial railway should be used for the purpose of extending these other railway systems through the maritime provinces. I have advocated that the other railways of the country—the larger lines, and the smaller too if they wish it, should be given running rights over the Intercolonial on equal terms, and I believe that these terms should be very liberal and generous in their character. Consider for a moment the advantages that such a proposition would afford. The importance of reducing the cost of transportation, especially in the maritime provinces, that is for through traffic to the maritime provinces. must be at once admitted. I believe it can be accomplished in this way—that it can be reduced to a minimum. We must not forget, in the zeal which most of us have for the construction of new railways, that, where one railway is sufficient to accommodate the traffic between two different points, the construction of a second line will not lessen, but practically double, the cost of transportation. When the National Transcontinental railway is completed, and open for traffic between Quebec and Moncton, it must be obvious to any one that, if the traffic, which would otherwise go over the Intercolonial railway, is divided between the two, the cost of transportation must be very considerably increased, and, if you build another line, the cost of transportation will be further increased in like proportion. Unless the Intercolonial railway can be used as a common highway for these other roads, I see no alternative, if we are to have the larger railway systems extended to the maritime provinces at all, by which it can be accomplished, but by the construction of independent lines. Now, what does that involve? These lines must necessarily depend largely upon Dominion subsidies for their construction, and that would involve very considerable capital expenditure. There would be a certain amount of private capital invested, and this would have the effect of creating fixed charges, either in the shape of interest on bonds, or dividends on stock. Then you would have two or more lines of railway to maintain instead of one, and the cost of the equipment, and the cost of operating staff would be increased in the same proportion. This can be all avoided if the proposition which I venture to submit to the House could be adopted. I would suggest, and I intend my remarks to convey that impression to the House, that the terms of any arrangements made for this purpose should be generous towards the company lines; that interest on the capital expenditure, which has been made on account of the Intercolonial railway, should not be taken into consideration; that no fixed charges of that character should be created; and that the terms upon which traffic arrangements should be conducted would be with a view only to preserve an equilibrium between the revenue and the expenditure, and maintain in a first-class condition the road itself. This would not only do away with the deficits we have been talking about, but it would at the same time give the very minimum cost of transportation. I believe that the proposition is in some respects a novel one. I am not aware that the same conditions exist elsewhere in this country, or in any other country. They

could not exist here, if it were not for the fact that the country built and owned the railroad, and we have it as a government railroad, and are therefore in a position to enter into an arrangement of this kind.

There are one or two matters to which I wish to refer for a moment. It may be urged by some that the building of independent lines through the different sections of the province would tend to develop other parts of the country which would not otherwise have railway accommodations. That, if true at all, is true in this case only to a very limited extent. Any other lines of railway connecting Montreal or Quebec with the maritime provinces, must traverse practically the same territory as those now existing or in course of construction, and there is no necessity under any circumstances, in my opinion, of burdening through traffic with the cost of the development of new territory. This can be very much more easily and economically accomplished in the maritime provinces by the construction of branch lines, and no one can doubt that branch lines would be built to any section of the country remote from the main line where there were natural resources worth developing, or where there was a population or traffic that would warrant the outlay. It may also be said that the traffic in the future might be greatly increased, and that one railway would not be sufficient to accommodate it. I do not propose to discuss that now. It will be time enough to meet that difficulty when it comes. The Intercolonial railway is not at the present time overburdened with through traffic. It has scarcely any traffic of that class at all. We have the Canadian Pacific railway which touches the Intercolonial at St. John, and in a few years we will have the National Transcontinental railway, which will connect with the Intercolonial at Moncton. These with the Intercolonial railway itself will be sufficient for many years to come to accommodate all the traffic of the country as far as that section of the country is concerned. With regard to the remainder of the distance, I believe any increased traffic which we may expect in the near future, can be provided for by double tracking the Intercolonial, where it is required, and make such other improvements as may be found necessary. It is not improbable that it would be prudent to build in some sections a cut-off for the purpose of improving the grade, or possibly shortening the distance. These, however, are all questions of detail, and there are several others, such as the policy that should be adopted with regard to handling of local traffic. I consider it would not be wise to enter into any discussion of these details now. I do not see any questions that could not be solved. I do not see any difficulties in the way which could not be overcome, and I believe that this is a simple and sane solution of the transportation problem in the eastern provinces of the Dominion. I only wish on the present occasion to press this matter on the attention of the government, and I hope they will consider it worthy of their consideration. I would like to impress upon them the great importance which I believe it to be that the great railway companies should be induced to extend their systems to the seaports, and the business centres of the maritime provinces. I believe there is no way by which it can be done so easily and economically as the way I have suggested, and I should like to ask the government to give it serious attention, and to consider the small outlay it will involve, and the very great economy that will be effected in the cost of transportation. I believe the result would be to greatly increase the volume of business and general prosperity of the people of the maritime provinces.

Hon. Mr. DOMVILLE—I was very much pleased to hear the eloquent speech delivered by my hon. friend from Westmorland. He always speaks to the point. He sets out what he has to say, and speaks, I have no doubt, in the very best interest of his country and of his province. It has always been his history. We must all entirely agree with him. It is rather a rambling discussion. It starts from a little Bill to assist the government in acquiring branch lines of railways connecting with the Intercolonial railway. My hon. friend from Hastings took a very serious line, and I hardly think that he considered what he was saying, because he started with an attack

on the Intercolonial railway. I do not think he intended that. He said it was conducted with waste, dishonesty, corruption and fraud, which are very strong words to use. To whom does he attach those charges? He calls on the government, at the last moment, to adopt his remarks and suggestions; but at the same time he accuses them of corruption and fraud. What confidence can we have in an administration that will admit waste, dishonesty, corruption and fraud? And, as my hon. friend says, this proposition increases their area of operation in that direction. I hardly think my hon. friend considered the import of his words when he used them. Does he apply these remarks to Mr. Pottinger, a life long servant of the government? Does he attach them to the new commission, only lately established and to the late Minister of Railways or the Minister of Railways when the Conservatives were in power in another place, whom he had the honour and pleasure to serve under? Who has been dishonest? If my hon. friend knew of these doings during all this time was it not his place to have called attention to them in this House, and followed the matter up? When we are considering a Bill which is going to be for the benefit of New Brunswick, is he going to draw a herring across the trail? I should like my hon. friend to tell me who were the dishonest party corruptionists and those who committed the frauds. It is a broad statement to make. It is made before the country in a place where men cannot defend themselves, the members of the late administration, of the present administration and the commission, because the fraud, if practised in the past, is still being practised.

Hon. Sir MACKENZIE BOWELL—If my hon. friend will read the report of the investigation at Halifax and Quebec before Judge Cassels he will obtain all the information he wants.

Hon. Mr. DOMVILLE—The hon. gentleman will find that all those gentlemen were Conservatives, appointed by the late government.

Hon. Mr. LANDRY—Was that the time my hon. friend was a Conservative?

Hon. Mr. DOMVILLE—I was a Conservative up to 1882. The country knows it. I did not leave the Conservative party when they were down in the ditch, and had but thirty men to support them. I stood by them when they were down, and I was with them when they came back with a majority of sixty or ninety or whatever it was, and it was then I had a difference with Sir Charles Tupper and with the administration. I left them 28 years ago. That would be a long enough time for repentance, if repentance were necessary. I could point to hon. members in this House who were in the same position. I do not think my hon. friend can say I did not bear true allegiance to the Conservative party when I served them. I was there to fight for them when they required me. When they were returned to power with a large majority they did not have me so bound that I could not hold an opinion of my own, and could not speak for the country as the country required to be spoken for according to my views. I do not think my record requires any apology, and I am proud to make the explanation. I am proud to say that since the present government came into power, if I ever had any misgivings—which I did not have—their efforts in the development of Canada have justified my conversion. I did not join the Liberal party in power but when they were struggling in opposition. I do not think anybody will gainsay the fact that the administration of Sir Wilfrid Laurier has been a perfect success and has been carried out to the best advantage of Canada; and, under such circumstances, I do not think any gentleman should be ashamed of ranking as one of his supporters. In this attack on the Intercolonial railway, what does my hon. friend suggest? I want to talk with frankness. He says the management of the road should be practically independent. Perhaps he is right. Things are advancing very rapidly, with the great west country being built up, and St. John being a winter port terminus. I do not desire to place my opinion against the opinion of everybody. It may possibly be that it would be the best thing for the country if the railway should be run in some way that would give equal privileges to every-

body from Moncton to Halifax and St. John; that is to say, that the road would be common to all railways to both these ports. The people have not made up their minds that they would like it. They have to be educated up to it; but if they could be assured that the government had put such safeguards around it that they would not be imposed upon in regard to freight, that there would be a saving to the country, and that from a practical standpoint, the road would be administered in a better way than it is to-day—in fact that all they would have to face would be the question as to who would manage it, the problem would soon be solved. Few are interested in who manages the road. They are interested in having it a good road, which will serve the public. My hon. friend said that, transportation had to be built up and encouraged. I entirely agree with him. I do not think his comparison between the Canadian Pacific railway and the Intercolonial railway is a good one, because the Canadian Pacific railway passes through a new country. Every wheat field they opened up, and every line they constructed, as the country developed, brought in feeders to the main arteries. That condition could not exist with us. The question is how we are going to make those branch roads not only remunerative as feeders of the Intercolonial railway, but also so safe and comfortable that the public can travel over them. Aside from the question of the administration of the Intercolonial on party lines, there is this consideration; a man shall be able to travel on any of these railways as safely, expeditiously and with as great comfort as on the main line, and why? The country pays for those lines. The federal government gave a grant, and the local government also gave a grant. In those days, in their judgment they did not think it was well to make them part of the Intercolonial railway; but they saw that those branch lines had to be assisted, in order to open up the territory. We have a fine road in the Intercolonial railway. Who will deny that it is a good road. It is hardly worth while to discuss the main line of the Intercolonial railway because it is not now before us. If the government should determine that a different policy has to be inaugurated in regard to the great traffic from the west down to the seaports of the east; that all these roads should meet in Moncton, and from there to St. John or Halifax, the Intercolonial should be common to them all without injury to those who lived along the line of railway or who are now employed, it will no doubt meet with favourable consideration. That is the question that will come up. I am not prepared to say it would not be the best course; but there would have to be ample guarantee given to the public that that line constructed as a part of the terms of confederation, should be properly safeguarded. With that proposition before them, the public generally would say that it would be probably the best policy to adopt. When such a proposition comes before us we shall be in a position to discuss it. Nova Scotians can take their own view, but I contend that those branch roads should be taken over by the government. The Bill says:

> Whereas it is expedient that the traffic of the government railways be developed and increased to the fullest capacity of the system's operation; and whereas it is deemed that such traffic, development and increase can be facilitated and advanced by the acquisition, by the government of Canada, of lines of railway connecting with the government railways, as feeders thereto and in connection therewith: therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

There is the idea of developing the country. If you have a road that is only running half the time, or if you have engines that cannot give accommodation to millmen, the road is ineffective and practically useless to everybody. This Bill would obviate that. It further says that the road must be in a good safe condition. That is right. Speculators own some of these roads, and these gentlemen might want to sell them to the government. Under the clause I have read, the road must be in proper order. One of the roads owned by gentlemen in New York was sold for some $75,000. I refer to the Harvey and Salisbury branch. Some people will not travel on that road, because it is not safe. It was sold at a sheriff's sale. According to the return, it is some 43 or 45 miles long. Is the government to be asked to take that over at $10,000 a mile,

which would be $450,000, when it was sold for $75,000? The government says to these gentlemen: We are prepared to relieve you of that road on a proper basis. If that road will pay three per cent per annum on a limited amount of bonds, we are prepared to guarantee the interest at three or three and one-half per cent, or to give you a percentage of the gross earnings; but before we undertake any such proposition as that, you must put your road in good safe condition for operation not leave it to us to do. I think that might apply to a good many railways. There may be gentlemen with speculative ideas who think that this Bill would open the door for them to get rid of these roads. Whether the Bill has to be amended or not, the government have in mind what we all want, that the people in the outlying districts, on the hundreds of miles of branch railways, should have proper transportation, that their lives should be just as safe on these roads as a man's life is safe on other roads, and when the government granted them so much a mile—not the present government—and when the local government granted them so much money, it was a guarantee to the people who bought bonds and debentures that the government considered them good roads, or they would not have invested their money in them. The engines on the Intercolonial to-day are not the engines they had a few years ago. The objectionable curves and grades have been got rid of. These branch lines are not suitable for the large mogul engines, and heavy tonnage. We must consider what shape these roads are now in, and what shape they will be put in. I think that covers the argument of my hon. friend in regard to the branch roads. I know he is as anxious as I am that the people should have good accommodation. The fact that a man lives on a certain branch down there, is no reason why he should not be treated in the same way as the people who reside along the main line. What are we considering? Not an attack on the Intercolonial railway, when there is nobody here to defend it. I do not suppose the government would consider themselves called upon to defend the road in 1896, or previously. They can only point out that the people of the maritime provinces have just as much right to be considered as the people in the west, and I am satisfied, when the time comes, and it is pointed out that those roads are to be taken over by the Intercolonial railway and put in proper shape, that the passenger and freight rates will be greater over them than at present, and that they would not be imposed upon because the roads have been taken out of the hands of the companies, and handled in a practical manner, the well thinking people of New Brunswick and Nova Scotia on both sides of politics will gladly fall into line, in regard to such a course as the government may inaugurate in that direction.

Hon. Mr. McMULLEN—I regret very much that the government have considered it their duty to bring in this Bill at all. For my part, during the seventeen or eighteen years during which I held a seat in the House of Commons, I voted continuously against the taking in of branch lines of the Intercolonial railway and further additions by the construction of new branches. We had quite an experience, for instance, with the St. Charles branch out from Point Levis. We know that that was a cesspool of iniquity from the beginning to the end. There was evidence before the Committee of the House that the grossest frauds had been practised by parties at Point Levis in the purchase of terminal accommodations, and in the matter of settling claims for damages caused by flooding lands along the line. Then take that new branch that was built from Oxford to New Glasgow. Sir Charles Tupper introduced the Bill for the construction of that branch with an amount of eloquence and forcible argument, such as he was capable of using, and persuaded the House, and his followers especially, that it would virtually vitalize the whole system. He pointed out that the grades from New Glasgow to Stellarton were so steep that an engine could only draw ten or eleven cars on that particular section, and that by the construction of the Oxford and New Glasgow branch the line would be shortened by twenty miles, while the grades would be the minimum grades on any road. It would open up a very large coal trade be-

tween Quebec, Montreal and New Glasgow, and would virtually put the Intercolonial railway upon its feet. What was the result? When that branch was built, in place of being twenty miles it was only four and a half miles shorter, and instead of the grades being lower than they were between New Glasgow and Stellarton, they were actually as steep, if not steeper, grades, as proven by the engineers on the investigation that was held with regard to the line. We have evidence that the Intercolonial railway has been prostituted from time to time to serve party ends. I should like remarkably well to have the whole line put under an absolutely independent management, to be appointed with such autocratic powers as those assigned to the Auditor General, beyond the reach of any Minister of Railways, beyond the reach of any government, a man who would handle that road on business principles, with power to dismiss men that are not necessary, and spend the money of the country properly and prudently. I believe if that were done the road could be made to pay, and would yield to this Dominion a respectable return for the enormous amount of money that is sunk in it. We have, as the hon. gentleman from Westminister admits, about ninety millions of money sunk in the Intercolonial railway. The country is paying interest upon that money, which virtually amounts to no less than $3,000,000 a year. That is 50 cents a head of the population of this country, to pay the interest on the money sunk in the Intercolonial railway. What position is the Ontario farmer placed in? The province of Ontario voted money to construct their own roads. They voted subsidies, not only as a province, but by municipalities, cities and towns. Large amounts were thus voted to give the railway accommodation that they required. The Intercolonial railway, a public work, gives Nova Scotia and New Brunswick the accommodation that they enjoy, although they never voted a dollar, locally, as compared with the money that was voted in western Canada to construct the roads that they have. The worst feature, however, is that the Intercolonial railway is rendering services to-day to the farmers and people who ship goods over it at the rate of 62 to 65 cents on the dollar of what it is costing the Ontario and western farmer, and for which he has to pay a dollar to the Grand Trund railway or the Canadian Pacific railway. The provinces of Nova Scotia and New Brunswick are getting their accommodation over the Intercolonial railway, as clearly proven by the statement of the Minister of Railways, for about 65 cents for the same service as the farmer of Ontario and the western provinces pays a dollar to the Grand Trunk railway or Canadian Pacific railway.

Hon. Mr. DOMVILLE—The country built all the canals. What do they pay in return to the lower provinces that helped to build them?

Hon. Mr. McMULLEN—The foundation for all the canals was laid before confederation. They laid the foundations and spent millions upon millions in extending them. They have been widened and expanded. The canals benefited the maritime provinces as well as the western provinces, and the Intercolonial contributes to the shippers of western Canada when flour and oatmeal have to be shipped that way. It has produced a competition in freight rates which is no doubt an advantage, but I say the road has never been properly administered. It was badly managed under the old government, and I am not going to defend the way it is managed at the present time. It may be better than it was, but it is not as perfect as it ought to be, and I would like to see it placed in such a position that this country would get some return for the very large amount of money they have sunk in it. What does this Bill propose to do? It is an invitation to any railway company in the maritime provinces to put their road in order, so that it will pass muster with the chief engineer of railways, and then have it transferred to the government and made part of the Intercolonial railway system. We do not want that. We have had too much of that already. For my part, I was educated under the Hon. Edward Blake as my leader, and under Hon. Sir Wilfrid Laurier as my present leader to vote against extensions and branches, and now I am asked to turn around and swallow myself and vote in favour of what I opposed previously. Con-

ditions may have changed; but I have to confess that I do not like this Bill. I would rather the government had not introduced it. I believe the western people will not like it. I do not know how Ontario and western members can go on the public platform and defend their course in having passed the Bill in the House of Commons and sent it to the Senate. I should like to know how they are going to do it. I should not care to be a member of the House of Commons and have to perform such a task, because I confess that in my opinion it is an injustice to the western provinces and to Ontario, to ask them to consent to the extension of the Intercolonial railway while it continues to be operated and managed at a loss year after year. I remember riding with Sir Wm. Van Horne in his private car from Toronto to Montreal. The question of the Intercolonial railway was brought up. Col. Tisdale, a member of the House, was also present. Sir Wm. Van Horne told us that if the government would agree to hand over the Intercolonial railway to the Canadian Pacific railway they would agree to pay the government a million dollars a year rental for it, and that they would give the country as good a service as they were then getting. Sir William was then at the head of the Canadian Pacific railway. That proposition would have been a grand thing for the country. In place of getting a revenue from it of a million dollars a year we have been spending half a million to keep it running. We propose now to add more branches, which will be in some cases feeders, and in some cases they may be suckers. We do not know what they will be, we cannot tell. They may draw the wrong way, and I have no doubt in some cases they will. I suppose the Bill will become law, but I earnestly hope the government will see that the country is not defrauded, and that useless branch lines are not loaded on to us in addition to what we have now. Under the old government, matters were in a bad state, no doubt about it. Things were rotten. Investigation after investigation was held, and men were proved to be guilty. At one time Sir Charles Tupper employed lady detectives to see if he could find out where the leakage was, and at last a party was caught red-handed in wrong doing; but he was a relative of an important man with whom they could not afford to quarrel, and he was permitted to go, and nothing more was said about it. That was the manner in which the Intercolonial railway was handled under the management of hon. gentlemen opposite from 1882 to 1896. I long for the time when the Intercolonial railway will be placed upon a proper basis, and when this country will receive something in return for the enormous amount of money that is sunk in that road.

Hon. Mr. POWER moved the adjournment of the debate until to-morrow.

Hon. Sir MACKENZIE BOWELL—I desire to add to the statement I made, with the permission of the House, with reference to the cost and earnings of railways in Australia, a statement of the result of the year's earnings in New Zealand. Although New Zealand is one of the group of the Australian colonies, still its management of government railways is somewhat different from that of the Commonwealth of Australia. The figures are as follows:

The New Zealand government reports assert that the state roads earned a net profit of £814,711 last year, returning 3·13 per cent on the capital of £29,000,000 invested in them. The total earnings in 1909 were £2,929,526, and the total expenditure was £2,114,815.

Rt. Hon. Sir RICHARD CARTWRIGHT—Will the hon. gentleman state whether those net profits are made after deducting interest on the cost of the railway or not?

Hon. Sir MACKENZIE BOWELL—I am not sure; but I should suppose from the fact that it states that a certain percentage was paid out of the gross earnings, leaving the net earnings the amount I have stated, that these are the net profits.

Rt. Hon. Sir RICHARD CARTWRIGHT—On investigation I think the hon. gentleman will find that is not so.

Hon. Sir MACKENZIE BOWELL—That may be, but from the fact of giving that percentage one would come to that conclusion. I desire to add that to show the results of the operations in the Australian colonies. Beyond that I do not desire to say anything without further investiga-

tion so as to be able to answer intelligently the question put by the hon. minister. There was one remark made by my hon. friend from Sackville (Hon. Mr. Wood) with which I am in full accord, that the acquisition of these branch lines would be hailed with delight by the people of the maritime provinces and the owners. All I have to say is that if the owners of these lines and the people of the maritime provinces are not now grateful, they are a very selfish and ungrateful people.

The Motion was agreed to.

SECOND READINGS.

Bill (55) An Act to amend the Seed Control Act.—Right Hon. Sir Richard Cartwright.

Bill (U) An Act to incorporate the Northern Quebec Colonization Railway Company.—Hon. Mr. Tessier.

IMPROVED PAPER MACHINERY COMPANY BILL.

SECOND READING.

Hon. Mr. KIRCHHOFFER moved the second reading of Bill (No. 67) 'An Act respecting the Improved Paper Machinery Company.

Hon. Sir MACKENZIE BOWELL—The question comes up as to the renewal of patents. Formerly there used to be a reason given in the preamble why they ask for these extensions, and if my hon. friend will allow this Bill to stand until to-morrow we could consider it. This patent has been in existence since 1903, and for seven years of that period no fees have been paid, and they are asking for a renewal of it under certain conditions. I notice also the same provision in that Act, but not quite so bad as that to which I objected the other day. It gives the right to continue the manufacture of the article which they want patented, up to a certain period last year, so that if any person had taken advantage of the lapse of this patent since last November they are cut out and they would lose all the investments they had made. If these Bills are going to become law and these patents extended, they certainly ought not to take effect until they are sanctioned by the Governor General. There is nothing in this Bill to show what the merits of the case are, and for that reason I would ask my hon. friend to let it stand.

Hon. Mr. KIRCHHOFFER—It may stand until to-morrow.

The order of the day was discharged and placed on the orders of the day for to-morrow.

LAURIE DIVORCE BILL.

SECOND READING POSTPONED.

Hon. Mr. ROBERTSON (in the absence of Hon. Mr. Gillmor) moved the second reading of Bill (T) An Act for the relief of Archibald Laurie.

Hon. Mr. LANDRY—I would ask the hon. gentleman to strike out the words 'with George H. Parke, doctor of medicine' in the ninth line of the Bill. This request is not made by the guilty party, but by the wife of Dr. Parke, who desires it for the sake of her children.

Hon. Mr. ROBERTSON—I do not object to that.

The SPEAKER—Then it will be a motion by way of amendment that the Bill be not now read a second time, but that it be amended by striking out the words mentioned.

Hon. Mr. BOSTOCK—I think this motion is out of order. If the hon. gentleman will refer to the petition for divorce, he will see that the allegation is specifically made in regard to Dr. Geo. H. Parke, and under our rules we are bound to give that detail. It was stated yesterday that it was not usual to mention the name of the co-respondent. I have taken the trouble to look through the Acts passed in recent years, and I find several Bills in the past in which the names were not given, and it is easy to understand the reason why the names are not furnished, because in many cases the woman was not able to give the name of the co-respondent. The hon. gentleman from Stadacona is very much opposed to the whole question of divorce. I am a member of the Divorce Committee, but I quite admit that the fewer divorce cases we have in this country the better for the Dominion as a whole. I think one

of the strongest expedients to prevent divorce proceedings is the fact of the name of the co-respondent going before the country. I think this motion would be objectionable and improper.

Rt. Hon. Sir RICHARD CARTWRIGHT —Better let the matter stand.

Hon. Mr. LANDRY—I have a right to propose an amendment. There is nothing which compels the committee to name any person.

Hon. Mr. BOSTOCK—No notice has been given of this amendment.

Hon. Mr. KIRCHHOFFER—I think my hon. friend who has just resumed his seat is perfectly correct in saying that there is nothing in the law which compels us to give the name of the co-respondent. But our acts may be called in question by gentlemen in this House or in the other Chamber, those members who do not approve of divorce; therefore, we have decided to make a definite charge on which the divorce is based. We do it to protect ourselves when parties rise in the other House and say that the Divorce Committee in the Senate is in the habit of granting a divorce on evidence that they would not hang a cat on, that we are able to show evidence that points to distinct acts of adultery upon which we have based our finding. I think it is a protection to ourselves, and I should not like to see it withdrawn.

Hon. Mr. ROBERTSON—Then I move that the order of the day be discharged, and that it be placed on the orders of the day for to-morrow.

MOND NICKEL COMPANY PATENT BILL.

Second reading postponed.

Hon. Mr. BELCOURT moved the second reading of Bill (No. 92), an Act respecting a patent of the Mond Nickel Company, Limited. He said: I explained yesterday that the reason for this Bill was that the agent of the company—a British company —living in Montreal had neglected to make payment of the fee for a renewal of the patent. The Bill is merely for the purpose of authorizing the payment of the fee, so that the patent may be extended, as the patentee has a right to have it extended, and as it would have been extended had his agent made the payment, as directed, at the proper time.

Hon. Mr. CLORAN—In giving my support to the Bill, as I did yesterday, I do not wish it understood that I am taking a position antagonistic to that which I held last week in reference to patent matters. I wish to say that the reason given by my learned confrere is correct; the agent of the parties who are seeking a renewal of the patent is, I may say, one of the largest financial institutions in the country. It is very important that this measure should be passed, because it was the fault of the financial institution to which I refer, that the Patent Act was not complied with. The patentee himself engaged the services of a very responsible institution to have this done, and therefore he was not to blame. If he had been, I would not have supported the measure, but it is due to the patentee, and to the agent, that the Bill should be sent to the committee to be investigated and passed upon. I may say that the agent in this matter would be liable to an action for damages for neglecting to pay the necessary fee. I would suggest to the leader of the government in this House that the Patent Act might be revised, or that its provisions should be enforced and protected by the government. I learn, from a recent judgment of the courts in Toronto, that certain patentees are using the Patent Act irregularly, illegally, and fraudulently. The Gillette Razor Company have taken action against a very large firm doing business in the principal cities of Canada to prevent them selling goods at a less price than that marked on their packages.

Hon. Mr. WILSON—Does the hon. gentleman make a charge against the Minister of Agriculture?

Hon. Mr. CLORAN—No.

Hon. Mr. WILSON—He distinctly says that the Patent Office are using their authority to permit irregular, illegal and fraudulent transactions.

Hon. Mr. CLORAN—The hon. gentleman misunderstands me completely. I want to defend the Patent Office and the Patent Act, and prevent any individual, or company, using the Patent Act to perpetrate a fraud upon the public. They claim they have a right under the Patent Act to do certain things, which the courts in this country have decided they have no right to do. What I am asking is that the attention of the Patent Bureau be called to this fact, so that when they find that the Patent Act is infringed in this way, they may take action to prevent it.

Hon. Mr. WILSON—If my hon. friend has any objections to the manner in which the Patent Act is being used, why does he not lay a charge and say he wants an investigation?

Hon. Sir MACKENZIE BOWELL—I do not know whether the hon. gentleman wants to press this question to a vote to-day. I would like to have it stand until to-morrow, because I have some remarks to make upon the Bill. I think my hon. friend has misunderstood the character of the measure. It is not the patentee himself who is asking this extension. I find the preamble of the Bill says: 'the holder and owner of patents,' so and so. It does not say the patentee desires this, and as the owner has purchased the patent rights from the inventor, he is the one who desires the extension. I wish to discuss the Bill, and I, therefore, move that the debate be adjourned until to-morrow.

The motion was agreed to.

BILLS INTRODUCED.

Bill (Z) An Act for the relief of Bernard Shea.—Hon. Mr. Frost.

Bill (AA) An Act for the relief of Clara Louise Holden.—Hon. Mr. Derbyshire.

Bill (No. 27) An Act respecting the British North America Mining Company.—Hon. Mr. Casgrain.

Bill (No. 107) An Act to incorporate the Ottawa, Montreal and Eastern Railway Company.—Hon. Mr. Casgrain.

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

Hon. Mr. WILSON.

THE SENATE.

THURSDAY, February 17, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

TRADE RELATIONS WITH GERMANY.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, if the right hon. leader of the House has no objection, I should like to ask him some questions about the treaty recently made with Germany.

Right Hon. Sir RICHARD CARTWRIGHT—If the hon. gentleman will put the questions I shall answer them if I can; if not I will get the information for him.

Hon. Sir MACKENZIE BOWELL—I have read the correspondence relating to this treaty with a good deal of attention, and I find that the arrangement which has been entered into between the two countries provides for the repealing of the surtax imposed on articles imported from Germany into Canada in consideration of Germany admitting exports from Canada of certain articles which are scheduled in this return, at what is termed the conventional tariff. Could my hon. friend tell me in the first place what the difference is in the amount of duty on articles exported from Canada to Germany under the conventional tariff and their general tariff? If we had those figures before us, we would be in a better position to judge of the advantages which are likely to accure to Canada by the adoption of this treaty, in discussing the question. I find that it extends, if I read it correctly to what is termed in this correspondence 'the penal clause,' which was enacted by the German government, to all articles exported from Canada into Germany. The next question I would like to ask is, does that penal clause continue to apply to all articles exported from Canada into Germany except those which are enumerated in the schedule of the new treaty? I find no provision, either in the correspondence or in the schedule itself which gives any information on that point. The right hon. gentleman readily understands that if the penal clause, as it is described in this

agreement, is removed only so far as it applies to the articles therein enumerated, then the certainty is that it will continue to operate as against all other manufactures and articles exported from Canada to Germany. That, to my mind, is a somewhat important point. There may be some other arrangement not contained in the paper before us, which provides for the question I have raised. I think it somewhat important, however, that the country should know, and that all manufacturers should know whether the penalty imposed upon articles imported from Canada into Germany is still enforced on such articles as are not included in the schedule. If my interpretation of this clause be correct, then we have repealed the surtax imposed on imports from Germany entirely. It seems to me that it is a partial and one-sided arrangement and that no such treaty should have been concluded. I noticed in the morning papers that some of the London daily journals have come to the conclusion that the adoption of this treaty by Canada will militate against the imports from Great Britain. Whether that is so or not, I am not prepared to discuss. I notice also that a telegram from Berlin states that there is great rejoicing there at the removal of the surtax by Canada. That I can readily understand; but the other point to which I have called my right hon. friend's attention is a very important one.

Right Hon. Sir RICHARD CARTWRIGHT—I would suggest to my right hon. friend, as this is a matter which may affect many manufacturers and exporters, that although I shall answer his questions in an informal way he will do well to place his questions explicitly and in detail on the order paper, so that I may get absolutely authoritative information. I think myself the hon. gentleman is quite correct in supposing that the concessions made by Germany apply only to the particular articles enumerated in the schedule. The Germans did not impose a surtax, as we did. They merely removed Canada from the favoured nations clause to the general tariff. We are putting the Germans not on our favoured nations clause, but on our general tariff only. With respect to the extent to which we receive benefit by being placed under the favoured nations clause in their tariff by Germany, it varies very considerably, and I would have to get the matter made out by my officers in detail, which I will be happy to do, only it may take possibly a little time—probably a day or two, to get it perfectly, as it embraces a large number of articles. I will get that done for my hon. friend. In a general way, I think the difference ranges from ten to twenty-five per cent, being the difference between their minimum and maximum tariff; but it is not a uniform reduction. It varies with different articles. For instance, in some cases, their minimum and their maximum tariff is the same. I might take the opportunity of observing that a mistake appears to have occurred in the minds of some parties as to the extent of loss of revenue that will result under this treaty. They place the loss of revenue at two millions a year. That is a mistake. We do not lose two millions a year by this concession. The loss will be one-third of two millions, because the tax now imposed on the imports from Germany is really only one-third more than the general tariff, and $600,000 therefore would be the measure of our loss of revenue rather than two millions. Under what is called the surtax, we calculated a revenue of two millions or thereabouts on four and a half million dollars worth of German goods. Only one third of that is composed of the surtax. The balance—two-thirds—of our general tariff, so that we shall only lose about $600,000, provided always the imports do not increase. If my hon. friend will put these questions categorically, I will have them answered in due course, so that there may be no misunderstanding.

Hon. Sir MACKENZIE BOWELL—My interpretation of the Act is on precisely the same lines as the right hon. gentleman as to its effect on goods not enumerated in this schedule, exported to Germany—that they would not have the advantage of any concession which has been made by that country as a set-off to our repeal of the surtax. Might I ask as we have two tariffs, there being the general tariff and an intermediate tariff, whether the other articles come under the general tariff, and not the intermediate.

Right Hon. Sir RICHARD CARTWRIGHT—That is my understanding, that the imports from Germany will come under the general and not the intermediate tariff.

Hon. Mr. McSWEENEY—What falling off of imports from Germany has taken place while the surtax was in force?

Right Hon. Sir RICHARD CARTWRIGHT—The principal falling off occurred in the article of beet-root sugar, which we used to import from Germany in large quantities. Beyond that, I do not think the reduction has been very great; but if my hon. friend will put the question I will get the details. I would not undertake to give him an off-hand answer. The imports were very largely reduced, but it was almost entirely in that one article. The effect of it was virtually to transfer the trade in sugar to our West India Islands.

THIRD READINGS.

Bill (No. 36) An Act respecting the Union Life Assurance Company.—Hon. Mr. Jones.

Bill (No. 82) An Act to incorporate the Merchants and General Insurance Company.—Hon. Mr. Casgrain.

CANADIAN PACIFIC RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (No. 96) An Act respecting the Canadian Pacific Railway Company.

Hon. Mr. POWER—I notice that the Canadian Pacific Railway Company ask for power to build a number of lines, and, amongst others, some lines in the pretty far west. It strikes me that the company have already undertaken to build certain lines in that region which they have failed to construct although the time fixed in the original charters has expired. I have some doubt as to the wisdom of our empowering the company to go on building large stretches of railway where they have failed to build in other portions of the same general district, without any really sufficient reason so far as parliament knows.

Hon. Mr. WATSON—If the hon. gentleman refers to the map, he will find that his statement is not quite correct. Without looking at the map I know the direction which some of the lines referred to will take. Of course, if satisfactory reasons are not given for the failure of the company to build the other lines referred to when the Bill is before the committee, the hon. gentleman can deal with the matter then. The company are railway builders, and are not looking for a charter for any other purpose.

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

CENTRAL ONTARIO RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. ROSS (Middlesex) moved the second reading of Bill (No. 96) An Act respecting the Central Ontario Railway.

He said: This is a Bill to give authority to the Central Ontario Railway to enter into an agreement, under the Railway Act, with several other railway companies.

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

ALGOMA CENTRAL AND HUDSON BAY RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. ROSS (Middlesex) moved the second reading of Bill (No. 110) An Act respecting the Algoma Central and Hudson Bay Railway Company.

He said: This Bill proposes two things: First, to extend the time for the commencement and completion of this road, which runs from the Sault, and was projected towards Hudson bay. One hundred miles of the line has been completed, and another hundred miles are under contract. It will cross the Grand Trunk Pacific and the National Transcontinental railway north of the Sault. Then the company ask to be allowed a bonding power of $40,000 per mile for the construction of the road.

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

TRANSPORTATION OF INTOXICATING LIQUORS BILL.

SECOND READING POSTPONED.

The order of the day being called: 'Second reading Bill (N) An Act to regulate the transportation of intoxicating liquors.'

Hon. Sir RICHARD SCOTT moved that the order of the day be discharged, and that the Bill be placed on the orders for Tuesday next.

Hon. Mr. CLORAN—The Senate is pretty well filled. Would it not be an opportune time to discuss this matter?

Hon. Sir RICHARD SCOTT—I am receiving correspondence constantly with reference to the Bill. I have just received some which I have not had time to read.

Hon. Mr. CLORAN—I have just read the Bill and tried to dissect it, and the sooner it is off the orders of the day the better. It is the most grotesque Bill I have ever read.

Hon. Mr. DOMVILLE—Before his motion is carried, we should have some assurance that the hon. gentleman will proceed with the Bill on Tuesday next. There are a good many people interested in it and they cannot be watching for it all the time. It is hardly fair to keep it dangling before the eyes of the public, leading people generally to think that we are serious in this matter. If we are not serious, we should drop it; if we are serious we should proceed with the Bill at the earliest date possible.

Hon. Mr. WATSON—I seconded this motion, and I do not think the reasons given by the hon. gentleman for proceeding with the Bill to-day, are justified. They suggest that we should proceed now with the Bill because we have a full House.

Hon. Mr. CLORAN—Little jokes like that cannot carry the Bill. Such jokes do not go with the public.

Hon. Mr. DOMVILLE—Not by a jug full.

Hon. Mr. CLORAN—Although the hon. member from Marquette (Mr. Watson) seconds the measure, I deny him the right to ask for a postponement of the Bill on such a joke as that. It is unworthy of him and of the Senate.

The motion was agreed to.

GOVERNMENT RAILWAYS BRANCH LINES BILL.

DEBATE CONTINUED.

The order of the day being called.

Resuming the adjourned debate on the motion for the second reading (Bill 17) An Act to authorize the government of Canada to acquire, by lease, lines of railway connecting with the government railways.—Hon. Mr. Power.

Hon. Mr. POWER—The measure before the House is one of a great deal of importance, and it might be expected that I should dilate upon it at considerable length; but I wish to assure the House that I do not propose to detain hon. gentlemen very long. The truth is that the hon. gentleman from Westmorland (Mr. Wood) and to a certain extent the hon. gentleman from Hastings (Sir Mackenzie Bowell), in their speeches yesterday, anticipated the greater part of what I had proposed to say. Attention should be particularly directed to the speech of the hon. gentleman from Westmorland, for the reason that he showed in his remarks an amount of public spirit which is not always shown even in this honourable body. As I understand it, that hon. gentleman is the largest owner of one of those railways, which, if this Bill went into active operation, would be taken over by the Intercolonial Railway.

Hon. Sir MACKENZIE BOWELL—It is to be hoped so.

Hon. Mr. POWER—And naturally, in the province from which the hon. gentleman comes, there is a general sympathy with the object of the Bill before the House. This Bill is a very short one, and it appears to have been passed through another place with very little discussion or consideration. I can only assume that overwhelmed as that body is with the amount of business before it, the members have not been able to devote that care and consideration to this measure which it really deserves. When we come to look carefully at the Bill, and see what it proposes to do, I think we shall realize how serious it is. It proposes that, subject to certain conditions of which I shall say something later on, it enables the government to lease any roads connecting with the Intercolonial railway. There is no limitation to the length of the line, so that practically the Bill empowers the government, under certain conditions, to acquire all the lines in the maritime provinces and elsewhere which connect with the Intercolonial railway. Now, I have not gone farther than the provinces of Nova Scotia and New

Brunswick, in the volume of railway statistics; and I find that in New Brunswick there are nearly five hundred and fifteen miles of railway which might be taken over under this Bill; that in the province of Nova Scotia there are nearly 869 miles of railway which the government are authorized to take over under its provisions. Now, that is a very serious matter. It really means that the government, by this little measure, are authorized to take over existing roads which are of greater mileage than the main line of the Intercolonial Railway in the provinces of New Brunswick and Nova Scotia. That, hon. gentlemen will see, is a very serious proposition for this House to face. I may mention, in order to show how serious it is, two roads which, under the terms of this Bill, the government might take over in the province of Nova Scotia. They might take over the Dominion Atlantic railway with a mileage of 247·40 miles. They might take over the Halifax and Southwestern road, the mileage of which is about 370 miles. I might say with respect to the Halifax and Southwestern, that I think it not at all improbable if this measure went into operation, very strong pressure would be brought to bear on the government to take over that road, because it is an important road, and is not a profitable road. There are several counties interested in it, the electors in which would be only too anxious to see the railway taken over by the government.

Hon. Mr. CLORAN—Could the hon. gentleman say if there are any branch lines in the province of Quebec, and what they are?

Hon. Mr. POWER—I refrain from saying anything about the province of Quebec. I am speaking now of the two provinces with which I am most familiar. In Quebec there is the Temiscouata railway and part of the Quebec Central. There is no doubt that the feeling of most people in both provinces is in favour of the government assuming the ownership of these roads. I do not think it at all likely that the roads would be taken over immediately; but on the eve of a general election, one can understand that if it was felt that the taking over of, say, the Halifax and Southwestern railway would mean the carrying of two or three counties, there is no knowing what the virtue of the government would do when submitted to that strain. Possibly the present government might be able to resist the temptation, but perhaps another government might be weak. It is our duty not to put temptation in the way of the government. In the prayer which his hon. the Speaker reads every day, we are asked not to be led into temptation; and we should not deliberately plunge into temptation. Now, suppose that these things happened, that the pressure was brought to bear, and that the pressure was yielded to, the upshot would be that within a comparatively short time we should have the government taking over all the railways in the maritime provinces, and, as the hon. gentleman from Hastings (Hon. Mr. Bowell) indicated, if that were done the probabilities are that that condition of things could not be limited to the maritime provinces, and that we should have the people of the upper provinces insisting that the government should take over all the railways. I think there are very few members of this House or, I presume, of the other House, who would look upon it as a desirable thing that the government should assume the ownership and operation of all the railways of the country. In the first place, it would increase the national debt by about one and a half billions of dollars. There is no necessity for it. Railways can be better operated under private ownership. I am pointing out what would be the logical result of our going into this undertaking. Suppose we confine ourselves at present to the proposition narrowed down to the lower provinces. What are we asked to do? We are asked to take over, under certain conditions, the branch railways in the maritime provinces. It strikes me, looking at it as a business proposition, that that would not be a good investment. I do not care to trouble the House with statistics, but if one refers to the Railway Statistics for the last financial year, they will find at pages 69 and the following pages, and again, on page 170 and the following pages, statistics which show that those railways in the provinces of Nova Scotia and New Brunswick are not at the present time paying investments. There is no reason to think that they would be better investments if placed in the hands of the government.

The reasons why these branch lines would not pay if taken over by the government were stated very clearly by the hon. gentleman from Westmorland (Hon. Mr. Wood) in his speech yesterday, and I do not think it is necessary for me to repeat what he said then. The ground was taken in another place that the management of the Intercolonial railway should follow the example of the governing bodies of the great company railways—that all these great company railways had built branches; but the hon. gentleman who made that statement in another place left out of sight the fact that the branches had already been built in the lower provinces. The building of a railway into the virgin country of the Northwest is a different matter. The railway company finding that there is a large tract of fertile land to which settlers would flock if it were understood that a branch line was to be built there, in order to give employment to the main lines the company builds branches into these fertile districts. The fact that the country is benefited by being settled up, and the railway is benefited by the traffic which the population that flows in affords to a railway is a justification for the building of branches. But that is not the case in the lower provinces. These provinces have been long settled. There is no hope of any large influx of population there. These railways which it is proposed to take over are roads which were built to accommodate various places of certain importance in the lower provinces. They do accommodate them, and the taking over of such roads by the government will not increase the population along these branches, and really will not confer any very great benefit on the settlements because the existing roads do the work, on the whole, in a fairly satisfactory way. As the hon. gentleman from Westmorland pointed out, during the last few years, these roads have been paying their way with one or two trifling exceptions, so there is no excuse at all for the government for taking them over. It is not necessary to read what the hon. gentleman from Westmorland said as to what the result, in a pecuniary sense, would be of the government taking over these roads. But it may be well to give one illustration. It is a kind of example to deter us from going into this business. Of all the branch railways, or what are called branch railways, in the maritime provinces, I suppose the Canada Eastern would be looked upon as the one most likely to be a profitable investment. That road runs from Fredericton, the capital of New Brunswick, where it has connection with two or three lines controlled by the Canadian Pacific railway, to the port of Chatham. It goes to Chatham at any rate. These are the two termini, and Chatham is, on the whole, the most important shipping port on the northern shore of New Brunswick. The intervening country is largely fertile and well settled. The portions of it which are not fit for settlement are well timbered, although the major part of the timber has been cut. Still there is a great deal of timber left in the neighbourhood. This was looked upon as a good road. It was a road which had been built to meet the business wants of that part of New Brunswick.

Hon. Sir MACKENZIE BOWELL—Does not that road connect with the Intercolonial railway at Newcastle?

Hon. Mr. POWER—It crosses the Intercolonial railway at Newcastle, and is supposed to run on down to Chatham, about nine miles below Newcastle. I find that during last session an inquiry was made in another place as to the result of the taking over of that road. In the first place, the country paid for it $819,000. That was the first cost. Inasmuch as the line is about 125 miles long, that does not seem to be a high figure; but when we come to look at what has occurred since, we will see that the price was rather high. I do not mean to say that the owners of the road received more than they should have got, but I want to point out that the country did not make a particularly good bargain. In this same return—I shall not take the trouble to read the whole of it—it appears this road was taken over on the 1st of October, 1904. During the remainder of that calendar year, the government spent $36,428 on capital account, in the year 1905-06 the government spent $331,779. In 1906-07 the government spent $36,089; in 1907-08 they spent $150,778; in 1908-09 they spent $42,833, and

in the next year $34,125. Down to 1909—that is in less than five years—the country spent on capital account on that road $597,929. They spent $34,125 last year, and there are in the estimates for the coming year sums in excess of $150,000 to provide terminal facilities in Chatham and in that neighbourhood. It appears that the first cost was $819,000. Then, in addition to that, there were practically $600,000. That is $1,417,000 and $150,000 in the estimates for this year makes well on for $1,600,000 on capital account alone.

Hon. Mr. McSWEENEY—Does that include the cost of the railway?

Hon. Mr. POWER—Yes; and I understand that this amount of $150,000 which is in the estimates for the coming year is not a final payment. I understand that these terminal facilities are to cost ultimately about $400,000.

Hon. Mr. THOMPSON—That is not on the road they purchased from the Canada Eastern Railway Company, it is on a new line.

Hon. Mr. POWER—It is to connect this road with Chatham.

Hon. Mr. THOMPSON—It is changing the road entirely and building a new construction. It is not part of the purchase.

Hon. Mr. POWER—It is part of the railway scheme from Fredericton to Chatham, so that you have fully $2,000,000 spent on capital account for the acquisition of this road, and what has been the result? Of course the road has been improved; but in this return, which was submitted to the House of Commons last session, hon. gentlemen will find it at column 2580 of the Commons ' Hansard ' of last year, volume 2, the approximate operating expenses of the Canada Eastern from October, 1904, to March, 1908, as follows: 1904-5, $105,790; 1905-6, $152,850; 1906-7, $141,243 ; 1907-8, $198,054. Altogether during those four years, $597,938. Those are the operating expenses, practically $600,000. During the same period, the receipts were less than the operating expenses.

Hon. Mr. McSWEENEY—How much difference was there?

Hon. Mr. POWER—I cannot tell how much, because in the one case we have calendar years, and in the other case fiscal years, but if the hon. gentlemen will take the summary of receipts, column 2584 of ' Hansard,' and strike off the last year and one-half he will find the receipts were less than the operating expenses.

Hon. Mr. McMULLEN—Hear! hear!

Hon. Mr. POWER—I think that is a warning to parliament at least to go very slowly in proceeding with this measure. I do not think there is any object in emphasizing further what was said by the hon. gentleman from Sackville; but there are one or two observations suggested by the remarks made by hon. gentlemen yesterday. One was with respect to the railways in Australia and New Zealand. It was suggested by the hon. gentleman from Hastings (Sir Mackenzie Bowell), that the Intercolonial railway might be placed under an independent and non-political commission, and the hon. gentleman instanced the good results which had followed from the adoption of that course in the Australian colonies; but he left out of sight this very important circumstance, that in the Australian colonies the railways were substantially all owned and operated by the government. That is not the case here. In Canada, fortunately, the great bulk of our railways are owned and operated by private companies, and the argument which might apply in Australia would not apply so well here. I may say with respect to the commission under whom the Intercolonial railway is being operated now, that I think they are doing their duty honestly and effectually, and the result of their first years' operations has been very satisfactory. Where there had usually been deficits, there is now a reasonable surplus, I think over $600,000. I know there are a great many hon. gentlemen who feel that the Intercolonial railway ought to subserve their own convenience and desires more than it does; but the road has been operated on the whole satisfactorily to the public. The trains are run, I think, with greater regularity now than in former years, and, on the whole, the public have no reason to complain. No company would put on more trains, or cater more to the con-

venience of the travelling public; at the same time, I quite realize the force of the argument used by the hon. gentleman from Sackville, that in the nature of things a government owned railway cannot do business in the same way as a road owned by a private company.

Hon. Sir MACKENZIE BOWELL—Hear! hear!

Hon. Mr. POWER—And it will not build up the country through which it runs and build up its terminals in the same way as a private company can. I am satisfied that if ten years ago the Intercolonial railway had been, as a great many people thought it ought to have been then—I was not one of them myself—leased to the Canadian Pacific Railway, speaking as a citizen of Halifax, I believe that the benefit that would have accrued to that city would have been very great indeed, and much greater than has accrued as a matter of fact under the government operations. The government have dealt very generously with Halifax, and have spent a great deal of money there, but, for the reasons given by the hon. gentleman from Sackville, they cannot develop business in the way a great company like the Canadian Pacific or Grand Trunk can. So, hon. gentleman, I have come to the same conclusion substantially as the hon. gentleman from Saskville. I do not see the hon. gentleman from Rothesay (Mr. Domville) here. In the early part of his speech he seemed to dissent very strongly from the views of the hon. gentleman from Sackville (Mr. Wood), but I noticed that towards the end of his observations he was not so very far away. His conclusions were apparently not so remote from those of the hon. gentleman from Saskville; and my feeling is that the sentiment in favour of a change of this kind is growing fast. My own humble opinion is that the wisest way to dispose of the Intercolonial railway, always supposing that that can be done, will be to lease the road west of Moncton to one of the great companies, preferably not the Canadian Pacific railway, because the Canadian Pacific railway have the road to St. John now, and it is better to have competition. Then improve the grades between Moncton and Truro, and lease, as I say, the portion of the road north and west of Moncton. I think the government might very well retain the part of the road, south and east of Moncton, and give running powers over that portion of the road on the most liberal terms to the Canadian Pacific railway, Grand Trunk Pacific and Canadian Northern. I understand the Canadian Northern railway company are anxious to get down to the Atlantic, and if they are willing to take over this northern portion of the Intercolonial railway I think it good policy to let them have it on very reasonable terms. That has been my view for years. Now there is one objection to the Bill before the House, which is suggested by my last observation. One of the misfortunes, I think, of adopting the policy set forth in this measure is that if the government acquire a number of these branches which are non-paying branches, and which can never pay in the hands of the government, and which are of doubtful paying qualities in any hand, the fact will be that a company which might be willing to take over the main line will not be willing to take it over when loaded down with a number of non-paying branches.

Sir RICHARD SCOTT—Hear! hear!

Hon. Mr. POWER—If hon. gentlemen feel that it may be, at perhaps some early date, an acceptable policy to lease the greater portion of the Intercolonial railway to some big company, the prospect of doing that on anything like favourable terms will be very much diminished by the government taking over the non-paying branches. There are safeguards in the Bill. I have not dealt with the details. That would naturally come up when the Bill goes into committee; but there are two or three observations which I think may not be out of place now. In the third clause of the Bill it is provided that the Minister of Railways and Canals is authorized and empowered upon the recommendation of the Government Railways Managing Board, and subject to the authority of the Governor in Council, to lease in whole or in part any line or lines of railway connecting with government railways. It will be observed that there is no limitation to the power of leasing. It is not confined to those lines which

may be strictly called branches of the Intercolonial railway. It applies to all railways which connect with the Intercolonial railway, and, as a matter of fact, substantially all the railways in New Brunswick and Nova Scotia do so connect; and the leases may be for 999 years, or they may be for 99 years. The lease of the Drummond County railway was for 99 years; so that hon. gentlemen will see that while the Bill professes to allow the government only to lease, substantially it would mean that the government would acquire permanently. I do not deny that there are safeguards provided in the Bill, but the question is whether at the critical moment those safeguards would be effectual. The condition is:

If such line or lines are reported by the chief engineer of the Department of Railways and Canals to be in a good and safe condition for operation.

I assume that in the case of the Canada Eastern it was reported by the chief engineer that that road was in good and safe condition for operation, and I daresay that the engineer might take the same view of any of these other branches. To tell the truth I have not the same absolute faith that the government has in the recommendations and reports of engineers, not always. As my hon. friend says, one requires to be very well acquainted with the facts. There was the case of the Drummond County railway which was recommended by a most upright and capable engineer, Collingwood Schreiber. He thought that road was going to pay, but as a matter of fact it did not pay. It turned out to be a non-paying investment. This proviso is a very good one as far as it goes:

Provided that no such lease shall have any force or effect nor shall any such connecting railway be entered upon or operated on behalf of the government of Canada until the said managing board, and the said chief engineer shall have approved the terms and conditions of such lease having regard to the beneficial results therefrom to the government railways, and until the parliament of Canada has first ratified such lease.

I think it is safe to assume that if the Managing Board thought that, on the whole, it would be in the public interest to take over any given branch of the Intercolonial railway, and they directed their engineer in all probability be in favour of the proposition. I do not say that just now, under existing conditions, the Managing Board would report in favour of taking over a road which was really not a desirable piece of property. But, in the case I put a little while ago, if on the eve of an election, a very resolute and determined minister was anxious that a certain railway should be taken over because he thought it was going to result in the government carrying two or three counties, is it to be expected that the Governing Board of the Intercolonial railway would resist firmly and persistently the influence of that minister to bring about the desired result. I am afraid it would not, and I wish to repeat that this is a measure which might have very important and unforeseen results. It is a measure which needs to be dealt with very carefully, and, if adopted at all, I trust that certain further safeguards will be placed in it, so as to render more improbable the danger of its provisions being abused.

Hon. Mr. MACDONALD (British Columbia)—The discussion of this Bill has taken a very wide range, and the remarks of the hon. gentlemen from Sackville, Halifax and Wellington are worthy of every consideration. It is to be hoped that they will be brought to the attention of the Minister of Railways and those associated with him. I am not going to vote against the Bill or for it. I do not know what the effect of it on the Intercolonial railway will be. If it should bring additional commerce and trade to that railway, I should vote for it. We are labouring at present in the dark, and the names of the lines to be taken over are not even given to us. This Bill contains one concession, it is a concession I think, because it says that no contract or lease shall be ratified before it comes before parliament.

At all events, that gives both sides in parliament an opportunity of discussing it. Though eventually the government party would carry it, yet those opposed to it would have a chance to point out all the defects. Hon. gentlemen know that in former years contracts were first made and ratified by the government, and then submitted to parliament, a perfectly useless

proceeding. Now, whatever the opinions of parliament are, they are of some benefit and even from most crude opinions the government should gain some information that would be of benefit to them. On this Bill, we should have some more information before proceeding further with it. Perhaps the right hon. leader of the House who has charge of this Bill would furnish some of the information we require. That is to say, did the proposal to lease certain lines of railway come in the first instance from the Intercolonial Railway Commissioners, and the traffic manager, or did the owners of the lines to be leased make the first suggestion, and offer to have them leased by the government, and taken off their hands. These are very important questions. If the commissioners and traffic manager see that these lines are necessary, it alters the case; but if they have been offered by the owners to the government, the supposition is that they have not been paying lines. Those who have been members of this House for the last thirteen or fourteen years are inclined to look upon such measures with a great deal of suspicion. I hope nothing will be done under this Bill of a wrong character to favour any body. If any branch line is a paying concern, by all means lease it; but if it is not paying then we should have nothing to do with it. Another question on which I should like to get information is, whether the government possess any data as to the condition of such lines, and their earnings for the last years. Is there an approximate estimate, or are there reasonable expectations of increased traffic being brought to the Intercolonial railway by the lines to be leased? When the Bill is in Committee of the Whole House, perhaps the right hon. leader will give us information on these points.

Hon. Mr. McSWEENEY—I have looked over this Bill and I do not see that we need have very much fear in giving the government authority to lease lines connecting with the government railways. I can speak particularly of the branch lines in New Brunswick. I do not think there is one of the nine that can or will fulfil the conditions. It would take from five to fifteen thousands dollars a mile to put these lines in such shape that the Department of Railways and Canals will feel warranted in taking hold of them. The Bill provides:

> That no such lease shall have any force or effect nor shall any such connecting railway be entered upon or operated on behalf of the government of Canada until the said managing board, and the said chief engineer shall have approved the terms and conditions of such lease.

Now, I have here a copy of the report of 'the commissioners appointed by the government to inquire into, examine and report upon the branch lines of railways connecting with the Intercolonial railway; also a copy of the 'report of the commissioners appointed by the government of the province of New Brunswick to inquire into, examine and report upon the branch lines of railway within said province, and connecting with said Intercolonial railway.' This was quoted from by the hon. member from Westmorland (Mr. Wood) yesterday. The first road referred to is the Caraquet & Gulf Shore Railway. It is bonded to the amount of $500,000.

Hon. Mr. McMILLAN—How much is that per mile?

Hon. Mr. McSWEENEY—The length of the road is 69 miles. That road has never paid interest on the bonds or running expenses. No commission connected with the Intercolonial railway would touch that road until it is put in shape, and the bondholders will not do that. The next road would be the Bearville railway. That is a one-horse road with which it could not do any thing. No government would buy or lease it. Out of nine roads there are about three that pay their interest —in fact, only one pays interest on the bonds, and that is the road owned by the hon. gentleman from Westmorland. That road pays interest, and there is a small balance left. The other roads do not pay running expenses, so that I am not at all afraid that the commission will take these roads over—not in my day anyway. What I am particularly interested in is the future of the Intercolonial railway. I come from the centre of the system there, and know something about it. I have seen it managed and operated, and it has not been run by either government in a way to satisfy me. Up to a year ago, I was not any more

satisfied under the Liberal government than I was with the management under the Conservatives, but I am satisfied after hearing the remarks of the Minister of Railways the other night in the House that there is now an improvement. The commissioners took hold of the road about the 1st of July, and the returns up the the 31st of December, show a profit of $662,000, while the expenses have been lessened by $750,000.

Hon. Mr. DANDURAND—What has been the expenditure on capital account?

Hon. Mr. McSWEENEY—Small, only about $1,500,000. The preceding year it had been three million dollars. They have been able to purchase out of revenue about $400,000 worth of rolling stock. In olden times engines and cars were bought on capital account. The idea of the hon. gentleman from Halifax (Hon. Mr. Power) was an independent commission. The present commission is as independent as any you can get.

Hon. Mr. DANDURAND—The hon. gentleman is in favour of leasing the road west of Moncton?

Hon. Mr. McSWEENEY—The hon. gentleman from Halifax spoke of an independent commission.

Hon. Mr. POWER—I was then quoting the hon. gentleman from Hastings.

Hon. Mr. McSWEENEY—The hon. member rather praised these gentlemen, and he was right. We have as members of that commission Mr. Pottinger, who has been on the road forty years, and who has had great experience. We have Mr. Tiffin, a first class traffic manager, and Mr. Brady, one of the best operating men in the country. If these gentlemen can make as good a showing in the future as they have made in the past twelve months, there is no need of leasing or selling the main line of the Intercolonial railway. I agree with the hon. member from Halifax that it might be well to lease that portion from Moncton north. Under the present Act, the National Transcontinental railway will have running rights over the Intercolonial railway, and the other roads, the Canadian Northern and the Canadian Pacific railway, if they want running rights, could get them on reasonable terms. I would not give any one of these railways the whole of the local traffic. There is no trouble arranging it. Running rights can be had for a certain amount. The Canadian Pacific railway has running rights over another line from Hamilton to Toronto on payment of $1,000 a mile; but to expect the Canadian Pacific railway to take very much interest in Halifax is a mistake, because their interests are bound up in St. John. When the National Transcontinental railway is opened to Halifax, it will have a chance to ship western produce over that route, providing that the rail route is not too long. When that road is completed, with a four-tenths of one per cent grade, they can ship through freight over that route. With respect to the Drummond County railway, I think that the hon. member from Halifax rather disagreed with the hon. member from Westmorland. I think he said that portion, the Drummond County road, was paying.

Hon. Mr. WOOD—I did not say it paid; I said the very opposite. I said it was estimated that it would have a very large earning power, and yield a very considerable surplus; but I called attention to the fact that under government management, the very reverse had been the case. Instead of giving a surplus, there was a deficit.

Hon. Mr. McSWEENEY—If the receipts of the Intercolonial have increased, it shows that the extension increased the traffic. We have had some experience of railroads managed by government commissions in other countries, and the case of Australia has been cited. The railroads there have proved successful under one man management. That is my idea. A man of the stamp of Thomas Tait is worth four men. Still, under the present management, though the commission are not doing everything as I would like to see it done, they are doing good work on the Intercolonial railway. For instance, I think they should employ more men on repairs in Moncton, and not buy so much on capital account. I remember under the old government there were 345 men employed in

Moncton. They dismissed 125 of those men. Most of them went to the United States, and the management of the Intercolonial that year bought on capital account $450,000 worth of rolling stock, of which one-third was purchased in the United States. The very men that were dismissed, worked on engines that were bought at Portland, and on cars that were made at Worcester, and sold to the Intercolonial railway. After dismissing these men, and sending them out of the country, these same men did the work for which the Intercolonial railway paid $150,000, but that work was done in the United States. I do not call that a business proposition, but it was done all the same. I think we have in Mr. Graham, the Minister of Railways, a man who takes an interest in the railway, and will do his very best to make it pay its way. I do not think he is at all anxious to lease the road; but if we do not get results under the present management, if the commission do not make a good showing, I shall not object—I could not object to let the road be hitched on to one of the big companies. It would be for the benefit of the maritime provinces and of the Dominion. We cannot go on for ever squandering money as we have been doing in the past. It will be to our interest to await the result of the management by the present commission. They are doing their very best. Out of some eight thousand men, they dismissed 503. It was pretty hard lines in many cases, but they used their best judgment. If they cannot make the road pay now, I cannot object to one of the big companies taking it over, but the best thing to do would be to lease the line from Moncton to Montreal. The main line from Halifax to Moncton, and from Moncton to St. John covers one of the best territories in Canada, and should be retained by the Dominion.

Hon. Mr. ELLIS—I do not intend to enter into an argument on this question, but rather to express a personal opinion. My hon. friend who has just addressed the House, in referring to what the result may be if we pass this Bill, points out that there are three roads in New Brunswick which are not paying, but he has such confidence in the government, or the engineering profession, that he concludes no engineer would recommend the government to take over the Caraquet road. Any one who remembers the origin of the Caraquet road and of all the facts which were presented in the House of Commons with regard to that road when it was projected will recall its history. The reasons why the road should not be built from a paying point of view were just as clear then as they are now after experience has shown that it was a fact, that the road would not pay. But gentlemen who were then in the House of Commons and heard the debates on the question, know that there were engineers' reports strongly favouring the construction of the road, so I concur with the hon. member from Halifax, who did not exactly say, but his remarks led up to that, that you can get an engineer to report anything—if you get the right kind of engineer. The objection which the hon. member from Halifax makes I think is sustained, notwithstanding what my hon. friend from Moncton says in answer to him. You can always get somebody to justify a thing if you desire to have it justified. I am sorry to make that statement; but I feel confident that will occur in respect of the roads which the government may desire to have taken. The House of Commons have always been persuaded to the fullest extent that the thing suggested to be done by a powerful ministry was absolutely necessary. When the ministers go down to the House of Commons and give reasons why any particular road should be taken over by the government, the reasons will be considered sufficient. I am rather opposed to giving the government the power at all. I have a belief that the government can now do all that the Bill allows without the Bill. They can come to parliament with a proposition to take over a particular road, say the Caraquet road. If the government submits such a proposition, it is sure to be supported. If I were one of the government supporters in the House of Commons I should probably be able to see reasons why on the whole I could justify the vote.

The hon. member from Halifax (Mr. Power) has covered ground I was going to take. I was about to make an illustra-

tion of the Canada Eastern railroad. The reasons for building that line were probably justifiable. It was perfectly natural that the people of Fredericton should desire to have a railway to the Miramichi river, and that the peole of Miramachi should desire to have an easy way to get to Fredericton. The road was built through a fairly good part of the country, but some how the people who owned it never made any money out of it. The road under pressure of one kind or another has passed over to the government. My hon. friend states that the road cost $819,000, but I observe in the statement of the Minister of Railways that the capital is put down at $1,284,495, which is the price we paid for that road before any of the improvements to which my hon. friend refers were made, and I presume that in that the accountant has taken in not only the $819,000, but also the subsidies which the government paid originally on the road. The company was largely subsidized in the first instance by the Dominion government and also by the provincial government. Then the expenditure has gone on in addition to which my hon. friend refers, amounting to five or six hundred thousand dollars. The department has now entered on further works, and it is impossible to say what the expenditure will be. I should think it will be at least $750,000 before the deep water terminus at the Miramichi river is made fit for the purposes for which it is intended. So we have gone on with an enormous expenditure on that road, a road which is one of the best subsidiary roads we have. It is easy to get a subsidy for a railway if you set yourself right about it. There is a road in our province which runs from Harvey into the county of Albert. That road was pressed for by some influential people. It is called the Albert Southern railway. There is attached to it the Harvey branch, and they are practically the same road, about twenty odd miles in length. The Dominion government put $65,000 in that road, and the province of New Brunswick $57,000. The total amount of public money expended on that road was $122,693. Here is a newspaper paragraph with regard to its present condition. It is under date of January 31, last:

The Albert Southern railway is being dismantled, and the rails are being shipped to the States. Already two or three schooner loads have been taken away, and soon there will be nothing left to mark the route of the railway, in which the province and Dominion invested in subsidies between $100,000 and $200,000. There is considerable speculation in Albert county over the rights of the present owners of the property, whoever they may be, to tear up and cart away this property, and it is said representations have been made to Ottawa on the subject. The Albert Southern is a line about twenty miles in length from Albert to Alma, and joined the Harvey and Albert, formerly the Harvey and Salisbury, at the Shepody river. The bridge there has been down for many years, and no trains have run over the road.

The explanation of this is that there was a judgment against the railway for debt, the railway was sold at public auction, these people bought it, and had all their arrangements made, and before any body could intervene, the rails were taken up, and shipped to the United States. It clearly shows that there was no business reason for the construction of that road. At the Harvey branch there was a shipyard. At the crucial time a delegation came to Ottawa or to Fredericton. They had very powerful political influence, and the government yielded to the demands made upon it, and perhaps the government may itself, by the ingenuity of argument be persuaded that a road is necessary. I am not putting this forward as a type of all the roads in the maritime provinces. But it was a political railway. There are some which have a revenue, but none of them is paying all its expenses, and a substantial interest to the stockholders. Therefore, if the government is invested with power such as this Bill gives them, it should be guarded and restricted to such an extent that it shall have some substantial directions as to what it should do, and how it shall be limited in each case as it arises. I do not wish to say anything more on that point. On the whole I should prefer to vote against the legislation altogether, as I say, the government have the power now.

As regards the larger question of the Intercolonial railway itself, let me make an observation or two. I always feel hurt when my hon. friend from Wellington (Mr. McMullen) rises to speak in regard to the maritime provinces, because he seems to

carry in his mind—and I think he ought to try and rid himself of it—a feeling that in some way or other inasmuch as the Intercolonial railway exists a great benefit has been conferred by the people of Ontario on those maritime provinces. Let me say, in the first instance, there ought to be a generous feeling with regard to that matter. Long before confederation was projected, the people of the maritime provinces, and more particularly the people of Nova Scotia, were anxious beyond measure to have association, friendship and trade with the people of western Canada. There was a very strong feeling that we ought to know more about the people of western Canada, that we ought to be sociable and friendly with them, and so, before confederation, the legislatures of New Brunswick and Nova Scotia passed legislation guaranteeing large sums of money to build a railway, and they agreed among themselves as to how the money should be apportioned. They made an arrangement with the then province of Canada to bring this about, but the negotiations failed in some way. It is not necessary to explain how they did. Then confederation came on, and it was the most natural thing in the world for the people of the maritime provinces to seek to have this railway built, and they required it to be part of the compact of confederation. My hon. friend seems to have overlooked that part of the question altogether, and he further overlooks the fact that if there is any concession in the way of the cost of carrying trade to the people of the maritime provinces the people of Ontario share in the benefit of that; that if they get their goods taken to the maritime provinces at a lower rate, they have an advantage. He ought also to remember that there is a tax upon flour, which we do not produce in the maritime provinces, which I am sure is to the interest of Ontario, and not at all to our interests. So I trust my hon. friend in some happy mood will so frame his mind that when this question again comes up he will present it in a way, not calculated to shock the sensibilities, and jar the nerves of the people of the maritime provinces. That brings me to a greater question—what shall be done with the Intercolonial railway? I am heartily of the opinion, without any reservation, that the whole road should pass out of the control of the government of Canada entirely, and that the management should be entirely independent of politics, looking to its own ends and trying to achieve such results as have been suggested by the hon. member from Westmorland. We constantly hear in parliament suggestions that this year has been much better than last year, and the present management much better than the past management, and so on, as time rolls by. Well, there are good times even in railroad management, but on the whole the management is not good in view of the fact that it is contrary to the genius of railway management on this continent to have a road controlled by the government, and it is useless for us to try to carry out in one part of our country a scheme of railway management different from that which generally prevails in America.

My hon. friend referred to political influences. It is impossible to avoid them. Whatever may be the success in Australia, I think that the answer is complete, that the government there own all the railways. The people are aware of the whole situation and can control not only a particular railway, but all the railways of the country. Whether we could do so satisfactorily or not, I do not state absolutely; but I have seen many questions raised as to whether the Australian system works out in actual practice as satisfactorily as it is assumed to work out by the friends of that system. But whether it works out well or not in Australia, it would be a great deal better for the maritime provinces to have the road pass out from government management. I have repeatedly urged this. I have favoured handing the road over to the Canadian Pacific railway; but I am indifferent as to who has possession of the road provided the government will divest itself of the control of it entirely. I believe it would do more towards the development of that part of the province through which it passes, and that it would give better satisfaction to the people than it does now. If you read the maritime province newspapers, you will find constant complaints about the doings of the road. I think they are partially undeserved; but the fact that

complaints are made shows that there is a rent somewhere, and people think there might be something better. I make no charge against the management. I am willing that all past sins should be forgotten. Years ago I thought there were many things the railway ought to have done and others that it should not have done, but I think we might seal all that up and start on a new career with the road by giving it different management. If I were for one month Minister of Railways I would put my own scheme in operation, and we would rid the country of this troublesome burden, and be free of the danger in the presence of which we now stand by reason of the large number of these private roads which there is such a desire to place under the control of the government. The hon. member from Halifax showed that the mileage of these branches was equal to or more—I think a great deal more—than the mileage of the Intercolonial railway, in the maritime provinces. You are only extending a bad system if you add these on to a system that has served its purpose. The road is built. It is there. The old desire of people in that district to come to Ontario has increased, but we can now get there by more ways than one. Communication has been opened up in a variety of ways. We do not concern ourselves now about what particular route we travel to get to this part of the country. The trade steadily increases, and it is impossible to conceive of any plan that would block it. I hold the belief that we have a very good Minister of Railways, and the recent commission has handled the government road very well, but considering all things I concur in the view that the road should absolutely and entirely pass out of the hands of the government, every mile of it, and so free it from the political restrictions which hamper it.

Hon. Mr. KING—I have not heard the views expressed by other hon. members; but I have views of my own on this question, and I shall take the opportunity of placing them before the House. I purpose first to refer to the building of the Intercolonial railway. In doing so I am aware that I am going back forty or fifty years. After I deal with that, I desire to say something in regard to the branch lines. I think it is a well known fact that the Intercolonial railway was, and the maritime provinces people claim it was, a part and parcel of the terms of confederation, and as a representative from the maritime provinces I contend that if conditions now were the same as they were then, I would be the last one to rise to my feet and ask to make any change of ownership of the road other than it has at persent, that is that the government of Canada should continue to operate it, whether it paid or not. But I am reminded —and the House will pardon me if I refer to a well known fact—that circumstances have changed materially since the Intercolonial railway was built. I am not going now to refer, as I have on many occasions, to the mistake made in the location of the road. The road is there. It has served a good purpose. It has traffic to take care of for all time on the north shore of the province. But since that road was built, the government of Canada have arranged for the construction of another road from Montreal to St. John, New Brunswick, and, if I am not mistaken, for the last twenty years they have been paying the company operating that road a subsidy of $180,000 a year. That gives the people of the lower provinces two lines to Quebec and Montreal. In addition to that, we are to-day building a third line through the centre of the province of New Brunswick, starting at Winnipeg and terminating at Moncton. I do not think it is fair for us in New Brunswick to contend that we have been sacrificed by either party in Canada. We have been well looked after, and in the near future we will have, I hope, at least two transcontinental lines using a portion of the Intercolonial railway. Now with regard to the distribution that ought to be made of the road proper, I will simply give my own view for what it is worth. If a company owning one of the transcontinental roads can be induced to take over that portion of the Intercolonial railway between Moncton and Montreal and operate it, and bring to it transcontinental business, I would say let them have it. It is not necessary for me to state to whom they might give it. I have heard it stated that the Canadian Northern is anxious to secure an outlet to Halifax

and St. John. I would say that in the hands of that company it would be perfectly safe. In a very short time the Grand Trunk Pacific will be completed to Moncton; and as it is generally believed and supposed in this House that the Grand Trunk railway proper dominates to a large extent the building of the Grand Trunk Pacific, they will no doubt contribute something towards the running of that road, between Montreal and Moncton when it is once ready for operation. The Intercolonial railway gets to-day from Montreal almost everything, excepting what originates in Montreal, all its traffic is handed to it directly by the Grand Trunk railway. So soon as the Grand Trunk Pacific operate the road to Moncton you can rest assured that the Grand Trunk railway are no longer going to hand over any freight to the Intercolonial railway. It must of necessity suffer loss. The point I make is this: that now is the time, or in the early future, when some provision should be made to counteract the loss in traffic on the operation of that road from Quebec to Moncton by the Grand Trunk railway. Who is in a better position to supply the traffic than some company operating a transcontinental line, let it be the Canadian Northern or some other line. I know of no road but the Canadian Northern. If these gentlemen want to take that road and operate it on fair terms, looking carefully after the rights of the people along the north shore of New Brunswick from a local standpoint, I do not think the people of the north shore could have any right to complain. During the discussion on both sides of this question it is generally conceded that the people of New Brunswick are all interested in the operation of the Intercolonial railway. I want to point out that one-half of the people of New Brunswick receive no benefit whatever from the operation of the Intercolonial railway. One-half are entirely dependent on the Canadian Pacific railway. How far they are satisfied with that I do not know. Now, to go a little farther. We have to-day, starting from St. John and landing in Halifax, I believe, one of the best paying pieces of railway in all Canada. I know that the people of St. John and all along that line of railway are very sensitive on this question. They do not want to let that road go. They are to-day, it is generally admitted, getting better terms in the matter of rates, but not in regard to passengers, than they are getting on some of the roads in New Brunswick. Admitting that is true, I see no reason why the government could not devise some scheme by which the road from St. John to Halifax should be handed over, not to one company, but to the three transcontinental railway companies, if Mackenzie and Mann are going to extend their railway down there, and I believe they are. Let these companies operate it jointly from St. John to Halifax, and let them pay a good, fair, round rental to the government of Canada. I am not well enough versed in these matters to know what they ought to pay, but I venture to say that if the government were to get a good rental for the section from St. John to Halifax, to be run jointly by the three transcontinental companies, that they will be able, without costing Canada a dollar, to double track the road from St. John to Halifax.

Hon. Mr. McSWEENEY—Do you mean to give them running rights?

Hon. Mr. KING—To give them full control, and let them manage it themselves. Perhaps it cannot be done, but I think it can. When they strike Moncton, they come to one common point. No injustice can be done to the local traffic. They might make the arrangement so as to satisfy the maritime provinces that the present tariff for freight and passengers should remain as a basis, and if it was increased, that it should be dealt with by the Railway Commission and not by the government. I do not think that any one in St. John or Halifax would have the slightest right to complain, and if there is a man in the maritime provinces who does not see the advantages it would be to the provinces to have three transcontinental lines transporting goods from Moncton to Halifax, and Moncton to St. John, I do not think he should be in business. There is enough for them all now. There is just this about it; if you arrange it in that way, traffic will not go to Portland, Maine.

Get the three companies interested. The Canadian Pacific railway is doing a great deal for St. John. They have been the salvation of that city. Halifax people are jealous because they have done so much for St. John. I believe the time is coming, in the near future, when St. John and Halfax can have all the business they can take care of if this proposal I am submitting is carried out. There may be some difficulties, and if there are, I should like some hon. gentleman who knows more about it than I do to point them out. I have carefully considered the matter, and I do not think there can be the slightest difficulty in having the three companies get together and operating that road. I am quite aware that my remarks will be criticised in the province from which I come.

Hon. Mr. THOMPSON—What about the branch lines?

Hon. Mr. KING—What I propose, settles the question of the branch lines. There is not a branch line in New Brunswick, Nova Scotia, or in Quebec, which will not be sought after by one of those rival companies. It means a great deal to a through line crossing from the Atlantic to the Pacific to obtain control of a branch line, even if the traffic be small on it. When a person is going to the northwest he does not buy a ticket for the distance he travels on the Intercolonial, he buys a through ticket, and I venture to say that the gentlemen interested in the branch lines there will not have the slightest difficulty in leasing their lines if this plan be carried out. In regard to the Canadian Eastern, I venture also to say that there would be competition at once between the Grand Trunk Pacific and the company operating the Intercolonial railway to acquire that line. I think that it can be sold to either one of the companies for more than the owners paid for it, because it would mean to one, or perhaps both, a great feeder. The branch lines are numerous, and one or other of the companies would want to have them for the reasons which I have just stated, because when you start on a branch line, you can go, as a through passenger, clear across the continent. Suppose you haul a man twenty miles on a branch line for 60 cents, and you get a further sum of $60 for carrying him to Vancouver, you make money out of him. There is no danger to the branch lines in that event. I think the matter is well worth consideration, and I should like to hear expressions from others who are quite as much interested as myself in this important matter.

Hon. Mr. WILSON—Fortunately or unfortunately I was a member of the House of Commons at the time many of these branch lines were under discussion. I then took a certain course. I felt at that time that many things were being done for the benefit of the Intercolonial railway which were not in the best interests either of the road or of the country at large, and I feel to-day that we ought to be very guarded and understand exactly what we are doing. and I ask the right hon. leader of the House if there is now an agitation in the maritime provinces demanding that this legislation should be enacted? We have not got such information. When the hon. gentleman from Westmorland was addressing the House, I waited very patiently during the delivery of his eloquent speech, to ascertain if I could from that hon. gentleman—and he is generally correct in his view of the proper course to pursue—what his views were, and he gave me no information as to whether he would vote for or against the Bill. I listened to the hon. gentleman from Halifax, who always has an idea, and has the courage of his opinions and is ready to state them, and I failed to find what course he was going to pursue. The hon. gentleman lives in Nova Scotia and knows thoroughly the wishes and desires of the people, and I thought he would be able to give me some idea why the agitation was brought on, and why the government was asked to submit a Bill to lease these branch lines. Have we any evidence that it is in the interests of the Intercolonial railway or of that section of the country that these branch lines should be absorbed by the government? I do not know what lines they are going to absorb or desire to take over. It would have been better, per-

haps, if we knew the course they intended to pursue in this respect before we were asked to pass a blanket Bill whereby they might cover all these branches. I recall to mind that the Intercolonial railway was built because of a compact entered into at confederation, whereby the maritime provinces might be brought into the union and be part and parcel of the Dominion, as they had at that time had an objection to coming in. It was not then considered that the Intercolonial railway was to be a commercial road. It was supposed to be a public work in the interests of the country at large. I therefore feel that the large amount of money we expended on the construction of that road was expended under the compact entered into between the people of the maritime provinces and the people of the upper provinces to induce the maritime provinces to become part of the union. If that be so, what right have we to deal with it as a commercial road? Or to say that it should be made a profitable road in the hands of the government of the day? I am not in a position to know that these branch lines are important to the safety and welfare of the Intercolonial railway. If the Intercolonial railway was built on account of the compact entered into, we know that the branch lines would not be a part of that compact, and, therefore, there is no reason why we should take them into account. My hon. friend from Westmorland, of all the men down there, ought to understand the position in reference to these branch lines; but he did not convince me that it was in the interest of commerce and the interest of the provinces by the sea that the branch lines should be absorbed by the Intercolonial. I think the House fully understands that as a commercial road it has never been a success. Some people say that is on account of extravagance in management. Others contend it is caused by mismanagement. However that may be, different ministers have had control of it, and different governments have been in power, and the result has been the same; there is always a certain amount of loss in the operating of the road. Has it been shown that by taking the branch lines over we will get rid of that difficulty?

The senior member from Halifax (Hon. Mr. Power) states that they are asking for power to take over 400 miles of branch lines. If the government are unable to run the road economically now, will the taking over of 400 miles of branch lines accomplish that object? The whole thing appears to me to be very unreasonable. Then the hon. member from St. John (Hon. Mr. Ellis) states distinctly he could understand that if a certain thing were done the road might possibly pay. Then another member from New Brunswick says that if they could make an arrangement with the National Transcontinental railway to run through to Halifax it would be a good thing in the interest of the people there. I have no doubt it would be an advantage, and would lessen the expenditure, but would the people there be satisfied with such a policy? Do those who entered into confederation in the various provinces desire that such should be the case? Shall we merely for the dollars and cents in it violate a compact? I was very much surprised to hear the hon. member from Wellington (Hon. Mr. McMullen) denounce the road, and every thing in it. He looked upon it as a commercial enterprise; but I cannot make myself believe that it is a matter merely of dollars and cents. It is the duty of the government of Canada to do all in their power to enhance the traffic of that road. If that can be done by absorbing branch lines, then that is the policy to adopt, but before doing so, let them come down, as Sir Charles Tupper did, and say what they expect will be the result. Sir Charles predicted that if the road were extended from Richmond to Montreal it would prove a gold mine, and the government could lay aside a certain amount out of the earnings every year to pay for the construction of the whole road. If the government would now tell us what they expect to gain by acquiring these branches, there might be good reason for granting this legislation. I must congratulate my hon. friend from Westmorland that he does not hold the same opinions to-day that he did five or six years ago. He then said that there was so little traf-

fic on the Intercolonial railway, that they could hardly load a single freight car. Lest I should be suspected of misquoting him, I shall read what he said with reference to the Intercolonial railway in reply to some remarks of mine. He said:

> The hon. gentleman does not understand me yet. I said that the export trade had decreased in St. John. I endorse what my hon. friend said, there has been a stisfactory increase in the trade of the port of St. John, but it was due to the construction of the Canadian Pacific railway, and the extension of their system to St. John, but that nothing came over the Intercolonial railway.

Does my hon. friend feel that way now, that there is nothing coming over the Intercolonial railway whereby the traffic is increased?

Hon. Mr. WOOD—I endorse what the hon. gentleman has read, every word and sentence of it. In the years that have elapsed since that time, a considerable amount of money has been spent on the harbour of St. John by the government, to afford facilities for export traffic, and the late Minister of Railways built an elevator there, in order that grain might be shipped by that route, yet there has never been a cargo carried over the Intercolonial railway for shipment at St. John, that is, from the western provinces. The Canadian Pacific railway has created a very valuable export business there, which is increasing rapidly every year. The increase is due altogether to the business management and enterprise of the Canadian Pacific railway.

Hon. Mr. WILSON—My hon. friend feels that it is not the Intercolonial railway that is doing good in New Brunswick. What I said before I say now. The hon. gentleman further said at the foot of the same page:

> The hon. gentleman entirely misunderstands me. I said there had not been sufficient grain over the Intercolonial railway to load a vessel.

Hon. Mr. WOOD—That is just what I say now, and there has not been since.

Hon. Mr. WILSON—What does the hon. member from Westmorland now contend? That we should acquire some of those unfortunate branch lines, for what? To increase the traffic and trade. But he says it is the Canadian Pacific railway that has increased the traffic at St. John? I think I am perfectly justified in holding the opinion that whatever my hon. friend may or may not have been at that time, he is to-day and ought to be adverse to the extension either by acquiring branch lines or building new lines through that section of the country. He knows perfectly well why the Intercolonial railway was built, that it was built to carry out the compact between the provinces of the Dominion. The hon. member from Halifax knows perfectly well that the absorption of 400 miles of branch lines is not in the interest of the Dominion, but let him be patriotic and reply forcibly to the charges made that we have been paying higher freight rates in other parts of the Dominion than are paid in the province of New Brunswick. We are satisfied to let them have the advantage and the benefit. We partially forced them into the Dominion, and we have no right to hold them now responsible for the railroad not being a commercial enterprise. While the road has been a heavy burden on the people of Canada, I feel that I would rather support half a dozen Intercolonial railways than not have the Dominion of Canada extend from ocean to ocean. It was a grand enterprise entered into by the early statesmen of Canada. They conceived the idea of building the Intercolonial railway as a military, and not as a commercial road, and we ought to feel grateful to them for the great work they accomplished to carry out their views. While I say that, I condemn those who to-day and previously have complained and opposed the construction of the National Transcontinental railway. If the construction of the Canadian Pacific railway has developed an immense traffic, may we not expect that when the National Transcontinental railway is running through from ocean to ocean a stream of freight will be pouring down to the sea, and our friends on the Atlantic coast will feel the impetus given to them by the trade of the west. Our duty is to build up this new country, and we want its progress to be permanent and substantial. If a few million dollars are necessary to hold together the bonds existing between the var-

ious provinces it is our duty to grant it, and I for one am not going to haggle over it. Like my hon. friend from British Columbia (Mr. Macdonald) while voting for the Bill, I feel that we ought to have more information as to why it has been brought in, and why the government could not have waited until there was an absolute necessity to come down with a scheme to absorb certain branches. I have confidence in my own political friends and know that while they are in power they will do what is right, but I can remember a time not long ago when others were in power their action and conduct I did not hold in as great estimation. I know from a certain thing which they did that their promises were not realized, and feeling that they might through some unfortunate accident come back to power, I am going to support the motion for the second reading of the Bill.

Hon. Mr. CLORAN—We have heard expressions of opinion which are valuable from the maritime provinces, and from the west. We ought also to hear opinions from the far west and from the province of Quebec, and I therefore move that the debate be adjourned until Tuesday next.

The motion was agreed to.

IMPROVED PAPER MACHINERY COMPANY BILL.

SECOND READING.

Hon. Mr. LANDRY (in the absence of Hon. Mr. Kirchhoffer) moved the second reading of (Bill 67), An Act respecting the Improved Paper Machinery Company.

Hon. Sir MACKENZIE BOWELL—There may be circumstances which justify the renewal of a patent which has been allowed to lapse, and if the suggestion which I made a few days ago were acted upon, that is, if the reasons why the company ask for a renewal of the patent were embodied in the preamble to this Bill, it would save a great deal of discussion. In many cases, such a course would remove many of the objections which are taken, on general principles, to the passing of measures of this kind. I find that this Bill is not of the same character as others to which I have taken objection. I am informed on good authority that the parties interested in this patent have spent a very large amount of money in the Eastern Townships in order to carry on their work under the patent; but that through the negligence of one of their agents or attorneys entrusted with the looking after the interests of the company, their patent has been allowed to lapse. If that be the case, to my mind, it removes the objections which I should otherwise have taken to the Bill. Under the circumstances, I have no objection to the passing of this measure.

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

MOND NICKEL COMPANY PATENT BILL.

The order of the day being called:

Resuming adjourned debate on motion for second reading (Bill 92) An Act respecting a patent of the Mond Nickel Company, Limited.

Hon. Sir MACKENZIE BOWELL—This is just one of these objectionable Bills that ought to be rejected. When I brought up this question a few days ago, the leader of the House acquiesced in the objections I had taken on general principles, and he promised to call the attention of the Department of Agriculture to the matter. I understood also that Mr. O'Halloran, the Deputy Minister of Agriculture, appeared before the committee upon the Bill which was reported a short time ago, that the preamble was not proven. If the government have a policy upon this question, it is singular they do not enforce it, unless we are to understand it has been objected to by this House. We find the deputy minister informing the committee that the department, and I presume the government, are opposed to the renewal of these patents, under most circumstances, unless they are of the character of the one to which I have just called the attention of the Senate. It is also a fact that the Minister of Agriculture was present in the Commons when the Bill was passed, and the leader of this House indicated the policy of the government and confirmed the statement made by Mr. O'Halloran before

the committee. If that be the case, why does not the government take a positive stand upon this question, and ask the House to reject such Bills unless good reason is shown for making an exception? It seems to me an abdication of their functions. The government ought to have a policy and try to enforce it. If it is opposed by a majority in this House, it will not affect their position, but in the other House they should take the consequences of adhering to their policy. In this case, the patent is not asked to be renewed by the inventor, but by speculators who have bought it, and who control it. This patent was originally taken out in 1896. The House is asked to renew the lapsed patent, and grant an extension to the 16th March, 1914. In order to protect those who may have commenced operations under the system to which this patent applies, they are to be protected up to the 16th October last. Is it possible that this date is fixed because some person or company has commenced operations to use this patent?

Hon. Mr. DANDURAND—That was probably the date of the first notice that appeared in the Official Gazette.

Hon. Sir MACKENZIE BOWELL—Very likely it is; but this protection should be extended until the time that the Bill has been sanctioned by the Governor General. I am not objecting to this from any personal reason, but for years I have been objecting to the renewal of patents except under peculiar and justifiable circumstances. It is fourteen years since the patent was taken out. Will any one say that these people did not know what the effect would be of their violation of the provisions of the Patent Act? It is altogether too absurd. The industrial development of this country, particularly in the mining business, has become so important that these people think they can make some money out of the patent now, and they are asking to have it renewed.

Right Hon. Sir RICHARD CARTWRIGHT—I am not sufficiently acquainted with the details of the matter to which the hon. gentleman has alluded to make any definite statement. I think when it goes before the committee, it will be found that it is not precisely as he supposed it to be. I brought the whole matter, as I told the hon. gentleman I would, to the attention of the Department of Agriculture, and I understand from them that the policy, at any rate for the future, for that department, is that they would oppose these applications for the renewals of patents unless it appeared that the patentee had not been to blame, but that the failure to comply with the terms of the law had arisen through the fault of his agent. That, I understand, was the statement made by Mr. O'Halloran, and confirmed by Mr. Fisher.

Hon. Mr. BELCOURT—This Bill is just such a measure as has been described by the right hon. gentleman. The fault in this case is not that of the patentee, or the holder of the patents, but of the agent in Montreal.

Hon. Mr. CLORAN—The proposition made by the hon. member from Hastings, in regard to the effect of the renewal only coming into operation when the Bill is sanctioned, would not be fair. The notice of renewal is given in the Official Gazette, and if anybody wanted to take advantage of that notice he could establish a little factory without any real intention of manufacturing, but simply for the purpose of blackmailing the holder of the patent. The time should date from the notice in the Official Gazette. That has been the policy of the Private Bills Committee for some time past.

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

BILLS INTRODUCED.

Bill (No. 43) An Act respecting the Hudson Bay Insurance Company.—Hon. Mr. Ross (Moosejaw).

Bill (BB) An Act respecting the Sovereign Trust Company.—Hon. Mr. McHugh.

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

THE SENATE.

FRIDAY, February 18, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COMMITTEE ON PUBLIC HEALTH.

THIRD REPORT.

Hon. Mr. DE VEBER, from the Committee on Public Health and the Adulteration of Food, presented their third report, and moved that it be taken into consideration on Thursday next. He said: I am putting off the consideration of this report until Thursday for a definite purpose. We have no power to pass legislation in reference to these matters. Our efforts must therefore be merely suggestive, and educational. The work of the committee of last session is now before you in printed form, and I am allowing a certain number of days to pass between the presenting of the report and consideration of the same, in order that the members of the Senate may become familiar with the evidence in that report, and in the hope that it will lead to a full, free, and open discussion. The freer the discussion the more apparent must it be that Canada is suffering from the pollution of her streams, and the fuller the discussion, the more widespread will the evidence be disseminated. If any hon. gentlemen have not yet received copies of the report, and wish to obtain a few to send them to their friends, I shall be pleased to supply them.

Hon. Mr. BELCOURT—I do not wish to discuss the report, only to say that I do not agree with the hon. gentleman that we have not the jurisdiction to deal with the matter fully. I intend when the second reading of the Bill that stands in my name on the order paper, for Wednesday next, is moved, to offer to the House an argument which I hope will be found sufficient to convince hon. gentlemen that we have ample jurisdiction to deal with the whole matter, and that it is not at all necessary to ask the provinces to co-operate with us in enacting such legislation as we may find desirable. I wish to put myself on record as not agreeing with the conclusion of the report.

The motion was agreed to.

LOCATIONS UNDER SCRIP AND MILITARY WARRANTS.

MOTION.

Hon. Mr. TALBOT moved:

That an order of the Senate do issue for a statement showing the number of homestead entries, pre-emptions, scrip locations and military warrant locations in townships 35, 36, 37, 38 and 39, in ranges 1 to 19, inclusive, of 4th meridian and in townships 32, 33 and 34, in ranges 1 to 8, inclusive, west of 4th meridian.

The motion was agreed to.

IMMIGRATION OFFICE AT QUEBEC.

MOTION.

Hon. Mr. LANDRY moved:

That an order of the Senate do issue for the production of a copy of the inquiry made in 1906, by Mr. Blair, an officer of the Department of the Interior, concerning certain charges as to the manner in which the immigration office at Quebec was then administered, and of the report made to the government by said officer.

The motion was agreed to.

THIRD READINGS.

Bill (No. 62) An Act respecting the Esquimalt and Nanaimo Railway Company.—Hon. Mr. Riley.

Bill (No. 63) An Act respecting the Manitoba and North-Western Railway Company of Canada.—Hon. Mr. Watson.

Bill (No. 93) An Act respecting the Vancouver and Coast-Kootenay Railway Company.—Hon. Mr. Bostock.

Bill (Q) An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.—Hon. Mr. Derbyshire.

Bill (No. 33) An Act to incorporate the Northern Mortgage Company of Canada.—Hon. Mr. Chevrier.

SECOND READINGS.

Bill (No. 27) An Act respecting the British North American Mining Company.—Hon. Mr. Casgrain.

Bill (No. 61) An Act respecting the Canadian Northern Railway Company.—Hon. Mr. Davis.

Bill (No. 97) An Act respecting the Pacific and Atlantic Railway Company.—Hon. Mr. Ross (Middlesex).

Bill (No. 107) An Act to incorporate the Ottawa, Montreal and Eastern Railway Company.—Hon. Mr. Casgrain.

Bill (Z) An Act for the relief of Bernard Shea.—Hon. Mr. Frost.

Bill (T) An Act for the relief of Archibald Laurie.—Hon. Mr. Gillmor.

MANITOULIN AND NORTH SHORE RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. ROSS (Middlesex) moved the seond reading of Bill (No. 113) An Act respecting the Manitoulin and North Shore Railway. He said: This Bill asks for two things, first, an extension of time, and, second, that it be declared a work for the general advantage of Canada. I am satisfied that the Bill is one that should be passed, but I do not want to hold myself responsible for the declaration in the fifth clause. I move the second reading, however, and clause five can be considered in committee, when the Bill is sent there.

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

BILL INTRODUCED.

Bill (CC) An Act to incorporate the Nipigon-Albany Canal and Transportation Company.—Hon. Mr. Young.

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

TUESDAY, February 22, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (DD) An Act to incorporate the Weyburn Security Bank.—Hon. Mr. Douglas.

Bill (EE) An Act respecting the Grand Trunk Railway Company of Canada.—Hon. Mr. Watson.

TREATIES AFFECTING CANADA.

MOTION.

Hon. Mr. ROSS (Middlesex) rose to:

Call the attention of the Senate to the difficulty in obtaining the full text of treaties made by the government of the United Kingdom and foreign countries affecting the Dominion of Canada, and will move that steps be taken at an early day to compile such treaties or such portions of them as affect Canada into a volume for the use of members of parliament, with a reasonable number for distribution among the public libraries of Canada, and in the same connection to compile the various constitutional Acts passed by the parliament of Great Britain since 1759, relating to any of the provinces now forming part of the Dominion of Canada.

He said: This motion has been before the Senate for some time. A very few words of explanation will make clear what I mean by it. Hon. gentlemen are aware of the difficulty there is in getting access to treaties affecting Canada. They are scattered through various volumes of statutes and other public documents, and, if one wishes to be informed in regard to them, the amount of research required is out of all proportion to what one would expect in a well organized public library. A similar difficulty presented itself in the United States, and in 1904, the following resolution was adopted by the United States Senate:

Resolved that a revised edition of the compilation of treaties in force be prepared under the direction of the committee on foreign relations, and that there be inserted in said revised edition, all treaties proclaimed and in force at the end of the present session; and that there shall be printed 500 copies of said revised edition for the use of the Senate.

The volume I have here is the result of that resolution. In the preface I find the following:

The following revised edition of treaties in force was prepared, under the direction of the committee on foreign relations, by Mr. William M. Malloy, and contains treaties and conventions, important international acts, agreements and protocols (except claim protocols) to which the United States is a party, in force on April 28, 1904, at the end of the second session of the fifty-eighth congress, as provided in the foregoing resolution. A supplement is added (page 948) containing treaties ratified during the last session of congress, but not proclaimed, and in force until after the adjournment of congress on April 28, 1904.

This compilation contains all the treaties affecting the United States since the revo-

lution. It is easy of access; it is to a certain extent, I may assume, practically authentic, and enables one who has to discuss a treaty, or the relations of the United States by treaty to another country to get access to the information without trouble. In 1807, pursuant to the action of the British government, there was compiled also a similar volume of treaties, not so comprehensive in some respects as that compiled at the instance of the United States Senate, but equally useful, the title of which reads as follows:

> Handbook of treaties, etc., relating to commerce and navigation between Great Britain and foreign powers, wholly or partially in force.

In the note at the beginning it says:

> Although assistance is given towards this compilation from public funds on the ground of its general utility, it must be understood that it is not an official publication, and that the editor is responsible for its contents.

Although the editor was responsible for its contents, still it was considered of sufficient value to be aided out of the public treasury. These two instances are quite suggestive. Our treaty relations are very extensive, some of them ancient history. We know that from year to year some of our oldest treaties require consideration. We often refer to the treaty of Paris, 1763, as the basis of the compact made between our compatriots of the province of Quebec at the time of the capitulation in 1759, and it is very interesting to see the precise terms of the agreement between the two powers concerned. We have the treaty of 1783, made with the United States, by which our boundaries were determined, and which led subsequently to many arbitrations such as the Ashburton treaty of 1842 and the Oregon treaty of 1846, and it is interesting to go back, and it may be necessary to go back, to the original text in order to understand its precise terms. Then we have the treaty of 1818, after the war of 1812, in which certain agreements were made with the United States with regard to the fisheries, which are understood to abrogate certain rights claimed by the United States to fishing in British waters. That is to be argued shortly before the Hague tribunal. It would be interesting to go back to the original treaty and see the terms in which it was expressed. Then we have the treaty of 1854, a reciprocity treaty based upon certain conditions; should we ever require to negotiate another reciprocity treaty it would be useful to have that for reference. We have the treaty of 1871, which affected us in many material respects, and the treaty of 1885, which was not ratified by the United States Senate. I am running over a few of the most important treaties. Others may be required for reference at any time. At all events, I think this House would be doing a public service if they placed before our students of history these important documents. I do not think they can be found outside of the city of Toronto, unless it be in the public library here. There is no doubt there are some at McGill university, and probably at Laval university; but they are not documents as widely diffused as they might be.

The second part of the resolution deals with an equally important and comprehensive subject. No one can tell what may arise in a debate, and we may have to refer to the original basis on which these British North American colonies became parts of the empire and under what conditions. Take the history of Prince Edward Island; I know it would require considerable research to find the original constitution of that province, under what terms it became incorporated as a separate colony, and on what conditions responsible government was granted to Prince Edward Island. The same remark applies to Ontario and Quebec. These are very important historical events in the history of Canada, to which it might be very desirable and useful to refer. Then we have, besides, the Quebec Act of 1774, an Act of the utmost importance to any student who wants to thoroughly understand the foundations of Canadian history. There is embodied in an Act of the British parliament the conditions on which our French compatriots were allowed the free exercise of their religion, the use of their language, and the terms of settlement as to the original estates of the seigneurs and the relations of the Seigneurs with the Censitaires. We have the Constitutional Act of 1841, which gave us responsible government. The British North America Act of 1867,

happily, is easy of access; but there is behind these, or intermingled with them, several other documents of great importance. It may be necessary for us to go back to the original concessions given to the Hudson Bay Company, or the Northwest Trading Company, or the charter under which Prince Rupert's land was handed over to a small incorporated body. Then we would like to see the terms upon which the transfer was made from this original company to the Dominion of Canada about 1868 or 1869. You can find it in a statute, but the statutes are not always easy of access, and we should have them embodied in a compilation of this kind. Then there is the constitution by which Manitoba became a province, as well as the Act of parliament by which British Columbia, Alberta and Saskatchewan were incorporated in the Dominion. There is another important document which is not a treaty, but which for many years was construed as a treaty, the convention of 1818 between Canada and the United States in the matter of keeping armed vessels on the lakes. That agreement has been violated, it is assumed, by the United States. Although it was not a treaty, the conditions were embodied in letters or notes as, they are called, between the governments of Great Britain and the United States, and have been regarded to all intents and purposes by both parties as having the full force and effect of a treaty. We have to refer to that occasionally to understand our true position.

The expense of this compilation would be a trifle. It would make a good-sized blue-book, and that is all. If the Senate would agree to the resolution, I think, the Speaker might assume that he was instructed to communicate with the office of the Secretary of State and have steps taken at once for the preparation of such a volume. We have a Department of External Affairs now specially charged with those matters of treaties and foreign conventions and so on, and it would be a legitimate occupation for the officers of that department, and would enable them, perhaps, under stress of preparing such a volume, to become better acquainted with the relations of Canada to other countries. We are growing steadily, and the more we know of our past history and the obligations and responsibilities imposed upon us under treaties and conventions and Acts of the imperial, as well as of our own parliament, the better will we understand our relation to Great Britain and the other powers which that relation brings us in contact with, as well as our relations with the various provinces of the Dominion.

Rt. Hon. Sir RICHARD CARTWRIGHT—I quite agree with the hon. gentleman from Middlesex, that it is very desirable that some such compilation as he speaks of should be made or obtained as soon as possible, and placed in the hands of members of parliament and others who may desire to acquaint themselves with our relations with foreign countries, and the early history of this community. I have received a letter from the under Secretary of State for External Affairs in reference to this matter, in which he informs me that the Prime Minister last summer had been discussing this question with him, and that instructions had been issued to Mr. Pope to prepare just such a compilation as my hon. friend speaks of. As yet, of course, he has not been able to do a great deal with it for the reason that the full text of some of these earlier treaties has not been found easy to procure; but he has begun work and informs me that he hopes to produce such a volume as my hon. friend desires before long. He adds that in case Mr. Ross or any other gentleman desired it, he had a pretty good collection of the treaties, in various volumes, however, which he would be very happy to submit for the inspection of any who desired to see them. Of course, the resolution of the Senate will be a useful spur to Mr. Pope to proceed with this and I see no objection whatever to passing the motion.

Hon. Sir MACKENZIE BOWELL—A compilation of the character indicated by the hon. mover will be of great value to those who desire to ascertain what has been done and what have been our privileges and restrictions in the past. I would suggest that while the compiler is at work great care should be taken to indicate those treaties or agreements or Acts of parliament which are referred to by the

hon. gentleman and a note should be made as to how far they are in force at the present moment. The compilation to which the hon. gentleman has referred will be more of a historical character than anything which has been produced for a number of years. For the last twenty years I am not aware of any treaty into which Great Britain has entered with foreign countries which includes Canada. The practice was formerly—and I presume it has been continued by the present government—when any treaty was entered into by England with a foreign country, it was submitted to Canada, asking whether Canada would be prepared to become a party to the treaty.

Hon. Mr. ROSS (Middlesex)—There have been five or six such treaties within the last few years.

Hon. Sir MACKENZIE BOWELL—I know there were a great many more during the existence of the late government, because in all cases they were referred to the department over which I had the honour to preside, and in all cases, with the exception of one or two of a very minor character, Canada declined to become a party to such treaties, and for the reason I suppose that actuates the present government, that Canada never knew what moment it might be necessary to deal with foreign governments, as the present government have been dealing with Germany and France, how these treaties might restrict their rights in any agreement into which they might enter. It is unnecessary to call attention to the difficulties which arose when the late government demanded—and the demand was continued by the present government, and the concession was made—that those treaties should be denounced which prevented Canada from dealing with her tariff in favour of England, without giving the same rights and privileges to those countries with which England had treaties in which the favoured nation clause was included. My principal object in rising was merely to point out the necessity, in the production of a volume of that kind, which would be exceedingly valuable to all who are interested in such matters, that notes should be made as to the effect, at the present day, of the treaties into which Great Britain entered and which affect this part of the British Dominions, so that one in reading it might not be misled, or led to the conclusion that certain provisions in the treaties which existed a century or half a century ago, are still in existence, or, if they are still in existence, they have the same force that was intended when the treaties were entered into. That would be of great benefit to us in considering any legislation coming before parliament. I am asking the leader of the government whether the policy which I have indicated, and which actuated the late government in declining to become parties to treaties entered into by Great Britain with foreign countries in which Canada was included and would become a party unless she declined within twelve months, is still observed?

Right Hon. Sir RICHARD CARTWRIGHT—As a general rule, we have not thought it expedient to allow Canada to become affected by any treaties made by the home government.

Hon. Sir MACKENZIE BOWELL—It is the same policy then. Because we had a very striking illustration of that in the treaty with Japan, where Canada declined under, the late government, to become a party to the provisions with respect to immigration. Afterwards, the present government made Canada a party to that treaty and led to the difficulties and dissensions which occurred on the Pacific coast. My own view of this matter is that there are certain treaties into which Great Britain may enter, and in which Canada would become a full partner unless she declined, which would not be to the advantage of this country to adopt. We can always accept such a treaty afterwards, if necessary, and I am glad to know that the present government have adopted the principle on which the former government acted in relation to treaties negotiated by Britain.

Hon. Mr. DANDURAND—If this is to be done, it should be in a thorough way and I do not believe it can be done unless our Secretary of State gets from the Foreign Office all the treaties between Great Britain and the other countries of the

world. Because if we have not all those treaties the Foreign Office may feel that some of them do not affect Canada, but which later on may be found to affect this dominion to a certain extent. We are all aware that twenty-five years ago Canada got from the foreign office a list of treaties affecting us, and from that list Switzerland was omitted. Later on, when Canada asked the Foreign Office if Switzerland was not comprised among the nations that had the favoured nation treatment in the British colonies, it seemed to be very difficult to get a reply from the British authorities, and I am not sure the answer was that it was doubtful if Switzerland had favoured nation treatment in Canada. The result was that for a number of years Canada published in its customs legislation a list of nations having favoured nation treatment, from which list Switzerland was omitted, and this caused some difficulty in the Franco-Canada convention signed last year. So that if our Secretary of State is to prepare a complete and interesting work which we can study with advantage, he should see that all the treaties Great Britain has made within the last hundred years, and perhaps before that, are still in force with the outside world. It would be interesting to Canada, inasmuch as we are now expanding, and I hope our business horizon will expand to the four corners of the world. It will be interesting to see if we are not unduly bound by some of those treaties, and if at various stages we should not ask Great Britain to modify such treaties so that Canada may not be further hampered.

Hon. Sir MACKENZIE BOWELL—It was the difficulty to which my hon. friend has referred that led to the misconception of the real effect of the treaty with France. It was not apparently known at the time by Canadian negotiators that the treaty with Switzerland existed, and, consequently, no provision was made to exclude Switzerland from the effect of the French treaty. I called the attention of this House to the fact that the Swiss ambassador in London was overjoyed when he saw the terms of that treaty. The then Secretary of State poop-poohed the whole idea, saying that it was only a newspaper report. However, our reply to that was, the representatives of Switzerland in England calling attention to the fact that it gave them the same or nearly the same concessions as under former treaties, since they were not exempted from it, and that is one of the principal arguments in favour of the adoption of my hon. friend's motion. Had that been known to our negotiators at the time it was passed, it is very questionable whether they would not have taken precautions to prevent another country taking advantage of our treaty with France without giving any consideration therefor.

Hon. Mr. DANDURAND—They were working on old information, erroneous information I may say, which came from the Foreign Office.

The Motion was agreed to.

IMPORTATION OF PETROLEUM OIL INTO CANADA.

MOTION.

Hon. Mr. DOMVILLE moved:

That an order of the Senate do issue for a comparative statement for the years 1907, 1908 and 1909, of crude petroleum oil imported into Canada, and values.

He said: The oil industry in Canada is one of very great importance, and the production in Ontario has, so far as we know to-day, somewhat reached its limit. The great west will, no doubt, in time produce this oil, and it will be all wanted where it can compete successfully with coal, more especially steam coal, in the outlying districts. In other words crude oil at two cents a gallon is equal to steam coal at three dollars a ton, and has in its favour the saving in the waste of the fire bars, labour, &c. If I am advised correctly, a locomotive can be run eleven hundred miles on the oil it can hold, and will carry it with very much less weight than the coal fuel supplied to-day and much cleaner. I want to bring before the public what Canada is doing with crude oil. I have not the information in definite shape; but there were sixty to eighty million gallons of oil consumed in Canada last year, and the year before, the consumption increasing all the time, and

that of that amount from thirty-three to forty millions of gallons of crude oil were imported from the United States. An hon. gentleman told me that in their works in Toronto they used 30,000 gallons a month, throwing out the coal entirely, and the supply of oil fuel is likely to become a large question. If we place before this House and the country generally, and people coming over from Europe, and people that are in Europe looking for what we have to sell, what our natural resources are, they will have evidence before them which they would not otherwise get in any other shape. I have in my hand an extract from a London paper of February 14. The 'Daily Express' asserts that the British Admiralty had decided to adopt oil fuel as a substitute for coal in the navy, and has ordered fifty thousand tons of liquid fuel; that means 12,500,000 gallons of oil—one-third what is imported from the United States into Canada. I do not want at present to go into discussion of the navy; but later on I will have a chance to do so. However, we are going to have a navy, and it will require oil. It must not be behind the British system. We must have oil for our ships from Halifax, and other places. We cannot build these ships, and send them on long cruises without oil. Our relations with the United States are, happily, to-day first-class, and I hope they will remain so; but if there should be any embargo on oil we must look for oil fields in Canada where we can get it cheaply and of good quality. The maritime provinces, Nova Scotia, and New Brunswick, are in a position to produce oil. Some of them get it from the natural formation, and some of them out of oil shale rock, by destructive distillation, and it will be an incentive to capital abroad to come into this country to develop an industry which has not yet been developed, and which is now being looked into, if they could see the position Canada was in, with regard to crude oil. I refer to fuel oil. That is my reason for bringing the matter before the House.

The motion was agreed to.

BILL INTRODUCED.

Bill (112) An Act to incorporate the Independent Order of Rechabites.—Hon. Mr. McHugh.

SECOND READINGS.

Bill (W) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.—Hon. Mr. Derbyshire.

Bill (X) An Act to incorporate the Protectorate Life Insurance Company of Canada.—Hon. Mr. Derbyshire.

GOVERNMENT ANNUITIES ACT—AMENDMENT BILL.

SECOND READING.

Right Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (Y) An Act to amend the Government Annuities Act, 1908.

He said: The object of this amendment which I am about to propose in this Bill is chiefly to remove some doubt which has been raised as to the power of the government to grant annuities on certain conditions. The first proposal is to give a somewhat better definition of the word 'purchaser,' as to which some legal doubts were expressed. The next, which is of a little more importance, is to allow parties who so desire to bargain for it, to obtain annuities which will be paid during their lives. and for a certain fixed period in any case either to themselves or their heirs. I need hardly say that anybody taking an annuity on these conditions would not receive as large a sum as if he took an annuity pure and simple. It is a mere matter of notarial calculation as to what rate can be granted to him, if he wishes to have a fixed sum paid to himself and to his heirs for ten years, in addition to having the annuity for the term of his natural life. No additional charge, therefore, would be in any shape or way caused by making this concession, which some parties applying for annuities appear to attach a considerable amount of importance to. Subsections 4 and 5 would necessarily be amended to conform to the definition of the word 'purchaser' in section 42. In the case of the fifth section, a somewhat more important alteration is made at the request of a number of employers. These gentlemen desire to assist their employees; but they desire also that in the case of employees leaving their services at short notice, as they might do for various pur-

poses, bettering their conditions, or moving to other parts of the country, that they should be allowed, as would be the case in the event of a purchaser of an annuity dying before the annuity became due, to receive back the amount they had so contributed, which, under the present wording of the statute, it appears they could not do. This appears to be a reasonable enough provision, and I think it will likely extend to a considerable degree the scope of the Act. The next provision is intended in the first place to allow contracts for annuities to be made up to the age of eighty-five years. For some reason or other not known to me the term of eighty years has been put in. I do not exactly know why, and two or three old gentlemen who desire to purchase annuities were considerably aggrieved by being unable, under the Act as it at present stands, to receive a larger annuity at eighty-two or eighty-three than they would have if they had entered at eighty. It is expedient that there should be a limit fixed about eighty-five. Under existing circumstances, that would answer our purposes better than eighty.

Hon. Mr. LOUGHEED—Is that under section 5?

Rt. Hon. Sir RICHARD CARTWRIGHT —That is under section 6.

Hon. Mr. POWER—A very good advertisement of the healthy climate of Canada.

Rt. Hon. Sir RICHARD CARTWRIGHT —I see no reason why the request of these parties should not be complied with. There is also a provision which the House will approve of, which permits a man who has become entitled to an annuity to divide the annuity, if he pleases, with his wife. As I said, no additional charge will be imposed upon the country. If the lady was younger than himself, she would not be entitled to receive as much for the moiety as he himself would. That is purely a question of actuarial calculation. The other clauses are the ones suggested by the Department of Justice to remove any doubts that might accrue in the case of a party dying, and there being some question as to whether his legal representatives would be entitled to the amount which might be standing to his credit. I do not think there could have been much doubt, but the department has seen fit to suggest these amendments, and I submit them, therefore, to the consideration of the House. There are none of them that in any shape or way impose an additional charge on the public chest, or interfere with the principles already laid down in the Bill, with which the House, I presume, is sufficiently familiar.

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

SEED CONTROL ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into the Committee of the Whole on Bill (No. 55), An Act to amend the Seed Control Act.

(In the Committee).

Rt. Hon. Sir RICHARD CARTWRIGHT —I may state that the object of this Bill, as proposed by the Department of Agriculture, is to amend and extend the portion of the Seed Control Act intended to guard against the diffusion of noxious weeds, and provide for a better and purer seed grain.

Hon. Mr. WILSON—Perhaps it would be as well if the right hon. gentleman would explain how it will affect the farmer who may have some seed in his possession, raised by himself, which he desired to sell privately to some of the farmers in his neighbourhood. As I understand this Bill, it would prevent one farmer, although his seed may be as pure as any seedsman's could be, from disposing of that seed to a neighbouring farmer. I do not pretend to know just how it might affect the farming community, but farmers have a perfect right to be guarded in this particular. Many farmers raise just as good a quality of seed as can be produced. They can have it inspected, perhaps. They are subjected, under this Bill, to a penalty if they should sell it without having it inspected and declared to be free from seeds of noxious weeds. I call the attention of the committee to the fact that we should be extremely guarded in our restrictions. No doubt it would be a benefit to the farmer if there

were a careful inspection, but the farmer might get into trouble if there were not some protection afforded him. We should therefore, have some reason why this clause should be in force.

Right Hon. Sir RICHARD CARTWRIGHT—I think that the precaution taken is not an unreasonable one. In the case of seed that is exposed for sale, it is only necessary that a certain percentage of it should be pure. If a farmer has in his possession seed of two-thirds of the percentage only, I think it is fair that when he proposes to sell it he should be obliged to state what probable percentage of the seed was fit for germination. The matter was very fully discussed in the Lower House, where there are also a considerable number of practical farmers, and none of them seem to have taken objection to this particular section.

Hon. Mr. LOUGHEED—Might I point out for the information of the hon. gentleman from St. Thomas that under the Seed Control Act, there is already a provision of limited extent protecting the farmer under such conditions as have been stated. Take section 5 of the Act:

It is provided that the provisions contained in the next following section shall not apply to the sale of seed that is grown, sold and delivered by any farmer on his own premises for seeding by the purchaser himself, unless the purchaser obtains from the seller at the time of the sale thereof a certificate that the said sale is subject to the provisions of this Act.

Evidently that provision has been inserted for the protection of neighbouring farmers who may grow seed and sell it between themselves. That section would not apply to all the sections with which we are dealing to-day.

Hon. Sir MACKENZIE BOWELL—The present Bill adds to section 8 of that Act. Unless that portion is repealed, would it not have the effect indicated by the hon. gentleman from St. Thomas (Mr. Wilson)? May I ask the right hon. minister whether this is to have a retroactive effect, and if not would it affect the numerous samples of seed that are now being sold in the different drug stores and other shops throughout the country? My right hon. friend knows that at the present moment there are hundreds of thousands of packages of different kinds of seed on sale. If this Bill should pass, would it affect these packages that are now in stores, which do not contain the certificate provided for?

Right Hon. Sir RICHARD CARTWRIGHT—It would not be retroactive, I believe, but it would affect any seeds exposed for sale after this Act became law.

Hon. Mr. WILSON—It may be that the explanation covers all I desire to ask in reference to this matter. The clause reads as follows:

8a. No person shall sell, or offer, expose or have in his possession for sale, for seeding, any seeds or cereals, grasses, clovers, forage plants, field roots or garden vegetable crops which are not capable of germinating in the proportion of two-thirds of the percentage standard of vitality for good seed of the kind, unless every receptacle, package, sack or bag containing such seed, or a label securely attached thereto, is marked in a plain and indelible manner with the name of the kind of seed and the percentage of the seeds that are capable of germination.

How will a farmer or gardener be able to satisfy or comply with that law if he has not some one in the neighbourhood who can inspect the seeds and declare them to be equal to or within the standard prescribed by the law? The original Act was, perhaps, too restrictive, and this may lessen that restriction, at all events to a certain extent; yet I am inclined to the opinion that even this amendment will act rather harshly upon the farmers. However, we can try it in the meantime. I am not personally interested, but if we find complaints from the farmer another session, we will have to amend the law. I think it will prove objectionable, as it is, to the farmers and the market gardeners.

Hon. Mr. POWER—I do not see why the clause should be objectionable to any honest farmer. There are standards provided, fixed under the original Act, and this clause provides for at least two-thirds of the seed—that is two-thirds of the number fixed by the standard—something like 90 per cent. But supposing it is 90 per cent, this clause provides that unless 60 per cent of the seed which the farmer sells is capable of germinating, he

is doing what is wrong. Surely my hon. friend from St. Thomas does not think that a farmer should be allowed to sell seed unless something more than one-half of the seed are capable of germinating? Then the last few lines of this clause provide that, even in that case, where two-thirds, or 60 per cent of the seed are not capable of germinating, they can still be sold if a label is attached to the bottle or box, or parcel in which they are placed. If I have any complaint to make of this clause it is that it goes too far in favour of the person selling inferior seed.

Hon. Mr. DOUGLAS—I call attention to the fact that it simply imposes upon the seed grower the necessity of having an inspection.

Hon. Mr. POWER—Not necessarily.

Hon. Mr. DOUGLAS—It must be inspected by some person in authority. The individual farmer should make his own inspection, which is often done, and determine how far the seed will germinate, what proportion will grow. We have a department in Ottawa for that very purpose, and it enforces upon the individual farmer, if he has seed grain or seeds of any kind to sell, before he puts it on the market, he must prove that it is capable of germinating up to a certain percentage. That is all I see in the Bill, and it need not be a very great difficulty to any farmer. It might be greatly to his benefit. For example, last year we had personally a good supply of improved French oats that we thought were first class quality, and when it got down to the lakes we were cut very much in price and lost considerable by the judgment of the party at Port Arthur. We took the trouble of sending the same oats down to the department here, and they went to a very high percentage in value, as far as the germination power was concerned, even to ninety-seven; yet we were imposed upon by individual dealers at the lakes, and lost considerably by the car loads that were sent. I am sure it would have been better if we had secured an inspection by the government officer here in Ottawa before we had put those oats upon the market. It would have been money in our pockets.

Hon. Mr. DERBYSHIRE—This Bill is not too strong. There is nothing of more importance to agriculture than clean seed. Our fields under present conditions are being filled with noxious weeds, and we cannot be too particular with regard to the seed grain that is exposed for sale. The Act is not at all too stringent.

Hon. Mr. BOSTOCK—The hon. gentleman from St. Thomas seems to object to this Bill on behalf of the farmer. This legislation, as I understand, is brought in for the benefit of the farmer. The idea is to create a standard of germination for seed. On account of the difference there is in the germinating power of some seeds as compared with others, the matter is left in the hands of the government to fix the standard. When the standard is fixed, whoever is offering seed for sale is required, under this legislation, that it shall have a germinating power of at least two-thirds per cent. Surely that is low enough even for the farmers, for whom the hon. member from St. Thomas is so solicitous. The Act, even as it stands, has greatly benefited the farmers all over the country. I understand that last year a large number of samples were tested by the Agricultural Department. Of these samples about 5,000 came from merchants or seedsmen, and 8,000 from farmers. That gives some idea of the benefit it is to the country to have this Act in force, for the benefit of the farmers, as well as those who sell seeds.

Hon. Sir MACKENZIE BOWELL—I do not think there can be a doubt as to the propriety of enacting a law of this character. If it were confined exclusively to dealers in seeds, &c., nobody could find fault with it. The hon. gentlemen who have spoken have misunderstood the objection raised by the hon. member from St. Thomas. This clause applies to every one who offers to sell seeds. The hon. member from St. Thomas asks whether if a farmer desires to obtain a few bushels of oats or other grain from a neighbouring farmer, the sale could not take place unless this provision of the Act were complied with. I did not understand him to find fault with the application of the Act

to the general dealer in seeds. If you read that clause, you will find it goes a long way:

8a. No person shall sell, or offer, expose or have in his possession for sale, for seeding, any seeds of cereals, grasses, clovers, forage plants, field roots or garden vegetable crops which are not capable of germinating in the proportion of two-thirds of the percentage standard of vitality for good seed of the kind, unless every receptacle, package, sack or bag containing such seed, or a label securely attached thereto, is marked in a plain and indelible manner with the name of the kind of seed and the percentage of the seeds that are capable of germination

The deduction I should draw from that clause would be that not one farmer out of five hundred who is applied to by his neighbour for a few bushels of grain to complete his sowing would be able to comply with the provisions of this Bill.

Right Hon. Sir RICHARD CARTWRIGHT—Does not my hon. friend think that most farmers would be able to tell whether a half or two-thirds of the seed they offer for that purpose would germinate?

Hon. Sir MACKENZIE BOWELL—I am quite satisfied the farmer would be able to give the information; but he would not have a bag or sack labeled to put it in.

Right Hon. Sir RICHARD CARTWRIGHT—He could only be fined if he were selling an article which was a good deal under the standard of germination.

Hon. Sir MACKENZIE BOWELL—He would subject himself, as I understand the provision of this section, to certain penalties unless the seed is put in a sack marked as described.

Right Hon. Sir RICHARD CARTWRIGHT—He would escape the penalty if he chose to take that precaution, and he need only take that precaution in cases where less than 60 per cent of the seed is fit for use.

Hon. Sir MACKENZIE BOWELL—There is no such exemption in the clause.

Right Hon. Sir RICHARD CARTWRIGHT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—If he were going to sell 15 or 20 bushels of grain, he could afford to comply with the provisions of the Act.

Hon. Mr. LOUGHEED—This prohibition does not extend to the farmer. The Act, as we have it, provides that it shall not apply to grain or seed sold by a farmer. It permits the farmer to sell seed grown by himself to a neighbour, or anybody else. The only thing about it is, he cannot sell it subject to a certificate. If he issues a certificate, it comes within the Act. My own judgment is that if a farmer wants to go into the seed business and issues a certificate as to the seed he is selling being of a particular class or grade, he certainly should come within the Act, and be in the same position as the seed dealer in cities; but it seems to me that the provisions of sections 5 and 6 of the Act we are amending, are sufficiently broad to permit the sales we are now discussing. Under section 6, the farmer has the right to sell, offer and expose for sale, various kinds of seeds, giving a very broad classification of those seeds which farmers are permitted to sell to each other. The only proviso is that they are not allowed to issue a certificate that the seeds are of a particular character.

Hon. Mr. YOUNG—The amendment comes as an addition to section 8.

Hon. Mr. POWER—It is a good thing anyway.

Hon. Mr. DERBYSHIRE—It is a mistake to suppose that the farmers do not know what they are selling. In our county, the farmers test their seeds by germinating samples of them before the sowing. Any one of them can show his neighbour who wants seeds the result of the test. There it is growing in the boxes.

Hon. Mr. WILSON—It requires to be inspected. It may be that the farmers in the hon. gentleman's section know all about what they are doing, and understand the germinating properties of their seeds; but we require more than that. We require that the seed shall be labeled with a certificate as to the germinating properties. Take Indian corn; it may be of full germinating quality in the fall of the year; but expose it to frost, and the

germinating qualities are impaired. A farmer who has tested his corn in the fall of the year may be willing to certify that it is of a certain standard; but in the spring, after a severe winter, the purchaser finds that it does not possess the germinating qualities that had been represented. The leader of the opposition tries to make us believe that the repealing clause here would relieve the farmer from the objectionable features of the Bill. I do not think it would. It is simply repealing a certain section and substituting another therefor. The preceding section will govern the new clause as it does the old section. I doubt if the amended Act will be quite satisfactory to the farming community. However intelligent and careful a farmer may be, under this Act he is liable to get himself into difficulties.

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

TRANSPORTATION OF INTOXICATING LIQUORS BILL.

SECOND READING.

Hon. Sir RICHARD SCOTT moved the second reading of Bill (M) An Act to regulate the transportation of intoxicating liquors. He said: The object of the proposed legislation is to protect those parts of Canada that may be under prohibition from having liquor sent in by law-breakers to be sold in opposition to the existing law. I think it may be laid down as a sound principle, that where parliament authorizes the electors to vote on whether prohibition shall prevail over certain areas, if they vote, yea, then it is the duty of parliament to lend the necessary assistance to have the will of the people carried out. That is in accordance with common sense, and I believe the members of the Senate will quite recognize that principle. The principle laid down in the Bill is not new. Parliament has already passed a law on exactly the same lines. Unfortunately, it came in as an amendment to the Canada Temperance Act, and, in consequence, it was not applicable to any other sections of Canada than those which were at the time under the Act. The law on the statute-book was passed in 1908. It passed at the instance of Nova Scotia. The legislature of that province, in 1907, passed the following resolutions unanimously:

That whereas in twelve counties of the province of Nova Scotia the electors have by popular vote brought the Canada Temperance Act into force;

And whereas in the remaining six counties of the province the Nova Scotia Liquor License Act is in force;

And whereas under this legislation evils have arisen from the fact that liquor is being imported from other counties and provinces into counties in which the Canada Temperance Act is in force, and into counties in which no licenses are issued;

Therefore, resolve that this House in so far as it is within its powers should enact such legislation as will prohibit the sending of liquor into counties in which the Canada Temperance Act is in force, and into counties in which no licenses are issued;

And further resolved that this House do place on record its desire that the Parliament of Canada should enact such amendments to the Canada Temperance Act as will prohibit the importation of liquors into counties in which the Canada Temperance Act is in force.

Hon. Mr. McSWEENEY—How many counties in Nova Scotia are under the Canada Temperance Act?

Hon. Sir RICHARD SCOTT—Six, it says here.

Hon. Mr. McSWEENEY—And how many in New Brunswick?

Hon. Sir RICHARD SCOTT—The resolution says there had been twelve, and they reduced the number to eight. In accordance with that request coming from Nova Scotia, this House has adopted the law now on the statute-book in 1908, and adopted it without a division. Certain suggestions were made, but practically the Bill as presented to this Chamber was adopted unanimously, and afterwards adopted by the House of Commons.

Hon. Mr. McSWEENEY—What year was the Canada Temperance Act first adopted in New Brunswick?

Hon. Sir RICHARD SCOTT—I do not remember. I am not sure whether it was introduced first in New Brunswick or in Prince Edward Island. I think it was New Brunswick; but the law has been in force in parts of Prince Edward Island for over twenty years.

Hon. Mr. CLORAN—With what effect?

Hon. Sir RICHARD SCOTT—I will show the effect later on.

Hon. Mr. CLORAN—I have seen the effect.

Hon. Sir RICHARD SCOTT—Nova Scotia and New Brunswick favoured the adoption of the law in 1908. This Bill is drafted exactly on the same lines as that Act. Prince Edward Island is in this same position: being an island, it is accessible from all quarters, and liquor has been smuggled in by law-breakers contrary to the law existing on the island. Prince Edward Island first adopted the Canada Temperance Act seriatim. It was from time to time voted on, in counties, and finally people were so well satisfied with the working of the Act that they adopted prohibition for the whole island. That Act, of course, had no control over parties who, from the outside, were sending in liquor in defiance of the law, and it is to counteract the opportunity given to law-breakers to bring liquor into the island that this legislation is sought. At a meeting of the legislature last year, the following resolution was passed unanimously: I am reading from the Journal of the Legislative assembly for Prince Edward Island, for the year 1909, page 85:

On motion of Mr. Cox, seconded by Mr. Laird,

Whereas, the province of Prince Edward Island has adopted the Prohibition Act, 1909, and amendments thereto, in all parts of the said province;

And whereas, it is desirable to prohibit the importation for sale of any intoxicating liquor, except through the official vendors under such prohibition Act, and except to any person or persons for his or their personal or family use;

Be it therefore resolved, that this legislature memorialize the Dominion government to pass such restrictive legislation in the traffic in intoxicating liquors as will prevent the importation into this province of any intoxicating liquor as aforesaid, to the end that, as regards the importation and exportation of such intoxicating liquors, this province may be put in the same position as counties in the Dominion of Canada which have adopted the Canada Temperance Act, and especially having regard to 'An Act to amend the Canada Temperance Act,' assented to on July 20, 1908, 7-8 Edward VIII, chap. 71, paragraphs (c) and (d) of subsection 1.

And the question being proposed thereon. It was carried in the affirmative.

It does not appear that it was subject to any vote. It was carried unanimously. This House having enacted the law at the instance of Nova Scotia, there should be no hesitation in applying the principles laid down in that Act to other parts of Canada which desire this protection. The present Bill, therefore, is copied from the Act to which I have referred. An hon. gentleman has challenged my statement as to the benefit the Canada Temperance Act has been to Prince Edward Island. The representatives of that island here to-day can say whether the Act has been a success, and whether the feeling of the island is in favour of this legislation. Some hon. gentlemen are sceptical about making men sober by Act of parliament. I have most conclusive evidence, not only in regard to Prince Edward Island, but in regard to other parts of the world, that restrictive legislation has had the most marked effect, not only on the consumption of liquor, but on the prevalence of crime, where crime has fallen one-half to two-thirds under the influence of temperance. It becomes, therefore, the moral duty of the parliament of Canada to follow the example of other countries and favour this restriction of the liquor trade, where the beneficial results of temperance have been so extraordinary. I am about to read some statistics from the Appendix of the Report of the Minister of Agriculture for the year 1908, giving the criminal statistics for the year ending September 30, 1908. The following figures show the ratio of convictions for larcency per ten thousand inhabitants for the year 1908:

Prince Edward Island	1·09
Nova Scotia	4·14
New Brunswick	3·10
Province of Quebec	7·79
Ontario	12·38
Manitoba	10·82
Saskatchewan	10·96
Alberta	14·79
British Columbia	11·71

Hon. Mr. McSWEENEY—Would the hon. gentleman read a little further on? He might give us the proportion of convictions. He will find in respect that the province of Quebec stands at the very head.

Hon. Mr. CLORAN—Does the hon. gentleman mean to say that there is only one

thief or violator of the criminal law in proportion to the population in Prince Edward Island, to the ten or eleven such offenders in other parts of the Dominion?

Hon. Sir RICHARD SCOTT—Yes.

Hon. Mr. CLORAN—Then they must keep sober for the purpose of committing theft. I have seen drunkenness there myself. You never see a bank manager committing a crime while he is drunk. He robs others when he is sober.

Hon. Sir RICHARD SCOTT—The figures I have given are from the departmental statistics, and are authoritative, and confirm the statement I have made. Take the summary convictions for the years 1899 and 1908. Compare the rate of increase per cent during the decade, and you find it to be as follows:

Manitoba	516·1
Northwest	300·9
British Columbia	185·3
Nova Scotia	127·1
Ontario	111·9
Quebec	89·4
New Brunswick	27·2

Prince Edward Island is the only province showing a decrease in the number of summary convictions during the decade. The high rate of increase in the western provinces is explained by the rapid increase in population in late years. The hon. gentleman from Moncton (Mr. McSweeney) asked me for the summary convictions according to population. On the ratio of 1,000 inhabitants. It was:

Prince Edward Island	2·75
Nova Scotia	9·73
New Brunswick	8·03
Quebec	9·06
Ontario	13·36
Manitoba	18·45
Saskatchewan	11·62
Alberta	20·51
British Columbia	20·60

Hon. Mr. McSWEENEY—What I asked for was a statement of the arrests and convictions for drunkenness. You can get the figures in the Canadian Year-book.

Hon. Sir RICHARD SCOTT—I am reading from a better authority—the departmental returns.

Hon. Mr. CLORAN—I have been in the police court of this country, and I know as a matter of fact that out of 25 or 30 cases tried in the courts there are not three cases of drunkenness.

Hon. Sir RICHARD SCOTT—The ratio of drunkenness to one thousand inhabitants is as follows:

Prince Edward Island	1·82
Nova Scotia	6·0
New Brunswick	5·56
Quebec	3·85
Ontario	4·22
Manitoba	8·62
Saskatchewan	3·38
Alberta	7·39
British Columbia	10·51

Is the hon. gentleman satisfied now? I will give him the statistics of all the indictable offences, the higher class of crime. The following table shows the proportion of crime and population compared by provinces:

Prince Edward Island—The percentage was 1·59, which is only ·33 of one per cent.

Nova Scotia—7·34 per cent.

New Brunswick—5·33 per cent.

Quebec—27·97 per cent, and so on.

This is pretty good evidence that the temperance law in Prince Edward Island has had a very marked effect. We find the same effect all over the world where temperance legislation has been adopted. I could give statistics of other countries if time permitted, which would simply confirm the facts I have read. You hear it every day from the judges on the bench. They say that eighty per cent of the crimes of this and all other countries is due to the readiness with which intoxicating liquors can be obtained, driving men into a frenzy.

Hon. Mr. DOMVILLE—But you can take five gallons into your house to your wife and children.

Hon. Sir RICHARD SCOTT—We will discuss that when we get further on. I do not approve of that part of it. I would rather adhere to the uniform law. In all the provinces they do not interfere with private use, but allow a certain proportion of liquor in a family. It is regulated by the law of the province. In the legislation adopted three years ago, the clause

was there, but it did not fix any number of gallons. It said any person could purchase for his own individual use, assuming it was not bought for sale. This Senate, I think, stands very high in the estimation of the people of Canada for the legislation they have initiated from time to time in the last thirty odd years in support of the temperance movement. The first step taken by the parliament of Canada was in 1878, when what is known as the Canada Temperance Act was passed, I myself having charge of the Act, introduced it in this Chamber, where it was discussed for at least a month. The whole question was new, and although I had as member of the government a very small following, there were gentlemen on the opposite side of the House who lent their assistance, and through their aid it was carried by a reasonable majority. There are only four of us at present who were members of the Senate at that time. There are, however, I am happy to say, ten gentlemen who were then members of the House of Commons who gave their assistance, particularly one I might single out, without creating any envy on the part of the others, who rendered substantial aid to the passing of that Bill was the hon. gentleman from Middlesex, who took up the subject there very earnestly in 1878 and succeeded in incorporating some very important suggestions. I am sure he has no regrets for the action he then took, nor do I believe the other nine gentlemen who assisted him, ever for one moment regret the support they gave the Bill at that time. When it was adopted, its influence was marked, except in the particular counties where no action was taken to put it in operation. The people carried it by large majorities, but they left the Act to take care of itself, Of course, it only brought the law into contempt when it was not enforced, and consequently they said it was a failure, necessarily. In the province of Ontario they, therefore, took up the question of local option, and at present the local option requires a three-fifths vote—larger than a majority. The Canada Temperance Act only required a majority. I have here a recent report showing the progress that has been made in Ontario, and I am happy to say also in parts of the province where it was not looked for. Perhaps the hon. gentlemen may not have had their attention directed to an important part of the programme submitted to the electors of British Columbia at the recent election. The question of local option was one of the matters submitted, and, to the great surprise of every one, the people responded with an extraordinary degree of confidence in the benefits which would follow local option.

An influential newspaper commenting on the fact says:

> A majority of 3,695 of those voting on local option in British Columbia expressed their approval of the measure, but the government required that it should be approved by a majority of the ballots cast for all the candidates at the elections, irrespective of the local option issues. The question submitted to the people was as to whether a local option law should be enacted giving the people the power to outlaw the liquor traffic in any municipality. All the municipalities voted upon that question, whether advanced in temperance sentiment or not, with the result that it was carried by a vote of 22,779 for, and 19,084 against. Victoria gave a majority for the measure of 597, Vancouver 774, New Westminster 504, Chiliwack 448, Skeena 401, In no case where the measure was defeated was the majority as much as one hundred, except in Nanaimo, where it was 164. The total of majorities for was 4,200, and of majorities against 505, but the total majority fell short by about 500 of being more than half of the total votes passed.

That shows the enormous development of temperance sentiment in a province where it was not expected, because, naturally, in a mining district the enforcement of a temperance law and the prohibition of liquor would be attended with very great difficulty. In Ontario, at the recent municipal elections, the questions was up with this result: In the past year 250 licenses have been voted out in Ontario; 299 municipalities remaining under license, while 108 supported reduction, and 405 are now under prohibition. There are now less than 2,000 licenses remaining in Ontario, of which 397 have been saved by the three-fifths clause. I merely quote the figures to confirm the statement I have made of the development of the sentiment for curtailing the liquor traffic. The Canada Temperance Act was somewhat of a novelty at the time it was introduced, but it was copied, par-

ticularly in the United States. Many states adopted it and dropped it, and took up a similar law of their own, and carried it in many instances. Hon. gentlemen had their attention called to what was recently called the temperance wave in the southern states. Thirteen of those states carried prohibition by extraordinary majorities. Not alone in the southern United States, but all over the states, and all over the world, this prohibition sentiment is growing. Canada no longer occupies the lead. Sweden and Norway have overtaken her, and some other countries have gone in advance. About 18,000,000 of the 20,000,000 people of the southern states have already outlawed the saloons. In New York city, there are one thousand more saloons than in all the fourteen southern states. In Indiana, of the 36,300 square miles of territory, 26,170 have been made dry, and about 1,600,000 of the population out of 2,600,000 were living in dry territory. In Ohio, the saloon had been removed from five entire counties under the previous laws; but since last September 63 counties have voted on the subject, 58 of which have abolished the saloon, and only 9 counties have licensed it, so that of the 88 entire counties of the state, 63 have gone dry and 9 have gone wet. In Michigan, local option elections were held in 27 counties, 20 of which went dry, closing at one stroke 600 saloons and 10 breweries. In New England, recent elections in Connecticut have abolished the liquor traffic from 3,000 square miles of territory, closing 300 saloons during the year. In Norway, local option prohibition prevails over a great deal of the kingdom. Fifty years ago Norway consumed twenty litres of strong drink per capita. To-day the consumption has fallen to two litres per capita. A remarkable advance in the health of the military recruits is one significant evidence of the beneficial result. Sweden has made great progress in the suppression of the liquor traffic under the local option plan, as well as repressing it by the Gottenburg system. Sweden is now in the forefront of nations in the battle against intemperance and the liquor traffic. In the present Swedish parliament there are 138 teetotalers, of whom 136 are in the second Chamber, and two in the first. Thirty-six of these are good templars. I need not continue to read evidence of this kind, but as I have already said, temperance sentiment is spreading rapidly over the world, and cannot be poo-pooed, or cast aside. The old argument that you cannot make men temperate by Act of parliament has been completely upset. The facts are against such a contention. There is the result—the expression of judges on the bench. You rarely read the report for any assize where reference is not made by the judge to crime and drink. One is the barometer of the other. The prevalence of drink is the prevalence of crime. We have had recently an extraordinary instance in Ontario; a young man shooting his mother; we have had several cases of husbands killing their wives under the frenzy of drink, not from other causes, although sometimes it would arise from jealousy. Not more than ten days ago, an Italian shot two of his friends, and when he was brought to the hospital where the men were dying he threw himself on the body of his dying friend completely overcome, and no doubt he himself wished he was dead. He had no enmity against the men he had killed, but just the terrible frenzy into which he got himself through excessive drink. The churches are all preaching temperance, asking for the abolition of the saloons. Two days ago the Bishop of St. John, in his Lenten Pastoral, devoted a whole column to the subject of temperance, begging his people to come out against the saloon and give up alcoholic drink. The Archbishop of Montreal has taken part with the clergymen of other denominations, and is doing his best to curtail that traffic. In the report made by the judge who recently investigated the conduct of the municipal council of the city of Montreal, reference was made particularly to the connection between the saloon and the police. The police drew a stipend from the saloons, and let them keep open at all hours, and permitted them to sell to minors. I observed that 114 men were marked down as having sold to minors. The boys got confused in giving their testimony, and the case was dismissed. The law there

is very much on the same basis, I presume, as in other places; but public opinion, until very recently, has not been aroused against it. I am happy to say, now that my hon. friend to my right (Hon. Mr. Dandurand) and others cooperating with him, have helped to bring about the marked change which has taken place in Montreal, and a very great reform, not only in connection with the liquor traffic, but in regard to crime, and the punishment of offences generally, has been accomplished. When the Bill goes to committee I shall be glad to go over the different clauses and point out that they are quite similar to principles which the House has unanimously agreed to in the existing law.

Hon. Mr. LOUGHEED—Would my hon. friend favour us with some information which I did not obtain from his speech in introducing the Bill. Do I understand that this legislation is to be in any sense supplementary to the Canada Temperance Act, or is it simply in addition, to give greater effect to any local legislation that may be introduced in Canada?

Hon. Sir RICHARD SCOTT—Yes.

Hon. Mr. LOUGHEED—Is it necessary to the more effective carrying out of the Canada Temperance Act that this legislation should be enacted?

Hon. Sir RICHARD SCOTT—Oh, no.

Hon. Mr. LOUGHEED—It is being passed simply in the interest of such provincial legislation as may be passed by the provinces?

Hon. Sir RICHARD SCOTT—Yes. When the Act was passed here, it was introduced as an amendment to the Canadian Temperance Act. The effect was to limit it to the districts where the Canada Temperance Act was in force, and it had not a general application. I have no doubt this House will just as readily pass the larger measure—instead of making an amendment to the Canada Temperance Act to pass this Bill as an Act of the parliament of Canada.

Hon. Mr. LOUGHEED—If the Canada Temperance Act provides the machinery which is mentioned in this Bill, why reenact it?

Hon. Sir RICHARD SCOTT—It was thought it would be made more clear not to refer at all to the Canada Temperance Act, and to copy only such clauses as were necessary, because the machinery in the different provinces may not correspond. They are not uniform. The legislative assembly have provided machinery to carry the Act into effect.

Hon. Mr. LOUGHEED—Are the provisions in the Canada Temperance Act effective for the purpose of enforcing the provincial legislation which we are discussing?

Hon. Sir RICHARD SCOTT—Oh, no.

Hon. Mr. LOUGHEED—Then this goes further than the Canada Temperance Act?

Hon. Sir RICHARD SCOTT—No, the Canada Temperance Act is exclusively confined to counties which adopt it, but in other parts of the Dominion, where they have provincial legislation, they find there is a certain class they cannot reach at all. That is where parties in adjoining counties send in liquor under fictitious names. As hon. gentlemen know, that is the traffic that goes on. Every week or two there are reports of seizures of liquor sent into Cobalt, perhaps in bags of oats, or labelled potatoes or something else. This Act would reach all those cases if the Provincial Act failed to do so. Prince Edward Island being an island, any man owning a saloon could readily smuggle in a lot of whisky, and, getting it in, he would try and make a sale of it.

Hon. Mr. LOUGHEED—Have you considered the constitutional aspect of this? We propose passing legislation to enforce a provincial law?

Hon. Sir RICHARD SCOTT—Oh, no.

Hon. Mr. LOUGHEED—That is what it comes to. My hon. friend states that the provinces, while legislating upon this question, have not sufficient power to make their legislation effective, and consequently we are to pass legislation here to give effect to the legislation of the provinces.

Hon. R. W. SCOTT—We are passing this law quite independently. Take subclause (c), which reads as follows:

1. No person shall, except as in this Act specially provided, by himself, his clerk or agent,—

(c) Ship, bring, carry, or cause to be sent, shipped, brought or carried to or into any such province, county, municipality, city or town as aforesaid, any intoxicating liquor under any other name, or in packages bearing any other label than that of the liquor contained therein, or in packages not having the name of the liquor contained therein plainly labelled and marked on the outside.

It is quite independent.

Hon. Mr. WOOD—I should like to ask the hon. gentleman if I am correct in assuming that this Act imposes penalties not only on the person who ships or sends the liquor into a Scott Act county or into Prince Edward Island, where it is prohibited by provincial statute, but also imposes a penalty upon the transportation companies that take it there?

Hon. Mr. SCOTT—I do not so read it.

Hon. Mr. WOOD—I certainly thought the wording of the clause would make it apply to any person, which would, I should presume, cover any company who shipped, brought or carried it.

Hon. Mr. SCOTT—The same words were used two years ago.

Hon. Mr. WOOD—I am aware that they were used two years ago, and that is the reason why I refer to it now. I think it would be a great mistake to introduce those words into the Act, and if the words do include common carriers such as express companies and transportation companies, railway companies or steamship companies, the legislation should be changed in such a way as not to include them. The reason for this to my mind is very clear. I entirely endorse the idea that a shipper, no matter what part of the Dominion he may reside in, should be liable to a fine, and the penalties which are imposed here if he ships liquor into a Scott Act county or into a province where by law it is prohibited.

Hon. Mr. CLORAN—Supposing he is in England, Scotland or France?

Hon. Mr. WOOD—You would have hard work to find him. I wish to put out that, while it would be quite in order to fine a person who shipped the liquor for the reason that he would be knowingly and wilfully a violator of the law, the transportation companies are not in that position. As the right hon. gentleman in introducing the Bill has said, the parties who ship the liquor into such places as Prince Edward Island use various means to conceal the fact, that the packages they ship do contain liquors, and they resort to all sorts of strategems to conceal what the packages in which this liquor is put up contain, and the transportation companies or any person handling them has no means of ascertaining unless they break the packages open, which they would not legally be entitled to do. If that is made clear, that is all I want, and I should like to call the minister's attention to it at the present time, so that when the Bill is in committee the phraseology can be changed in such a way that it can be made perfectly clear. I may say in addition, that I think the suggestion I am making—and I make it with the full belief that it is a suggestion which will favour the enforcement of the law—it is a mistake if we in our legislation go to extremes of that character. It will make the law obnoxious to the best class of people in the community, and the result is that it will not be enforced. There will be no attempt to enforce it. The general sentiment of the community is that under such a law an injustice is being done to innocent parties, and it will create a general feeling of dissatisfaction that will interfere with its enforcement. The suggestion I am making is not with a view to rendering the legislation inefficient, but I believe if it were made clear that the companies who innocently handle parcels containing liquor, should not be liable under the Act, it would improve the measure and assist in its enforcement.

Hon. Sir RICHARD SCOTT—I am quite willing to adopt my hon. friend's suggestion. I am in favour of putting it on a sound basis. There is no intention of following the railway or express company. It would be the consignee or consignor. But it is not brought in by express companies, or transportation companies as a rule. There is a clause in the Act which

provides that any individual on his own account, not being in trade, who wants to buy for his own use, can do so. The quantity is limited to five gallons. I propose striking that out. Whatever a family require they have a right to purchase. If they attempt to sell it to other individuals, they become liable. It is very well known in a community when a particular area is brought under prohibitory law. Prince Edward Island is wholly under prohibitory law. It has for many years been so. I think any suggestion which would assist in carrying out the law should be accepted in committee.

Hon. Mr. DOMVILLE—There are quite a few matters involved in this Bill and I do not think it is worth while to discuss them seriously. My hon. friend talks about Ontario being so anxious in regard to this question. They have an anti-Horse-Racing Bill under way now. They have a Sunday Observance law, and what next are we to have? Another petition about immoral conduct in Ontario, and immoral practices. Where are we going to land. We are not to travel on Sunday, nor to have our boots blacked. There is a time in the life of the people when they have seen so much of the world, and of the frivolities that occupied so much of their attention in their youth, that they now stand on the apex of a pyramid looking down at the people and saying: 'All right, go ahead, we ordain that you shall not do so and so before you attempt to do it.' It is stated that this measure will save the people of Prince Edward Island from going headlong to destruction. What about the people who wink at this traffic all the time? Not very long ago at a large religious gathering in the city of St. John, a gentleman made a statement about the moral observance in the Commons and Senate, and that there were no bar-rooms and no drinking, and that even in the restaurant in the House of Commons no liquor was consumed. Supposing that gentleman passed the Commons restaurant every day, would he be blind to the fact of the drinking which is going on, properly of course, not improperly. If that is so, what is the good of this House laying down the moral law against drinking while the people say: 'Right under the nose of parliament here liquor is sold and consumed.' If people want to drink liquor, let them drink it, and if not, they need not drink it, but do not tell them that the moral instincts of the people are so strong that everything of that kind is to be frowned down. If I were making the statement in regard to some gentlemen outside of either chamber I would say hypocrisy—that people were being led astray by hyprocrisy. Then take another feature of the question; excise and customs returns provide a large amount of our revenue. Why not attack the producer; go to the fountain head and attack the men who are producing whisky. They are members of powerful corporations or mergers, and are therefore not attacked. They are sometimes called murderers; but they are too important interests there to control or repress. Why not go for them—shut them out. That would be the correct, manly and straightforward thing to do. I suppose it would go unanimously here if it were felt that it was being done with good intent and would be likely to bring about good results. Prohibit is the word used. Where is the sale and consumption of liquor prohibited? It is said that all these places quoted have gone dry. They have not gone dry. Openly they may have gone dry. Take New Brunswick as an instance. There is as much liquor sold there surreptitiously as ever, sold behind doors or in the barn. Talk about crime; it is an incentive to crime if you make sumptuary laws such as cannot or will not be obeyed, and you are putting on the statute books an Act which will encourage crime. I should like if my hon. friend could rise in his place and state that during the thirty years the Canada Temperance Act has been in force that drinking has lessened perceptibly.

We are not here simply to set an example in experimental legislation to the rest of the world. Nor are we here rather to follow their best example in the government of our own country. If my hon. friend could have pointed out where, as the result of legislation, liquor had ceased to be consumed, that is the sort of evidence I should like to have heard. I do not say the hon. gentleman was not sincere, nor

would I like to be thought disrespectful to him, but he is forcing on the people something which I doubt if they really want. If I may be pardoned for having been involuntarily an eavesdropper, I may say that while I was in the reading room I saw a slim gentleman—he looked as if he was a following shadow—and heard him say that this Bill was brought in to catch New Brunswick and Nova Scotia. Now I could not help hearing that. I could give the whole interview if it was worth while, but the object. he said, was to bother the people of the maritime provinces.

Hon. Sir RICHARD SCOTT—Oh, no.

Hon. Mr. DOMVILLE—I pledge my honour I heard it.

Hon. Sir RICHARD SCOTT—In Nova Scotia and New Brunswick they already have an Act of which this is a copy.

Hon. Mr. DOMVILLE—I heard that in the reading room, and my hon. friend has made special reference to the maritime provinces. The hon. gentleman from Westmorland very properly asks what will be the result of this enactment on transhipment. My hon. friend cannot tell me whether liquor imported from abroad will not be stopped in transit under this legislation. What they are trying to accomplish is this. If a merchant in Montreal wants to ship liquor by the Intercolonial railway to St. John, they cannot take it through the counties of Kings or Westmorland, because they are presumably dry. Can that be carried out? Apply it all round. Will a man be obliged to drive all round the borders of a county to deliver a quantity of liquor because it is dry, if he wants to get it to another county that is still wet? I have had the advice of one of the ablest lawyers in Canada to-day that this Bill is ultra vires. Have the government considered that question yet? This attempt to force legislation on the maritime provinces to prevent people from drinking is supported by men who keep wine in their houses, men that the outside world think are the strongest apostles of temperance. Why do they not come out straight and show their hand? I can readily understand that people should be educated not to use liquors to excess, but Scripture does not say we shall not drink anything. On the contrary, it advocates the moderate use of liquor. Are we, in this Chamber, superior to the great lawgiver of nineteen centuries ago? If we followed up his teaching, we would not have any use for this Bill. Those who have tried to make Christians by such methods have generally failed. The proper way to accomplish their object is to educate the people. You can prepare them, bit by bit, and then expunge that provision allowing five gallons to your family. I would look nice visiting a friend in a dry county, and taking with me five gallons of whisky. If I were asked why I brought so much when a bottle would be enough, I would be obliged to reply that under the Canada Temperance Act I must take five gallons.

Hon. Sir RICHARD SCOTT—That is the maximum at any one time.

Hon. Mr. CLORAN—Take some of our French Canadian families where there are twenty-four children with both parents alive; how many gallons would you allow them?

Hon. Mr. DOMVILLE—I cannot tell. I have not been blessed with such a family. I hope hon. gentlemen will not take this measure seriously. I heard one hon. gentleman describe it as freak legislation. Now, I would not say freak, even if I thought it was a freak. I am indifferent what becomes of it, more than to place on record in the debates my opinion that this hypocrisy should be checked. As, in my judgment, this Bill is ultra vires, we have one or two courses to follow. We can postpone the second reading until we have the opinion of the government on that point, or in the absence of the leader of the House, move as I do now, seconded by my hon. friend from Moncton (Mr. McSweeney), who comes from a dry town, that the Bill be not now read the second time, but that it be read the second time six months hence.

Hon. Mr. McSWEENEY—As the hon. gentleman has said, I come from a dry town. We have been a dry town for thirty-three years, and when you compare the results of prohibition in Moncton with the record of license towns, you see how little good it has accomplished. Berlin, Ontario,

is about the size of Moncton, and the convictions in one year amounted to only sixty persons. Ottawa is a license town, with six times the poulation of Moncton, and the convictions are ten per 1,000, while in Moncton under strict enforcement of the prohibitory law, we have twenty arrests per thousand, twice as many as Ottawa, and four times as many as Berlin. Speaking about prohibition, I happened to be in Macon, Georgia, three years ago, when the state went dry, and the morning after, every saloon had a placard, which read this way, 'Little baby, don't you cry, this will be a drug store bye and bye.' That is the case in Moncton, and the drug stores do a very thriving business. I suppose there must be blind pigs, and holes in the wall, 25 or 30 of them. I will give you an idea of the state of affairs in Moncton by calling your attention to something that happened not later than February 14, as described in a Moncton paper:

February 14, 1910.

Drank Gin in a Church Door.
Three Moncton men finishing bottle when arrested.

Not very often does one drink whisky in the shadow of a place of worship, nor could one think to venture within its doors carrying anything of an intoxicating nature. But this is what Jack Vanbuskirk and Fred. McFarlane did on Saturday afternoon, when they stood in the porch door of a leading church and drank from a square face of gin.

As they stood within the doors of the church, Chief Rideout happened along and promptly placed the two men under arrest. They were taken to the police station and remained until this morning; when they were fined ten dollars or ten days, and not having the amount they will spend the time in jail. The two said they had been in Campbellton and that they got their liquor in the north shore town.

Edward Armstrong was another who imbibed too freely on Saturday night, and as he staggered along Queen st., at twelve o'clock Saturday night he ran into the arms of officer Crossman. He also will have to serve the ten days as the money did not appear to be forthcoming.

Then, three days later, some thieves broke into the Riverside Hotel warehouse, and stole a barrel of whisky. Here is the statement published at the time in the press:

Apparently not being able to get any intoxicating liquor in any other way, thieves broke into the warehouse of the Riverside hotel, either on Monday or Tuesday night, and stole a barrel of whisky and also made away with a quantity of fowl.

Entrance was made to the warehouse by breaking the lock on the door. The thieves evidently knew where the liquor was kept as no signs of rumaging about could be found when the burglary was discovered yesterday. The police were notified and after working on the case a few hours learned of some men whom they believe are the guilty ones.

Still we have a law, supposed to be enforced, under which they can bring in ten gallons. They bring it in on every side, but some of the people apparently not knowing where to get liquor, broke into the Riverside hotel warehouse, and stole a barrel of whisky. We have statistics quoted to show that the people of Prince Edward Island are more sober than the people of Ontario and the west. Any man who would stand at Point Deschene wharf when the harvesters are coming in would have a very different opinion, and would see for himself that prohibition does not prohibit. You can get more whisky, and worse whisky, in Prince Edward Island than anywhere else I know of. In Moncton, within a short time we have had two deaths caused by people using wood alcohol when they could not get whisky. There was another case where an Indian and his squaw got drunk on bay rum, died from the effects with the result that there was a murder and a suicide. I have seen boys ten and twelve years of age going around drunk, and I can give you many other instances. That has occured in a dry town. The law formerly allowed a man to bring in ten gallons; but that quantity has been decreased to five gallons, and the penalties are increased on a summary conviction. They have diminished the quantity of whisky, and doubled the penalties, but it has not stopped drinking, since twenty people out of every one thousand are convicted. It will never stop it. We have had experience, not only there but in 12 counties of New Brunswick under the Canada Temperance Act. There are three times as many convictions for drunkenness in Nova Scotia and New Brunswick as in Ontario and Quebec. I am opposed to this five gallon clause.

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

The motion was agreed to.

PUBLIC HEALTH AND INSPECTION OF FOODS.

MOTION.

Hon. Mr. DE VEBER moved the adoption of the second report of the Standing Committee on Pubic Health and the Inspection of Foods. He said: We have decided to take up the investigation of milk, and we ask for the usual powers to cite persons and things, and also ask that the same amount of money we had last session be granted to us this session. Last year we had an appropriation of $500, of which we spent only $100, so the House can without any fear grant us the money.

The motion was agreed to.

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

THE SENATE.

WEDNESDAY, February 23, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (No. 86) An Act respecting the Western Canada Power Company, Limited.—Hon. Mr. Bostock.

Bill (No. 91) An Act to incorporate the London and Lake Erie Railway and Transportation Company.—Hon. Mr. Coffey.

Bill (No. 114) An Act respecting the Richelieu and Ontario Navigation Company.—Hon. Mr. Casgrain.

THIRD READINGS.

Bill (No. 55) An Act to amend the Seed Control Act.—Rt. Hon. Sir Richard Cartwright.

Bill (Z) An Act for the relief of Bernard Shea.—Hon. Mr. Frost.

LAURIE DIVORCE BILL.

THIRD READING.

Hon. Mr. GILLMOR moved the third reading of Bill (T) An Act for the relief of Archibald Laurie.

Hon. Mr. McMULLEN.

Hon. Mr. LANDRY moved in amendment:

That the said Bill be not now read a third time, but that it be amended by leaving out the last seven words in the ninth line of the preamble to the said Bill.

Hon. Mr. POWER—What would the effect of that be?

Hon. Mr. LANDRY—It is to strike out the name of the co-respondent.

Hon. Mr. BOSTOCK—If we were to adopt the motion of the hon. member from Stadacona it would leave us in a very sorry position. This matter was up the other day when the notice of motion was given. If the amendment were carried, it would make a statement that the respondent had committed adultery without mentioning that there was a co-respondent. Our practice has been to give the name of the co-respondent when it was possible to do so. There have been cases where the name of the co-respondent could not be ascertained, and in such cases the statement is that the respondent committed adultery with some person or persons unknown. I find on looking at the statutes of 1906, to which my hon. friend referred on a former occasion, that out of twelve Bills passed by this House, in seven of them no name was given, while in five, names were given. If we could refer to the evidence we would find good reasons why those names were not mentioned. In 1907 there were eight Bills reported to this House and placed on the statute-book, and cut of this number the names of the co-respondents were given in six cases; in only two were the names left out. In those cases the adultery was committed with some person or persons unknown. If the Senate holds that we should adopt a different rule, and that the name of the co-respondent should be given in each case, it would be better to make a rule to that effect instead of amending the Bill, as is proposed in this case.

Hon. Mr. LANDRY—I refer to VI, Edward VII, chap. 117, where I find the following:

Whereas, Minnie Florence Irvine, of the city of Calgary, in the province of Alberta, wife of James Irvine, formerly of the said city of Calgary, presently of the city of

Detroit, in the state of Michigan, one of the United States of America, baker, has by her petition alleged, in effect, that on the fifteenth day of October, A.D. 1896, she was lawfully married to him; that he was then domiciled in Canada; that in July, A.D. 1898, he deserted her and has not since then resided with her; that since such desertion he has resided in the United States of America; that, subsequently and during the year 1900, at the city of Rochester, in the state of New York, one of the United States of America, he committed adultery, and since that time and until May, A.D. 1905, did live in adultery in the said city of Rochester; and whereas, she has humbly prayed that the said marriage may be dissolved. And so on.

In that case it would have been easy to find the guilty party. Then I refer to VI, Edward VII, chap. 143, An Act for the relief of Mary Emeline Preston:

Whereas, Mary Emeline Preston, of the township of South Crosby, in the county of Leeds, in the province of Ontario, seamstress, wife of Francis Preston, of Thessalon, in the district of Algoma, in the province of Ontario, liveryman, hath by her petition set forth that on the twenty-sixth day of December, A.D. 1888, she was lawfully married to him; that in A.D. 1890 he deserted her and has not since then resided with her; that subsequently, and during A.D. 1891, he, at the township of Elizabethtown, in the county of Leeds, in the province of Ontario, committed adultery; and whereas she has humbly prayed that the said marriage may be dissolved. And so on.

I would refer also to VI, Edward VII, chap. 153, where I find the following:

Whereas, Asenath Ramsey, of the city of Toronto, in the county of York, in the province of Ontario, has by her petition humbly set forth that on the fifteenth day of January, A.D. 1891, she, then Asenath Fowler, was married to William Everett Ramsey, of the said city of Toronto, at the said city of Toronto; that they cohabited until the month of September, A.D. 1900, when he deserted her; that they have not cohabited since the said month of September, A.D. 1900; and that he has since the last mentioned date committed adultery at the city of Baltimore, in the state of Maryland, one of the United States of America, and whereas she has humbly prayed that the said marriage may be dissolved. And so on.

There are seven cases in the statutes of 1906, and in all those cases the party has been found guilty, but the name of the co-respondent is not mentioned. I ask that in this case the name be struck out, not for the sake of the guilty party, but for the benefit of the wife, the children and the relations of the guilty party.

Hon. Mr. CLORAN—While on this question, I should like to ask the chairman of the committee, or the hon. gentleman who represents the chairman, if they have taken into consideration the demand of the religious authorities of Canada, and if they have been impressed in any way by the views of religious authorities to the south of us, in England, and throughout the civilized world in regard to the question of giving the right to the guilty party in a divorce suit to remarry. The divorce question is one, of course, that is now spread broadcast over society in all countries. The duty of the legislature is to limit the evils connected with divorce. Canada will not be the first, but could well follow the lead of English judges, and I am glad to say of United States judges on questions of divorce, and that lead is, that when an English judge finds—

The SPEAKER—I do not like to interrupt the hon. gentleman, but the question under discussion is a motion, by way of amendment to the resolution for the adoption of the report, and that amendment is not with reference to a matter which goes to the question of divorce.

Hon. Mr. CLORAN—Following the decision of his honour the Speaker, I ask if the committee has taken into consideration the question whether the parliament of Canada should give to the guilty party, the co-respondent, whom we are asked not to mention in the Bill, the right to remarry? Has the committee considered the demand of the society at large that the guilty party shall be debarred from remarrying.

Hon. Mr. WATSON—He is married already.

Hon. Mr. CLORAN—The guilty party in this divorce should not have the right to remarry. The plaintiff is obtaining a divorce from a guilty party. Does parliament still persist in granting to the guilty party the right to remarry? I have said the jurisprudence in England and the United States for the past twelve or eighteen months is growing in the direction I have indicated. It is a remarkable change in things, especially in the United States. It is not so remarkable in Eng-

land, where judges have on many occasions granted divorce to the applicant whether man or woman, but refusing to the guilty party the right to remarry, and that law is now being followed in the United States. It is, therefore, time for Canada to enact a statute similar to that and provide where a divorce is granted by the parliament of Canada it shall be solely for the innocent party. That parliament shall not give the right to a man or woman who has been unfaithful, who has violated the laws of this country and the laws of society, the right to perpetuate the same evil doings. I have brought the matter up in the form of a Bill once or twice in the past. I refrain from doing it this year to see whether the feelings of the senators of this country will undergo any change in regard to this matter, or whether the opinion of parliament will follow in any measure the demand of people who are responsible for the morals of the country and the well-being of our families. I fail as yet to see an echo in parliament that it is prepared to do so, but I hope the time is fast coming that parliament will not be called upon to condone the most atrocious crimes against society and give the criminal the right to repeat his crime under sanction of law.

Hon. Mr DAVID—I intend to vote for this amendment. I think it is neither useful nor necessary to mention in a divorce Bill the name of the person with whom the adultery has been committed. There may be cases where it is necessary; but I think generally, in the interests of the family, in order not to throw discredit or shame on honourable families, it should not be done.

Hon. Mr. ROSS (Halifax)—I brought up the question several times, whether the parliament of Canada was the proper tribunal to grant divorces, and suggested that we should imitate the example of Nova Scotia and New Brunswick where all such cases are tried by a judge of the Supreme Court who gets $500 added to his salary for trying divorce cases. There is nothing published. The divorce is granted or refused, and it is a better tribunal than the one we have here. I noticed recently where the King ordered a commission to inquire into the system of granting divorces in Great Britain, and it is my intention to ask Lord Strathcona for a copy of the decision of that committee when it is completed. and then we shall see how far it differs from the tribunal we have in Canada, a rotten, antiquated system—I do not refer to the men who are on the committee, because I have the highest respect for them, but I have the greatest, I was going to say enmity of the system, and hope the day is not far distant when it will be condemned.

Hon. Mr. POWER—I wish to say a few words to show why I do not feel in a position to vote for the amendment moved by the hon. gentleman from Stadacona. That amendment is one which does credit to the hon. gentleman's heart; but, after all, we are here not to be influenced altogether by our sentiments. I understand that one reason why the Committee on Divorce adopted the practice which has prevailed for some time, was that in another place objections were raised and questions asked because the names of the guilty parties were not mentioned. In another place, the members wished to know with whom the offence had been committed. They do not go into the evidence in the careful way our committee does, and I think it is a pity that we should depart now from that practice. There is another circumstance in this case, that the co-respondent is a medical man. Every hon. gentleman knows that medical men have much greater opportunities to do wrong in this particular direction than any other class of the community; and I think it is very much to the credit of the medical profession that they do not. The cases where medical men take advantage of their position are very rare indeed. This is a case where a medical man has apparently taken advantage of his position; and I think the Senate should stamp its disapproval of that conduct, and hold him up as an example for the future, so as to discourage any of his brethren who might be disposed to weaken on the moral side. That is one special reason in this case, and there is another, which is a general reason. It should be, and I have no

doubt it is the desire of every hon. gentleman that every possible difficulty should be placed in the way of committing the offence of which this man is guilty. If the man who proposes to invade his neighbour's home, and perpetuate the greatest wrong that can be perpetrated by one man upon another, can feel that he will not go scot free, but that his name will be given to the public, and the public will know of his iniquity, it will act as a restraint. For that reason I feel that I cannot, although I should like to, vote for the amendment.

The amendment was rejected, and the Bill was read the third time and passed.

BARTHELMES DIVORCE CASE.

MOTION.

Hon. Mr. Wood (in the absence of Hon. Mr. Kirchhoffer) moved the adoption of the tenth report of the Standing Committee on Divorce, to whom was referred the petition of Alexander Augustus Barthelmes, together with the evidence.

Hon. Mr. POWER—As a general rule, we do not raise questions about these divorce Bills which have been before the committee, and carefully considered; but once in a while the House has found reason for thinking that committee was in error. As one member of the Senate, I do not feel satisfied that the case of the petitioner has been made out. There is one circumstance in connection with this case which is unusual; the only direct evidence of the commission of the offence charged is that of the men who, in an English court, would be called co-respondents. Now, I do not remember any case coming before this House where a divorce was granted on such evidence, and on such evidence alone. There are two persons mentioned in this case as being co-respondents in a way. The evidence of one of these, David Foster, which has been accepted because it was not contradicted, was that the actual offence had not been committed. He did not claim any serious credit for that because the circumstances rendered it impracticable. I do not think we should be justified in granting a divorce because the parties were willing, as long as the offence had not been actually committed. Then, there is the other case, a witness named Adair. The circumstances detailed by this witness seem to me to be on the whole hard to reconcile with one's ideas of what is probable. He apparently did not know the respondent, and saw her from the rear of his stable. He testified that he did commit adultery with this woman on three occasions.

Hon. Mr. CLORAN—About the time he was married.

Hon. Mr. POWER—If his evidence is to be credited, apparently a case has been made out, but it does seem to me that we should be slow in accepting this evidence.

Hon. Mr. BELCOURT—Is there any corroboration of that testimony?

Hon. Mr. POWER—No, there is just the statement of Adair himself. The evidence of Foster might have been corroborated, but it does not go far enough. Foster's wife was not present. With respect to Adair, it seems to me exceedingly improbable that a young man of twenty-seven who had done what he said he did would allow himself to be persuaded by the husband to come into court, and swear to his own guilt, and the guilt of the applicant's wife. There is a circumstance which has just been adverted to by the hon. gentleman from Victoria (Mr. Cloran), which tends still further to discredit the evidence of this man, Adair. He was asked when this adultery took place and he said, 'Somewhere in June, 1909.' The three offences took place within a very short time. Then, in reply to a question from the hon. member from Wellington (Mr. McMullen), the witness, just before he left the stand, testified in this way:

Q. You are not married.—A. Yes, I am married.
Q. How long is it since you got married?—A. 9th June.
Q. Last?—A. Yes.

That is June, 1909. It seems to me incredible that a young man of twenty-six, who has just married a girl with whom he presumably was in love, should at the same time, have committed adultery with a woman he did not know.

Hon. Mr. CLORAN—And in the back yard.

Hon. Mr. POWER—The whole thing strikes me as improbable. The report should be sent back to the committee for a further consideration. We should either have more evidence, or throw out the Bill.

Hon. Mr. CLORAN—I feel elated. I did not think my method of examining divorce reports would so soon be vindicated. I thought I should have to wait another ten or twelve years before the method I have put before the House and the country of granting divorce would be advocated. I am exceedingly grateful on behalf of a large community of Canadian people for the remarks that the hon. member from Halifax has just made, and I can tell him that he will have the support and approbation of all good thinking people. He has undertaken with his experience, his prestige with his old acquaintance in the Senate to break from his rule of silence and the community will be thankful to him in this matter. He has not tackled a more serious question in this House since he has been in it, because it underlies all our prosperity, all our happiness, and all our respect for moral living as a God fearing people. The hon. member from Halifax, probably not weighing it, has rendered a service to-day on the floor of the Senate. that will not be forgotten. He has brought before the country the fact that divorces are granted on evidence that would not hang a cat, as stated on the floor of this House seven years ago, and again two years ago on the floor of the House of Commons. There is no court in the British Dominions, or even in the courts of the United States that would grant a divorce on the evidence in this case. The evidence is insufficient; it is not corroborated. The evidence smells of the slums, and as the hon. member from Halifax has remarked, the man upon whose testimony this divorce is granted was married in June last, and who had the vile courage to come before an honourable committee of this House and state that he committed adultery with the respondent in a dirty lane behind his own house, while his bride was next door. The hon. member from Halifax is right in assuming that human nature is traduced unless the man is a perfect brute, and there is no proof that he is a brute. The proof is that he was married in June, and according to his own testimony, he committed the acts of adultery that same month. What reason has the committee to grant the divorce on such evidence? We are prostituting the law of divorce, making divorce too easy, and, although for years I have been opposed to the policy enunciated here by the venerable senator from Halifax (Mr. Ross) of relegating divorce to the courts, it would be better to do so than to grant divorces on such evidence as we have in this case. If the subject were referred to the courts it would open too many doors. All the courts would have a right to hear divorce cases. I thought if the evil were restricted in this House it would be restricted everywhere throughout the Dominion; but if the parliament of Canada is going to grant divorces on such grounds as are set forth in the evidence before us, then it is better to refer such cases to judges, who will not take the word of a stableman under such circumstances without corroboration. If such evidence is to be admitted here, I shall join with the hon. member from Halifax (Mr. Ross) and say: 'Take divorce out of the hands of parliament, and give it over to the hands of men competent to sift evidence.' It is not along the line of our dignity, and self-respect that we should, on such a flimsy pretext grant divorces which are becoming the shame of the United States. In the great republic, there are tens of thousands of divorces, and it is a shame not pronounced by me, but echoed by me from the mouths of the highest authorities who have the moral, social and religious welfare of the people at heart. These are the men who condemn the crime of divorce from pulpit, from editorial chair, and from the platform, who regard it as a crime more detestable in the sight of God than drunkenness, a crime which reeks with filth and the breaking up of homes, a crime which leaves young, defenceless children without aid, and without honour. Let us not follow the United States in that path. Let us keep as close as possible to what we ac-

cept here in parliament as the only basis for divorce, the one crime of adultery. Once more I lay down the principle that when the man is the guilty person, and he is the one who rules the family, the parliament of Canada should not by the sanction of its laws give him the right to break up another family? If he wants to sin, let him sin outside the law, not within the law. These are my principles, and I know and feel that within my heart, this honourable House, and parliament as a whole, will endorse the views I have been expressing here for seven years. I know hon. gentlemen have moss-covered ideas on this matter. They should wake up to modern conditions, and help to preserve the welfare, spiritual as well as material of the nation. I feel in my soul that in the near future these principles will gain recognition, and I thank the hon. gentleman from Halifax for being one of the pioneers in this movement.

Hon. Mr. BOSTOCK—The members of the Senate who have spoken on this matter seem to think that the divorce is recommended on the evidence of Adair; but if they will read the preamble of the Bill they will see that the act of adultery is with one David Foster. When the matter was before the committee, they realized that the evidence of Adair was not corroborated, and that he was giving evidence against the woman, when he was as guilty as she was. The evidence of Foster was to the effect that he was with this woman the night she came around to his house, and though he would not admit that he had actually committed the act of adultery, we have the evidence of the wife to this effect:

Q. In what position did you find your husband? Was he on top of her when you saw them?—A. She was.

This act occurred in a room on the opposite side of the hall from where his wife was sleeping. The respondent had gone to bed with Mrs. Foster. Mrs. Foster states she woke up and found Mrs. Barthelmes had left her bed, and she crossed the room, and found her husband in a compromising position with this woman.

Hon. Mr. POWER—I omitted one point to which I had proposed to call attention. I give it now for the information of hon. members. I do not think I suppressed anything of consequence in the evidence of Mr. Foster. At the close of the examination, the petitioner was recalled and examined, and the House will allow me to read a dozen lines from his evidence:

By Mr. Culbert, of counsel for the petitioner:

Q. How did you come to find out your wife's infidelity?—A. I found out through my servant in the first place.

Q. When was that?—A. That was September 17, 1909. She telephoned down to my factory and said, 'I would like you to come home early for supper to-night; there is something doing.'

Q. Who said that?—A. My servant, Mrs. E. Alversted. I came home that evening, and had my tea, and she told me that there was an appointment made, that Mrs. Barthelmes had made an appointment over the telephone.

Q. Who made the appointment?—A. Mrs. Alversted. Mr. Foster made an appointment with her over the phone, thinking it was Mrs. Barthelmes. The appointment was supposed to be at half-past seven that evening.

I just call attention to that as one very singular feature of this case; and I am prepared to say that if this divorce is granted, you will find that Mrs. Alversted will be Mrs. Barthelmes.

The Senate divided on the motion, which was adopted, contents 23; non-contents, 18.

Hon. Mr. CLORAN—We are getting converted.

SECOND READING.

Bill (AA) An Act for the relief of Clara Louise Holden.—Hon. Mr. Derbyshire.

NIPIGON-ALBANY CANAL AND TRANSPORTATION COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (CC) An Act to incorporate the Nipigon-Albany Canal and Transportation Company.

Hon. Mr. WILSON—I think we should have some explanation in reference to this Bill. They are engaging in a canal enterprise, and they may also assume the right to exploit the water-powers in that locality. It says 'The Nipigon-Albany Canal and Transportation Company.' What does that mean? What is the canal for? Are they

intending to generate power there and interfere with the rights of the citizens, if they do not interfere with the rights of the provinces? We should know the position in which we are. I am not desirous of interfering with the Bill, but we are entitled to an explanation that we may know fully what we are about. I have no knowledge whether in this locality they may be using water-power, or whether the water-powers belong to the province or to the Dominion.

Hon. Mr. WATSON—The explanation is fully conveyed in section 7 of the Bill. The company purpose to construct a canal from Lake Superior to James bay, by route of the Nipigon river, Nipigon lake and the Albany river. That is the object of the Bill; I suppose any further explanations can be made in committee.

Hon. Sir MACKENZIE BOWELL—If it does not affect the provincial rights of Ontario, why is the clause inserted declaring it to be an undertaking for the general advantage of Canada?

Hon. Mr. CASGRAIN—It is all in one province.

Hon. Mr. WATSON—No, it goes into the territory, near James bay.

Hon. Sir MACKENZIE BOWELL—Is the terminus in Ontario?

Hon. Mr. WATSON—It is in the Keewatin district at the present time.

Hon. Mr. YOUNG—The Provincial Secretary of Ontario was notified, and there was no protest as far as they were concerned.

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

Hon. Mr. YOUNG moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. WILSON—I ask an explanation as to the powers of this company. This is a very important Bill indeed. The company are asking for extraordinary powers. They desire to be permitted to amalgamate with other companies, and we hardly know from the explanation that has been given whether it is a proper Bill for parliament or not. As the Senate seems to be very anxious to pass the measure without knowing the wishes and desires of the various provinces, and whether they know or do not know what rights and powers may be claimed under this Bill, I withdraw my opposition and hope that when it goes to the Railway Committee any objectionable clause may be eliminated. Should it come back to the House, and I have no doubt it will, perhaps it will be shorn of some of its objectionable features, and the company will not be permitted to encroach upon rights and privileges of others.

Hon. Mr. LOUGHEED—May I point out to my hon. friend that there is a policy embodied in this Bill which is manifestly very adverse to the policy lately adopted by this government with reference to the conservation of the natural resources of Canada. This is a Bill, as will be seen from the most casual observation or inspection, to have in view the control practically of all the water-powers upon the various waters mentioned in section 7 of the Bill. This, to me, looks like an old friend in a new garb. I fancy that I can trace very close resemblance in this Bill to several other Bills that have been dealt with, and some adversely, by the Railway Committee of this Chamber. I think I can trace the genius of our friend Mr. Conmee in this Bill.

Hon. Mr. WATSON—The hon. gentleman is mistaken.

Hon. Mr. LOUGHEED—I find that the Nipigon bay, and those waters in the vicinity of Port Arthur and Fort William, figure very prominently in this Bill. The Conservation Commission has been brought into existence by this government, and a policy which appeals very strongly to the people of this country has been recommended by that committee as to the conservation of our public resources, and particularly of the water-powers of the Dominion. I think I can say advisedly that all the provinces of the Dominion have expressed the desire to co-operate with the Dominion government, in the conservation of these very valuable reserves which undoubtedly are of the greatest possible value

to the people of Canada. It seems to me that before we approve of the principle of the Bill, which we are asked to do at the present time upon its second reading, the attention of the government should be directed to the policy embodied in it, and that policy should be approved of by the government before this Chamber assents to its further progress.

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

CRIMINAL CODE AMENDMENT BILL.

COMMITTEE OF THE WHOLE.

The House resolved itself into a Committee of the Whole on Bill (No. 85) An Act to amend the Criminal Code.

(In the Committee.)

Hon. Sir RICHARD SCOTT—Several hon. gentlemen criticised the Bill on the occasion when it was last before the House, and I am advised that they have accepted the amendments suggested from time to time by the members who took part in the debate. I would therefore suggest that it be allowed to go into committee and the clauses carried before it goes to the third reading. It will be reprinted, and the final stage taken later.

Hon. Mr. WATSON—I would respectfully suggest that it would be much better to have those amendments printed before we go into committee, because the discussion on them may be in committee.

Hon. Sir RICHARD SCOTT—I have copies here of the proposed amendments. The main clause of the Bill will be superseded by the one I am about to read: It is as follows:

424a. Every one is guilty of an indictable offence and liable to two years' imprisonment who, having in his possession, or upon his premises, with his knowledge any rock, ore, mineral, stone, or quartz of a value of not less than twenty-five cents per pound——

The object of that was to place it at a figure well beyond the value of the common ores produced in British Columbia. Another hon. gentleman desired that mica should be placed in the same category, but at a different valuation. The clause proceeds:

——or in the case of mica of a value of not less than seven cents per pound, or any partly smelted, partly treated, or partly manufactured gold or silver which there is reasonable ground to suspect has been stolen or has been dealt with contrary to the provisions of paragraphs (b) or (c) of section 424, is, unable or refuses to account satisfactorily for or prove his right to the possession of the same.

Perhaps I had better read the other clause which qualifies this to a considerable extent. The second clause reads as follows:

2. If in any proceeding under this section, any question arises as to the value of any rock, ore, mineral, stone or quartz, the judge, magistrate, justice or other officer before whom the proceeding is pending may order such assay or assays, test or tests to be made as may be deemed requisite for determining such value.

The third clause will read as follows:

3. No action or prosecution for a violation of this section shall be commenced or undertaken in any part of Canada unless or until an order has been passed by the Governor General in Council declaring this section to be in force in such part of Canada.

That is the qualifying clause which makes the Act futile until its ratification by a minute of council. Then there is a further qualification which is exceedingly important which reads as follows:

4. No prosecution shall be had under this section unless it has been initiated by or on the information or complaint of a manager or director of a mining company, or by or on the information or complaint of some one thereunto authorized by a mining company or a manager or director thereof, or by or with the authority of the attorney general of the province in which the offence is alleged to have been committed, or by the owner or part owner of a mine who claims that rock, ore, or other substance similar to some of those mentioned in this section has been stolen or wrongfully taken from the mine.

No informer can lay information. That was the apprehension some of the hon. gentlemen expressed, that they might be annoyed or persecuted by an informer who, for the purpose of getting the penalty out of the party accused, might lay information.

Hon. Mr. BELCOURT—I would submit that the words 'by or' be stricken out. The idea was to make it necessary that no

prosecution should be taken except by the manager or director. If you leave these words in it may be instituted by anybody.

Hon. Mr. POWER—My hon. friend may be right, but I have some doubt about it. There should be a comma after the word 'by.'

Hon. Mr. BELCOURT—I do not want any comma.

Hon. Mr. POWER—The hon. gentleman proposes to strike out these words 'by or.' Supposing a manager or director is not in a position to lay any information, it may be laid on the complaint of 'some one thereunto authorized,' &c. I think perhaps it means that in every case the prosecution is to be initiated by the manager or director.

Hon. Mr. BELCOURT—That is what I want.

Hon. Mr. POWER—I do not see any objection to leaving it in. I suppose it cannot do any harm to strike it out.

Hon. Mr. BELCOURT—In discussing the matter with the solicitor who has charge of the Bill, I pointed out to him that a prosecution of that kind should not be instituted by any one except a responsible party in the company, and for that reason I suggested that it should be on the information of the manager or director. If you introduce the words 'by or' it makes it possible that the prosecution may be instituted by anybody, provided he is connected with the company. or is under the direction of the officer or manager. I want the information to be laid by the manager or officer of the company. Then at the end of the clause it states 'in which the offence is alleged to have been committed or by the owner or part owner of a mine who claims that rock.' I would suggest that the words 'who deposes under oath that he believes the rock has been stolen' instead of the word 'claim.'

The first clause was adopted.

On the third sub-clause.

Hon. Mr. YOUNG—In view of the fact that these extensive amendments are being put in without an opportunity of reading them over, before adopting the amended Bill, I think, the committee should rise and have the amendments printed.

Hon. Mr. POWER—I understand the hon. gentleman in charge of the Bill proposes that we shall do the best we can on this measure now, that we shall not report the Bill, but that we shall report progress, and that meanwhile, before the committee sits again, the Bill as agreed to now will be reprinted and it will come back to the committee in that form and the committee can amend it just as they please.

Hon. Mr. McGREGOR—In regard to the 3rd section, would that apply to one province or to all the provinces, or how would that be?

Hon. Sir RICHARD SCOTT—It might apply to the whole of a province or to part of it.

Hon. Mr. YOUNG—I object. We are going to have the Bill reprinted, before it passes the Committee of the Whole. We can accomplish the same result by having the amendments printed in the minutes.

The CHAIRMAN—This is a Bill from the House of Commons, and we cannot reprint it. We can only amend it in committee.

Hon. Mr. BELCOURT—Can this House not reprint a Bill?

Hon. Sir RICHARD SCOTT—We can make an order for the reprinting.

Hon. Mr. DANDURAND—If amendments have been adopted, but not before.

Hon. Mr. BELCOURT—Surely the House can order the reprinting of any document which it is considering?

Hon. Sir RICHARD SCOTT—As there seems to be an objection to proceeding, I will move the committee rise and report progress and ask leave to sit again, and I shall give notice of the amendments.

Hon. Mr. BELCOURT—What about my proposed amendment?

The CHAIRMAN—I did not pass clause 3.

Hon. Mr. BELCOURT—I should like to know definitely whether I am to have the privilege of suggesting an amendment to this Bill?

Hon. Mr. YOUNG—Certainly.

Hon. Mr. BELCOURT—Then I suggest that clause 4 be amended by striking out 'by or', and the word 'claims' in the second or third from last line be struck out, and the words 'deposes under oath' be struck out and replaced by the words: 'that he believes'.

Hon. Mr. LANDRY—From the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

TRANSPORTATION OF INTOXICATING LIQUORS.

DEBATE CONTINUED.

The order of the day being called:

Resuming the adjourned debate on the motion for the second reading (Bill M) An Act to regulate the transportation of intoxicating liquors, and the motion of the Hon. Mr. Domville, in amendment thereto:—'That the said Bill be not now read a second time, but that it be read a second time this day six months.'

Hon. Mr. McMULLEN—I did not move the adjournment of this debate with the intention of opposing the principle of the Bill, but for the purpose of pointing out what I consider encroachments upon the powers of the local legislatures. We are treading upon very dangerous ground in undertaking to pass clauses contained in this Bill. In the first place, the Bill ought to clearly provide that railways and express companies cannot under any circumstances be held responsible for carrying liquor into a Scott Act or a local option county, when the liquor is not labeled clearly and distinctly. I do not think it possible to pass a law preventing railways or express companies, chartered by parliament, from carrying liquor to any portion of the Dominion. We would have confusion of the worst kind if we attempted to interfere with our carrying trade in that way. The Bill should be amended so as to clearly show that that is not the intention. The hon. gentleman pointed out that the wording of the Bill is exactly the wording of the old Act. If so, it is likely to produce very serious confusion. It is well that it has not produced that effect up to the present time, and we should now clearly enact that it is not the intention of the Bill to interfere with the carrying trade of our railways and express companies. Then my hon. friend proposes by this Bill to permit individuals to bring in quantities of liquors not exceeding five gallons for their own private use. He makes no exception to that provision.

Hon. Sir RICHARD SCOTT—I distinctly said I was opposed to the five gallon clause.

Hon. Mr. McMULLEN—The Ontario Act provides that a hotel-keeper—and a hotel-keeper is a person—may not keep liquor on his premises, whether for his own private use or otherwise, where local option prevails. If it is found on his premises by the inspector, he is liable to a fine of $100. Now my hon. friend's law proposes that he can bring in five gallons, or he may reduce it to three gallons for his own private use. Now which of those laws is going to prevail in the province of Ontario?

Hon. Mr. ROSS (Halifax)—How often would you be allowed to take in three gallons?

Hon. Mr. McMULLEN—The point is, will the Ontario law or this Bill prevail? There is a conflict between them.

Hon. Sir RICHARD SCOTT—I said I was not in favour of the clause; that I was leaving that entirely to the provinces.

Hon. Mr. McMULLEN—That is the right thing to do, and if you relegate the whole Bill to the provinces, you will only be doing what is proper. It will be found that you are interfering with provincial jurisdiction when you attempt to deal with the question as you do in this Bill. It is said that the exercise of local option, or the adoption of the Scott Act, removes the bar and restricts drinking. For my own part, I have no sympathy with the bar or with its business. I would be glad if our country could be run without a bar within its

limits. Bars are a curse and do a lot of harm; but if you aim at removing the bar, you must do it by an amendment of the local license law. Every hotel must have a license now, even in a constituency where local option prevails. They must have an inspector and a board of license commissioners, and hotels are looked after and inspected just the same as they are in constituencies where licenses are granted. Under these circumstances, the license law should be amended to abolish the bar, especially in constituencies where local option prevails. If there was an amendment to the law in that direction, I would hope for some good from it, but as long as you have the bar remaining, presumably for the sale of temperance drinks, so long will you have evasion of the law, and liquor sold. Ginger ale, ginger beer, lemon sour and other temperance drinks are very desirable mixtures with a little whisky. They make a good drink.

Hon. Mr. LOUGHEED—You recommend it?

Hon. Mr. McMULLEN—The hotel-keepers know what their customers want when they ask for temperance drinks, and serve them with a little stick; the result is that by permitting the sale of those temperance drinks, liquor reaches the stomachs of those who want it. Abolish the bar absolutely, and if people want temperance drinks, let them get them without having to enter a bar. Then you will have temperance. People living at home do not keep ginger ale and lemon sour, but go to the well for water to quench their thirst. Why can they not do the same when they are away from home? We must educate our people in the direction of abolishing the bar. We had the Scott Act in force in the town where I live, for three years, and while it was in force we had a very demoralized condition of things. I was on the bench myself during that time, associated with another man, and we did everything we could to prevent the abuse of liquor. At the end of the three years a vote was taken to rescind the law, and out of seven or eight hundred voters only fifty or sixty went to the polls to vote for a renewal of the law. People got disgusted with the abuses that prevailed in the way of false swearing under the Act. It was awful. Men that you could trust with anything and everything in the ordinary business transactions of life could not be trusted in connection with the Scott Act or local option. They would twist and squirm in every possible way to prevent anybody getting fined. The people got disgusted with it. For my part, I greatly deplore the abuse of liquor. It would be a great blessing if we could get it under control so that it could be banished. I give the temperance people credit for every effort they are making in opposition to it, but it will never be stopped by the Scott Act or by local option. You have to do it by an amendment to the license law, and keep encroaching steadily, inch by inch and foot by foot, until at last you cut it out. After hearing the speech of my esteemed friend from Westmorland (Hon. Mr. Wood), who spoke very intelligently on the subject, I can add very little to what I have said, but I would urge upon my hon. friend (Hon. Mr. Scott) to very seriously think this Bill over. Perhaps he has had the advice of the Minister of Justice and is proceeding along lines indicated by the Department of Justice. I hope he is. I should like to know if he is. I am not a lawyer, but I confess I see very great danger of clashing with the local legislatures if we pass a Bill of this kind, especially with regard to permitting the bringing in three or five gallons of liquor. My hon. friend says he is willing to strike that clause out of the Bill. It may be as well perhaps to do that, but the whole Bill requires a very great deal of consideration, and I hope it will receive that consideration at our hands. Let us move cautiously. Let us see to it that we are within our rights and not trampling upon the rights and powers of the provinces in dealing with this question.

Hon. Mr. BEIQUE—I am entirely in accord with the object of the Bill, but cannot appreciate the necessity for this legislation. It seems to me that this Bill deals with the very same matter as is contained in chapter 71 of the statutes of 1908. In fact, the hon. gentleman called our attention to that. If this Bill deals with the same subject, it will, if passed, have the effect

of repealing chapter 71 of the statutes of 1908.

Hon. Sir RICHARD SCOTT—Oh, no. It applies exclusively to Canada Temperance Act counties.

Hon. Mr. BEIQUE—It is a copy, to a very great extent, of the former Act, and whether the title of the Bill is temperance or otherwise makes no difference. The subject being dealt with de novo by parliament, in a new Bill, surely it would prevail and have the effect of repealing any portion of chapter 71, which comes in conflict with this Bill. I call attention to this fact first, that the Bill is not as complete as chapter 71 of the statutes of 1908. For instance, at the end of the first clause, it provides:

> Provided always that nothing in this Act shall prohibit the vendors who are legally appointed by the provincial government from importing for medicinal purposes.

Our attention has already been called to the fact that this is rather vague. It would open the door to almost any importation of liquor under the guise of being brought in for medicinal purposes. In the Canada Temperance Act we had a much better provision for controlling that trade. A second point to which I desire to call attention is the fact that the Bill does not provide for the sale of liquors for sacramental purposes, and the passing of this enactment would have the effect of preventing the sale of wine for such purpose.

Hon. Sir RICHARD SCOTT—I have that on my proposals.

Hon. Mr. BEIQUE—My objection goes further than that. Not only does it deal by an independent Act with a matter that forms part of the Temperance Act, and should form part of that Act, but it goes to the extent of dealing with provincial laws, and sanctions by this parliament penalties imposed for infractions of provincial law. Now that is not within our jurisdiction. Provincial legislatures have power to enact a penal clause, and we are not to say in what way provincial Acts shall be enforced. That is going outside of our province, and I do not think the measure would be constitutional in that respect. I suspect that is the main object of the Bill, because otherwise chapter 71 of the statutes of 1908 goes as far as we can possibly go in that direction. Anyway, if the hon. gentleman deems it advisable to improve upon that law, it should be done by way of amending it, and not by introducing an independent measure dealing with the matter independently of the Temperance Act. This parliament is given jurisdiction in matters relating to temperance. Provided we deal with it as a matter of temperance, we have jurisdiction and may enact penal clauses. The provincial legislatures have power to enact penal clauses in connection with their own legislation, and we should not interfere with their jurisdiction. For these reasons, I cannot see my way to support this Bill. I do not believe it is an improvement on the statute of 1908.

Hon. Sir RICHARD SCOTT—I was asked by a deputation to take charge of a Bill which they handed me, the present Bill. I understood from them that they had seen the Department of Justice. I did not verify that. I did not feel at liberty, under the circumstances, to make any change in the Bill. It was left to me on a particular day. I understood the Bill had been drawn in Prince Edward Island. It was a gentleman from the island who came up specially charged to obtain the legislation. I explained fully in my address that Prince Edward Island is not now under the Canada Temperance Act, and therefore they could not avail themselves of the clauses of the original Act of 1878. It is under a provincial law, and the object of this Bill is to attack the transportation of liquor into the island. The position of Prince Edward Island, of course, affords great facilities for the importation of liquor. It is taken there in boats and sloops of all kinds, and sold surreptitiously. The authorities cannot follow those who send in the liquor and the object of the Bill is to meet cases of that kind.

Hon. Mr. BEIQUE—I have examined the Canada Temperance Act exactly for the purpose of seeing if any provinces were excluded; but I fail to find any exclusion,

and therefore, it applies over the whole Dominion.

Hon. Sir RICHARD SCOTT—I do not think it applies except in Canada Temperance Act localities. I recognize several defects in the Bill myself. For instance, there is the clause with reference to the quantity of liquor which an individual may bring in for his own purpose. There is also the collision with express and railway companies. I did not feel at liberty, as the Bill had been handed to me in the shape in which it appears, to make any changes. If parliament approve the principle of the Bill, changes can be made in Committee of the Whole. It seems a reasonable proposition that we should meet the wishes of the people of Prince Edward Island, and it is also supported by correspondence which has been pouring in on me from other parts of Canada.

Hon. Mr. DAVID—I think we may consider this Bill an extension of the Scott Act.

Hon. Sir RICHARD SCOTT—No.

Hon. Mr. DAVID—It does honour to its author, but I think the extension goes too far. I want to call attention especially of gentlemen who are interested in the temperance question, to clause 3, which provides:

> 3. Paragraphs (a) and (b) of section 1 of this Act shall not apply to any intoxicating liquor not exceeding five gallons sent, shipped, brought or carried to any person or persons for his or their personal or family use in their own homes, unless it be so sent, shipped, bought or carried to be paid for in such province, county, municipality, city or town—
> (a) to the person delivering the same, his clerk or agent; or—
> (b) to a person who within a term of five years has been convicted of the violation of the Dominion or Provincial statute regarding the sale of liquor; or—
> (c) during the thirty days immediately preceding a Dominion or Provincial election.

Hon. Sir RICHARD SCOTT—I intend to ask to have that paragraph struck out.

Hon. Mr. DAVID—If you strike out that paragraph and the paragraph relating to shipping companies, perhaps I would vote for the Bill; but I cannot vote for it as it is now. I wanted to show it is a private contract which takes place under section 3. I call the attention of hon. members to this argument; that when a man buys five or six, or seven gallons of wine he makes a private contract. It is a question of private contract where civil law applies, which is within the jurisdiction of provincial law; therefore, I consider section 3 is unconstitutional.

Hon. Mr. CLORAN—This Bill deals with probably the most vexed question that has occupied the attention of civilized people for the past forty or fifty years. It is a Bill that gets opinion on one side in its favour, and on the other side against it. The Bill has a deeper meaning than its phraseology would indicate. The subject is one which not only requires the attention of the legislators of this country, but the Bill itself requires the attention of the government and of its principal department. The Department of Justice will have to pronounce upon its legality, its soundness and its sense. The Department of Justice must pass on this measure before it goes into committee, or even before it is accepted on the second reading. The Bill also requires the attention of the Minister of Trade and Commerce, whom very fortunately we have in this House, and I would direct his attention specially to the measure. I would like his department, especially, to say whether the treaties entered into between this country and Germany and France lately are going to be foiled, stunted or made unworkable. We know that the trade and commerce of Canada with France is largely based on the material which is mentioned in this Bill, intoxicating liquors. We know the great object of France, and largely also of Germany, in establishing commercial relations with Canada, is to push the trade of their wines and liquors as much as the trade in their silks, and I want to know from the Minister of Trade and Commerce if he is prepared to have France understand that the parliament of Canada is taking action to prevent one of its staple products from being imported into this country. He may tell me that this Bill does not apply to all Canada, that there are still some civilized parts of Canada where they wish trade with France,

but that is no answer to the principle which is at stake. If the French producers of wine wish to export their goods to Canada through Charlottetown, through Yarmouth, through Georgetown, Souris and all the other great national ports along the coast of Prince Edward Island and the maritime provinces, what is going to happen? Not one quart of wine can be exported from France into Canada through these ports if the shippers undertake to ship their goods to Quebec or Montreal. It is a question of principle that is at stake, and it is the duty of the Minister of Trade and Commerce to see that the benefits of the treaty with France are not stunted by any legislation on our part in regard to that matter. Then there is the question for the Minister of Finance and the Minister of Excise and Customs. Where are they going to obtain their revenue? Where is the Minister of Inland Revenue going to get his revenue if the principle of this Bill be maintained and put into force in all parts of Canada, because if it is good for the little island of Prince Edward Island, it is equally good for the other portions of the country, and it would be the duty of parliament to have it enforced throughout Ontario, Quebec and the western provinces. The efforts of all the departments of the government should be to extend the benefits which accrue from this Bill to the other provinces. Is there any gentleman on the floor of this House, or outside of it, who will attempt to do such a thing? By no means. Then why force parliament to do what the government itself will not do? The government are the advisers of parliament and the administrators of the affairs of the people of this country, and if the government say they cannot do it, and will not do it, why should any body of men outside of this parliament, and through any exponent of their opinions, ask parliament to enact such a measure?

Hon. Mr. DOMVILLE—The hon. member did not hear the remark, that they were anxious to save Prince Edward Island from drinking.

Hon. Mr. CLORAN—If it is good for Prince Edward Island, it is good for all the provinces.

Hon. Mr. DANDURAND—It does not apply to Prince Edward Island only. It applies to every county under prohibition.

Hon. Mr. CLORAN—That is the reason I call attention of the Minister of Trade and Commerce to the fact that if by chance the seaport towns of Canada should pass a local option law, the treaty with France would be no benefit for the other provinces. The minister would have let France into a transaction with no benefit to that country, because we know that the vast bulk of French exports to this country is wine. This Bill affects, from a commercial point of view, the question not of temperance —because I deny the right of exponents of prohibition, no matter how honourable they may be, either in church or state, to assume the title of temperance. Let them call themselves prohibitionists; the title temperance does not belong to a man who says he is a prohibitionist. It belongs to the man who says he is moderate in the use of what nature or providence places at his disposal, and prohibition puts many people at a disadvantage. These platform orators in the pulpit or in public places call themselves temperance people—

Hon. Mr. BAIRD—What about the man who does not drink any liquor at all?

Hon. Mr. CLORAN—He is a teetotaler.

Hon. Mr. BAIRD—Then he is not a temperance man.

Hon. Mr. CLORAN—He is an extremist; but you must know that virtue does not reside in the extremist. If you know anything about religion, if you know anything about philosophy, or about human affairs, you will know the truth of the expression in medio stat virtus. The total abstainer is not a man that the Spanish gentleman can imitate. The total abstainer is not a man that a French gentleman or peasant can imitate. He is not a man that an Italian gentleman can imitate, or whose example the Italian can follow, and why? Because Providence did not give to these countries water which they could drink with safety. Providence gave them water, but it is full of germs of the worst kind—undrinkable water. The result is that nearly the half of Europe is obliged to use

wine as a beverage. France could not get along and its peasants, farmers and working classes would not be able to fulfil the destinies that God has given to them to fill unless they had wine to drink.

Hon. Mr. McSWEENEY—What about the grape juice?

Hon. Mr. CLORAN—That is for people with tender stomachs, who live on vegetables. Spain could not get along without its consumption of wine. I have been in Italy myself, and when I was a young boy not knowing the taste of liquor we could not get along without drinking two quarts of wine, and very good wine at that, per day. If you take a glass of water in Rome in the hot months of July and August—August particularly—your own life would be carried away by disease germs.

Hon. Mr. BAIRD—There is just as good water in Rome as there is in any part of the world.

Hon. Mr. CLORAN—I am talking of the principles of temperance. There are four cardinal virtues which are, I think, applicable to all sects and creeds—in fact to the human race. They do not belong to any school. They spring from the natural and divine law, which is simply in the soul of man. They are justice, prudence, temperance and fortitude. The just man is not a severe man and he is not a lax man—neither one nor the other. His virtue consists, when he wants to exercise it, in justice in maintaining perfect fairness between two opposite interests—not the man who jumps on one side or the other. The prudent man will take a little risk himself and will safeguard those whom God has given him to safeguard, and so on with all these four virtues. Temperance does not lie in total abstinence, and I was rather surprised yesterday to hear the hon. gentleman from Ottawa quote the church as an authority for prohibition. Why, the church cannot accept the principle of prohibition. I am not talking of all churches now, but at least of the Episcopal church, the High English church and the Catholic church, and I say that prohibition is a principle which they cannot for one moment accept. Why? In the first place, in their own interests, because prohibition would wipe out the essential act of their religion. They would deprive themselves of the sacramental wine, a fact to which the hon. gentleman from De Salabery very properly called the attention of the House, and it is not provided for in the Bill. It shows how dangerous it is to place the public in the hands of people well-intentioned, all working for the glory of God, but who have no sense, who take no stock in human experience, who are always on the extreme side. It is a dangerous proposition to have to deal with such people, and this Bill shows it. Not only did they not take into consideration the rights of religion in this country, but they did not even take into consideration the rights of industries, the rights of mechanical enterprise. There is nothing in this Bill which allows a manufacturer to secure alcohol for manufacturing purposes. I admit that the Bill has been drawn up by people who are well-intentioned, but who are not in touch with the requirements of civilization, who are not in deep touch with the requirements of religion or the requirements of humanity. I am not going to say that they are advocating a bad cause—by no means. All I ask from these prohibitionists is to act and talk temperately, to be temperate in placing their views before the public, and in asking parliament to pass laws. I have a right to ask that without leaving myself open to the charge of being in favour of intemperance. I am by no means in favour of the intemperate consumption of alcoholic liquors, any more than I am in favour of intemperance in eating too much beef steak or plum pudding, or drinking too much ginger ale, which is enough to make a man sick, or the other temperance drinks which are of the vilest material that can be put on the market. Unless you have a cast-iron stomach, one or two bottles will make you ill for the remainder of the season.

Hon. Mr. BAIRD—Did you drink it?

Hon. Mr. CLORAN—Yes, and I was sick for a week. That is the result of the extreme views of the temperance people.

Hon. Mr. FORGET—What is the best thing to drink?

Hon. Mr. CLORAN—What will suit your taste and stomach, and head, and if you cannot drink liquor, leave it alone. The total abstainer is often constitutionally obliged to abstain from using liquor. With regard to liquor, there is nothing to compel a man to take more than is requisite for him, and there is no sense in throwing at a man the insinuation that he is a law-breaker because he, in his own home, like the King of England, takes his wine at dinner. You cannot say that he desires the ruination of the younger generation and desires to bring disgrace, discredit and crime to the state. What the King can do in his own home and palace, why not the poor man, not with such wealth of wine or wealth of circumstances——

Hon. Mr. ROSS (Middlesex)—Kings have done lax things.

Hon. Mr. CLORAN—But it was not the wine.

Hon. Mr. ROSS—I do not know about that.

Hon. Mr. CLORAN—They have committed deeds in cold blood.

Hon. Mr. ROSS—Hot blood.

Hon. Mr. CLORAN—Henry VIII, who killed, excommunicated and divorced his wives, did it in cold blood, and all great crimes have been committed in cold blood, because no man who is drunk can commit a great crime. He might hit a man or draw a revolver, but all the great conspiracies against human liberty and against the welfare of the community have been concocted by men who never taste liquor, because they can't afford to do it.

Hon. Mr. ROSS—Oh, no.

Hon. Mr. CLORAN—Because their time was given to conspiracy and conspiracy won't work where liquor is. That argument will not prevail. Who are the people who come to parliament to seek divorce? They do not come here drunk; they are all sober.

Hon. Mr. ROSS—They have become sober.

Hon. Mr. CLORAN—And when they get sober they ask for a divorce.

Hon. Mr. ROSS—Yes.

Hon. Mr. CLORAN—They should keep drunk all the time and not ask for a divorce. That is a nice argument. Another principle laid down is that the human race can be made sober by Act of parliament. I have a great deal of respect for the senator who gave such unctuous utterance to that proposition, but I would remind him that he is asking from parliament and from the laws of his country more than the Creator could obtain. Parliament is not any more powerful in enforcing virtue and having it practiced than the Creator, who gave our first parents every opportunity to be virtuous. There were no saloons in those days to make them commit crime. He simply gave them one little commandent; he said, 'of that tree you shall not eat,' and simply because He made it a matter of prohibition, Eve and Adam ate of the forbidden fruit. That is why I stated that these prohibition people do not take into consideration the needs of humanity, the interests of the human race, when they desire to enforce their views by prohibition and abolishing personal liberty. The Creator has given us personal liberty and I do not know but it was the greatest blessing He ever gave us. I often say to myself, why, with this faculty of freedom which God has given us, are we inclined more often to go on the wrong road than on the right road? That is the experience of the human race. He has given us the faculty to think and to act freely, and we are told that by Act of parliament that freedom must be taken away, and we must be made virtuous by the enforcement of law. The principle is against divine institutions. All that human legislation can do is to regulate the conduct of man, and when human legislation goes beyond that it is bound to meet defeat. And when legislators try to improve on the plan adopted by the Creator, the legislation is bound to meet with failure. Therefore, it is, that the Scott Act for the past thirty or forty years has met with failure all along the line from one end of the Dominion to the other. From its infancy it began to be crippled throughout the different provinces and counties in which it was endorsed and

accepted. To-day we hear one of our oldest members of parliament, one of the longest in public life, a gentleman who has held a seat on the judicial bench of this country and who was member of parliament for a number of years, who to-day is an honoured and valuable senator, Hon. Mr. McMullen, declaring that the Scott Act was worse than a failure, a blunder on the statute-books of Canada, and his experience is not the only one in that respect. Take the province of Prince Edward Island, of which we heard so much to-day; what is the condition of things in that island, which has improved on the Scott Act and established prohibition by Provincial Act, and has been under the Scott Act and under temperance interests I think for the past thirty years? In that little garden in the sea, one of the most beautiful places that Providence has placed within the confines of the confederation of Canada, the condition is one of decrease, after forty years experience of temperance. Instead of numbering half a million, the population is less now than it was twenty-five years ago. There are only between ninety-five and one hundred thousand—I think less than one hundred thousand, and that island is capable of feeding and capable of making happy and prosperous at least a million people. The soil is fertile; still the people are leaving it under the benign influence of prohibition. I have been there for two summers past, and I regret very much to say that notwithstanding all the natural advantages which that island possesses, there was much consumption of liquor, I have seen more drunkenness on one train and in one day in Prince Edward Island than we could meet in the city of Montreal during a whole day, or a week for that matter. That is no disgrace to the people who do not use intoxicating liquor; but it goes to show that this system of prohibition fails in its effort to establish temperance. It is something we would never experience here in a licensed community. Going on a drive seven or eight miles into the country in licensed communities we would never think of taking a valise with bottles in it.

Hon. Mr. CLORAN.

Hon. Mr. ROSS (Middlesex)—How did you know what was in the bottles?

Hon. Mr. CLORAN—We could tell by the labels. It was not ginger ale. You could also tell by the result.

Hon. Mr. DOMVILLE—Was this in Prince Edward Island?

Hon. Mr. CLORAN—Yes.

Hon. Mr. DOMVILLE—Were there ladies in the party?

Hon. Mr. CLORAN—Yes.

Hon. Mr. ROBERTSON—I rise to a point of order. I utterly deny the statements of the hon. gentleman.

Hon. Mr. CLORAN—Which statement does the hon. gentleman deny?

Hon. Mr. ROBERTSON—The statements which the hon. gentleman has been making for the last few minutes are entirely incorrect.

Hon. Mr. CLORAN—Is that a point of order? I will move the adjournment of the debate.

The motion was agreed to.

BILLS INTRODUCED.

Bill (FF) An Act for the incorporation of the Ottawa, Rideau Valley and Brockville Railway Company.—Hon. Mr. Derbyshire.

Bill (GG) An Act to incorporate the Morrisburg Ferry and Dock Company.—Hon. Mr. Derbyshire.

Bill (HH) An Act respecting the Calgary and Fernie Railway Company.—Hon. Mr. De Veber.

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

THURSDAY, February 24, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

EXTENSION OF BOUNDARIES OF MANITOBA.

MOTION.

Hon. Mr. WATSON moved:

That an humble address be presented to His Excellency the Governor General; praying

that His Excellency will cause to be laid before the Senate, a copy of all correspondence between the Dominion government and the government of Manitoba on the subject of the extension of the boundaries of the province of Manitoba since the resolution adopted by the House of Commons on the 13th day of July, 1908.

The motion was agreed to.

IMMIGRATION HOSPITAL AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Was Dr. Jos. D. Pagé, medical superintendent of the Immigrant's hospital at Quebec, ordered to assist or aid Dr. J. P. Lavoie during the first year or during the first months after the appointment of the latter to the post of immigration agent at Quebec, in order thus to supplement his inexperience?
2. From whom did he receive such order?
3. Did he in consequence take an active part in the administration of the Immigration Office at Quebec?
4. Does this intervention, asked for or ordered, authorized or tolerated, still last?

Rt. Hon. Sir RICHARD CARTWRIGHT —I am informed by the department that he was not directed to assist. That answer, of course, covers questions 2, 3 and 4, as well as No. 1.

THIRD READING.

Bill (AA) An Act for the relief of Clara Louise Holden.—Hon. Mr. Derbyshire.

SALE OF INTOXICATING LIQUORS BILL.

DEBATE RESUMED.

The order of the day being called:

Resuming the further adjourned debate on the motion for the second reading (Bill M) An Act to regulate the transportation of Intoxicating Liquors, and the motion of the Hon. Mr. Domville, in amendment thereto:—'That the said Bill be not now read a second time, but that it be read a second time this day six months.'

Hon. Mr. CLORAN—I have but a few more remarks to place before the House and the country before concluding. In closing my remarks yesterday I felt that I was about to tread on the toes of some of the hon. representatives from Prince Edward Island. Notwithstanding that circumstance I felt it my duty to myself, to this House and to the country to let the facts be known, as the facts exist, and which are not according to statements compiled and printed in blue books.

I knew it was an arduous duty for a representative of the people to say anything that would appear unkind of a particular section of the country; but what I stated and the facts that I related were not said in any sense that would indicate or mean unkindness. I simply stated the facts for the sake of argument and for the sake of truth, and I took full precaution before giving expression to those facts by saying that Canada contained no more prosperous and hospitable people than the population of Prince Edward Island, and that the island was the garden of Canada. But when, for the sake of having this Bill adopted, the hon. ex-Secretary of State put Prince Edward Island up before the rest of the Dominion as an example of what prohibition—not temperance—had done along the lines of virtue, morality and common decency, I thought it was my duty, having ascertained the facts by personal observation, to place them before the public as fully as the hon. ex-Secretary of State had submitted his statistics to sustain his case. What I stated yesterday was contradicted by an hon. representative from that province. I suppose he was within his right in the course he took. I at first thought that his contradiction meant more than a contradiction. I understood him to say that my statement of facts was false. If he had made such a statement I would now give him an opportunity to prove his contradiction along that line, and I would take no advantage of him in regard to the matter. I would give him ample opportunity to prove that my statements were false and at very great risk, if necessary.. If there is anything I appreciate and hold dear it is my reputation for truthfulness and honour. I hold it more dear than the honour of a seat in this honourable House, and never in my lifetime on the public platform, the editorial chair, or under any other conditions have I knowingly or willingly uttered a word that I knew to be false. When, therefore, a statement of mine is challenged on the floor of this honourable House, I am prepared to stand or fall by that statement, and if the hon. gentleman

from Prince Edward Island (Hon. Mr. Robertson) thinks that my representation of the condition of things in his province is false, he has only to say the word. He can ask for a committee and bring on his witnesses, high or low. I will not go into the slums for witnesses to prove my statements. I will get them in the highest circles; religious, social, political, legal, mercantile and all other branches of life in Prince Edward Island. I want this honourable House to understand that when I made these statements it was not with a view of belittling Prince Edward Island, which province I love. I made the statements to disprove other statements which were placed before us as arguments why we should support this Bill—the most fantastic and the most grotesque legislation that could be placed in the statute book. Fantastic in every shape, grotesque in its measure—admittedly so by the hon. gentleman who introduced it here; so that I have done with that question in regard to Prince Edward Island. I have made these statements in the interests of truth and of fairness to the other portions of the Dominion, and as an argument to prove that where this liquor trade is licensed and regulated, conditions are better than where you enact prohibition and try to enforce it. That is the experience of all men. This trade of selling and buying intoxicating liquors is an essential element of human life. You cannot put it down, and you have no right to put it down; what you can do and what it is your duty to do, is to regulate it, to enforce restrictive measures in regard to it, just the same as the powers that be enforce and restrict the sale of poisonous drugs, and deadly arms. I am not going to say that liquor should be sold in every store in every line of mercantile life. By no means. Liquor is one of those things that the state has to regulate in regard to its sale and consumption. There is no doubt about that, and the man who does that and the government who do that will do more to promote temperance, more for the social and moral welfare of society than the man who goes on the housetop and cries out 'We will have none of it.' I have characterized this Bill as being fantastic. The first clause says: 'No act done in violation of this Act shall be rendered lawful by the reason of any license of any description.' All hon. gentlemen are not educated along legal lines, and their minds have not been cultivated along the line of legal technicalities, but they should ask what does this clause mean? Does parliament mean to tell the provinces of Ontario, Quebec and the other provinces that their license laws are of no avail? Parliament is asked by this Bill to tell the province of Quebec, Ontario, and the other provinces, where a license exists, that their statutes shall be of no avail if they conflict with this Bill, now before parliament. We are asked deliberately, calmly and coolly to pass such a measure as that.

Hon. Sir RICHARD SCOTT—Parliament has already passed a law on exactly similar lines.

Hon. Mr. CLORAN—The fact that we have once committed a mortal sin is no reason for again committing the same sin. It is a poor argument to advance that because something foolish was done in the past that, therefore, it should be repeated now. That argument will not appeal to the public at large. I am stating here—and I cannot be contradicted—that in this Bill there is a clause which violates provincial rights, which will impede provincal rights in the application of the license laws, which annuls all that a provincial legislature can enact in regard to the liquor traffic, because it says: 'No act done in violation of this Act shall be rendered lawful by any license or by any disposition whatever.' I speak from personal knowledge, because it has been my duty and privilege for the past fifteen years to enforce and have respected the license law of Quebec. This Bill, if for no other reason, should be withdrawn without the necessity of carrying the motion for a six months hoist. If this parliament is to be asked to pass a measure covering the object, or meeting the object of the Bill, let the hon. gentleman introduce one that will be constitutional to start with, that will be sensible so that we shall understand it, and that will be fair, and that will respect provincial rights, then we can discuss it. The

hon. gentleman who introduced the Bill fathers it, although he says it is not his own child, and I am very glad it is not; but he has fathered the poor orphan and is trying to bring it into life through this honourable body. I hope it will be still born. The people behind this Bill are kind and generous enough to grant to every family the right to purchase and to keep in their domiciles five gallons of whisky. What right has anybody to limit the supply of intoxicating liquors any more than to limit the supply of beef or tea or coffee? Who are they behind this Bill that say to the 1,500,000 families in Canada: You can buy five gallons of whisky but no more?

Hon. Mr. DOUGLAS—Is that not enough?

Hon. Mr. CLORAN—It is enough for those who take it on the sly behind the door; but when you have visitors and want to entertain them, it may not be enough. We have no more right to limit the quantity of this material for private use than to limit the supply of any other material. But we have been informed by the hon. gentleman who introduced the Bill that he is going to eliminate that clause and prevent the keeping of any liquor. What right have we to tell the families of this country that they cannot have what they want? What business has parliament to interfere with the personal liberty of anybody? The Bill, on the face of it, is absurd. We are asked coolly and deliberately by men who ought to know better to adopt the principle of this Bill by voting for its second reading. How many men in the Dominion are able to buy five gallons or three gallons, or even one gallon of whisky at a time? Not one in ten thousand. They may be able to order half a dozen or a dozen of ale, costing seventy-five or eighty cents at the fag end of the week for use in their homes, and that is all they can afford. They may be able to purchase half a pint or a quart of spirits, but not any more. How is any poor man in one of the dry counties of the maritime provinces going to order half a dozen beer from Montreal? The express and freight rates would be twice the cost of the beer, and the beer would be sour before he got it.

Hon. Mr. DOMVILLE—He should not drink it at all.

Hon. Mr. CLORAN—If the hon. gentleman means that seriously, he should address his remarks to the King of England, and the bishops of the country.

Hon. Mr. DOMVILLE—I have drunk with the King of England before to-day.

Hon. Mr. CLORAN—I know the hon. gentleman is not serious in putting the question. It is simply to show the absurdity of the clause. Now, if there is one in ten thousand who can buy five gallons of whisky, there are probably ten in ten thousand who are able, by their wealth, to do as polite and gentle families do throughout the civilized world, stock their wine cellars. He who does so acts prudently and economically, because the liquor improves with age. Are you going to limit these heads of families who are obliged by their standing in the community to entertain largely, to purchasing five gallons of liquor when they require casks of liquor of all kinds? I see around me here hon. gentlemen who have well stocked cellars. I do not blame them for it; but if they vote for this Bill I do blame them. I say that the man who keeps a well stocked wine cellar and votes for this Bill is not true to himself, to parliament or to the people. It is no crime to have a cellar well stocked. It comes in well. I know in one very sad episode of my life if I had had what the doctor ordered in the house, or could have got it anywhere near, the life of one dear and near to me would have been spared; but I was minus the champagne, and life ebbed away for the want of it. According to this clause, nearly every man of standing in the community who opens his house and extends hospitality to friend or stranger shall be barred from society. The first common, low, spiteful character may come to his domicile, and with a document (here printed schedule A and schedule B) can walk into his home, destroy the locks of that home, search every room from attic to cellar, and the hen coops, if he has a suspicion that there is more than five gallons of liquor on the premises. Is not that nice legislation that we are asked to put on the statute book? I need not go

over the other clauses. I call the attention of the right hon. Minister of Trade and Commerce to the fact that this Bill would interfere with traffic rights of all transportation companies. It puts responsibility on them that they should not have to bear. How is a transportation company, whether on water or on land, to know what is in a bale or case of goods? This Bill would force them to open every case, and ascertain the nature of its contents. That is absurd on the face of it. As far as I understand, the Department of Justice agrees with me that this Bill is ultra vires, and unconstitutional. I have no hesitation in saying that if we have the opinion of the Minister of Justice he would declare that this Bill is not within our jurisdiction, and we are violating provincial rights. It is not fair or just to the people of Canada, to its commercial or industrial institutions, and its citizens. How silly and incomplete this Bill is. The hon. member from DeSalaberry (Hon. Mr. Beique) has laid before us an argument which is conclusive, that this Bill is a violation of religious liberty. It is a hard word to say, but it is true. It prevents any religious body from having liquor of any kind for sacramental purposes. Some say, but the wine that is used for religious ceremony need not be intoxicating. Men who talk that way do not know anything about the theology of the question. No other wine can be used. I speak for the Catholic church, and I think, although I am not prepared to say openly, for the high church and the English church. However, I can say on behalf of the Catholic church that the purest wine must be obtained for sacramental purposes, and no unfermented grape juice about it, no dilution or adulteration; otherwise the sacrament will be invalid. This law not only does not provide for that, but makes provision against it. It does not provide for our industrial needs and necessities. It will prevent all manufacturers who are obliged to use alcohol in the manufacture of their goods from obtaining the necessary material to construct or to produce the goods which they wish to place on the market. As far as the shipping or the carrying, making everybody responsible is concerned, article 4 says:

> Every one who by himself, his clerk, servant or agent, in violation of section 1 of this Act, sends, ships, &c., shall be guilty.

Is there any legal authority in this House who will tell me whether that is applicable only to a male person? It says every one who by himself, &c. Does that take in the wife? It does not say 'by herself or her maid' it is incomplete. The law does not cover her. In other words she is uncovered. That leaves the situation open. It applies to all persons except the woman. The wife, the maid, or the housekeeper can import liquor, even under the provisions of this Bill. Another thing in regard to this importation or bringing in five gallons, it only can be bought on condition that it is paid for where it is purchased. Is this honourable House, and, through this honourable parliament, going to reverse our trade conditions? Is parliament not aware that the principle which undtrlies the vast bulk of our trade is the C. O. D. principle, cash on delivery. Are you going to force people to pay for goods before they get them? If you order goods in France, as many of our householders do, are you going to send over your draft or cheque before the goods arrive? The law provides that every person who sends or ships, C.O.D. shall be liable to a fine or imprisonment with or without hard labour. How are you going to enforce that against the exporter from England, Scotland, Ireland or France? How are you going to find them. The law is absurd, fantastic and grotesque. Then it provides that you cannot buy liquor during thirty days immediately preceding a Dominion election. That is a very nice clause to insert, but see the result of it? We never know when a Dominion election is going to take place, and it does not say a by-election. It says a Dominion or provincial election. A by-election can come off within sixteen days, but you cannot purchase within thirty days before an election. If you happen to make a purchase and an election is immediately proclaimed, you are liable to arrest, fine and imprisonment. There is no sense in that. Then clause 5 provides:

Every one who in violation of this Act in the employment or on the premises of another so sends or ships liquor is liable to arrest or imprisonment.

Just imagine the poor charwoman who is on the premises being liable under the law to arrest. Imagine the poor carter who does not know the nature of the goods being put into his wagon, being liable to imprisonment. He is told to bring them to a private house or to a store. He would be liable under this clause. I cannot understand how people can ask for legislation of this kind, and much less can I understand how hon. gentlemen with long experience in drafting and passing laws for the benefit of this country can ask an honourable body like this to pass such a law. It is absurd in every line of it. It is ultra vires and it has within it all that can make a law obnoxious and ineffective. Furthermore, legislation of this kind tends to cultivate a condition of things that is lamentable in a moral and civilized country. Legislation of this kind tends to cultivate hypocrisy, perjury, lying, making false statements, not only among the poor but among the higher classes, unfortunately, the professional men. How often are doctors called upon by friends to sign certificates for wine and whisky, although aware that they are no more for medicinal purposes than the water in the pump. Still the doctors do sign such certificates. It is false and untrue to their oath of office, and untrue to the condition of things that the state wants, but they do it. Take the druggists, a very respectable class of men. What is their trade? Their trade is selling wines of all kinds under medicinal names; wine that is as intoxicating as any liquor sold in a hotel, or in a bar or restaurant. We all know that druggists in dry towns and provinces are the men who are reaping vast wealth from the sale of intoxicating liquors, without paying a license. The effect of prohibition in places such as our dear old Prince Edward Island, New Brunswick and Nova Scotia, is to take the revenue from the provinces and from the municipalities, which, up to the passing of laws of this kind, had swelled the municipal treasury, and the city treasury. These licenses are no longer recorded and the money for the licenses no longer collected. Who gets the benefit of it? The druggist. Right in Charlottetown the thing that struck my view, and was an object of consternation for me for a while, was the number of druggists. Why, I ask? Are the people all sick on the island. Every third or fourth store was a drug store.

Hon. Mr. McSWEENEY—What about Peruna?

Hon. Mr. CLORAN—I will give that later. I eventually found out that their business was not so much the selling of drugs; their money was not made altogether in that way, but they were making enough to live on and keep up a respectable appearance, pay their taxes and store rent by selling liquor. I appeal to the hon. gentleman from Moncton (Hon. Mr. McSweeney) if it is not true right in his own district! Can the hon. gentleman from Moncton deny it?

Hon. Mr. McSWEENEY—They only sell Peruna there.

Hon. Mr. CLORAN—The hon. gentleman does not deny it. I could appeal to many others, but I thought the hon. gentleman would have the courage of his convictions and say that it was true.

Hon. Mr. DOMVILLE—He says they do not sell it all the time.

Hon. Mr. CLORAN—Only when asked for it. I have in my pocket—I do not know why I brought them, bills of sale for large amounts of liquor sold in Charlottetown. It was not for medicinal purposes at all, and all these sales were made under prohibition law. We have to come back to the argument that prohibition is not the proper weapon with which to fight the evils of intemperance, or with which to put down the exaggerated consumption of intoxicating liquor. It is a weapon that beats the man that uses it, because he is foiled in his attempt to make another man do it, and when he is not foiled he makes the other man commit abominable crimes of treachery to his neighbour, of perjury before the bench, or illegality in his transactions with other people. That is the result of prohibition. What the country

wants is a regulation of the traffic, such regulations as are enforced by law for the sale of drugs and deadly weapons. That is what the people of Canada will accept. But the people, whether by a two-thirds or three-fifths vote, will not be put down in the legitimate use of what they consider their wants either physical or otherwise, whether they be for health or pleasure, and this parliament cannot do any worse service than to back up the principle set forth in this measure, in all good will, all good intention, all for the love of God. They do not take the right way to cultivate the love of God and the love of temperance in their hearts. They are no wiser than the Creator himself, and I for one will never be a party to legislation which will counteract the works of Providence and which will entail the defeat of the measure itself. This question is one which vexes public opinion, entails a lot of misery on both sides, leaves public men open to challenge. If they happen to talk against a prohibitory measure they are put down as law-breakers, as men unworthy the confidence of their fellow-citizens. All virtue goes to one side—the prohibitive side. The moderate and temperance people are put down as criminals by the preachers, the platform orators; as we have had them in the past. I stand here fully determined to vindicate the rights of men who hold contrary views to them. To express these views without their honesty being challenged, without their motives being attacked, and to tell them we are as anxious for the uplifting of humanity, as anxious for the culture of love of God and our neighbour as they are—probably more so; but we differ in our methods of attaining that end, and as this Bill is one of the methods which, to my mind, will lead to evil results, I shall vote against it, and vote for the six months hoist.

Hon. Mr. YEO—I very seldom attempt to address the House, and I regret the circumstances which oblige me to make a few remarks on this present occasion. The hon. senator from Victoria division, in discussing the measure before the Senate, referred to Prince Edward Island. It is true he was frank enough in his opening remarks to say that it was a pleasant place to visit, and spoke kindly of it in that way; but when he came to speak of the people there, he spoke in a different strain. If Prince Edward Island were, as he represents it to be, I think the Senate would be quite justified in passing this measure or one much more strict. They would require it there; but I do not think the province is in the condition referred to by the hon. member. He made a wholesale onslaught on the people yesterday, and to-day he repeats the charge, and he challenges my hon. colleague to characterize his statements as false. If the rules of parliament permitted I should have no hesitation in doing so. I must emphatically deny the statement which he made. I have lived long in Prince Edward Island. I know the people and every section of the island, and have never yet witnessed anything like what the hon. gentleman has described as having seen in a few short visits. Human nature is the same in Prince Edward Island as it is in other parts of the Dominion; some drink and some do not. I feel that it would be quite unnecessary for me to refute the charges the hon. gentleman has made, if it were not for the fact that his remarks are recorded in the Senate 'Debates' and will be there for all time to come. I think it is an unjustifiable thing for him to make such an onslaught as he did on the people of that province. I have no hesitation in saying that for many years the people of Prince Edward Island are temperate. We have had the Scott Act, and at present we have prohibition. We have many earnest, good workers in the temperance cause, and temperance societies in all sections of the province. From my knowledge of the people there, and living there constantly, I am in a position to say that it is a very rare thing to see a man the worse for liquor, at all events in the country parts of the island. It is true that, perhaps in the sea-ports, during open navigation, there may be some drunkenness, and I do not pretend to say that every man in Prince Edward Island is a temperance man. We have during the summer season, a great many visitors there, and they have generally

gone away giving Prince Edward Island a good name. The island has a good reputation wherever it is known. Its people are supposed to be fairly good. We have descendants of all races, and we live together happily. I do not wish to disparage any part of Canada, but I think, taking them man for man, the people of Prince Edward island will compare favourably with the same number of people in any other part of the Dominion. They are intelligent, industrious and honest, and it comes with a very bad grace from any member of this House who has made two short visits to the island to rise and make the statements to which we have listened from the hon. member from Victoria division. I have been in all parts of the island in all seasons of the year, and have never witnessed anything like what the hon. gentleman has described. I have no idea where he could have gone to see these things, and I know it will be a matter of surprise to the people of Prince Edward Island if the hon. gentleman's remarks should reach that part of the Dominion. The Scott Act worked very well indeed, and prohibition, while it does not prohibit altogether, is also working well. Every year the temperance cause seems to be getting stronger there. I will say for the people of Prince Edward Island: wherever they have gone—and they are scattered all over the world—rarely has the island had cause to be ashamed of any of them. They have a good education, have good habits, and, wherever they go, they generally make their mark, leading in whatever profession they may take up. This speaks well for the island, and for the temperate habits of its people. I believe the success which they have achieved, wherever they have gone, has been largely due to the good training they have received in their youth. I have been in this House some few years and have never heard the people of any province assailed as the people of Prince Edward Island have been by the hon. member opposite. If the hon. gentleman is opposed to this Bill, he has a perfect right to condemn it; but he might have brought forward other arguments than those he has used.

The hon. member from Moncton (Hon. Mr. McSweeney) spoke of his town as being a dry one. I would imagine from the general tenor of his remarks that it is not very dry. He can say what he wishes of his own city; that is a matter between himself and his people; but when he speaks of Prince Edward Island he should be more guarded. He says that at Point Deschene, which is the landing place from Prince Edward Island to New Brunswick if you see the harvesters coming from Prince Edward Island, they will give you some idea of the temperance habits of the people. For a few years back, some six or seven hundred young people of Prince Edward Island have gone to the Northwest harvest fields. Perhaps when they landed on the New Brunswick shore they found it much easier to get liquor there than at home, and some few of them may have indulged, but I venture to say that of the young men who go to the Northwest, three-fourths of them have never tasted liquor. Some few of them, no doubt, drink. We know that even in the churches all the members are not temperate. I know well that our young people are temperate. They are trained that way, and drinking is an exceptional thing. In the country places of Prince Edward Island, the sight of an intoxicated man causes surprise. I hope this Bill will receive the second reading and go to the committee, where defects can be remedied. There are some things in it which may not be approved, but they can be eliminated and the Bill can be made a workable measure.

Hon. Mr. BAIRD—I am glad to hear the remarks of my hon. friend from Prince Edward Island, because I have visited the island on two occasions myself, and have found the people there very law-abiding and prosperous. I found it as prosperous a place for the size of it as any place I have visited in Canada. Most of us will agree that what the hon. gentleman from Prince (Hon. Mr. Yeo) has told us may be accepted, because he knows whereof he speaks. I have had considerable to do with the people of Prince Edward Island, and have always found them very temperate. At the colleges they excel in athletics and educational advancement. At McGill Col-

lege, they generally take the highest marks. To what do you attribute their success? As the hon. gentleman has told us, it is due to the temperate habits of the young men. Those who are addicted to drinking rarely get high marks at college. The hon. gentleman from Victoria (Hon. Mr. Cloran) went out of his way to make a very severe attack on Prince Edward Island. It may be looked at in two ways. Perhaps the hon. gentleman objects to the manner in which prohibition is enforced in Prince Edward Island. I am satisfied prohibition is working well in that province. The Scott Act also worked well, and I am very glad to see the hon. gentleman who was the father of that Act still able to sit in parliament, and help the cause of temperance. He has been fighting for temperance for many years, and I hope he will live long enough to see prohibition prevail throughout Canada. It has been in force in the State of Maine for fifty years, and the people of Maine would not have it repealed on any condition. In New Brunswick, the Scott Act has been in force in a good many counties. At first it did not work very well; but it must be remembered that when the law was enacted we had in parliament some who were opposed to prohibition and did their best to kill the Act. When they failed in the attempt, they introduced amendments into the Act which, to some extent, made the law unworkable. Since then the Scott Act has been amended and improved, and it is working successfully in the maritime provinces. I think I shall be borne out by members from New Brunswick when I say that the Scott Act has worked well in the country districts of that province. It has completely stopped the sale of liquor in the country districts. There comes to my mind one section of some fifty miles through which I used to travel. In the old days there were fourteen places where you could buy liquor in that fifty miles. Most of the passengers, although closed up in the sleigh, could tell when they arrived near those saloons, and of course they had to get out and have a drink. We found in those places the farmers and their sons waiting around for the stage to come in, and perhaps get a drink or two. Now you can travel through that same fifty miles of country and I am told on the very best authority—I get it from the people who drink—there is not a place where liquor can be bought legally or illegally. There are other country districts in New Brunswick which are equally free from the sale of liquor. Of course there are violations of the law. It is impossible to completely prevent drinking; but the same remark applies to other laws. We have laws against murder and theft; will anybody say that we should repeal those laws because there are occasional murders and thefts? The laws on the statute-book are stringent, and yet people will sometimes murder and steal, but that is no reason why we should repeal those laws. The same thing applies to prohibition. Because some people will sell liquor in violation of the law, that is no reason why prohibition should not be enforced. The Scott Act has been a great educator. The time is not far distant when all Canada will have prohibition, and the Scott Act has done more than any other measure to prepare the people for such legislation. I have always voted for any measure in favour of temperance, and I am not going against my record to-day. I have listened for two hours to the hon. gentleman from Victoria (Hon. Mr. Cloran) talking upon law and religion, and I am sure if the hon. gentleman would devote himself to trying to improve the Bill from a legal point of view, I have faith enough in the hon. gentleman who introduced the Bill that he will act upon any reasonable suggestion. He has no doubt looked into this matter, and knows that the Bill is constitutional and will prove to be a workable measure. I hope the Bill will not be put through this House in such a shape that it will conflict with local laws. I trust that the legal fraternity will make it work as well as possible. I shall be happy to support the Bill.

Hon. Mr. ROBERTSON—After the speeches made by the hon. members from Prince county and from New Brunswick, there is little left for me to say. I have listened also to the speech made by the ex-Secretary of State when introducing this Bill, and the statistics which he quoted in reference to the Scott Act and

prohibition in Prince Edward Island. We have the Scott Act for 20 years there, and local option in Charlottetown. The Scott Act worked well in the country districts, and just as the hon. member from New Brunswick has told you in reference to his province, the Scott Act in Prince Edward Island wiped out all these old taverns that were strung along every road, and wiped out also a great portion of the drinking in Prince Edward Island. It was a great step in the right direction, in the direction of temperance. The city of Charlottetown had local option, but the people were not satisfied with local option. They tried several schemes, and were dissatisfied with the whole of them, and latterly they enacted a prohibitory law. Then the counties, in order to be in line with the city of Charlottetown, repealed the Scott Act, and enacted a prohibitory law for the whole island. That law is working well. I do not intend to contradict the hon. member from Victoria in his wild and rash statements; the hon. gentleman from Prince county has done that very well, and has shown that the prohibitory law is working well in Prince Edward Island. However, they find it defective in reference to the importation of liquors. Liquor of the very worst kind is imported. It is brought in largely by druggists and sold ad libitum. Druggists can sell there under prescription from a doctor; but they do not always wait for a prescription. They sell without a prescription, and by this means keep a little drinking going on, but nothing at all like what it was—not one tenth of what it used to be. The Scott Act did away with that, and the prohibition law is in advance of the Scott Act, and is giving great satisfaction. We are asked to enact this law by the Temperance Alliance of Prince Edward Island for the purpose of preventing the importation of this bad liquor. They leave it free to any individual to import liquor for his own use; and for mechanical and medicinal purposes, vendors are appointed under the Prohibitory Act. The whole island is up on this question and the Temperance Alliance has taken strong action in reference to it, as the following which I shall read from the Charlottetown 'Examiner', the organ of the Conservative party, will show:

As officers of the Temperance Alliance of this province, we earnestly request every elector interested in the work of temperance to write at once to the senators and members of parliament representing their respective constituencies asking their hearty support to the Bill prohibiting the importation of liquors except for private or personal use lately introduced in the Senate by Senator Scott. We make this request because of information we have received that there is likely to be considerable opposition to the measure, and a post card at this period may count for a great deal. Kindly believe us that the need of this action is very great and please write at once.

This appeal to the electors of Prince Edward Island is signed by the president, H. E. Thomas, the leader of the Methodist body in Prince Edward Island, and A. G. Fraser, the secretary-treasurer.

Hon. Mr. DOMVILLE—Is there any Church of England clergymen in that?

Hon. Mr. ROBERTSON—This is signed by the president of the Temperance Alliance. It is my great pleasure to say that the Church of England people are temperate, and are as urgent on this question as the clergy of any other denomination, as I might also say is the Roman Catholic bishop and the Roman Catholic people generally. I find also in the 'Patriot', a report of a meeting that was held in Zion church, one of the largest churches in Charlottetown, which meeting was presided over by the Rev. George E. Ross. The report is as follows:

Just before the sermon, Mr. Ross referred to the request of the Temperance Alliance, which appeared in the 'Patriot' Saturday evening, to the effect that every elector write to our representatives at Ottawa, asking that they support the Bill soon to come before the House re the prohibition of the importation of liquors except for personal and private use. As a means to strengthening the hands of our representatives, he thought it well to frame a resolution and submit it to the whole congregation. This was done and the resolution was then read. All in favour of it were asked to rise, and every person in the vast audience stood without hesitation. A copy of this resolution will be forwarded by Mr. Ross to our representatives to-day, in the name of Zion church congregation. The resolution is as follows:—'The congregation of Zion Presbyterian church, Charlottetown, Prince Edward Island, hereby places on record its unalterable enmity to the liquor traffic, endorses in toto the Bill prohibiting

the importation of liquors except for private or personal use, lately introduced in the Senate of Canada by Senator Scott, believing that the passage of this Bill will materially aid in the better enforcement of the provisions of the Provincial Prohibition Act now in force in this province, and respectfully requests that you as one of the representatives of the people, the large majority of whom are strongly in favour of the total extinction of the liquor traffic will support the Bill when it comes before you.

These are only two instances indicating the interest that the people of Prince Edward Island are taking in this question. All over the island they are holding meetings such as the one reported here. That is what the Scott Act and the Prohibitory Act have done for Prince Edward Island. If the hon. member for Victoria had been in Charlottetown on some occasions when the people were meeting in large numbers, he might have come to a different conclusion from that which he has announced to the House. Take, for instance, the exhibition at Charlottetown last fall, where thousands of people came in from the country districts. It was a rare thing to see any person under the influence of liquor. In fact there was really none; the exhibition was conducted in the most orderly manner. While there were thousands of people from all parts of the island, and representing all classes of the community, there was no drunkenness. The exhibition at Georgetown, not so large as that which I have referred to at Charlottetown, but still a large exhibition, was equally orderly. There was not a drunken man, and not a sign of drinking that day. If the hon. member had been at either of these gatherings, he would have had a different impression from that which he announced. For the last two years, the hon. member has been stopping at a hotel on the north side of the island, at a summer resort called the Cliff hotel, and I suppose that on a few occasions some young bloods drove out with their girls from Charlottetown and carried liquor in their satchels. How did the hon. member know what was in these satchels? He must have seen, and probably smelt the bottles. That, however, is no indication that the people of Prince Edward Island are such dreadful drunkards as he stated yesterday. I was not so much surprised at the hon. member from Victoria, but I was surprised at the hon. member from Moncton when he stated in his speech that you can get more whisky and worse whisky in Prince Edward Island than any place he knows of.

Hon. Mr. POIRIER—Did he say worse liquor?

Hon. Mr. ROBERTSON—Yes. How does the hon. member know that? I have been a citizen of Prince Edward Island all my life, and I cannot tell you the quantity or the quality of the whisky you will find there. Those expressions are not worthy of serious consideration. I hope the hon. members of this House will look at this Bill in a rational way, seeing it is requested by the province of Prince Edward Island to advance the cause of temperance. If those hon. gentlemen are so very desirous of helping the temperance cause as they profess to be, they ought to vote for this Bill. I hope the Senate will look upon it favourably and give it a second reading, and amendments may be made, if necessary, when it goes to committee.

Hon. Mr. POIRIER—When this Bill was introduced, I approached it with an open mind, feeling rather in favour of it, knowing well the sincerity and long efforts of the hon. member from Ottawa to obtain temperance legislation. Since it was introduced, we have had a very spectacular debate on it to which I have listened with interest, curiosity, and at certain times emotion. If what has been alleged by parties who ought to know what they are speaking about as to the effect of this Bill is correct, it should be carefully scrutinized. I refer more particularly to the speeches of my hon. friends from Rothesay (Hon. Mr. Domville), Westmorland (Hon. Mr. Wood), and Victoria (Hon. Mr. Cloran). If their statements are correct, then the effect of the Scott Act has not been beneficial. If I were to add my own experience, and malign my own little native town, I would say to-day that there are more taverns in Shediac and more liquor is sold—I would not vouch as my colleagues have done for the quality of the liquor—than there could possibly be, if we had a license law.

Hon. Mr. BAIRD—If there is more liquor sold without a license law, why do the liquor dealers advocate a license law?

Hon. Mr. POIRIER—I am not representing the liquor dealers. I am taking the facts as they appear to me. There of course must be a cause for it. The cause probably is that sumptuary laws are to-day, as they have always been from the time of Greece and Rome, and England under the Stuarts, a failure. To make sumptuary laws effective, you must needs have the almost universal approval of the people. Very many people, I know myself, when a vote is taken on the Scott Act vote openly for the Act. I do not say that they are hypocrites, but they have to pose in a certain way for the gallery. The Scott Act has been voted for in my county very many times. Many people who voted for the Act would be very sorry indeed, if liquor could not be got in the county of Westmorland. Referring to the island, we are all very sorry to find it in the pitiful state it has been described to be plunged in, from the effects of the Scott Act. I know the island well. I love the island. I love its boys, and I love its people generally.

Hon. Mr. ROBERTSON—You do not say anything about its girls.

Hon. Mr. POIRIER—I do not wish to be too precise: the girls are all right. I have travelled all around the island, and I do not think there is a locality in it I have not seen. I have crossed it about 20 times. That was some 35 years ago. At that time I did not touch strong liquor. I associated with the young people of the island. I even tried, in order to stand well with some of them, to learn Gaelic for a purpose which I need not detail here. There was very little liquor consumed then either of a good quality as my hon. friend to my right affirms, or of a bad quality as my hon. friend from Westmorland asserts.

Of course I did not frequent very much places where liquor was sold; I was a young man, and associated with young men. There was very little liquor sold on the island at that time, to my knowledge. To-day the hon. gentleman from Victoria division who has been there on several occasions—I do not think in the capacity of a detective—came before us with an array of figures that is deplorable. We have to take his word as granted. If the island, with the Scott Act in force, has gone down to the pit wherein it is to-day, and if the rapid fall is at all to be attributed to the Scott Act, that Scott Act, notwithstanding the laudable intentions of its author and promoter has not been working well and has not accomplished desirable results. In Westmorland, where the Scott Act has been voted three or four times, there has never been—and I know whereof I speak—more or as much liquor sold as there is to-day—and again I know whereof I speak—good and bad liquor. So much for the Scott Act in the past. On reading this Bill first it startled me when I found clause 3 which reads as follows:

> This Act shall not apply to any intoxicating liquor not exceeding five gallons sent, shipped, bought or carried to any person or persons for his or their personal or family use in their own house, unless it be so shipped, sent, bought or carried to be paid for in such province, county, municipality, city or town, &c.

We are opening here a door which may—and I think will—lead to very deplorable results. To-day, and at all times, the heads of families, even older brothers that drink try—because there is always a good impulse in men—not to lead others into temptation. How many fathers there are all through the land that love—and it is no wrong with some of them, although with those who drink to excess it is wrong—to take a drink, but absolutely prohibit the entrance of any liquor within the precincts of their households. I know my father would never allow any liquor to be brought into the house, except on the order of the doctor. There are many paterfamilias like mine. What will be the effect of the Bill? That liquor, eau de feu, will, under the protection of law, come within the home, as much as five gallons at a time. When this liquor is within the house, the wife, the daughter even is likely or liable to taste of it. You perhaps are aware of the ravages of gin in old England. I have seen it lately stated in the public press that gin has become a plague in the neighbouring city of Hull, among

boys and some girls. I know the plague exists in parts of Ontario, because I have been there too and that it is almost as bad, but not quite as it is alleged to exist in Prince Edward Island, where liquor is introduced in houses as a consequence of prohibition. In my estimation, that is more fatal to temperate living than treating at the bar. Let the men who drink continue to drink if they have a mind to, but let us not encourage the introduction of liquor into the privacy of households. If we allow the law to protect that practice, it will do more harm than all the good that restrictive legislation against liquor can possibly effect. For that reason alone to decide my course to-day, I would vote against the Bill. Let me be well understood. I have been here for very many years. I am not a teetotaler. I respect the opinions of others, but I do not believe in being bound by vows and pledges to do what I should. I believe in maintaining my liberty. I am a temperate man, temperate in language and life, and I believe in temperance. I am just as sincere as the promoters of the Bill. I am convinced if this Bill is passed, and it is allowed by it to introduce liquor into the household, it will work more mischief than can be conceived.

Hon. Mr. DOMVILLE—Hear, hear.

Hon. Mr. POIRIER—The Bill allows five gallons to be brought in for domestic use. Will one man out of fifty order spruce beer or will he order lager beer or wine? No, he will order what is more energetic, that of which he can get the most of the alcoholic principle in a five gallon barrel, gin, whisky, rum, strong liquor. Strong liquor will be in the house, and when the old man is away and when the girls and boys are at home having a jolly time, they will probably find the means to get to the liquor, and intemperance will be brought home to the sacred hearth of every one's family. I for one cannot feel myself in duty bound to countenance such legislation. I shall not refer to the legal point. It has been taken up, as legal points are always taken up, very well by my leader here and other men of legal authority. I simply want to justify my vote on this occasion before my people at home and before my country, and before my own conscience, or at least give some reason wherein that vote will, according to my own views of it, be justifiable, and that I may not be accused of taking the position of favouring intemperance in this Canada of ours.

Hon. Mr. ROSS (Middlesex)—I am not going to discuss the principle of prohibition. That has been settled so far as Canada is concerned by the Act of 1878 by the parliament of Canada assembled in that year—and I had the honour of a seat in parliament then. Parliament accepted the principle of prohibition as a remedy for the evil of intemperance. Parliament may have been right, or may have been wrong. That question is not before us now. The province of Manitoba accepted the principle of prohibition a few years ago. Prince Edward Island has accepted it and is acting upon it now. We have, in Ontario, a local option law, and out of 418 municipalities, 405 have accepted the principle of prohibition, or nearly half the municipalities of Ontario. The old Dunkin Act of 1864, which was passed prior to confederation, was accepted immediately on its passing, or very soon thereafter, and has been in operation in some municipalities from that time to now; so that as far as the people of Canada are concerned they are already on record, and I do not know that much is to be gained by discussing the principle of prohibition. It is alleged that it is not a success. There are just two alternatives before us as between prohibition and license. If the license does not prevent drunkenness, nobody will say that license is a success. So we are driven to prohibition. It is alleged that it does not prohibit. What are we to do? We have tried the license system for over a hundred years. Perhaps it has been in force in England for over 1,000 years, still there is an enormous amount of drunkenness. Humanely disposed people want to find a remedy for the evil; jails are filled with drunkards, asylums are crowded with tottering, gibbering idiots, brought to that condition through the effect of drink. What is to be done? Is the world to drift to ruin; are we to stand still and say that this great procession of death and the

grave, and worse than a living existence here is to go on and we are to stay our hands? I do not believe that prohibition is a failure where it is given a chance. Where it gets a chance it has to fight its way to success like every thing else. Do you mean to say that Christianity is a failure because two-thirds of the population of the world to-day are worshippers of idols, or have some form of religion of which we do not approve? Do you mean to say that the Christian religion in Canada is a failure because we still have vice, drunkenness, adultery and all the crimes in the decalogue? Do you mean to say that our pulpits are a failure because a large number of people who take part in religious exercises do not comply with the injunctions of the pulpit? Do you mean to say that our schools are a failure because there are still numbers of illiterates in the community? Do you mean to say that our election laws are a failure because we have corrupt practices in elections? The law of existence, under any form of government, is prohibition. There is no other law. The law of the universe is prohibition. The law of our first parents was prohibitory. My hon. friend from Victoria (Hon. Mr. Cloran) suggested that if the law were not prohibitory, perhaps our first parents, in their desire for liberty, would not have eaten the forbidden fruit. He meant to imply that if the Supreme being instead of interdicting the eating of that apple had allowed them the generous use of as many apples as they desired, that probably they would not have sinned. That is the only inference from his speech. The law of every legislature in the world is prohibition. That is the first condition. Thou shalt not do this; thou shalt not steal, thou shalt honour thy father and mother, and so on, without going through the whole decalogue. A grievance has arisen. Prince Edward Island has a little more drinking than it ought to have. There is a little more gin taken on church steps than the hon. gentleman from Moncton thinks ought to have been consumed there. It is not the fault of the people of Prince Edward Island, nor is it the fault of the people of Moncton. Let them be judges of the matter. This Bill is designed particularly to correct that evil. If liquor is consumed in Prince Edward Island, it is not the liquor that is made there. It is the liquor that is brought there, and my hon. friend from Ottawa wants to regulate the importation into Prince Edward Island, and into dry cities like Moncton, of liquors from the outside. This is the question we have to consider. Prince Edward Island says: 'We want to live under prohibition; we cannot have prohibition such as is now in force unless you do something to prevent liquor being brought in there. Men with suit cases will bring it in. They will smuggle it in from the fishing boats. Are you going to allow us to suffer what we consider is a great evil by refusing legislation which would correct it?' In the Bill of my hon. friend—and he deserves all praise for it, because it is in harmony with his life—the proposition is to ask this House by legislation to help the people of Prince Edward Island to do what they want to do, to make their prohibitory liquor law effective, to keep the suit cases out, to prevent friends so honest in their interest in the temperance cause like my hon. friend from Victoria, from seeing the amount of drunks, for it must have been painful to him; to prevent men violating the liquor law in Moncton, that beautiful and prosperous town. That is all that is proposed. We need not debate the principle of prohibition; it is settled. We are not asking to repeal the Scott Act; it is settled. It is there to stay. It has been accepted by eight out of twelve counties in New Brunswick. It prevails in about half of the province of Quebec, which is a testimonial to its efficiency. It prevails in principle all over Prince Edward Island. That means something. If Ontario is dry it is on the same principle. That means something, and in the northwest the same movement is on foot. It prevails amongst thirty-eight million of people in the United States. The same principle has prevailed in Maine for over 50 years. There are millions of people to-day who recognize the principle of prohibition, and it is our duty to see if we cannot help those who

are practically helpless in a matter of this kind. The constitutional question naturally arises: can Prince Edward Island of its own motion prohibit the importation of liquor? If it is quite clear that Prince Edward Island can prohibit the importation of liquor, then I think it would be a proper amendment to the law of Prince Edward Island to give that protection. I have before me the last decision of the Privy Council on the liquor law. It was in the case of the liquor law passed in Manitoba, in 1900, in which they confirmed the right of the province of Manitoba to pass a prohibitory law. Up to that time, that question was in dispute. It was admitted that we had the right as a Dominion to pass a prohibitory law, subject to the ratification of the people. It was admitted the province could pass a local option law which met the approval of the people; but it had never been proven anywhere that the province could take itself out of the whole circle of the Dominion and pass a prohibitory liquor law for itself, and in reviewing the question, the committee of the Privy Council said:

> On the one hand, according to Russell vs. Regina, (2) it is competent for the Dominion Legislature to pass at Act for the suppression of intemperance applicable to all parts of the Dominion, and when duly brought into operation in any particular district deriving its efficacy from the general authority vested in the Dominion parliament to make laws for the peace, order and good government of Canada.

Now, whether prohibition is a good or bad thing it is competent for us to pass it. The decision proceeds:

> On the other hand, according to the decision in Attorney General for Ontario vs. Attorney General for the Dominion (1) it is not incompetent for a provincial legislature to pass a measure for the suppression, or even for the total abolition, of the liquor traffic within the province, provided the subject is dealt with as a matter 'of a merely local nature' in the province, and the Act itself is not repugnant to any Act of the parliament of Canada.

So the question of prohibition, as a legal question, is settled, and it is settled by the people of the province of Prince Edward Island. The decision proceeds:

> This board held that a provincial legislature has jurisdiction to restrict the sale within the province of intoxicating liquors so long as its legislation does not conflict with any legislative provision which may be competently made by the parliament of Canada, and which may be in force within the province or any district thereof.

It has been said across the floor of the House that this Bill is ultra vires. The highest court in the realm has said that it is not, that prohibition is not ultra vires.

Hon. Mr. POWER—Would the hon. gentleman be kind enough to name the authority he cites?

Hon. Mr. ROSS—It is the decisions of the House of Lords and Privy Council, rendered in 1902.

The judgment further says:

> It is held further that there might be circumstances (2) in which a provincial legislature might have jurisdiction to prohibit the manufacture within the province of intoxicating liquors and the importation of such liquors into the province.

I had no idea we could go that far until I read the decision. That would seem to warrant the conclusion that Prince Edward Island might pass a law prohibiting the importation of liquor into the province. The judgment continues:

> For the purposes of the present question it is immaterial to inquire what those circumstances might be. The judgment therefore as it stands, and the report to Her late Majesty consequent thereon, show that in the opinion of this tribunal matters which are 'substantially of local or of private interest' in a province—matters which are of a local or private nature 'from a provincial point of view' to use expressions to be found in the judgment—are—not excluded from the category of 'matters of a merely local or private nature,' because legislation dealing with them, however carefully it may be framed, may or must have an effect outside the limits of the province, and may or must interfere with the sources of Dominion revenue and the industrial pursuits of persons licensed under Dominion statutes to carry on particular trades.

My hon. friend from Victoria became alarmed lest our treaty with Germany or our treaty with France might be affected by this Bill, but we have the power to pass the measure. Germany and France accepted that treaty whilst this power was

in force, and it was a condition precedent to the treaty and such an objection could not be raised now. That judgment I have quoted goes so far as to say that a province may prohibit the manufacture; that is its right; and may also prohibit its importation under certain circumstances, the circumstances never having been explained, so that it is quite clear that the Bill which my hon friend proposes, as to its principle —and that is all we have a right to discuss on its second reading—is a Bill intra vires, and when it comes to be further considered it is for the House to say whether we shall amend the power of parliament to enable the province of Prince Edward Island to do what it wants to have done, what it believes to be in the interest of the people of Prince Edward Island to have done, what they have committed themselves to twenty years ago by the Scott Act, and what they have reiterated in stronger language by a prohibitory law the other day. Their position is this: you have a residence in the heart of the city, you clean your yard front and rear, sweep your whole premises, and there is nothing to be considered a nuisance on your premises; but, presto, there comes a neighbour who dumps garbage into your yard, and you claim from the municipality the protection of your property and person. This is your position. Prince Edward Island has cleansed itself of the suit cases and an abominable traffic; but there come into the island people who dump their garbage, whisky, rum, gin and other intoxicating drinks into Prince Edward Island to corrupt and degrade her youth, contrary to the judgment and wishes of the people of the island, and they come to us and ask us to stop that importation, to abate the nuisance, which we perhaps alone can effectually abate, and to protect the province not against their neighbours from New Brunswick, simply, or their neighbours from Nova Scotia, but raiders from all parts of the country, some of whom may have an object in discrediting prohibition by the measures they pursue.

Hon. Mr. THOMPSON—Could they not enact such a law themselves?

Hon. Mr. ROSS—The decision would indicate that it is quite possible for them to do so, because they say that under certain circumstances it will be possible for a provincial legislature to pass legislation enforcing prohibition. It is a sort of obiter dictum in the judgment I have read rather than a part of the judgment, for they do not indicate the circumstances under which that portion of the law would be effective. I am supporting the principle of the Bill. I do not pay attention to the five gallon clause at this stage, nor do I pay attention to the point raised by my hon. friend who spoke last as to whether the facility to get five gallons into a home is liable to degrade that home. That question is not before us. I am not raising any question as to whether we are imposing obligations upon shippers or express agents in bringing liquor into a province, or into the home which would be subversive of their rights as common carriers. I am not discussing that. One principle before us is, shall we enact a provision, not perhaps in this form, but shall we support a principle whereby Prince Edward Island shall be protected more fully than it can be under existing circumstances? It is a simple proposition worthy of consideration. If prohibition is good for the whole of Canada, it is for a certain part of Canada, and vice versa; and if a part of this province comes to us with an appeal on such high grounds as this appeal is made, and an honest appeal, and an appeal that not only reaches our sympathies, many of us, all of us, I am sure, but an appeal which affects their constitutional liberty, effects what they may call their prerogative under our constitution, then I think that appeal should not be wantonly or hastily cast aside. I understand this question is coming before the government in a somewhat practical form by a deputation from Prince Edward Island, next week, and that the memorial which the legislature sent to the government is to be then considered, and as the debate could not be properly closed at this stage without knowing perhaps what action the government may take, or whether this Bill might not be set aside and another substituted for it, or whether this House might not be in possession of further information which would be useful in dealing with the measure, I will move

that the debate be adjourned until the 8th of March next.

The motion was agreed to.

SECOND READINGS.

Bill (43) An Act respecting the Hudson Bay Insurance Company.—Hon. Mr. Ross (Moosejaw).

Bill (BB) An Act respecting the Sovereign Trust Company.—Hon. Mr. Riley.

Bill (DD) An Act to incorporate the Weyburn Security Bank.—Hon. Mr. Douglas.

Bill (EE) An Act respecting the Grand Trunk Railway Company of Canada.—Hon. Mr. Gibson.

RAILWAY ACT INCORPORATION BILL.

SECOND READING POSTPONED.

The order of the day being called:

Second reading of Bill (D) An Act to provide for the incorporation of Railway Companies.—Hon. Mr. Davis.

Hon. Mr. DERBYSHIRE—I move that this order of the day be discharged and that it be placed on the orders of the day for Wednesday next.

Hon. Mr. LOUGHEED—May I suggest the propriety of discharging the order and allowing it to remain discharged until its promoter can bring it before the House. I would direct attention to the fact that for the greater part of last session, and nearly the whole of this session, this order has occupied a prominent place on the order paper. It is quite evident that the promoter does not intend to go on at present with the Bill, and I think the order should remain discharged until he is ready to proceed.

Hon. Mr. WILSON—On a previous occasion, I raised an objection to the course suggested by the hon. leader of the opposition, but on this occasion I think he is quite right. This Bill has been on the order paper for a long time, and if the promoter is anxious to proceed with it he can renew his application on some future occasion. In the meantime it should be discharged.

Hon. Mr. DERBYSHIRE—Senator Davis is ill and unable to attend his official duties, and if he does not appear on Wednesday next there will be no objection to the suggestion of the hon. leader of the opposition.

The motion was agreed to.

SECOND READING.

Bill (112) An Act to incorporate the Independent Order of Rechabites.—Hon. Mr. Young.

BILLS INTRODUCED.

Bill (II) An Act to incorporate the Ottawa and Montreal Transmission Company, Limited.—Hon. Mr. Ellis.

Bill (JJ) An Act for the relief of James Albert Greene.—Hon. Mr. Frost.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the House adjourns, I would call the attention of the right hon. leader to the fact that on the 1st of February the House ordered a return of the accounts sent by the restaurant keeper, Jacques Déry, to the Immigration Department. I suppose we may entertain the hope that it will be brought down pretty soon.

Right Hon. Sir RICHARD CARTWRIGHT—I will call the attention of the Department of the Interior to the matter again.

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

THE SENATE.

FRIDAY, February 25, 1910.

The SPEAKER took the Chair at Three o'clock p.m.

Prayer and routine proceedings.

BILLS INTRODUCED.

Bill (KK) An Act respecting the Montreal and Southern Counties Railway Company.—Hon. Mr. McSweeney.

Bill (LL) An Act for the relief of Alexander Augustus Barthelmes.—Hon. Mr. Derbyshire.

Bill (MM) An Act for the relief of Cecilia Marie Pringle.—Hon. Mr. MacKeen.

Bill (NN) An Act for the relief of Ada Ann Reed.—Hon. Mr. Bostock.

VACANCIES ON SENATE COMMITTEES.

MOTION.

Rt. Hon. Sir RICHARD CARTWRIGHT moved:

That the name of the Hon. Mr. Mitchell be added to the Committee on Banking and Commerce, to replace the name of the late Hon. Sir George Drummond; that the name of the Hon. Mr. Cloran be added to the Committee on Railways, Telegraphs and Harbours, to replace the name of the late Hon. Mr. Baker; and that the name of the Hon. Mr. Melvin-Jones be added to the Committee on Divorce, to replace the name of the late Hon. Mr. Baker.

The motion was agreed to.

THIRD READINGS.

Bill (No. 92) An Act respecting a patent of the Mond Nickel Company, Limited.—Hon. Mr. Belcourt.

Bill (No. 90) An Act respecting the Central Ontario Railway Company.—Hon. Mr. Ross (Middlesex).

Bill (U) An Act to incorporate the Northern Quebec Colonization Railway Company.—Hon. Mr. Tessier.

Bill (No. 96) An Act respecting the Canadian Pacific Railway Company.—Hon. Mr. Watson.

SECOND READINGS.

Bill (No. 86) An Act respecting the Western Canada Power Company, Limited.—Hon. Mr. Bostock.

Bill (No. 91) An Act to incorporate the London and Lake Erie Railway and Transportation Company.—Hon. Mr. Coffey.

Bill (No. 114) An Act respecting the Richelieu and Ontario Navigation Company.—Hon. Mr. Casgrain.

Bill (HH) An Act respecting the Calgary and Fernie Railway Company.—Hon. Mr. De Veber.

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

TUESDAY, March 1, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATOR INTRODUCED.

Hon. Edward Matthew Farrell, of Liverpool, Nova Scotia.

EMPLOYEES OF IMMIGRATION OFFICE, QUEBEC.

INQUIRY.

Hon. Mr LANDRY inquired:

Has the government assured itself whether it is true—

1. That, from the 1st of January, 1909, to the 15th of April, of the same year, a certain number of employees in the Immigration office at Quebec obtained three days of leave every week?
2. That, notwithstanding this absence of forty-two days, the same employees were carried on the pay-roll as having been continually and regularly at their posts?
3. That these leaves of absence were given by the immigration agent at Quebec, on his own responsibility, without having previously obtained the authority of the superintendent general of immigration?
4. That the pay-list attesting the uninterrupted presence of these employees was certified as true by the immigration agent at Quebec?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers to the four questions are: Yes, with the following note added from the department: It may be added that the agent reported fully in the matter to the Superintendent of Immigration, who approved his action, having regard to all the circumstances.

IMMIGRATION OFFICE AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Has the immigration agent at Quebec applied to the Department of Public Works to obtain the installation of electric fans and lights in his office and in the immigrants' dining room?
2. Has the Department of Public Works refused?
3. In spite of this refusal have the appliances in question been installed in the places above mentioned?
4. By whom and upon whose recommendation?
5. At what cost?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers to the hon. gentleman's questions are as follow:

On May 1, 1909, the Superintendent of Immigration made application for a fan to be placed in the dining room in connection with the restaurant, which was supplied by the resident architect of the Department of Public Works at Quebec, at a cost of $40.

The Department of Public Works has received no application for the installation of electric lights in the immigration agent's office, or in the immigrants' dining room.

RESTAURANT KEEPER AT QUEBEC. INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. How much does the restaurant keeper, Jacques Dery, pay the government for the rent of the rooms in which he keeps his restaurant, his refreshment room and kitchen?
2. How much for the heating of such apartments?
3. How much for lighting?
4. How much for fuel for culinary purposes?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers to the hon. gentleman's are as follows:

1. Nothing.
2. Nothing.
3. Nothing.
4. Nothing.

LIST OF SENATORS.

Hon. Mr. DOMVILLE—Before the orders of the day are called, I should like to ask the hon. leader of the Senate when we are to have printed the list of senators from confederation to date, with dates when they ceased to occupy their positions in the Senate? It was considered that it would be valuable as a reference, and the House passed an order for it. Probably the printing office overlooked it.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am not aware of the matter, but I will call it to the attention of the Secretary of State.

JURISDICTION OF DOMINION AND PROVINCES ON INSURANCE.

Hon. Sir MACKENZIE BOWELL—Before the other orders of the day are called, I should like to call the attention of the leader of the House to a case now pending in the courts of Ontario in reference to the constitutionality of parliament undertaking to deal with the question of insurance. I notice both in the 'Globe' and 'Mail and Empire' that Mr. Laidlaw, of Toronto, has filed an amended statement of his claim in connection with his suit, which sets forth the fact that the Minister of Justice of Ottawa and the Attorney General of Ontario have been legally notified that the plaintiff, and other policy-holders suing with him, are applying for a trial at bar or a court of three judges, of the question of the constitutionality of the Insurance Bill now before parliament; also the Act of 1909, and preceding legislation affecting the rights of policy-holders, &c.

I notice also that the Ontario government has appointed king's counsel in Toronto to look after the interests of the province of Ontario. Considering the importance of this question, affecting as it does the constitutionality of insurance legislation passed by this parliament, I should like to ask the right hon. leader of the House whether any action has been taken by this government to instruct any legal gentleman to watch the proceedings to which I have referred? My hon. friend will readily understand the importance of a question of this kind, affecting as it does the interests of a large portion of our people. One judge in Quebec has already given the opinion that parliament has no right to deal with the question of insurance. The country would, therefore, like to know what action the Dominion government has taken to test the question in the highest courts of the realm. In a matter of such vital importance, a test case should be submitted for a final decision by the Privy Council in England. If it should be found that we have been interfering with the rights of the provinces, it will be hard to say what the effects may be as to the rights of people who have taken out policies under Dominion statutes dealing with insurance. I should like to know what steps the Dominion government has taken to obtain a final settlement of this very important question by the highest courts of the realm?

Rt. Hon. Sir RICHARD CARTWRIGHT—As the matter is one of gravity, my hon. friend should give notice of a formal question, and I will obtain an answer for him. At present I am not in a position to give him information of any value on the subject.

CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 85) An Act to amend the Criminal Code.

(In the Committee).

On sub-clause 3:

Hon. Mr. POWER—I have an amendment to propose to this sub-clause which I understand the hon. gentleman in charge of the Bill is willing to accept. It is to add the following words:

Any such order may be amended, revoked or renewed from time to time in whole or in part by any subsequent order in council.

This amendment was suggested to me by the hon. gentleman from Prince Albert, who is not now in his place. It is intended to provide for a case where it is discovered by experience that it is not desirable that this Act should be enforced in a particular district, and it gives the Governor General in Council the power—which I think he ought to have—to revoke the order if it is found not to work satisfactorily.

Hon. Mr. LOUGHEED—That leads me to ask the question, cannot an order in council be rescinded at any time?

Hon. Sir RICHARD SCOTT—It can, of course, but this would be an indication that it was in contemplation at the time the Bill was passed.

The amendment was agreed to, and the clause as amended was adopted.

On sub-clause 4:

Hon. Mr. WILSON—It strikes me that this clause leaves the Bill open to the same objection that was taken before it was amended. There are no circumstances under which this mineral may be found that does not admit of proceedings being taken against the individual. It does not protect the individual, as far as I am capable of comprehending it. In the first part it provides that no prosecution shall be had under this section unless it has been initiated on the information or complaint of a manager or director of a mining company, and so on. Then, in the second provision it gives any one and every one the right to prosecute. Under this clause proceedings may be taken by anybody against any individual who is found with the material mentioned in his possession. It is hardly fair that people should be placed in such a position that if the friend of a manager enters a complaint against some individual having in his possession certain ore, that he can, therefore, be proceeded against. If parties in Cobalt desire to have protection, let them take the proper course, and protect themselves as other companies do. We have no right to make special criminal laws to apply to the mining business in Cobalt or any other place. If we make special provision for that crime in any particular locality, why not make provision for other crimes that are peculiar to some other locality? No doubt if the law is made applicable to a certain section it can be removed by an order in council; but we know that these orders in council come very very slowly; that while the government may feel a disposition to comply, yet it is hard to get the government to move in the matter; therefore, an innocent man is liable to be subjected to injustice and have charges brought against him, under which he will be held to be partially a criminal. No one seems to be exempt, and I, therefore, think we should give this matter further consideration before finally dealing with it.

Hon. Sir RICHARD SCOTT—My hon. friend is considering the first clause, which was amended to meet the objection that there must be reasonable ground to suspect that the ore has been stolen or dealt with contrary to the Act, and that the party accused is unable, or refuses to account for it. Surely no better protection could be devised than the clause in the shape it now is. It has been so amended that I am afraid it will not be workable.

Hon. Mr. WILSON—I suppose the hon. senator having charge of the Bill will agree with me that it is a broad clause, capable of any amount of explanation. No prosecution shall be had under the section unless it has been initiated on the information or complaint of a manager or director of a mining company. That is the first branch. Then 'On the information or complaint of some one hereunto authorized by a mining company or manager thereof.' That mining company can order any one to institute proceedings, and a director can also authorize proceedings, and the unfortunate individual holding specimens of these minerals in his possession is liable to have action taken against him. Then it says, 'Or with the authority of the Attorney General of the province in which the offence is alleged to be committed, or by the owner or part owner of a mine, who deposes under oath that he believes that rock ore, or other substance, similar to those mentioned in this section, has been stolen or wrongfully taken from the mine.' An owner of a mine can do it, or a part owner of a mine has a perfect right to enter an action, and the party can be proceeded against and regarded as a criminal with mineral in his possession that may not have been stolen. It is hardly fair that this should become part and parcel of the statute law of the Dominion. If the mining companies desire more protection than they are getting, why do they not take the same means as other corporations to protect their property? Is it because it costs too much? Are they not bound to protect themselves the same as other people? They would find no more difficulty in taking care of their property than other companies do. They could employ men who could be relied upon to look after their interests. According to this clause, a man who has any of this mineral in his possession is forced to prove that he obtained it honestly; otherwise we may make him a criminal.

Hon. Mr. POWER—There is one point to which I would direct the attention of the hon. gentleman from Ottawa. The owner, or part owner, is to depose under oath that he believes that rock, ore, or other similar substance to some of these mentioned in this section, has been stolen or wrongfully taken from the mine. The section enumerates the things the stealing of which constitutes an offence. I think that the words 'similar to some of those' should not be there. These words should be stricken out, and the clause should read 'that he believes that rock, ore or other substance mentioned in this section has been stolen or taken from the mine. We have enumerated the substances, the taking of which constitutes the offence, and I do not see why we should have the words 'similar to some of those.'

Hon. Sir RICHARD SCOTT—For the reason that it helps to identify the property. No one would accuse another of stealing unless he had ore similar to what he had lost.

Hon. Mr. POWER—The first clause reads as follows:

424a. Every one is guilty of an indictable offence and liable to two years' imprisonment who, having in his possession or on his premises with his knowledge any rock, ore, mineral, stone, quartz or other substance containing gold or silver, or and unsmelted, or untreated, or unmanufactured, or partly smelted, partly treated or partly manufactured gold or silver, is unable to account satisfactorily for, or prove his right to the possession of, the same.

Why should you say similar to some of those. I move to strike out the words 'similar to some of those':

Hon. Mr. LOUGHEED—That would rather open the door to possibly useless prosecution.

Hon. Sir RICHARD SCOTT—It would facilitate a prosecution.

Hon. Mr. LOUGHEED—The insertion of the word 'similar' qualifies the character of the rock or the material which may be found in the possession of the accused, and it limits it to rock of a particular value. It is a question if these words were struck out, whether it would not admit of a prosecution for having possession of any rock such as is mentioned.

Hon. Mr. POWER—Mentioned in this section.

Hon. Mr. LOUGHEED—Some qualifying words would have to be inserted, because

it is not intended that proceedings should lie against a person who may be found in possession of rock, or the substance mentioned in this question.

The clause was adopted.

Hon. Sir RICHARD SCOTT—I desire to add the following clause: 'This Act shall come into force on the 1st day of July, 1910.'

It is suggested that it is better to have some delay in order that everybody will have notice of it. That will be section 5 of 424a.

Hon. Mr. POWER—We insert this as section 424a, and we simply wish to say that this section shall not go into effect until a certain date—not the Act, because the Act covers the whole code.

Hon. Sir RICHARD SCOTT—It is the section. Section 424a will come into force on the 1st day of July, 1910.

Hon. Mr. LOUGHEED—Why not allow the Act to come into operation upon the royal assent being given, the same as any other Act; then the Governor General in Council need not issue his order proclaiming the districts until the first of July. It seems to me it will lead to a misunderstanding if it is put in the way proposed. If you make it come into effect by the 1st July, it does not imply that the order in council will issue naming the districts at that date. It seems to me that it will be better to leave it as it is.

Hon. Sir RICHARD SCOTT—Then we will let it stand as it is. I will draw the attention of the department to it.

Hon. Mr. LANDRY, from the committee, reported the Bill with amendments, which were concurred in.

MORRISBURG FERRY AND DOCK COMPANY BILL.

SECOND READING.

Hon. Mr. BEITH moved the second reading of Bill (GG) An Act to incorporate the Morrisburg Ferry and Dock Company.

Hon. Mr. LOUGHEED—I have neglected to look into this Bill carefully, but it seems to me that it gives this company authority to enter into a power business, and to expropriate the necessary territorial rights which might be required for that purpose. I fail to see why section 8 has been inserted in the Bill giving express powers of expropriation to this company. Why should not the company rely upon the general provisions of the Railway Act for the acquisition of those powers? Possibly my hon. friend who has charge of the Bill can tell us the object of inserting clause 8 in the Bill. If the object be to expropriate water-powers, grave exception should be taken to the vesting of a company with such powers in view of the policy recommended by the Conservation Commission regarding the preservation of our public resources. I understand that the commission has made a very strong recommendation to the government that the water-powers of the country should be conserved and practically retained by the Crown, and that power should not be given to private companies to absorb these natural resources of Canada in this way. I therefore, at this stage of the Bill, wish to express my objection, so that it may not be understood that the principle of the Bill is now assented to. I should like to direct the attention of my right hon. friend as I did the other day in the case of another Bill, to the disposition of railway companies to ask for these powers, and of this Chamber practically to approve of their asking for them notwithstanding the recommendations which have been made by the Conservation Commission. I directed the attention of the Chamber the other day to a very glaring instance of a demand along the same lines, to which certainly exception should be taken, and particularly by the government. It would be very much more desirable that my right hon. friend should make some declaration in this Chamber as to the attitude of the government on this subject.

Rt. Hon. Sir RICHARD CARTWRIGHT—To what particular Act did my hon. friend refer?

Hon. Mr. LOUGHEED—I referred the other day to a Bill which is intended to grant territorial rights in the way of ex-

propriating water powers in the Thunder Bay district. It is a Bill that contemplates acquiring practically all the water-powers in that part of the country. We know there are very valuable water-powers in that district.

Rt. Hon. Sir RICHARD CARTWRIGHT —In what position is that Bill now?

Hon. Mr. LOUGHEED—It is before the Committee on Railways, Telegraphs and Harbours; but inasmuch as the Senate on the second reading commits itself to the principle of a Bill—

Hon. Mr. POWER—Not in the case of private Bills.

Hon. Mr. LOUGHEED—That is the theory which is repeatedly quoted, but I have no doubt when the Bill goes to the Railway Committee they will be told that the Senate had accepted the principle of the Bill, and there is no reason why it should not pass. As these Bills are coming up day after day, this is particularly a matter in which my right hon. friend should be in a position to make some declaration on behalf of the government.

Rt. Hon. Sir RICHARD CARTWRIGHT —Did the particular Bill to which the hon. gentleman refers, asking for such extensive powers of expropriation, originate in the Senate or the House of Commons?

Hon. Mr. LOUGHEED—It originated in this House, and there is, therefore, a greater reason why the Senate should take steps to consider the question which I brought before the right hon. gentleman's attention to-day.

Rt. Hon. Sir RICHARD CARTWRIGHT —The matter is of importance. I shall make inquiries into the position of the question and advise my hon. friend. I may say, however, in a general way, that unless very special cause is shown, the government would desire that these railway Bills should be confined to the purpose of building railways, and that alone.

Hon. Mr. LOUGHEED—I would think so. I may point out that the Railway Act is sufficiently comprehensive in its general provisions to give all the necessary powers to railway companies, and all that is really necessary is that a railway company should make an application to be incorporated and rely on the Railway Act for its general provisions; whereas the disposition is to set out a lot of special matter in a Bill asking extraordinary powers which requires members in both Houses to be constantly on the alert and to thoroughly scrutinize those Bills on behalf of the public interest.

Rt. Hon. Sir RICHARD CARTWRIGHT —My hon. friend has touched a weak spot in our practice, and also in the practice of the other Chamber. My recollection is that in the old times the junior officer of the Crown was specially charged to report on these Bills. The Solicitor General was expected to advise the government of the day, and also the House, if any unusual powers were set forth in private Bills. I think that good old practice ought to be revived and made effective. I shall bring the whole matter to the notice of the Department of Justice, and will advise my hon. friend a little later with respect to it.

Hon. Mr. POWER—I hope I do not yield to any member of the House in my desire to see provisions of the constitution maintained; but looking at this Bill I really do not see that it is open to the objection that has been taken by the hon. leader of the opposition. Clause 7 sets out the objects of the company, and is as follows:

7. The company may, subject to the provisions of the Railway Act,—

(a) Construct, acquire, equip, own, maintain, control and operate, a ferry, for railway cars, engines and trains, across the river St. Lawrence between any point within or near the municipality of the village of Morrisburg, in the county of Dundas, on the north side of the said river, and any point on the said river in the state of New York on the south side of the said river.

(b) Do a railway ferry business across the said river at any point within the said limits.

(c) Acquire, own and operate boats for the carriage for hire of passengers and goods between any points within the said limits.

(d) For such purposes, construct, purchase, or otherwise acquire, and maintain and operate ships, locomotives and cars propelled by steam or otherwise.

(e) Build, acquire and maintain wharfs, docks, warehouses, blocks, slips, piers and viaducts, and railway tracks not exceeding five miles in length in any one case, to carry

out its undertaking, and specially to reach deep water in the said river.

(f) Connect such railway tracks with the railway of the Grand Trunk Railway Company of Canada and with any other railway within the municipality of the village of Morrisburg.

I do not see that the company ask for any powers except those which might reasonably be granted for the operation of ferries across the St. Lawrence. Then clause 8 provides:

8. The company may purchase or otherwise acquire and shall have the power to expropriate, subject to the provisions of the Railway Act, such land and other property as may be requisite for the purposes of the company.

The hon. gentleman's contention was that the company should be made subject to the provisions of the Railway Act, and this clause says expressly that it shall be so subject. Then the last clause of the Bill provides as follows:

The Railway Act shall apply to the company, and to its railway undertaking.

Honestly, I cannot see any objection to the measure; but when it goes before the committee, if we can discover anything objectionable in the Bill, I have no doubt it will be removed.

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

GOVERNMENT RAILWAYS BRANCHES BILL.

DEBATE CONTINUED.

The order of the day being called:

Resuming the further adjourned debate on the motion for the second reading (Bill 17) An Act to authorize the government of Canada to acquire, by lease, lines of railway connecting with the government railways.

Hon. Mr. CLORAN—One of the objects I had in view in moving the adjournment of the debate on this very important Bill was to give members from the west and from Quebec an opportunity to more thoroughly discuss it. The last time the debate was adjourned, the House was very thin, and that was one of the main reasons why I moved the adjournment. Since then I have looked into the matter a little myself, and I find that, although agreeing largely with the views that have been expressed on this subject by several hon. members, I still have to differ from them in some matters more of detail than of principle. The view has been expressed that the Dominion has expended a very large amount of money for the construction of this national railway. That is true. The figures given here are $95,000,000, which covers the construction of some 1,530 miles of road in the maritime provinces, and in Quebec. Notwithstanding the severe criticisms which have been made on this expenditure, I have come to the conclusion that not only the $95,000,000 capital, but the interest on the capital for over forty years has been spent for a good object, and I am prepared to coincide in the judgment rendered recently in an important case, that if the motive is good, mistakes may be pardoned. The governments of the past have done things which might come under the category of being not a crime, not illegal, but improper, but all this was done in good faith. Why do I say so? Because the men who were at the head of this department of our government have been men of honour and ability, men who have rendered great services to this young country. The spending of this ninety-five millions of dollars which, if we include the interest, now amounts to $200,000,000, has been in the hands of men of ability. Ninety-five millions of dollars at 3½ per cent will give you the annual outlay on capital which is not covered by the revenue of the road, about $3,500,000. Taking the average of that during the past 43 years, you will find that you have spent nearly another $100,000,000. The expenditure of that vast amount of money was in the hands of men who were promoting the progress of Canada and rendered good service to the country. By reference to the Parliamentary Companion, I find that the first head of the Railway Department was not a minister, because at that time it was not a separate department. The railways were then constructed and administered by the Public Works Department. The Ministers of Public Works in the first administration of Sir John Macdonald were Hon. Wm. McDougall and Sir Hector Langevin. For six long years these two gentlemen

were at the head of the construction of that road, and had partial administration of it as it was being built. In the Mackenzie regime there was still no Department of Railways. The management of the road continued under the Department of Public Works, which had to give its attention to everything in the nature of construction throughout the Dominion. Who were the men in the Mackenzie government who controlled the national purse in regard to the maintenance and construction of that road from 1873 to 1878? While the Liberals were in power it was administered by no less a man than Hon. Alex. Mackenzie. Are there in this House or outside of it, men who are prepared to say that the money under his administration was not faithfully, honestly and efficiently expended? When Sir John Macdonald returned to power in 1878 he remained in power until his death, which occurred in 1891, an event which was regretted by all the people of Canada. He had the control of the Intercolonial railway. Up to 1878 that branch of the administration had been under the guidance of men who had to give their attention elsewhere, and Sir John Macdonald found it necessary to establish a Department of Railways. Now, who were the ministers of railways from 1878 until the year of his death in 1891? They were Sir Charles Tupper, Hon. J. H. Pope, and the Right Hon. Sir John Macdonald himself, three names which are emblazoned on the pages of Canadian history. Sir Charles Tupper is still alive to enjoy the esteem and consideration of his fellow countrymen for what he has done for them in the past. He had the administration of these roads in his hands up to 1885. He was followed by John H. Pope, who remained in the ministry until his death in 1889. Then Sir John Macdonald took hold of the Railway Department and remained its head until his death. It was then taken by Mr. Haggart and by our colleague in this House, Sir Mackenzie Bowell. So, in Sir John Macdonald's second ministry we have had Sir Charles Tupper, and J. H. Pope, the latter famous throughout the province of Quebec and all the Dominion as one of the ablest administrators and we had Sir John Macdonald. Who can say that in the hands of these men, any portion of the $95,000,000 they spent in the construction, maintenance and administration of that road was dishonestly expended? No man in either party will say that these men who held in their hands the honour of Canada so many years, and under whom Canada was prosperous and made progress as far as the time and circumstances would permit, were guilty of any improper expenditure of the money entrusted to their care. I am free to admit that the men who administered the affairs of Canada did as well as they could at the time, and with the means at their disposal.

Of course, the work of the past, is overshadowed to-day by the immense development which has covered Canada with prosperity and with abundance, with new avenues for the development of national life; but because we have developed so marvelously for the past ten or fifteen years, there is no reason to deny the men of the past credit for the work they did when the country was young and still in swaddling clothes. And I for one am proud to admit that these men, under the circumstances, accomplished a great thing for Canada in the works that they constructed. Then we come to 1896, and to whom was the administration and supervision of this road given? It was given to one of the ablest men of his day, the ex-prime minister of New Brunswick, a man with a grasp of affairs that could not be surpassed in or out of parliament; a man who saw far into the future, who a year or two before his death on the shores of the Pacific in British Columbia, declared that before ten or fifteen years had elapsed, Canada would not only require one transcontinental road over and above what she had then, but that she would require four or more. I refer to the Hon. Mr. Blair.

Hon. Mr. ROSS (Halifax)—But he opposed the Transcontinental at the time.

Hon. Mr. CLORAN—I am told by the hon. gentleman from Halifax that he opposed the Transcontinental railway project. He did not oppose the building of the road, because he declared at the Paci-

fic coast that not only one, but four roads were necessary. He opposed the method by which the government proposed to do it; but he was not opposed to the policy of constructing the work. At any rate, the administration of the road was in his hands for quite a number of years until he resigned, and then he was replaced by another gentleman who is still in parliamentary life, Mr. Emmerson, whose only thought was to build up the Intercolonial railway, at no matter what expense, and there I may have to differ from him. His idea is to make the Intercolonial a road capable of competing with other roads in Canada. Nobody can say that Mr. Emmerson neglected the welfare of that road. His whole heart and soul are bound up in its development, progress and prosperity. The reins of power that he held were transmitted to another and younger man, a man of genius, although young, and inexperienced in railroad matters; but a man who has been able to grapple with the situation in its most sensitive and delicate parts, who has not been afraid to tackle the problem of getting a dollar's worth for every dollar that he spent. I refer here to Mr. Graham. These are the men whose records are in the building, in the construction, in the maintenance and in the administration of that great national enterprise. It was a national enterprise, and that is the reason that I say the money was well spent. But, unfortunately, the enterprise was not a business proposition. It was proposed in the first place for the purpose of consolidating the provinces which now constitute confederation. The object was to create a friendlier feeling between the provinces by the sea and the provinces of the west, and have that feeling run along steel rails, through forest, wildernesses, and through parts of the country that could not afford traffic enough to pay for the grease to keep the wheels oiled. It was not a business proposition, it was a sentimental and noble one, and I am not here to-day to say that money should not have been spent for the development of that sentiment. I go further and say that the provinces in the west have not only gained by the construction of that road in the consolidating of national sentiment and bringing in closer touch the different sections of the Dominion, but I contend that the maritime provinces sacrificed much in joining the confederation, and I know whereof I speak. Who can tell me that not later than twenty-five years ago there was any national sentiment in the maritime provinces, as far as the rest of Canada was concerned? We all remember the time when public opinion there was quite favourable to annexation with the United States, not that they detested this part of the country, or that they disliked their fellow subjects, or that they did not want to trade with us; but simply that they could not trade. The natural channels of their trade and commerce were not along this road at the time. The people of Nova Scotia and New Brunswick, some of whom are in high positions to-day, who favoured separation from Canada, did so not because of any ill-will to the empire or hatred to the other provinces of Canada. They talked annexation because the needs and necessities of their people demanded that the situation should be made more easy and more comfortable, and that they should not be made to pay so much tribute to the west. That was the reason for the attitude of these men at that time. What had Prince Edward Island to gain by joining confederation? Before confederation that island had grown and prospered to an enormous extent. Its people were the wealthiest on the American continent. Every one was prosperous, and farm products of the island commanded the highest prices, not in Canada but in Europe. They traded with England. They imported all their industrial and agricultural implements free. They were buying in the cheapest markets in the world, and selling in the dearest markets in the world, and every farmer in Prince Edward Island was wealthy, comparatively speaking; but the day they entered confederation the chief markets of the world were closed to them. They had to pay 25, 30 and 40 per cent more for everything they consumed on the island. We know that Prince Edward Island is not a manufacturing centre and never can be. It is purely and solely an agricultural centre, a garden centre. These people had their channels of trade cut, and what was the result? At the end of fifteen or twenty years there was scarcely a farmer on the island who was not

head over heels in debt, with mortgages on his land. There may have been some in a better position, but the majority were in debt. I have that from the bankers themselves on the island; but to-day there is scarcely a farm in the island of Prince Edward which owes a dollar to the bank. After fourteen years of rule under this government the farmers had been enabled to pay off their mortgages and the banks were obliged to establish branches in nearly every small town in the island. Charlottetown itself, which fifteen years ago had one or two, has now six or seven of the principal banks of Canada doing business there to-day. The banks are rolling with the money earned by the farmers, according to the statements of the bank managers. And why? Because the farmer of Prince Edward Island got back his channel of trade and commerce, the facility of buying a little cheaper—not as cheaply as I would like to see him buy, but cheaper than he used to purchase fifteen or eighteen years ago, and he has been able to get back the markets of England and elsewhere for his products. So that when I say that the maritime provinces sacrificed a great deal for confederation, I am corroborated by the circumstances in which these provinces have found themselves at different stages of provincial or national life. The natural routes of the maritime provinces were with the eastern states. There is not the slightest doubt about that. Unless nature is backed up by government and popular aid to cut off the drawbacks which nature places in the way of trade and commerce, trade will flow in the natural channel; but the strength of the government is sometimes able to make it flow in channels which are not natural. I remember one of the Prime Ministers of Manitoba telling me in the year 1889, when the channels of trade and commerce were not easy between the east and west, when they were open between the north and south, that if the government of the day did not see to it, before a very few years Manitoba would be forced by industrial and agricultural conditions to trade with the United States, not only along commercial, but along political lines, and become part of the republic. That was the expression of a Prime Minister of that day to me in his own office. Fortunately, the government of the day became alive to the situation, and they did a lot to open up channels of trade which would allow the products of the west to come east instead of going south. So that this condition of affairs, as it affects the maritime provinces, is not local. It is of general application, and I hold that the maritime provinces, having consented under the difficult circumstances which I have pointed out, to come into confederation, we have no right now, that the money has been spent on the Intercolonial, to regret it. There may have been some extravagance and waste in the expending of this money. I am not going to deny facts of that kind, and I am not going to contend that a sentimental road can be run on the same lines as a business line or money-making line. We have no stones to throw at the Intercolonial railway. There is another road to-day whch holds a high position in the railway world in this country, that is, the Grand Trunk railway. For how many years did the Grand Trunk Railway Company sink millions upon millions of pounds sterling, without receiving a cent in return? I need not mention the figures. They run up into the hundreds of millions. The English bondholders, and capitalists who put up the money, have never received a cent of interest in any shape or form on the money they put up in the first place, and millions upon millions have been sunk in the construction of that road. That was a private company, but they were like the Intercolonial railway. They were building through the wilderness and encountering difficulties at that time, which railway construction does not meet to-day. The Grand Trund railway at that time was also much of a sentimental road, if not in construction at least in administration.

The bondholders who put their money into it thought that nobody could run the road except a man appointed from England. The result was that the administration was sentimental along the best part of its line. Its head officers were brought from across the water to meet the conditions of which they knew nothing. It took them

from 25 to 30 years to find out what was required to make their road a paying institution, one that would give returns for the money invested for its construction, maintenance and administration. It took them years and years to find out, until ten, twelve or fifteen years ago a happy thought came over the administration and they gave up the idea of sending out what I call sentimental managers, simply because they were from the old country. They engaged a railroad expert, a man of broad experience, who knew the conditions of the continent, and the wants of the people, who was able to meet the conditions and wants of the people, and what was the result? Chas. M. Hays, after ten or fifteen years administration of that road, has brought it up to the standard of the finest of railroad engineering, construction and administration, on the continent, and today it is a flourishig enterprise, paying good returns to some at least of the men who invested in it. There is a condition of things which must be apparent to everybody. Why did the Canadian Pacific railway not have the same record? The Canadian Pacific railway was originated and constructed under different methods and different inspirations and influence. It was engineered by men who intended that the road should pay, and they intended to make it pay. They had no sentiment as to the location, and they had no sentiment in the administration and maintenance of the road. They went abroad and they sought for the best man they could find, in the person of Sir William Van Horne, and put him at the head of the construction and maintenance of that road, and at the end of seven or eight years he was able to retire, honoured by his adopted country and by his Queen for the work he had done in putting the Canadian Pacific railway at the head of all roads on this or any other continent. That is the work of business men, not sentiment. Dollars will not follow sentiment. Dollars cannot take a stand on sentiment, and the sooner we get rid of sentiment on the Intercolonial railway, as the Grand Trunk railway has done, the better for the country. If the government of the day want to treat the Intercolonial as the Canadian Pacific railway and Grand Trunk railway treated their lines, and put at the head of that road a man of the capacity of a Shaughnessy or Hays, I venture to say that inside of five or ten years the road will not only be a paying one, but will be able to compete with the best transcontinental roadway we have in the Dominion of Canada. I would not wrangle over the matter of salary. These men are paid salaries which they are worth. I understand that the president of the Grand Trunk railway is receiving $40,000 to $50,000. He would be worth to Canada $100,000 a year for five years. I understand Shaughnessy is receiving from $50,000 to $60,000. He is worth the same amount. It would pay the government to employ men of that kind. If private companies have confidence in such men and deliver over to them a concern, not merely of the value of ninety-five million dollars, but of hundreds of millions and say to them: 'Here Shaughnessy you run this road to make it pay', the government will be able to find men of the same stamp to run the Intercolonial. They cannot be the only two in Canada, or out of Canada who are able to undertake a duty of that kind, and bring it to a successful issue, and if it were necessary, why would not the government obtain the services of one of these two men, and put them at the head of the Intercolonial railway? I venture to say that the government would never regret such an action. We have an example of what I am saying in the conduct of the Australian government. The railways there were going to smash, no revenues to amount to anything, expenses increasing, A young Canadian with comparatively little experience in the management of railways, but a man determined to do his duty, and knowing railroad conditions, was engaged by the Australian government. Mr. Tait took over the management of the Australian railroads and they are now on a paying basis, and on a satisfactory basis to the public and giving good service. I would say to the government to-day that it would be a fair proposition to engage the services of a man of this class and put him at the head of the Intercolonial railway. To my mind, this commission business is not effective. You do not find big con-

cerns running their business by commissions. You do not find the Bank of Montreal running its affairs by commission. These hydro-headed propositions only end in disputes and wrangles. One solid man at the head of the institution with the genius for administration is better than four heads, because there will be no dispute and no wrangling. There will be one idea of what is to be accomplished. If you have a commission of four or five gentlemen you have different interests, and different results to attain. I know that this proposition, coming from such a humble authority as myself, will have no effect, but I throw it out as a seed that in time may germinate and produce fruit. Such a proposition would be worth while. Does the country know what amount of railroad is in the hands of the Minister of Railways, under his direct control? We have from Montreal to Halifax siding some 1,279 miles, according to their own official mileage, and on Prince Edward Island we have 259 miles. That gives a total of 1,538 miles of railway, which is already a very fair proposition for any one to tackle, and carry through—well worth the while of the biggest railroad man in the country—and apart from that we have the so-called branch lines. Has the country any idea of the mileage of these different branches? They are almost as great. The ex-Minister of Railways remarked to me the other day that I did not seem to be very friendly to taking them in. He asked: What is the matter? I replied: Don't you think we have enough main line without adding branches, that have no sap in them? He said it was a new light in which to look at it. I am not opposed to the government, under given conditions, undertaking to run all the railways in New Brunswick, Nova Scotia, or Quebec. They have been doing so in Prince Edward Island. I feel that the government ought to be able to administer the affairs of a railway as effectively as efficiently, and as honestly as they administer the affairs of the post office. I do not see any difference. The only thing required is determination on the part of the men at the head of affairs, to make his colleagues stand up and say, 'This must be done.' It only takes one man to do it, and the man who does it will do an immense service to Canada. In this proposition we have, perhaps, 1,538 miles of main line. The branches are Metapedia to Gaspé, over 300 miles, when finished, or close thereto. That is in Quebec. Then we have the Temiscouata and Edmondston railway, another 150 miles. You have in Nova Scotia 300 miles. You have in the province of Nova Scotia much more, naturally the branch lines from Halifax. First the Halifax and South Western from Halifax to Yarmoutth and southwest, which runs from Halifax to Yarmouth, nearly half way around the southern portion of the island. Then you have the branch from Lunenburg to Middleton, the MacKenzie and Mann road. Then you have the Dominion Atlantic from Truro to Yarmouth, which is owned by an English Company, about 150 miles. I am not able to give the exact mileage, because I have not the timetables. Then we have the lines from Hawkesbury to Inverness, another McKenzie and Mann line. Then you have the Springhill and Parrsborough road, and the Joggins Mines railway, over 150 miles, and so on. These roads, if they are paying institutions to-day, certainly would not sell out, unless they got a very large price or a fair return for their money. If there is any sale of these roads to be made, it is because the owners want to get out of a hole. My advice to the government is to be very careful in purchasing any of these branches which have not a little life in them anyhow, and not to load on to the main line charges of which we will hear complaint in the future. I am prepared to pass the sponge over all that has been spent, but, as a Canadian, I would certainly ask the government to spend no more money than is necessary in purchasing the branch lines under present conditions. If we had a man like Sir Thomas Shaughnessy, or Sir Charles Hays, at the head of the system I would rely solely on his judgment in acquiring branch lines, but I certainly would have very little faith in railways which would probably be influenced by local financial interests. The government has to be very careful. We are passing legislation which may be used by other governments to come, just as has

been done in the past. While on this subject, I would urge that the government be very careful in the first place, because you cannot strengthen the parent tree by grafting on it branches that are dead and useless. As a matter of law, the Bill is innocuous and practically unnecessary because the government have power to-day to buy branches.

The danger is that this Bill may be used as an authorization to buy roads that will be of no value to the Intercolonial railway at a large expense to the country. There are other things that the Department of Railways and the government should direct their attention to. Prince Edward Island has grievances to submit. It is bound down by monopolies created by men, and by obstacles created by nature. Those obstacles spring forth in the good old winter time. Communication with the main land is cut off almost entirely, with the exception of one or two ferries, and these are run at great risk. That is due to nature and cannot be overcome; but the inconvenience can be remedied by the act of man. I think the government should grant the legitimate demands of the people of that province for as strong and effective service in the winter months as possible. I do not go with them in their demands for a tunnel at present. I would be in favour of a tunnel if there were one or two millions of people on the island, but they admit themselves—and I have spoken to numbers of them—that the demand made upon the Dominion government to construct a tunnel is one that would not be justified by the results, because it would be a difficult and expensive thing to build and maintain, and the amount of freight that would have to go through that tunnel would probably all go through in one month, and passengers would not travel seven or eight miles under water in the season of navigation when they could have a fine beautiful sail over the strait. Not one in a hundred would do it unless he was travelling on business and in a hurry. There would be no trade to pay expenses of the tunnel or even interest on its cost.

That being the case—and it is admitted by a large number of people in Prince Edward Island—the demand for the tunnel decreased. If the island had been increasing its population rapidly, and traffic had increased in proportion, it would have been otherwise. But that is no reason why the people of the island should be left to themselves. They are in the grip of a very strong monopoly, but that is not the fault of the Dominion; it is their own fault. Before confedeation, some fifty years ago, Prince Edward Island tied itself up in the hands of the Anglo-American Cable Telegraph Company, which gives them a very unsatisfactory telegraph service. I do not think it is adequate, because I know from experience that in cases where it has been absolutely necessary to send a telegram to the outside world on a Sunday, the company would not send it. A mother or father might die and the absent children could not be telegraphed for. That monopoly should be stopped, but there will be difficulty in doing it, because the island has placed itself completely in the hands of the company. Not only is the service inadequate, but it is expensive, the rates being almost double. The monopoly goes further than that. It does not allow telephone communication with the mainland. Cannot this parliament come to the relief of the people of that province, who are cut off by a monopoly from what is admitted to-day to be a human necessity, the telephone? I have been informed that the people of Prince Edward Island can not get telephone communication with the mainland because the Anglo-American Company, who hold the monopoly, have a clause in their agreement with the province to prevent any wire being laid under water to the island. The result is, telephone wires cannot be laid, and the island is at the mercy of this company. Would it not be proper for the government of the day to ascertain if the company would not part with its abnormal rights. If this monopoly can be done away with, I think it should. Then there is another thing the Department of Railways could look into. The people of the island complain that shippers have to pay triple rates before they can get their goods placed on the market for sale. First, they have to pay freight on the Prince Edward Island railway, then to the ferry, and then on the main line of the Intercolonial railway.

They cannot do business with much success while they are subject to such excessive charges. There is a way in which the people of the island can be benefited by wise legislation. If they had open competition in the service, between the island and the mainland they would be better served. That could be looked into by the department. Of course, private enterprise cannot compete with the government ferries.

Although the Bill does not appeal to me in some of its features, finding it is only a confirmation of power already existing in the hands of the department, I shall vote for it, hoping that in the carrying out of this law due attention will be given to the best interests not only of the Intercolonial itself, but of the country. Knowing that the country, as a whole, does not regret the money spent on this national enterprise, and that its hope now is that large sums may in the future be spent with all due care, I am prepared to support the Bill, believing that the effect of it will be to promote economy as well as efficiency in the running of the road.

Hon. Mr. LEGRIS—The proposition contained in this Bill is of a serious character. It would allow the government to make arrangements to take charge of the railway lines connecting with the Intercolonial railway. We were told last week that the aggregate length of those lines was fifteen or sixteen hundred miles. That is a big scheme. The right hon. leader of this House said the other day that this Bill is purely permissive. To my mind this permission should neither be asked for by the government nor granted by this House. The experience of long years past that we had with the administration of the Intercolonial railway, is more than sufficient to show that no government is qualified to manage railways in this country. Should this Bill become law, within a few years the government will have charge of and be operating some of these branch lines, perhaps most of them, and with what result? The result will be the swallowing up of further millions of dollars to improve those roads, which instead of being new feeders for the Intercolonial railway, will be suckers on the public treasury. The right hon. gentleman remembers very well, no doubt, when the Liberal party was in opposition in the House of Commons. We fought time and again on the floor of the House, on public platforms and throughout the country against the administration of the Intercolonial railway by the government, which was far from being satisfactory to the country. I regret to say that since 1896, though we have spent the enormous sum of $35,000,000 to improve that road, and in spite of the country having enjoyed a period of unparalleled commercial activity, the result has been to increase the annual deficits on that railway. For this reason, I hope the time has come when the government will see its way to lease or sell that road to some responsible company, which would no doubt make it a success for itself and for the country. If this Bill becomes law, I sincerely believe that within a few years the government will have taken charge of and operated some, perhaps most of those lines, connecting with the Intercolonial railway. It will result in increased burdens upon the public treasury, and will be a serious obstacle thrown in the way of the desirable leasing or selling of that expensive state property.

Hon. Mr. CASGRAIN—I think the hon. gentleman who has just spoken sees more in this Bill than it really contains. The only proposition I see here is to allow the management of the Intercolonial railway to enter into negotiations not to buy, but simply to lease branch lines.

Hon. Mr. LEGRIS—That is all the same.

Hon. Mr. CASGRAIN—I do not know that. Moreover, after having entered upon these negotiations, they would have to submit to parliament the results of their labours. If the arrangement was not one which my hon. friend would consider in the public interest, he could oppose it; but at present this Bill, if it is worth anything is only a step in the right direction. It is merely to authorize the management of the Intercolonial railway to negotiate with the proprietors of the branch lines. What has been the policy of the great company

railways? The hon. member from Victoria (Hon. Mr. Cloran) has spoken of the successful policy of the Canadian Pacific railway. What has been the policy of that road? Simply to acquire every branch line within its reach. That has been the policy also of the Grand Trunk railway. Until it was adopted, the Grand Trunk railway was not paying anything to its shareholders because it operated only a trunk line; but when it commenced to acquire branch lines throughout Ontario and other parts of the country, wherever they could be had under favourable conditions, the company evened up the total mileage of the system, because every mile you add to a railway system helps to cheapen the operating of that system. Therefore, I believe this Bill is a step in the right direction. Look at what Mackenzie and Mann are doing in the west, in Ontario and in Quebec. They are acquiring every branch line they can get. These branch lines, before they became parts of a big railway system, were not paying. When they were merged in the trunk system they not only paid for themselves, but gave additional value to the whole system. I believe this Bill to be a good one, and I shall have great pleasure in voting for it. It simply gives permission to acquire branch lines, and then only when these roads will have been reported to be in good, safe condition with a fair promise to be operated successfully. When such a report of the engineer is before the board, the management of the Intercolonial railway will have the right to approach the proprietors of the various branch lines. There are many such lines enumerated here, which I do not consider would become parts of the system. I do not think such lines are contemplated by the Bill. The only branches contemplated are those which have no other outlet except the Intercolonial railway, and which should be connected with that road. A railway system without branches cannot prosper any more than a tree which has only a trunk and no branches. There must be branches to every trunk line in order that the local traffic may be secured.

Hon. Mr. POWER—The branch lines are there now and doing business.

Hon. Mr. CASGRAIN—Yes, but under different systems. Every successful railway man in Canada, who has charge of any of our great systems has adopted the policy of acquiring branch lines. The government in this case should follow the example set them by such men as have been mentioned just now—Sir Thos. Shaughnessy, Sir William Van Horne, William Mackenzie and Mr. Mann. The government should follow their example.

Hon. Mr. McHUGH moved the adjournment of the debate until to-morrow.

The motion was agreed to.

EXCHEQUER COURT ACT AMENDMENT BILL.

SECOND READING.

The order of the day being called:

Resuming the adjourned debate on the motion for the second reading (Bill C) An Act to amend the Exchequer Court Act.

Rt. Hon. Sir RICHARD CARTWRIGHT—I do not wish to prevent my hon. friend taking this Bill into committee, but I may state that the Department of Justice have grave doubts as to the extent to which the Bill, as originally proposed, would go. The mover has given notice of his intention to introduce another clause involving some cosiderable alteration, and I may add that I myself have an amendment from the Department of Justice, which I shall propose to introduce when the House is in committee. I do not want it understood that anybody is committed to the principle of the measure by allowing the Bill to take the second reading. I think we may as well let it have the second reading and have it go into committee at a convenient day, say Thursday next.

Hon. Mr. BELCOURT—Under the circumstances, I do not think I should trouble the House with any remarks at this stage. Since the Bill is going to the Committee of the Whole, I shall reserve anything I have to say until then.

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

GOVERNMENT ANNUITIES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (Y) An Act to amend the Government Annuities Act, 1908.

(In the Committee).

On clause 6, sub clause two:

2. Any contract providing for an annuity to commence to be payable at any greater age than eighty-five years shall, as to purchase price, be subject to the same terms as if the age were exactly eighty-five years.

Hon. Mr. POWER—I should like the right hon. gentleman to explain this clause.

Rt. Hon. Sir RICHARD CARTWRIGHT—A curious circumstance occurred. In the original draft, not as I prepared it, but as it was primarily amended in the House of Commons, they fixed a term of eighty years as the maximum term at which we would grant annuities. That is to say, we would not give a man anything more if he was 83 or 84 than we would give if he was 80. Of course, in all cases, after a man reaches eighty, he gets special advantages. Two or three old men who wanted to come under our system complained bitterly that we were giving them worse terms than an ordinary company, which is true enough. To meet that we raised the term to 85 years.

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

Hon. Mr. FROST—I have here a document which only came into my hands this morning. It is a petition of the ladies of the National Council of Women, signed by Lady Edgar, as president, and by other officers of that society, asking that some amendments be made to this Bill. I therefore give notice that I shall move that these amendments be taken into consideration to-morrow at their third reading. The petition is as follows;

RE GOVERNMENT ANNUITIES FOR WOMEN.

To the Honourable
The Senate of Canada,
In Parliament assembled.

The petition of the National Council of Women of Canada, respecfully represents as follows:—

Whereas the Parliament of Canada has enacted laws for the promotion of thrift, and for the protection of old age;

And whereas in the Annuities Scheme then adopted the scale of payment is on a higher basis for women than for men, on account of the fact that the longevity of women is said to be higher than that of men;

And whereas the figures upon which the calculations as to the longevity of women are based are said to be those of Great Britain, and not of Canada;

And Whereas the longevity of women in Canada may not be greater than that of men;

And whereas the earning power of women is usually less than that of men, and they are therefore less able to make adequate provision for old age, while, when old age comes they are less able than men to supplement their income in any way;

And wheras the Parliament of Canada, in beauring the expense attending the working of the Annuities Scheme, has demonstrated a desire to help the people of Canada to make proper provision for old age;

Therefore the National Council of Women of Canada, on behalf of the women of the Dominion, do humbly pray your Honourable Body to so amend the Annuities Act, as to make the payment for Annuities for women on the same basis as is now in force for men;

And your petitioners, as in duty bound, will ever pray.

M. EDGAR, President.
MARGARET TAYLOR, Vice-President.
SOPHIE SANFORD, Vice-President.
MARIA E. FROST, Treasurer.
EMILY CUMMINGS, Cor. Secretary.

That reached me this morning and I now hand it in on their behalf.

Hon. Sir MACKENZIE BOWELL—What does the hon. gentleman propose? Does he propose to give notice of an amendment to the Act on the third reading?

Hon. Mr. FROST—Yes.

Hon. Mr. POWER—I do not think that is a matter which the right hon. minister in charge of the Bill should require any lengthened period to consider. I think the right hon. gentleman must be in a position to deal with it now.

Rt. Hon. Sir RICHARD CARTWRIGHT—I prefer to take it up to-morrow. Some hon. gentlemen may wish to express their views, and the ladies are a body we all desire to respect.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. ELLIS—The hon. gentleman must put before the House a definite resolution.

Hon. Mr. FROST—I make that motion.

Rt. Hon. Sir RICHARD SCOTT—It is to put men and women on the same plane.

The SPEAKER—The hon. gentleman can give a notice of motion in writing.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman desires to comply with the terms of that petition, his notice would simply be that on the third reading of the Bill he will move that clauses of the Bill shall apply to women as well as men.

The SPEAKER—A notice of motion can be drawn up and handed in.

Hon. Sir MACKENZIE BOWELL—If I understand the Bill, it applies to women now. Is it the intention to lower the rates of annuities purchased by women?

Rt. Hon. Sir RICHARD CARTWRIGHT—Evidently the intention is that we should sell annuities to women at the same rate as we sell to men. At present we charge the ladies a little more, under the usual actuarial scale.

The motion was agreed to.

OTTAWA AND MONTREAL TRANSMISSION COMPANY BILL.

SECOND READING POSTPONED.

Hon. Mr. ELLIS—(In the absence of Hon. Mr. Beique) moved the second reading of Bill (II) an Act to incorporate the Ottawa and Montreal Transmission Company, Limited.—Hon. Mr. Beique.

Hon. Mr. LOUGHEED—I might direct attention to this Bill, which is very much in the same line as the measure to which I referred the other day. This is a Bill proposing to incorporate a transmission company. Under section 8 of the Bill it will be observed that the company ask the right to acquire a strip 30 feet in width over the territory outlined, which would cover a very large section of Quebec and Ontario. It also asks power to acquire water-powers, and so on; but insidiously, in section 16, the provisions of the Railway Act are made applicable to it, although not a railway, giving power to expropriate for the purposes of the company, which I apprehend would cover water-powers, as well as other territory which they might require.

Rt. Hon. Sir RICHARD CARTWRIGHT—Perhaps in that case, we had better let it stand.

Hon. Mr. LOUGHEED—Yes. I think it should stand until my right hon. friend can make some explanation as to the attitude of the government in regard to the matter.

Hon. Mr. POWER—I move that the order of the day be discharged, and that the Bill be placed on the order paper for Thursday next.

The SPEAKER—Then the original motion is withdrawn, and the question is on the motion of the hon. gentleman from Halifax.

The motion was agreed to.

SECOND READING.

Bill (JJ) an Act for the relief of James Albert Green.—Hon. Mr. Frost.

BILLS INTRODUCED.

Bill (No. 44) an Act respecting the Montreal Central Terminal Company.—Hon. Mr. Edwards.

Bill (No. 83) an Act respecting the Vancouver, Westminster and Yukon Railway Company.—Hon. Mr. Bostock.

Bill (OO) an Act for the relief of Elmer Walter Scott.—Hon. Mr. Robertson.

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

THE SENATE.

WEDNESDAY, March 2, 1910.

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (PP) An Act to incorporate the Catholic Episcopal Corporation of Temiskaming.—Hon. Mr. Lougheed.

Bill (QQ) An Act to incorporate Insurance Company of Canada.—Hon. Mr. Casgrain.

Bill (RR) An Act respecting the Dominion Bank.—Hon. Sir Richard Scott.

PROMOTION AND DISMISSAL OF IMMIGRATION OFFICERS AT QUEBEC.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue for the production of all correspondence between the present immigration agent at Quebec and his superiors in the Department of the Interior, on the subject of the retirement, dismissal or promotion of officers under his control, or of the increase or decrease of their salaries or remuneration.

Rt. Hon. Sir RICHARD CARTWRIGHT —There is no objection to the motion.

The motion was agreed to.

ESCAPES FROM IMMIGRATION HOSPITAL AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. How many sick persons, or persons detained therein, have escaped from the immigrants' hospital at Quebec since Dr. Pagé has been the superintendent thereof?
2. What are the names of the fugitives, and what is the date of each escape?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answer to the hon. gentleman's question is as follows:

IMMIGRANTS WHO ESCAPED FROM QUEBEC IMMIGRATION HOSPITAL SINCE 1905 WHEN DR. PAGE ASSUMED CHARGE.

Date of escape.	Name of Immigrant.	Cause of Detention.
1905		
May 25..	Mikoliky Daniharyk....	Trachoma.
" 9..	Iwan Gaydowski.....	Suspected trachoma.
" 10..	Dymytro Czencutinski..	" "
" 26..	Nikola Stadnizuk.....	Trachoma.
June 2..	Dioniz Krupa.....	"
" 10..	Wasyl Kuzma.....	"
1906		
July 12..	Giovani Spado.....	"
1907		
Oct 22..	Joseph Kallis.....	Suspected trachoma.
" 22..	Alfred Merisalo	" "
1908.		
June 23..	Jan Verboft (deported afterwards).	Syphilis.
Sept. 11..	Alfred Gallo.....	Lack of funds.
" 11..	Louis Saneris.....	"
1909.		
June 27..	Omfrey Totar.....	Suspected criminal.
" 27..	Schlome Alper.	Lack of funds.
July 18..	Josef Szcurkowski	"
Sept. 22..	Abram Brock.....	"
" 11..	George Kanellacos	Trachoma.
" 29..	Jan Osizakovitz.....	Lack of funds.
" 22..	Jacob Janiscki..... ...	"
" 29..	Semion Boiko.....	L.P.C.*
" 29..	Wincenty Krymianowski	Lack of funds.
" 29..	Boleslaw Koczuk.....	L.P.C.*
Oct. 15..	J. Szewezuk.....	Lack of funds.

* Likely to become a public charge.

The cause of detention was trachoma in the majority of cases, and in certain other cases, lack of funds.

IMMIGRATION AGENT AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Has any report whatsoever been made to the Immigration Department, by the immigration agent at Quebec, against Mr. E. W. Brewster, immigration agent in the Eastern Townships?
2. When was this report made?
3. What is the nature thereof?

Rt. Hon. Sir RICHARD CARTWRIGHT —No report has been made. That answers all three questions.

IMMIGRATION AGENT AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired:

Outside of his capacity as agent of the Immigration Office at Quebec, has Dr. Jos. P. Lavoie authority to act as inspecting physician, and has he the right to make the medical inspection of the immigrants who land at Quebec?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes, if necessity arises for his so doing.

THIRD READING.

Bill (JJ) An Act for the relief of James Albert Greene.—Hon. Mr. Frost.

PROTECTION OF NAVIGABLE WATERS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. BELCOURT moved the second reading of Bill (B) An Act to amend the Act respecting the protection of navigable waters.

He said: In moving the second reading of this Bill, I trust I may be permitted to indulge the hope and belief that it will be considered one of great importance, and that hon. gentlemen who will do me the honour to listen to my remarks will share that belief. I have been impelled to introduce this measure because it seemed to me to be in strict accordance with strong and frequently expressed manifestations of public opinion, and because it deals with what appears to be a very serious evil, and one which is daily assuming very grave proportions. Hon. gentlemen may have noticed during the last year that the press of Canada in many quarters has drawn attention to the great danger resulting, and is to result to a greater extent in the future from the pollution of our navigable streams. In the capital of Canada, which ought to set an example to the rest of the country, there has been quite a lively discussion in the press on the subject, and strong protests have been urged during the last year against the pollution of the Ottawa river by a little town not many miles above the capital, whilst this city itself has been discharging sewage in immense quantities into the Ottawa river. The newspapers of Ottawa have found fault with this little town of Aylmer for doing in a much less degree what the capital itself is doing. It seemed to me that the only way in which this evil could be met, was by such legislation as I have endeavoured to embody in the Bill now before the House. After I had introduced the Bill, I was very glad to find that the Senate Committee on public health had dealt with the matter last session. That committee, of which the hon. Mr. De Veber is the energetic and well informed chairman, had last year devoted a great deal of attention to the subject. At the time of the introduction of my Bill, the report of that committee had not been prepared, but shortly afterwards a manuscript copy of the report was handed to the clerk, and with the help of my hon. friend Dr. McMillan, we succeeded, though it was during recess, in having that report printed and distributed. I feel that that report will materially help us in the discussion of this Bill, and the enactment which I hope will follow. I lay down as a truth which no one I think will contradict, that water pure and undefiled, and unpolluted, is one of the prime necessities of life. It is necessary to the whole of creation—as necessary as the light, and warmth of the sun, and as necessary as God's pure fresh air. It is the right of every individual to have for his own purposes, and domestic purposes, pure water, and it is as well the right of the public as against the individual to have unpolluted water.

And why? Because as I have said, water is a prime necessity to life and to his health. It is as necessary as any element of food. In fact, water is food. It is, I submit the principal and most elementary and essential kind of food; it is one of the great commodities provided by nature itself, placed at the disposal of all creation, man and beast. Under the old Roman law it was put in the category of things which belonged to no one. That is a thing which belongs to everybody. Such was the water, the light of the sun, the air, atmosphere, the beasts of the forests, the fish of the ocean, and the birds of the air. It is a natural commodity provided by the law of creation for the use of man. Consequently, the individual, and the public as well, have an inalienable and indefeasible right to pure water. In these days, we have commissions organized for what is properly called the conservation and protection of natural resources. It is, perhaps, a little bit strange that health of the race, which, after all, is the greatest of all natural resources, should not have received a little more attention. It is more than passing strange that in all legislation which has been enacted since confederation, so little attention has been paid to the public health. It is more than passing strange that the British North America Act itself has been almost completely silent on this most grave subject, public health. We are taking steps to protect and preserve the forests, and our water-powers, and I repeat that, up to the present, little or no steps have been taken for the purpose of protecting public health. We are doing worse than that. We are not only taking no steps to protect the health of the people, but we are deliberately daily destroying

that which is absolutely essential to human life. I am afraid we have been living in a fool's paradise. We have been protecting everything, the animals, vegetation, and, most of all, in all creation, man has been neglected. I submit that the depositing of sewage in our natural streams constitutes a far greater danger than the adulteration of food or drugs. Not many years ago this parliament passed a law to prevent the adulteration of foods and drugs. If I am permitted, I should like to draw the attention of the House to some of the conclusions in the report of the Committee of this House on the public health which has been recently printed. I am quoting from page 5, where I find the following:

> Although the subject deals with the academic side of the question, illustrating how nature maintains pure the waters of the streams, and how it is only as settlement takes place and men and animals congregate in settled communities, thereby resulting in accumulations of organic wastes, domestic and agricultural, thereby causing pollution of streams, yet the evidence and discussions show that the problem becomes an urgent one demanding legislative interference. Hence, its consideration was naturally taken up first.
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> It was clearly pointed out by different gentlemen that the idea that the problem of the pollution of streams was one having a practical interest for only old settled countries and thickly settled communities, as of England or Germany, was wholly wrong. That it has for many years been a serious matter affecting the health and influencing the typhoid death rate of dwellers along the shores of the Great Lakes was indicated in the following diagram (page 6).

The diagram follows on the next page. The report proceeds:

> The statistics show that the death rate of Chicago from typhoid, at a time when she was polluting her own water supply by pouring the sewage into Lake Michigan, was four times as great as that of Detroit, whose sewage, fortunately, was delivered below while the water was taken above the city. At the same period Toronto had a high death rate from typhoid because her water pipe, laid across the bay into which she poured the sewage, was broken and leaky.

On page 91 I find the following:

> To-day, with the intrusion of matters affecting the public health into every condition of life; into federal departments, whether dealing with the health of men or animals in matters of foods and drinks; whether providing for the admission of healthy immigrants, or caring for their health after their admission, or for the health of Indian bands; whether investigating the pollution of streams between Canada and the United States or between provinces, or the sanitary control of railway trains; whether providing for the protection against pollution of the waters wherein food fishes and crustaceans are cultivated; whether investigating the character of the lighting, ventilation or overcrowding of passenger vessels on the high seas or inland waters, and the means of safety of vessels and engines; or whether preventing injury through legislating for the health of the employees on public works and of the people who may be engaged on government contracts, or against sweat-shop work, and it is abundantly plain that in a remarkable manner the British North America Act leaves the extent to which federal action may be pushed in protecting and promoting the public health to be limited only by the degree to which public sentiment and public needs shall, from time to time, call for the exercise of the almost unlimited powers possessed under our constitution by the federal authority.

Then at page 12 the report proceeds:

> (a) Turning Crude Sewage into large Bodies of Water.
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> This, with an almost unanimous voice, is condemned in the evidence; one gentleman, however, stating that this method has hitherto prevailed in most of the cities and towns of North America, and he seems to think, when we consider the purifying effects of oxidation, sedimentation and dilution, that it may be safely carried out in large bodies of water, providing the municipality does not procure its water for domestic supply in too close proximity to the sewage outfall, and it would be advisable, in the case of large cities and towns, to have the sewage screened and settled in sedimentation basins. This gentleman does not, however, explain how the neighbouring towns are to be protected, and his views were combatted by the following opinion from other evidence, 'It is quite true that a surface water, whether river, stream or lake will dispose of a certain amount of organic matter, but this takes no account of microbes, these are not testable by chemical means, but by their environments, and we know in the light of modern knowledge that they can thrive or exist long after all trace of their habitat or surroundings has been lost to chemical tests.' . . . 'As in the case of a large river. . . . I had occasion to test the water, and within about a distance of half a mile I lost all trace of the pollution chemically, but for twenty-three miles down the stream I follow the bacteria. They will lie there on the ice and live, and then when the ice melts it all goes down into the water underneath.' As a further illustration of the vitality of germs, the history of the Plymouth, Pennsylvania, outbreak of typhoid is given. Quite recently a sample of lake water from Newfoundland showed excellent results chemically; but bacteriologically it was most suspicious. I condemned it, pending further information concerning its source and surroundings, and well it was that I did so; the water was conveying disease to the consumers thereof. In my opinion, it is these lesser, or non-detectable, by ordinary senses, pollutions which are the most dangerous.'—Starkey.
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> The point of the argument is coming. In

my opinion this is precisely the stage at which we have arrived in Canada at the present day. Most of our water courses are so great that it would take a large volume of sewage to be perceptible to the ordinary senses, volumes which we do not as yet furnish, but it is only a question of time to get such a pitch. The St. Lawrence is a case in point: In my time the growth or gradual increase of pollution has been quite perceptible. When I first commenced to make analyses of these waters I found that the average number of bacteria per cubic centimetre ranged about fifty or sixty, and every year after that it got more and more, until now the average is 180. Even healthy human beings and animals carry the causative agents of disease, notably, typhoid, cholera, dysentery and many of the pus organisms, and perhaps those of other diseases also. Unfortunately, we have the sick, as well, to deal with. From these the danger is greater in that the organisms are more numerous and more active. Fortunately, these pathogenic organisms do not live very long in this medium (sewage); but, unfortunately, also they do live so long that they may be carried very far. . . . They may be washed down into our streams and lakes, so that none of these, in inhabited districts are safe sources of water supply. This is especially so where the population is thick and where sewers carry the stuff in large quantities into these streams and lakes. Sewage being collodial does not mix well in the water into which it is cast; often it is in masses, which take some time to break up; it is warm and floats on the surface; the salts in it do not help much in its diffusion.—(Starkey.)

These several quotations make it abundantly plain that the dictum is true: That whatever and whenever a stream of water which is the receptacle of sewage which can reach the intake pipe, becomes the source of a water supply for domestic purposes, sooner or later typhoid fever and diarrhœal disease will follow its use.

You will remember the report of the Royal Commission in Great Britain on the purification of rivers. There they found by direct experiment on rivers that there was not one in Great Britain long enough to purify itself from germs when they once got in. They had two that were two hundred and fifty miles long, and they could not get any farther than that, and they proved most conclusively that the germs could go down two hundred and fifty miles.—(Starkey.)

Assuming the necessity for sewage purification, the methods to be adopted are discussed in length in the evidence. It is stated, 'we can "devise" a scheme to get rid of them all (microbes).' This is a statement of extreme moment, and of such importance that we cannot over-estimate it. Translated into plain language it reads: 'A good sewage effluent possesses such chemical characteristics as to make it indistinguishable, by ordinary sense, from a common drinking water.' 'This is the standard (chemical) called for by the local government board in England, and to my knowledge, in the case of some sewage plants emptying their effluents into the Thames, this standard of purity is even exceeded. . . . Furthermore it means that a volume of fresh water receiving such an effluent will not have its character altered from those of an ordinary water, and if precautions are taken to rid it of germs, there is no reason why it should not be used as a drinking water.'

I am quoting at length from this report, because I think it is most illuminative. Then at page 21, I find the following:

Experience has shown that even the St. Lawrence, the Ottawa and Niagara, the Mississippi and Ohio, are not large enough to ensure safety at all times and under all circumstances against pollution, while epidemic after epidemic has proved that, given the pollution of a drinking water with the specific disease germs of typhoid or cholera, and no matter how great the seeming dilution, an outbreak of the particular disease will sooner or later result. Experience has further shown that ordinary animal matters from the surface of manured fields and the streets of towns become at least the medium through which disease is carried.

Again on the same page we find the following:

As regards the freedom from pollution, it is stated, 'given an area of land where water trickles down from it and goes into a stream, and I will defy anybody to guard that stream from pollution.' . . . I hold this idea, that where you have water exposed, as such water would be, to chance pollution, it may not be constant, it may be there one day and not another.' . . . 'I have seen it often, engineers coming along and showing to me most conclusively that currents go here and go there, that they must go there because they cannot go anywhere else. I have seen them go elsewhere, and I have seen the results of their going elsewhere; so that if you ask me to guarantee that, if you put a pipe in the middle of a lake it would be impossible for polluting material to get from the edge of that pipe, I should say 'No.'—(Starkey.)

The proof of these conclusions is contained in the report and everybody can find proof of them in the daily press. Not long ago, the press of Montreal asserted—I cannot say anything as to the truth of the authority, but I should think the local newspapers would not be likely to exaggerate the state of things there, that there were last fall 5,000 cases of typhoid in the city at the time. There has been an outbreak of typhoid lately in the vicinity of Ottawa. Let me, for the purpose of substantiating my statements, refer to one or two newspaper articles. On the 17th of last month the Ottawa 'Free Press' contained the following:

One Child Dead, Five more Ill from Fever—Serious Outbreak of Typhoid at Deschenes blamed on Impure Water in Ottawa River.

With one daughter dead and five other children critically ill from typhoid fever, Mr. and Mrs. Gravelle, Deschenes, Quebec, are well-nigh distracted with grief. Two of the young victims are not expected to recover.

The cause of the outbreak is attributed solely to the contaminated state of the water of the Ottawa river, the family having their only source of supply at Lake Deschenes. The town of Aylmer is about two miles further up the river, and the impurity of the water from that source is aggravated by a sewage discharge about half a mile from the village of Deschenes.

Series of Illness.

Mr. Gravelle is a mechanic employed with the Ottawa and Hull Power Company. He has a family of 12 children. Disease first broke out in the house in December last, in the shape of scarlet fever and diphtheria. On February 11 typhoid fever developed in two children and they were removed in Brady & Harris' ambulance to the Ottawa general hospital.

Yesterday, three others of the family, the youngest of whom is a baby of three years, were likewise rushed to the hospital. The seven year old child, Ellen, died yesterday afternoon at her home. The ages of the victims range from 17 years old down.

The 'Free Press' was informed at the general hospital this morning that two of the sick children could hardly hope to survive, and that all five are in a very serious condition.

Mrs. Gravelle's complaint.

'Surely I have good cause to complain of the conditions in this village,' said Mrs. Gravelle, when spoken to this morning by the 'Free Press' on the cause of the illness of her children. 'I have five in the hospital now, and one other dead. I lay the whole blame on two things. The sewage from the Fraser mills and the bad water generally.'

'Do you find any indications of pollution in the water?' queried the reporter.

'We find the funniest kind of little creatures in the water,' answered Mrs. Gravelle. 'Some of them are as large as small crawfish, while others are like worms. There must be thousands of them in the water. At night when we take a drink we always hold a light above the cup to see that we are not drinking any of them. The water is brought to us by a man who sells it at ten cents a barrel, but he just fills the barrels with a bucket and never strains it.'

I am told that since then the condition in the village has been intensified and cases have increased in number. 'Le Canada' published a few days ago the following:

La pureté de l'Eau—Le chef du département de l'hygiène d'Albany déclare que la question de la pureté de l'eau est la plus importante à règler dans l'état de New-York.

Albany, N.-Y., 15.—La récente épidémie de fièvre typhoïde à Montréal, fait l'objet d'une étude sérieuse dans le rapport mensuel du département de l'hygiène de cette ville. Le commissaire M. Porter déclare que la pureté de l'eau est une question d'une importance vital pour l'état de New-York. "Pourquoi faut-il, dit-il, que chaque fois qu'une personne porte à ses lèvres un verre d'eau fournie par les municipalités, elle doive se dire, que peut-être avant que six semaines se soient écoulées, elle sera un des 1,300 qui succombent annuellement dans cet état à la typhoïde, causée par l'eau qui n'est pas assez protégée contre la contamination, ou qui, lorsqu'elle est contaminée, n'est pas suffisamment purifiée?"

Here is an article which appeared in one of the Toronto papers just a few days ago:

Toronto endangered by sewage sand.

Toronto, Feb. 23.—That a sewage laden sand bar has been formed at the mouth of the intake pipe off the island was the surprising statement made by Mayor Geary at the board of control meeting yesterday. He stated briefly that soundings taken by the city engineer had proved this to be the case.

'There is a possible dange' of the sewage laden sand finding its way into the intake pipe and not only contaminating the water, but possibly choking up the whole intake at the elbow. The city engineer is taking measures to prevent anything of the kind happening.'

Then four days after there is a despatch from Toronto headed:

Typhoid spreading in Toronto.

Toronto, Feb. 26.—One hundred and two cases of typhoid fever have been reported so far this month to Dr. Sheard, city medical health officer. In February, 1909, there were only ten cases for the whole month. In February, 1908, there were fourteen cases, as against twenty-three in February, 1907.

The typhoid fever record this present month is the highest in February since 1893, when the contamination of the water by sewage in consequence of the pipe rising to the surface of the bay resulted in 111 typhoid fever cases in the city. The pipe rose in the bay on Christmas Day, 1902.

The total number of cases of typhoid fever reported last year was 331. In 1908 there were 201 cases; in 1907 there were only 186 cases.

I quote also from a part of an article which appeared in the 'Free Press' on the 23rd of last month under the heading of 'Massacre of Infants in Ottawa, Probably Due to Impure Water'. The Free Press' says:

And now comes the startling report of the Ontario Milk Commission.

That commission reports that Ottawa has 'the most complete and effective system for

the protection of the milk supply to be found in the province.'

Yet the same commission also finds that the vital statistics show that 'Ottawa has a greater percentage of deaths under one year of age than any other point in Ontario, or 216·94 in every thousand.'

The other cities follow in order: Fort William, 202·76; Port Arthur, 186·99; Niagara Falls, 177·34; London, 171·83; Belleville, 169·42; Toronto, 155·67; Guelph, 151·82; Hamilton, 151·02; St. Thomas, 147·69; Chatham, 144·74; Kingston, 144·74; Peterborough, 134·01; Windsor, 130·21; Brantford, 124·15; Stratford, 119·60; St. Catharines, 117·86, and Woodstock, 79·60.

On the face of it this appallingly high infantile rate is not due to the milk supply.

* * * * * * *

The water from the Ottawa river supplied to the people of this city has been found to contain disease germs frequently that may cause typhoid fever, it is known to contain all the time, and to a very large exent during the period from May to October, germs that set up intestinal troubles in the human body. The examination of a drop of the water under a microscope will reveal these germs at any time in large numbers.

And the mortality in infants is almost entirely caused by intestinal troubles.

The people of Toronto have been suffering for months from an epidemic of 'intestinal grip'; they are now suffering from an epidemic of typhoid. Both are attributed to the contamination of the water supply.

Knowing that our water is not always pure, knowing that the authorities have frequently found it necessary to warn us to boil the water before drinking, is there not good reason for believing that the great infant mortality with which Ottawa is declared to be afflicted is due, not to milk, but to the water?

The 'Free Press' declares, with all the emphasis possible, that the alarming report of the Ontario Milk Commission in regard to the situation in Ottawa makes it imperative that the present investigation into the city's water supply be of the most thorough kind—no matter what the expense—and after that investigation something must be done, either by purification of the present supply or by obtaining a new source of supply—also no matter what the expense—to protect our people.

Shall Ottawa, the capital of the Dominion, priding itself on being one of the most enlightened cities in Canada, permit this awful massacre of the infants to continue?

As is pointed out in this article, there is the possibility of danger in every glass of water. Every time we go to the tap here and take a drink, we do it in fear and trembling. I have seen gentleman after gentleman go to the tap and hesitate, and have seen some kindly messenger warn them not to use that water. That is the case all over the city. Hon. gentlemen of this House, and a portion of the public, can guard themselves against the danger by using mineral waters. That is all right enough for the rich, but what about the poor who have no other means of satisfying their domestic requirements than the water that comes down our streams. I say without hesitation, and I can give authority for it, that sewage has caused more deaths than the white plague. We have of late awakened to the great havoc caused by the spread of the white plague amongst the people, and the governments of the provinces have taken steps to prevent the spread of the disease by looking after those who are so afflicted, yet nothing has been done to provide for protection against contamination from sewage. I believe there is all through Canada to-day a very strong and determined feeling that this evil must be stopped, and now is the time to do it, not when Canada will have increased in population, and when the cost of it will be infinitely larger than it would be to-day. I do not think the question is really a debatable one. If hon. gentlemen will consult the many books and publications on the subject, they will find that in Europe and the United States there is a universal belief that water pollution constitutes one of the greatest dangers to the human race, and it must be stopped. There is also perfect agreement as to the efficacy of the means that can and ought to be employed for the purpose of preventing this evil. The methods suggested have already been tested all over Europe, and probably no where more thoroughly than in Great Britain—especially so in Scotland. The means of treating sewage, and even utilizing it in an economical manner has been proven time and time again in many places. There are to-day in the neighbourhood of Glasgow and Edinburgh large farms that utilize all the sewage which they can procure from these large cities, and they are doing so at a profit. The committee of this House which dealt with the subject of the public health last session is also on record in this respect. I have already quoted part of their report. Let me read their conclusion on that point:

It is practicable to purify the sewage of towns to any degree required, either by land treatment or by artificial filters, and there is no essential difference between the two processes. The main questions, therefore, to be considered in the case of a town proposing

to adopt a system of sewage purification are: first, what degree of purification is required in the circumstances of that town, and of the river or stream into which its liquid refuse is to be discharged; and secondly, how the degree of purification required can, in the particular case, be most economically obtained.

I have here before me also one or two articles which very recently appeared in the 'Sanitary Review.' An article in the number for February 11, headed 'Selecting a scheme for sewage treatment,' which illustrates the adoption of a plant of that kind by the city of Vernon, British Columbia. That small place is setting a very good example to the supposedly more enlightened eastern communities of Canada. Dealing with this very Bill, on the 10th September last, the 'Sanitary Review,' after quoting in full it goes on to say:

> The above is the wording of a clause in the Bill which recently received its second reading in the Senate at Ottawa.
>
> If the Bill becomes law it will be the first acceptance by the Dominion of Canada of state responsibility in guarding the purity of Canadian waters.
>
> The provincial government have in part shown some awakening to the necessity of prevention of stream pollution, but it is felt on every hand that the recognition of the principle by the Dominion government will go a long way to strengthen the hands of the provincial governments in local legislation.

Then the article goes on to analyse the Ontario Act, and finds that the provincial legislation is wholly inadequate for the purposes in view:

> Where the principle of the Act proposed by the Senate appears to us to be far and away more efficient than the Ontario Act is in the recognition of the board principle of guarding from pollution all rivers, streams or other waters, either navigable or flowing into navigable waters.
>
> We wish every success to the proposal of the Senate. The adoption of the principle as a dominion law that it must be held illegal to pollute nature's water supply will in the future save this country great expenditures of money in rectifying negligence, as is so well illustrated in the older countries at the present time, when they are at their wit's ends in devising methods and facing enormous monetary outlays in attempts to reclaim waters from the open sewer conditions into which they have been allowed to drift.
>
> Saskatchewan is at the present time putting a Bill through legislative routine to guard and keep pure their water supply sources. The government will be encouraged by the progressive action of the Dominion Senate. The recognition by law of the conservation of natural resources is always slow, and there will be plenty of kickers of the purely utilitarian school, who cannot recognize either 'Godliness' or 'cleanliness' when placed in the balance with the 'almighty dollar.'

It might not be amiss to review briefly the legislation of various countries on this subject. I have gone to very considerable trouble to find and to analyse the legislation in Europe and on this continent, and I have prepared a statement which I shall submit to the House. In Germany and Prussia, the Act of 1894 forbids contamination of rivers, streams or underground waters, with (1) such matters as can be the means of spreading infectious disease; (2) matter of such nature or in such quantities as is dangerous to health, or constitutes a distinct annoyance to the public. The Oberpresident of each province is to decide whether matter placed in streams or rivers is of such a nature as to violate this law. The law can be extended, by royal decree, to bays and harbours. The other provinces of the German empire have more or less stringent provisions on the subject.

In France, the penal code severely punishes the offence of throwing sewage, etc., in rivers. The law of 1902 gives to the communes the right to protect their sources of water supply. This law also forbids the pollution of sources of public drinking water and of fountains, conduits, aqueducts, etc., with excrement or other matter injurious to health.

In Belgium, in 1877, there was a very stringent law enacted to prevent the pollution of non-navigable streams. They have done a great deal more than that. They have given the best example of what might be done in this matter, seeing the vital importance of the question, by aiding municipalities to instal purification plants contributing one-third of the cost of such installation.

Austria has a very complete law. No deposit of sewage is allowed without authority of the government.

Russia prohibits all contamination by deposit of noxious matter of any kind. Legislation for the protection of rivers from pollution is practically universal throughout Europe.

In the United States there is no provision in the federal constitution giving Congress authority to deal with this matter. The

reason for the omission is probably the same reason which caused the same omission from our own constitution. At that time the necessity and importance of dealing with the subject of public health, especially from the interstate and interprovincial point of view had not received the attention it has received since. There is no provision, therefore, in the United States constitution on the subject, just as there is none, or a very inadequate one, in the British North America Act.

But the various states of the union have adopted more or less stringent provisions. I have taken the trouble to go through the laws of every state of the union, and each of them contains some provision upon this subject.

Hon. Mr. DAVID—Are those laws enacted by the state or by the federal authority?

Hon. Mr. BELCOURT—By the state. The federal authority of the United States has no power to legislate with respect to public health.

Hon. Mr. McSWEENEY—I have a letter here from the city clerk of Moncton protesting against this Bill. The sewage of Moncton enters into the Petitcodiac, which is a tidal river emptying twice in 24 hours. At high water it is forty feet in depth, and at low water you can walk across the stream. The city is very much afraid that under this Bill they will be subject to great expense. Moncton is about thirty miles from the Bay of Fundy; but the sewage of the city is swept into the Bay of Fundy, and from the bay into the ocean. I do not think this Bill will affect Moncton; but I put the question for the purpose of getting an answer to-day.

Hon. Mr. BELCOURT—I think the question is proper and I am prepared to answer. I was going to deal with it later on; but I may say at once that there is a clause in the Bill, under which the city of Moncton or any other city similarly situated can apply to the Governor General in Council and obtain the suspension indefinitely of this provision. I will deal at length with that later on. I shall not trouble the House with quoting the various enactments passed by the several states of the union. I have taken the trouble to analyse this legislation, and I have made five classes of states. I have grouped them in accordance with the degree of stringency by which they have legislated on this subject. In the first class will be found these states which have adopted the less stringent legislation or legal enactment, and in the fifth class will be found those states which have adopted the most modern or most strict.

Hon. Mr. DAVID—Will my hon. friend inform me where any of those enactments apply to the St. Lawrence?

Hon. Mr. BELCOURT—Yes. New York state has passed such laws, and some of the most stringent Acts that have been passed in the United States. In the first class, as I have said, are mentioned those states which have adopted the less stringent laws, but all those enactments forbid the poisoning of wells, springs and reservoirs, and in this class I have placed Georgia and Rhode Island. In the second class, legislation which seeks to prevent the pollution of water by certain specific agencies. This is clearly the next step in river pollution, and in this class belong Wisconsin, California, Idaho, Oklahoma and Indiana. In the third class, I have mentioned the states which endeavour to protect water supplies, and in this class are to be found Michigan and the District of Colombia. The fourth class forbids the pollution of all waters used for public supplies. This shows a great advance on the other class, and in this class are to be found the states of Maine, Kansas, Delaware, Montana, Minnesota, New York, Connecticut, Arizona, Virginia, Wyoming, Alaska, Oregon, Mississippi, and Pennsylvania, and the most complete and effective legislation on the subject is in the state of New York—and my hon. friend will see that it affects the St. Lawrence—Connecticut, Maine and Virginia. The remaining states—that is the fifth class are those states where the legislation is of the most advanced character and those are Massachusetts, North Carolina, Utah and New Jersey. The effect of the pollution of natural streams has only recently re-

ceived a very great deal of public attention. In fact, most of the legislation which I have analysed hardly dates back further than 1905, and all the advanced legislation which I have referred to in the United States has been enacted since 1905. We are, therefore driven to the conclusion that both in the United States and Canada that subject has not been dealt with effectively until recently. I desire to refer to the law of Great Britain. The first legislation on the subject was passed in the year 1866, and it was called the Thames Navigation Act; then we had in the following year another Act called the Thames Conservancy Act, and followed by the Public Health Act of 1875, which made stringent provisions against the pollution of all streams. Then we have the present law, which was enacted as far back as 1876, and I may say I was at once very favourably impressed with it, and I read the Act with a great deal of pleasure, because I find that practically the English Act of 1876 is to all intents and purposes similar to the provision which I am now introducing, and that it has worked in England just exactly in the same way as we should expect our Act to work in this country. For that reason I may be allowed to read the provision. It is as follows:

Laws as to Sewage Pollution.

Every person who causes to fall or flow, or knowingly permits to fall or flow, or to be carried into any stream any solid or liquid sewage matter shall, subject as in this Act mentioned, be deemed to have committed an offence against this Act.

Where any sewage matter falls or flows, or is carried into any streams along a channel used, constructed, or in process of construction at the date of the passing of this Act for the purpose of conveying such sewage matter, the person causing or knowingly permitting the sewage matter so to fall or flow, or to be carried, shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognizance of the case that he is using the best practicable and available means to render harmless the sewage matter so falling or flowing or carried into the stream.

Where the Local Government Board are satisfied, after local inquiry, that further time ought to be granted to any sanitary authority, which at the date of the passing of this Act is discharging sewage matter into any stream, or permitting it to be so discharged by any such channel as aforesaid for the purpose of enabling such authority to adopt the best practicable and available means for rendering harmless such sewage matter the Local Government Board may by order declare that this section shall not, so far as regards the discharge of sewage matter by such channel, be in operation until the expiration of a period to be limited in the order.

I said the provision I am now introducing was framed on the same line as the English Act, and will work out just as this Act has worked in England. Under chapter 115 which I am seeking to amend by introducing the clauses now under consideration, there is a provision which enables the Governor General in Council to suspend the operation of the Act until such time as may be in the interest of the public, just as there is in the English Act which I have read. The section proceeds:

Any order made under this section may be from time to time renewed by the local government board subject to such conditions if any as they may see fit.

If any one needs a strong precedent as a justification for the legislation I am now proposing, I do not think he could find a better one than the British Act which I have just cited. I have already said that under the operations of that Act, methods of all sorts have been introduced and put in practice in the British Isles, all with a great deal of satisfaction. I have here two volumes on the subject, but I shall not trouble the House by reading any extract from them. I shall give hon. gentlemen the name in case they should like to see what methods of prevention of pollution and of the utilization of sewage can be adopted. It is a French book by Mr. Imbeaux, which can be found in the library. It is beautifully illustrated, and all the methods which can be adopted are there fully described. Now I come to the section which my hon. friend has just alluded to, the question of jurisdiction. It is perhaps a bold proposition to make, but I make it without hesitation. I submit that the jurisdiction in this matter is wholly in this House, not partly, not concurrently, not co-existently with the province. but exclusively in this parliament. As I have already said, the British North America Act is almost silent on the question of public health. The only two provisions are to be found in sections 91 and 92. Section 91, paragraph 11, reads:

Quarantine and the establishment and maintenance of marine hospitals.

The Dominion government is to have jurisdiction in matters concerning quarantine and the establishment and maintenance of marine hospitals. Then among the powers exclusively given to the legislatures with reference to this subject we find in paragraph 7, of section 92, the following:

The establishment, maintenance and management of hospitals, asylums, charities, elemosynary institutions in and for the province other than marine hospitals.

Outside of these provisions, the British North America Act could be searched in vain for any word dealing with public health. Under our constitution, as I have already said, power is vested in the Dominion. The provinces can only exercise powers in matters which are exclusively assigned to them, and those powers must, in the language of subsection 16 of section 91, be of a local and private character. That is, in all subjects exclusively assigned to the provinces, and which are of a local and private character, the provinces may legislate. Any power which is not exclusively given to the provinces is in the Dominion, and I say—and I have a great number of authorities in support of it—that the moment provision incidental to any of the powers granted to the Dominion becomes of a general character, the presumption is at once raised that that matter falls within the jurisdiction of the Dominion. Of course as I have said, it is different entirely with the American union. I am quite clear that there the federal congress has no jurisdiction to legislate on public health; but the very reason which deprived the federal congress of jurisdiction is the reason which gave this parliament jurisdiction in matters of public health. I might with profit, perhaps discuss the decisions of the Privy Council. I might go back to the action of the Bank of Toronto vs. Lamb, where the principle was clearly laid down. I shall not trouble the House with it.

Hon. Mr. McMILLAN—I may say I am in favour of the Bill to begin with. But my hon. friend knows very well that municipal institutions are under the jurisdiction of the provincial government. How are you going to prevent municipalities from committing infractions of the provisions of this Bill should it become law?

Hon. Mr. BELCOURT—I was going to deal with that later if my hon. friend will allow me to continue in the way I have prepared my notes. The Dominion parliament has jurisdiction to deal with, and to enact laws for peace, order and good government on all subjects not exclusively assigned to the provinces. If you look at the matters exclusively assigned to the provinces, you will not find that of 'public health.' It is true you will not find it in the powers reserved to the federal authority, but if you bear in mind that the federal authority can and should legislate on all subjects which are not exclusively assigned to the provinces, the mere omission of the words 'public health' in the powers assigned to the Dominion does not mean that the Dominion has no power to legislate on the subject. So that the moment you make it clear that the provinces have not been assigned exclusively the right to legislate on matters of public health, then you must of necessity conclude that the Dominion alone has power to legislate on that subject, though it is not mentioned in section 91. There are matters reserved to the provinces under section 91. As I have said, they are purely and simply local in their nature, hospitals, charitable institutions, elemosynary institutions and so on. I may, I think, quite properly describe the jurisdiction of the provinces in matters of public health as one confined and limited to the taking care of persons afflicted with disease, whereas the jurisdiction of the federal parliament is to prevent infectious diseases from being brought into the country and spreading. How could the provinces legislate on the prevention of disease? That is not a local and private subject. It is not one which is embraced, comprised, or comes within the class of institutions such as are mentioned in section 92, hospitals and elemosynary institutions. My hon. friend from Glengarry asked me how are you going to prevent municipalities from enacting by-laws concerning the public health in their locality? I do not think there is any conflict of that kind at all. I do not pretend for one moment that the munici-

palities have not the right to enforce by by-law any measure which they think is in the interest of public health. There is absolutely nothing in my contention which would deprive them of that power. I can quite understand the legislature of the province, just like the municipalities to which the legislature has delegated certain powers, could legislate on matters affecting public health, but always when these matters are of a local and private character. There is to-day before the Ontario House, amongst other measures, a Bill to regulate slaughter houses. I would not for one moment contend that that Bill is not within the jurisdiction of the provincial legislature; on the contrary, I think you have there a matter of a local and private character affecting public health.

Hon. Mr. McMILLAN—What I have reference to more particularly is the sewage of these small towns that are adjacent to small streams in the interior of the country, and into which sewage is allowed to go unless prevented by a municipal by-law. How is an infraction of the law such as presented to this House going to be enforced by the federal authorities?

Hon. Mr. BELCOURT—If, as has been done, the Federal authorities elsewhere make it an offence to deposit sewage in the streams to which my hon. friend refers, the remedy is easily enforceable, because it would be a criminal offence to do it under the statutes, and you can punish the individuals in the interior just as you can along the St. Lawrence. I cannot see any difficulty there. There is no question that the municipalities have the right to regulate their streets and public places, and their markets with a view to guarding against danger concerning public health. I cannot see that there is any conflict in that at all, and it may be that on certain subjects both the Dominion and provincial governments have concurrent jurisdiction. Take the question of immigration; under the British North America Act both the province and the Dominion are authorized to legislate on the question of immigration; but any provincial enactment would only be of a local and private character with reference to immigration in the provinces. It could not be with reference to immigration elsewhere, and in these cases where concurrent jurisdiction has been given to the provinces and to the Dominion, the concurrent jurisdiction so far as the province is concerned, can only be exercised within the territorial limits of the province and cannot go outside. I may say, dealing with that subject, that I have had communication and interviews with Dr. Lachapelle, who is in charge of the Public Health Board for the province of Quebec, and he most heartily endorsed this Bill. The province is not opposed to it, as far as I know. I have not heard from the other provinces, but so far as Quebec is concerned, the health authorities are in entire accord with this measure, and wish it every success. I say that it is a mere tradition, based on false grounds, that parliament has no jurisdiction with regard to public health. There is absolutely nothing to justify that in the British North America Act. But if our statutes are searched, we find that time and again parliament has exercised its power to legislate on matters of public health, and I desire to refer to some of the statutes. First of all, chap 75 of the Revised Statutes, entitled 'An Act Respecting Infectious and Contagious Diseases Affecting Animals.' I want to refer to section 3, which reads as follows:

> Every owner of animals and every breeder of or dealer in animals, and every one bringing animals into Canada shall, on perceiving the appearance of infectious or contagious disease among the animals owned by him or under his special care, give immediate notice to the minister and to the nearest veterinary inspector of the Department of Agriculture of the facts discovered by him as aforesaid.

Section 4 reads:

> Every owner of such diseased animals who neglects to comply with the provisions of the last preceding section shall forfeit his claim to compensation for any animal slaughtered in accordance with the provisions of this Act, and no such compensation shall be granted to him.

Section 5 reads:

> The minister may from time to time cause to be slaughtered animals suffering from infectious or contagious disease, or suspected of being so affected, or animals which are or have been in contact with or in close proximity to a diseased animal, or an animal suspected of being infected by or with infectious diseases.

It cannot be contended that the exercise of this power is created under the British North America Act by the provision that we have a right to legislate on matters affecting trade and commerce. This is not a matter of trade and commerce at all. Under this provision an officer of the Department of Agriculture may walk into my stable and take the horse I am using for riding purposes, and remove it, and say that it has glanders and therefore must be killed. That is not justified by trade and commerce. Section 12 reads:

Any inspector or other officer appointed as aforesaid may at any time for the purpose of carrying into effect any of the provisions of this Act enter any place or premises or any steamship, vessel or boat or any carriage, car, truck, horse box or other vehicle used for the carriage of animals, but shall if required, state in writing the grounds on which he has so entered.

Then a provision very much similar, with reference to infected places, is to be found in section 15. Then section 26 reads:

All yards, stables, sheds, or other premises used by railway or steamship companies, or other persons for the accommodation of animals shall be maintained in a clean, comfortable, and sanitary condition, and shall be subject at all time to inspection by inspectors acting under the authority of the minister, who when they deem such action necessary may order the cleansing and disinfection in a satisfactory manner, of the said yards, stables, sheds or other premises.

Not in harbours under the jurisdiction of this government, not in places clearly under our control, but in private stables or anywhere. Then a number of regulations are contained in the Act, and offences are created and penalties are imposed for the violation of these provisions, all making a criminal offence of the infraction of these provisions. I should like to direct the attention of the House to section 39 of this very Act, which reads as follows:

Every person who throws or places or causes or suffers to be thrown or placed in any river, stream, canal, navigable or other water, or in the sea, within ten miles of shore, the carcass of an animal which has died of disease, or which has been slaughtered as diseased or as suspected of disease, shall for every such offence incur a penalty not exceeding $200.

What is the difference between that enactment, as far as jurisdiction goes, and the one which I am now proposing? There is absolutely no difference whatever. This makes a criminal offence of throwing the carcass of a diseased animal or animal suspected of disease into a river or stream.

Hon. Mr. McDONALD (B.C.)—That is the English Act.

Hon. Mr. BELCOURT—No, our own Act. Section 40 reads.

Every person who without lawful authority or excuse digs up or causes or allows to be dug up and buried the carcass of an animal which has died or is suspected of having died from infectious or contagious disease, or which has been slaughtered as diseased, or as suspected of disease shall for every such offence incur a penalty not exceeding $200.

It may be asserted that this provision would be justified because we have a right to legislate in relation to trade and commerce. There is no shadow of pretension that this pertains to trade and commerce, and if the parliament of Canada had jurisdiction to enact this law, why has it not the power to enact the provision which I now propose? Another very remarkable thing in connection with this Act is that the officer who is charged principally with the administration of the law is not termed Director of Quarantine, he is called Director General of Public Health. Dr. Montizambert, who is the officer charged with the enforcement of this law, is the Director General of Public Health in Canada. I say this is a clear assumption of jurisdiction by the Dominion parliament in matters of public health. I might refer also to chapter 133. This Act prohibits the adulteration of drugs, liquors, milk, &c., and amongst other provisions contains the following subsections of section 2:

Food includes every article used for food or drink by man or cattle, and every ingredient intended for mixing the food or drink of men or cattle for any purpose whatsoever.

Then section 3 provides:

Food shall be deemed to be adulterated within the meaning of this Act—

(e) If it consists wholly or in part of a diseased, or decomposed, or putrid, or rotten animal, or vegetable substance, whether manufactured or not;

(f) If it contains any added poisonous ingredient, or any ingredient which may render such an article injurious to the health of persons or cattle consuming it.

Then section 20:

Except as hereinafter provided, no person shall manufacture, sell, expose, or offer for sale, any foods, drugs, or horticultural fertilizer which is adulterated within the meaning of this Act.

I think it can be fairly claimed that water is one of the articles described by the Act under the word food. There is here jurisdiction exercised by the Dominion parliament to prevent what can be nothing else but an interference with the public health.

Hon. Mr. POWER—Does not my hon. friend see that these subjects come naturally within the scope of trade and commerce?

Hon. Mr. BELCOURT—I am willing to admit there may be some difference, but I am quoting provisions which go to show that the Act applies not only to commercial commodities, but also to a great many things which are in public use, that are not commercial commodities. Any legislation affecting these things can only be made for the purpose of preventing disease. Otherwise, there is no reason for the legislation. It might be open to argument that under the very provisions which I have quoted, municipalities which sell water containing sewage might be open to the penalties provided in this Act. Take the city of Ottawa. Every inhabitant has to pay the corporation for the water he gets from the water mains. In other words, the corporation of Ottawa is in the business of selling water. If the corporation sells me contaminated water, under the provisions of the Act I have just cited I think I would have a remedy against the city. Under the Criminal Code, there is a remedy and also an assumption by inference of jurisdiction on the part of this parliament. I will cite sections 221 and 222 of the Criminal Code on the subject of public nuisances. I shall not enter into a discussion of what a public nuisance is. I content myself by saying that the pollution of streams, in many cases amounts to public nuisances. The Act provides:

221. A common nuisance is an unlawful act or omission to discharge a legal duty, which act or omission endangers the lives, safety, health, property or comfort of the public, by which the public are obstructed in the exercise or enjoyment of any right, common to all His Majesty's subjects.

222. Every one is guilty of an indictable offence and liable to one year's imprisonment or a fine who commits any common nuisance which endangers the lives, safety or health of the public, or which occasion injury to the person of any individual.

In cases of that kind, as is well known by legal gentlemen, there are two remedies, by injunction and by indictment, remedies difficult to invoke. If every citizen is bound to proceed by injunction or indictment against the various municipalities which sell or distribute polluted water, it would be placing on the individual a very heavy and costly burden. This, I think, must lead the parliament of Canada to the conclusion that there is only one way of stopping the pollution of rivers. It cannot be left to the provinces, because the provinces cannot legislate on the subject. It cannot be left to the municipalities, for the same reason. It must be legislation on the part of this parliament. How could a law of this kind be enforced except by the central authority? You cannot prevent the pollution of navigable streams unless you prevent at the same time the pollution of the streams flowing into them. Where the subject is of general interest, where it becomes of interprovincial interest, there is no way of enforcing it, except by Dominion legislation. How are you going to prevent the carrying of infectious disease or the spread of diseases by polluted water unless you do so through the central authority? The legislation which I propose is no new departure. I am not seeking to make new legislation. I am simply seeking to improve and implement legislation which has been on the statute-book for forty years. I am simply trying to amend chapter 115 of our revised statutes. Under section 19 of that Act it is provided that:

No owner or tenant of any saw-mill, or any workman therein, or other person, shall throw, or cause to be thrown, or suffer, or permit to be thrown, any sawdust, edgings, slabs, bark or rubbish, of any description whatsoever, in any river stream, or other water, any part of which is navigable, or which flows into any navigable water.

Hon. Mr. MACDONALD (British Columbia)—When was that Act passed?

Hon. Mr. BELCOURT—It is taken from 60-1 Vict. I have not traced the original Act, but I am satisfied it is forty years old. I propose to add a subsection to section 19, and ask this parliament to say that not only shall it be an offence to throw sawdust edgings, bark, or other rubbish into a stream, but it will be an offence to throw sewage, garbage, offal, carcases of dead animals, &c. Surely if this parliament had jurisdiction years ago to say that sawdust shall not be thrown into the Ottawa river, it has power to say that sewage shall not be deposited in streams.

Hon. Mr. THOMPSON—The sawdust did not involve the question of public health.

Hon. Mr. BELCOURT—True, but if parliament had the power to prevent if for one cause it should have the power to do so in the interest of public health.

Hon. Mr. DANDURAND—The saw-dust was considered a nuisance.

Hon. Mr. BELCOURT—If that is the ground on which it was prohibited, what would you call the depositing of sewage in streams? If saw-dust is a nuisance, I should think sewage is an aggravated nuisance.

Hon. Mr. DANDURAND—It may have been because of its being an obstruction to navigation.

Hon. Mr. BELCOURT—It is doubtful if it was merely for that purpose, because it affects not only navigable streams, but all streams. In order to show clearly that we are not contemplating any trespass on the provincial power, I should like to call the attention of the hon. gentlemen to the remarks of Dr. Hodgetts, who is the officer for the province of Ontario charged with the administration of all matters relating to public health. His remarks will be found on page 27 of the report of the Senate Committee from which I have already quoted. He says:

> I desire to refer to one very important matter in connection with these questions, viz., the need which exists for an expansion of the department of the federal government now under the Director General of Public Health. This department requires to be placed in as efficient a condition as that of the Veterinary Director General of this Dominion is, to maintain that standard of public health now prevailing in other countries. We feel, as provincial health authorities, the want of some co-ordinating power, which could be secured by the provincial authorities meeting at certain times in conference with a central federal authority as, for instance, a federal board composed of three members, of which the Director General would be chairman. Such a board with a well-equipped laboratory at Ottawa, would be able to accomplish much in experimental research and practical work, all of which could be set forth in departmental bulletins. Nothing but some such scheme can bring about the advance we desire in all things sanitary.
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> The CHAIRMAN.—Don't you think it would be advisable, if possible, to have the regulations of health, instead of being under the supervision of the province, controlled by the Dominion?
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> Dr. HODGETTS.—I, personally, think it would be far better. The Dominion government has to-day taken over the control of contagious diseases in animals for all Canada. The laws as they stand to-day in this matter in every province of the Dominion are in abeyance, in view of the fact that the contagious diseases are handled by the department under the control of the Veterinary Director General. . . I think the health of our citizens generally is far more important than the matter of the diseases of cattle. Speaking personally, since coming into office some years ago, I feel that, as provinces, there are so many things we have in common interest, it would be better if we could meet here and talk them over with the Director General; while we could, in some cases, get legislative enactments by the House of Commons, the results of which would be beneficial to all the provinces.

This is the opinion of the principal officer charged with the administration of public health in Ontario. He appeared before this committee and said that the provincial authorities are very desirous and anxious that some such power shall be exercised at Ottawa, and that it shall be placed under the administration of the director of public health.

It has been said there is an international question involved in this legislation, and that it may be useless or partially so for us to adopt legislation of this kind until similar legislation has been enacted by the neighbouring states of the American union. I do not think there is any difficulty there at all. Most of these states have already adopted stringent legislation on the subject, and if any states have failed to do so, all our government has to do is to invite the federal government to ask in turn the border states to pass legislation of this character. It cannot for a moment be supposed that these states will refuse to do what all the other states of the union have

already done. In that respect, let me point out to the hon. gentlemen what has been accomplished very recently in what I believe to be a matter of very secondary importance to this one, the protection of fish in international waters. A commission was appointed by the two governments for the purpose of dealing with the protection of fish, and that commission has made a report recommending certain regulations to be enacted by the respective governments.

I have the report here before me of this commission upon which Professor French, of the Department of Marine, represented Canada. Among other things, they have adopted regulations such as these:

The following regulations, prepared by the International Fisheries Commission pursuant to and under the authority of a convention concluded by and between His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, and the United States of America, dated the 11th day of April, 1908, shall constitute a system of uniform and common international regulations for the protection and preservation of the food fishes in each of the waters prescribed in article IV. of said convention, to wit: (1) The territorial waters of Passamaquoddy bay; (2) the St. John and St. Croix rivers; (3) Lake Memphramagog; (4) Lake Champlain; (5 the St. Lawrence river, where the said river constitutes the international boundary; (6) Lake Ontario; (7) the Niagara river; (8) Lake Erie; (9) the waters connecting Lake Erie and Lake Huron, including Lake St. Clair; (10) Lake Huron, excluding Georgian bay, but including North Channel; (11) St. Mary's river and Lake Superior; (12) Rainy river and Rainy lake; (13) Lake of the Woods; (14) the Strait of Juan de Fuca, those parts of Washington Sound, the Gulf of Georgia and Puget Sound lying between the parallels of 48° 10′ and 49° 20′; (15) and such other contiguous waters as may be recommended by the International Commission and approved by the two governments.

These regulations are to be applied within and throughout the above-named waters, hereinafter called treaty waters, provided that certain regulations are to be applied only within certain of said waters, as hereinafter specifically indicated, and provided also that no regulation shall apply to the St. John river unless such river is specially mentioned in such regulation. It is understood by the International Fisheries Commission that all statutes and laws relating to the protection and preservation of the fisheries in the treaty waters lawfully passed, or that hereafter may be lawfully passed, in the United States or in the Dominion of Canada, shall have full validity in so far as the said statutes and laws are not in conflict with these regulations, and that these regulations shall not be construed as permitting fishing at any times or places or by any methods or appliances prohibited by such laws.

Then the recommendations follow. What do we find among them? In number 5? We find:

5. Pollution of Waters.

No person shall place or pass, or allow to pass into treaty waters any substance offensive to fishes, injurious to fish life or destructive to fish fry or to the food of fishes or of fish fry, unless permitted so to do under any law passed by the legislative authority having jurisdiction.

And again:

No person shall deposit dead fish, fish offal, or gurry in treaty waters, or on ice formed thereon, except in gurry grounds established by the duly constituted authorities.

If the protection of the fish in these streams warrants the appointment of a commission, and enactment of regulations of this kind, how much more does the life and health, the very existence of the human race, demand and require the appointment of a commission of that kind in order to frame regulations of uniform character, applicable not only to Canada, but to the United States, on such waters as are of an international character. I see no difficulty there whatever. I think there is to-day ample legislation in the states which border on Canadian territory on the subject. We in Canada have been far behind, and are to-day far behind these various states in enacting legislation which the circumstances of the case demand. It is our duty at once to take up this question. Another objection is the cost. It has been stated in the press and elsewhere that the cost that will be thrown upon the various municipalities for the purpose of establishing these purification plants will be immense. I do not think so. A study of the systems adopted in Europe has convinced me that not only can the purification of sewage be accomplished at very low cost, but in many instances can be done at a profit. There is to-day within ten miles of Montreal, a farm which is using as a fertilizer, sewage from that city, and that farm is being profitably worked. There are to-day in various parts of the British islands numerous farms, such as this one that I have referred to, which are profitably worked. I was sent

not long ago an illustrated pamphlet which comes from Brussels, Belgium, in which these various methods are fully described. Hon. gentlemen will be astounded, I am sure, when I quote to them the cost of the installation and maintenance of a plant of that kind. Hon. gentlemen will remember that, as previously stated, the Belgian government contributes one-third of the cost of establishing a purification plant. That would naturally make the cost to the municipality considerably less. Also, it is possible that in Belgium the cost of labour and management would be considerably less than here; but taking all that into consideration, hon. gentlemen will be astounded to hear that a plant of that kind can be established to-day at a cost in cities of 50,000 people of—I hardly dare mention the figures, I know hon. gentlemen will hardly believe them—a cost of seven cents per head of the population. I have here in this prospectus of the company complete illustrations and figures of what I state. There are illustrations of the appearance of the water before and after purification. In the first bottle, the water is almost as dark as ink. The next shows it very much clearer, and in the third bottle it is so clear that you can read print through the bottle. If they can do that in Belgium, even assuming the cost would be a great deal more here, the objection of cost is not one which could be weighed for a moment against the strong arguments advanced in favour of the purification of our streams.

I now come to another objection, which is the last I shall deal with. My hon. friend from New Brunswick (Hon. Mr. McSweeney) and my hon. friend from Glengarry (Hon. Mr. McMillan) thought that possibly the provisions here proposed are too drastic, inasmuch as it attempts to put in force at once a law which would have the effect of stopping all depositing of sewage in the rivers. The law would not have that effect, because under section 23 of chapter 115, of which my provision is an amendment it is provided that:

> The Governor in Council, when it is shown to his satisfaction that the public interest would not be injuriously affected thereby, may from time to time, by proclamation published in the 'Canada Gazette,' declare any of such rivers, streams or waters, or parts thereof, exempted in whole or in part, from the operation of the said three sections, and may from time to time revoke such proclamation.

What does this mean? Take the city of Ottawa as an illustration. This city is to-day emptying its sewage in the Ottawa river. There are various methods for disposing of that sewage in a way that it will not be injurious to the public health; and I may say, as it will be obvious to everybody, that what may be a good system for the city of Ottawa, may not be a good system for Montreal, and what may not be costly here, might be costly elsewhere. But there are dozens and dozens of ways of treating sewage dependent upon local conditions, etc. If this Bill becomes law, it will go into operation immediately after it receives the Royal assent; but it does not mean that the city of Ottawa must immediately cease depositing sewage in the Ottawa river. The city would at once represent to the Governor in Council that it will take two or three years to install a plant to dispose of the sewage, and under order in council, almost automatically, permission is granted to continue depositing sewage in the river until the time has arrived when the city corporation can adopt measures to prevent it. There is nothing drastic about that. What I am aiming at is to proclaim and have sanctioned by parliament the principle that the time has come when our noble rivers shall no longer be made the receptacles of the raw sewage of the country, and it is high time it should be done. I do not demand that the municipalities must at once cease doing what they have been doing for years. I know it will take time; but unless parliament solemnly gives its sanction to this principle, when is the evil going to stop, when is this danger to end? It is not by leaving it to the local legislatures. They have no power to legislate on the subject. It is not by leaving it to the municipalities; they will not act unless they are forced to do so.

Hon. Mr. MACDONALD (British Columbia)—Can the Dominion authority compel municipalities to do things? Can par-

liament jump over the provincial authorities?

Hon. Mr. BELCOURT—I think there is no question about that. Not only can the federal power compel municipalities to do certain things, but they can compel individuals by determining that a certain Act is a nuisance or a criminal offence. Parliament can reach municipalities and individuals. There are many offences in the Criminal Code to-day under which a municipality can be indicted—that is the mayor and his officers.

As I said in opening my remarks, this subject is one of very great importance and of immediate urgency. The more we consider it and think over it, the more we must realize how negligent we have been on this subject of the public health. Perhaps we have been living in a fool's paradise. We have been enacting laws for the protection of fish, cattle, horses, sheep and swine, but the lord of creation himself has been neglected. There is absolutely nothing in all our legislation to protect the public health. It is a crime against nature and civilization to see the St. Lawrence, which I might not inaptly describe as the holy river of Canada, and the Ottawa river polluted day after day. Every thing that is deleterious and infectious is poured into these magnificent streams. The time has come when we must put a stop to it. We cannot stop it in a day; but we can fix a time when that sort of thing must cease. I hope the Senate will give this Bill serious and earnest consideration.

It is by initiating and perfecting legislation of this kind that the Senate will deserve probably more than any other way the recognition to which it is entitled and which, unfortunately, and unjustly, the Senate does not always receive.

Hon. Mr. DAVID—I wish to point out that this Bill ought to be taken into consideration jointly with a report by the Committee on Hygiene and Public Health, for the following reasons: I express, I am sure, the feeling of all the members of this House when I say that the hon. gentleman who has just spoken has submitted a great many facts to the Senate. I am proud to say also that the Committee on Public Health have made a report which has been well appreciated by all the members of this House and by the press of the country. The Bill proposed by the hon. gentleman raises two questions, one of constitutionality and the other of expediency. As to the question of constitutionality, I will be very brief and will not enter into details. Nobody will deny that the question is a serious one. The question of jurisdiction in such matters has been brought before the courts of justice in Canada at different times, and I must say in this matter, as in many others, there has been a good deal of discrepancy in argument, and contradictory judgment. In certain cases, the courts have decided that legislation on such matters belong to the province.

Hon. Mr. BELCOURT—To what cases does the hon. gentleman refer? Questions of public health?

Hon. Mr. DAVID—Yes. I cannot cite the authorities just now, but I will furnish my hon. friend with them. In other cases, it has been decided that when the legislation is of a general character that it is within the jurisdiction of the federal parliament, and I am inclined to think, although I have some doubt, that this measure is within the jurisdiction of the federal parliament, for this reason—and I will specially call the attention of the hon. member to it—that there is a close connection between all the rivers of this country, and if one stream is polluted, that pollution may spread and pollute many other rivers. Take the St. Lawrence as an example. If the waters of that river are polluted in Ontario, the St. Lawrence flows though many provinces, and the pollution of the water will be the same in all the provinces through which it flows. If the waters are polluted in Ontario, they would be polluted in Quebec, and consequently in the maritime provinces, to a certain extent. That is the reason why I say that the federal parliament has jurisdiction in this matter, even if there were no other reason. But I think the hon. member should have introduced his Bill as a separate measure, and not as an amendment to chapter 115 of the

Revised Statutes. That statute was passed in order to protect navigation. It was passed under section 10 of the Federal Act, which gives to the federal parliament power to legislate on shipping and navigation, and clauses 19, 20 and 21, which have been quoted by the hon. gentleman, have only one object, which is to prevent people from throwing into the rivers matters which may impede navigation; it has no other purpose. It is not for the purpose of protecting the public health. What does the title in the interpretation clause say? If you read clause 19, you will see the only object is to prevent people throwing in saw-dust, edgings and bark, and clause 20 refers to stone, gravel, dirt or other rubbish liable to sink to the bottom in any navigable stream in Canada where there are not at least twelve fathoms of water at low tide. So that there is no doubt that this Act was passed only to protect navigation, and the object of the Bill proposed by the hon. gentleman is not at all for shipping or navigation purposes —not to prevent throwing into the river substances that would impede navigation. His sole object is to protect the public health. Therefore, his Bill should not have come as an amendment to this Act.

Hon. Mr. BELCOURT—Why?

Hon. Mr. DAVID—Suppose that the Bill which the hon. gentleman proposes now is declared to be unconstitutional it would be an injury to the Act itself.

Hon. Mr. BELCOURT—But the hon. gentleman says it is constitutional.

Hon. Mr. DAVID—I said I was not sure, and it is because I have a doubt that I suggest the hon. gentleman should not place in this Bill clauses which may spoil the whole Act.

Hon. Mr. BELCOURT—How would it be more constitutional if it were by a separate Act? That would not make it any more or any less constitutional.

Hon. Mr. DAVID—But it is not proper to introduce into a law like this a Bill which should come as an amendment to the Criminal Code or perhaps as an amendment to the Act which the hon. gentleman has cited, chapter 75 of the Revised Statutes. In order to meet the objection of some hon. gentlemen, I think it should be made a criminal offence and submit the measure as an amendment to the Criminal Code. I will not discuss the constitutionality of the Bill further, but I shall take up the question of expediency, and say that suppose the Bill be constitutional, I think it is not expedient to pass it in its present form, because it would entail works which the municipalities are not prepared to execute immediately. There is a suspensory clause, but I think if you suspend the law in one case, you will be obliged to suspend it as regards almost all the municipalities interested. Take Montreal and Quebec, and all the cities and towns situated on the St. Lawrence river, how could they act in accordance with this Bill and do what is required?

Hon. Mr. BELCOURT—I pointed out that, under the Act, if the city of Montreal wants one or five years to construct a purification plant, they may apply for time and get it.

Hon. Mr. DAVID—I think it would be proper in order to meet all those objections to refer the Bill to the Commission on the Conservation of Natural Resources. A report was prepared and submitted to this House by the Committee on Public Health, on the 18th February, which reads as follows:

The Standing Committee on Public Health and Inspection of Foods have the honour to make their third report.

Your committee have the honour to call the attention of the House to the exceedingly valuable evidence given before them and contained in the printed report now issued to the public.

After hearing and carefully considering the evidence your committee cannot fail to see that the public health of Canada is being considerably imperilled by the present custom of disposing of sewage, garbage, &c., into the lakes, rivers and streams of the country.

Your committee is of the opinion that the only remedy and the only safeguard lies in the passage of legislation to control it. The legislation to the effect must be uniform throughout the whole Dominion and can only be brought about by co-operation between the Dominion and Provincial governments.

It is therefore recommended that the Commission of Conservation, representing as it does all the governments in Canada, be requested to call together the health authori-

ties of each province to meet them in conference at an early date and endeavour to devise means whereby this end may be attained.

I would move an amendment, that the Bill, together with the report of the Public Health Committee, be referred to the Conservation Commission in order that the whole question may be considered as it deserves to be considered, and then the questions of constitutionality and expediency could be determined. This question cannot be settled without a conference of the provinces, and possibly representatives of states in the neighbouring republic, which are interested in international streams, especially the St. Lawrence river. So that to give effect to the opinions which have been expressed and the different propositions which have been made, that is the only way in which we could arrive at a practical result. The hon. gentleman has been obliged to admit that there are perhaps a dozen systems of sewage purification which have been applied.

Hon. Mr. BELCOURT—The Conservation Commission will not report on that.

Hon. Mr. DAVID—Why not?

Hon. Mr. BELCOURT—Because they would have to go and examine every locality. They are not going to report on that.

Hon. Mr. DAVID—They have the right to consider the question and summon witnesses if they wish to do so. The hon. gentleman from New Brunswick (Hon. Mr. McSweeney) has made an observation with regard to a certain town within his own province. There may be difficulties as to twenty towns, and I think the commission would be in a position to make a report, then the House would be able to legislate in the proper way.

Hon. Mr. McDONALD (British Columbia)—The hon. gentleman from Ottawa could not have brought forward a more important question than the one he has introduced. Because it means life and it means death. We have here a lamentable condition of things, in the Ottawa river and valley. All the filth from stables and everywhere goes into the Ottawa river, and thousands of people living along the river banks drink the water without any attempt at filtration. What do we find? Every day there is chronicled in the papers reports of death from typhoid or scarlet fever. Some body should move quickly, because the people are dying day after day from the evil effects of impure water caused by sewage going into the river. Some years ago, in driving over the river on the ice, I observed an avenue of refuse of water closets all along the river, and that is permitted by the city council of Hull, and the power that has control of the river, the Dominion government. Something ought to be done to compel the authorities to take action. I believe in the lower part of Hull there is no sewage system, and the contents of privies are thrown into the Ottawa river. Talk about bacteria and poison. The public cannot help being poisoned. The Senate has taken great interest in the Ottawa river. Years ago we used to have committees in regard to the effect of sawdust on the navigation of the river; now the effect of river pollution is getting too apparent. There is something more to be done, and whether it rests with the provincial or federal government, action should be taken quickly.

Hon. Mr. CASGRAIN—It might possibly be well that the Bill should be made to apply to new localities; but in old places like Montreal, how could you apply it? I took the trouble some time ago, when the hon. gentleman first brought in his measure, to inquire from the authorities of Montreal if it would be possible to prevent the pollution of the river in front of the city of Montreal. I may say that I am in favour of the Bill. I am the seconder of the measure.

Hon. Mr. FORGET—What authorities does the hon. gentleman refer to?

Hon. Mr. CASGRAIN—Engineers and others. I asked at the city hall. There is already outside of Montreal a sewage farm, worked by the city corporation, into which all the sewage of St. Denis street, and that section of the city is carried. There is also another sewage farm in a town near Montreal, which has been working for seven

or eight years very satisfactorily? But the outlets of the sewers of Montreal are at different places along the river front, and the sewage runs into the harbour. I understood from the engineers that it was almost impossible to collect the sewage or prevent it from accumulating in front of the city.

Hon. Mr. BELCOURT. It could be done in time.

Hon. Mr. CASGRAIN—I do not know how it could be worked. There is no place where a sewage farm could be established to take care of the whole of it. If an attempt were made to carry the sewage very far to the east of Montreal there would not be sufficient slope, and it would have to be pumped, because before letting it fall into the St. Lawrence it would have to go through a large territory. Of course sewage is collected in Paris, and is there turned into good use as a fertilizer. But that city was laid out years and years ago, and the contour of the city lends itself to it. I am told that in Montreal it would be almost impossible to adopt such a system; but it would be a great improvement if in all the new places being constantly established above Montreal such a system were adopted. Where such a project is almost impossible it would not be fair to ask a municipality to comply.

Hon. Mr. BELCOURT—My hon. friend wants the biggest sinners to go scot free.

Hon. Mr. CASGRAIN—No, I am quite willing to have it done if it can be accomplished. I am informed it would be almost impossible to do it in Montreal. However, the Bill could be so worded that no new system would be allowed to put raw sewage into the river. Below Montreal, for several miles, the water of the river is not drinkable. It appears that after a certain number of miles the water does become purified automatically. The sewage floats on the surface of the river, and if you go out in a row boat you can observe it. I understand that in the United States similar legislation to that now proposed by this Bill has been enacted. They are preventing new towns from emptying sewage into the waterways, but the old places retain the old system. Perhaps my hon. friend might see his way to make his Bill workable, but I should be very sorry to see the motion of the hon. gentleman from Mille Iles to refer this to the Conservation Committee adopted, because it would have the effect of killing the Bill, for this session, at any rate.

Hon. Mr. DE VEBER—I move the adjournment of the debate until to-morrow.

Hon. Mr. DAVID—I move in amendment, seconded by the Hon. Mr. Young, that the Bill now before the House be referred to the Conservation of Natural Resources Commission.

Hon. Mr. BELCOURT—I think this amendment is ill advised, and for that reason I propose to take advantage of the rules. My hon. friend has spoken, and he did not propose his amendment, therefore, he cannot do it now.

Hon. Mr. DAVID—Then I will give notice of a motion to amend.

The motion was agreed to, and the debate was adjourned.

SECOND READINGS.

Bill (KK) An Act respecting the Montreal and Southern Counties Railway Company—Hon. Mr. David.

Bill (MM) An Act for the relief of Cecilia Marie Pringle—Hon. Mr. MacKeen.

Bill (NN) An Act for the relief of Ada Ann Reed—Hon. Mr. Jones.

BILL INTRODUCED.

Bill (118) An Act to incorporate the Burrard Inlet Tunnel and Bridge Company—Hon. Mr. Young.

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

THURSDAY, March 3, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CHAMBERS OF COMMERCE INCORPORATION BILL.

FIRST READING.

Hon. Mr. CLORAN introduced Bill (SS) An Act to incorporate the Federation of

Chambers of Commerce of the Province of Quebec.

The Bill was read the first time.

Hon. Mr. LANDRY—I think this is the time to raise an objection if an objection should be raised to this Bill. The Committee on Standing Orders received the petition, and the petition was in accordance with the notice. We could only do one thing, and that was to report that the petition and notice were according to the rules. Rule 115 says:

> Any private Bill shall, if it be demanded by two senators, when read the first time, be referred to the Committee on Standing Orders, to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces.

I understand that this is a Bill asking for the incorporation of all the chambers of commerce in the province of Quebec only. It is an Act of incorporation. I think it should come under the classes of subjects exclusively assigned to the provinces, and not to the Dominon, and for that reason, as the Bill is now read for the first time, I would ask that the said Bill be referred to the Committee on Standing Orders, before we proceed further, to ascertain and report whether or not the said Bill comes within the class of subjects assigned exclusively to the legislatures of the province. I ask that under rule 115, which provides that any private Bill, if demanded by two senators, when read the first time, shall be referred to the Committee on Standing Orders.

Hon. Mr. CLORAN—I have no objection whatever to the demand. It is quite a natural one under the rules. I wish the rules to be observed in passing legislation, and I certainly wish to have this Bill referred to the proper committee, which I think is the Standing Orders Committee.

Hon. Mr. LANDRY—I move, seconded by the Hon. Mr. Montplaisir, that this Bill be referred to the Committee on Standing Orders, to ascertain and report whether such Bill is within our jurisdiction or the jurisdiction of the provinces, under rule 115.

Hon. Mr. CLORAN.

The SPEAKER—I do not know whether it is necessary to put such a motion. According to the rules it would probably go to that committee.

Hon. Mr. LANDRY—I think the Speaker should decide that it was obligatory.

The SPEAKER—I suppose it is a case at all events in which no harm can be done by passing a motion. I think it stands referred under the rule.

Hon. Mr. DANDURAND—I am under the impression that it would be a case where the House had better pronounce on the matter, and send it to the committee by virtue of a motion.

Hon. Mr. LANDRY—I call the attention of the House to this feature of the rule. It says:

> Any private Bill shall, if it be demanded by two senators when read the first time, be referred to the Committee on Standing Orders, to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces.

That is one case. I contend, under this rule, that we do not require to obtain the permission of the House. It goes ipso facto. Then rule 116 says:

> At any time before the final passing of any private Bill, the same may, if the Senate thinks fit, be referred to the Supreme Court.

We see the distinction between the rules. In the first place, if it is asked by two senators it goes ipso facto to the committee. In the second place the House decides.

Hon. Mr. DANDURAND—I am disposed to agree with the hon. gentleman. The House would have no objection. The moment two senators make the request, it would go there.

Hon. Mr. CLORAN—I have no objection to the proposition of the hon. gentleman from Stadacona, but will this Bill, after the explanation, go from the clerk to the committee without any further instructions?

Hon. Mr. LANDRY—Yes.

Hon. Mr. CLORAN—No further instructions will be required?

Hon. Mr. LANDRY—No.

Hon. Mr. CLORAN—That is satisfactory.

The SPEAKER—It seems to me that under the rule it stands referred to the committee, and it ought to be recorded simply as ordered to be referred.

RIGHTS OF RIPARIAN PROPRIETORS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Did the Judicial Committee of the Privy Council of His Majesty, in England, pronounce, in 1898, upon the question of the respective jurisdiction of the provincial legislatures and of the federal parliament in so far as concerns the property in rivers, lakes and harbours, and the rights of riparian proprietors?
2. What was, in its main features, the decision rendered?
3. According to this judgment, can exclusive rights of fishing be granted, either by this parliament or by the provincial legislatures, in waters where the tide makes itself felt?
4. Has the Judicial Committee of the Privy Council declared that the federal parliament had no right at all to enact section 4 of chapter 95 of the Revised Statutes of Canada, 1886, in so far as that section allows the federal government to issue licenses for exclusive rights of fishing?
5. Has this section 4 of chapter 95 of the Revised Statutes of Canada, 1886, been repeated in the Revised Statutes of Canada now in force?
6. Does the government intend to give effect to the decision of the Judicial Committee of the Privy Council?
7. In what manner?

Rt. Hon. Sir RICHARD CARTWRIGHT—The replies of the department are as follow:

1. Yes, except as to lakes and rights of riparian proprietors.

2. Refer to judgment reported in 1898 Appeal Cases, page 700.

3. This is a matter of opinion to be formed upon consideration of the judgment.

4. No.

5. Yes, but subject to the modification introduced by section 4 of the revised Act, R.S., 1906, chapter 45.

6 and 7. The law is being administered in accordance with the decision of the Judicial Committee.

THE MEDICAL STAFF AT IMMIGRANTS HOSPITAL, QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Who is the medical superintendent of the Immigrants' Hospital at Quebec?
2. Who are his medical aids?
3. What is the salary of each of these public employees?
4. Does the medical superintendent live in the hospital with his family, both winter and summer?
5. Has he a horse and vehicle at his disposition?
6. Is he at liberty to practice outside of the hospital and to give his medical services to persons who are not immigrants?
7. Are his assistants domiciled at the hospital itself?

Rt. Hon. Sir RICHARD CARTWRIGHT—The replies of the department are as follows:

1. Dr. J. D. Page.

2. Dr. Emile Nadeau.

3. Dr. Page, $3,500; Dr. Nadeau, $2,400, per annum.

4. Not ordinarily. He has been permitted to occupy rooms in the hospital this winter as a temporary and special arrangement.

5. Yes.

6. It is understood that his official duties take up all his time and that he does not practice outside.

7. No.

THE IMMIGRATION BUILDINGS AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Are the immigration buildings at Quebec closed for the winter?
2. From what date until what date?
3. Upon whose recommendation?
4. Has the office of the agent been transferred elsewhere, and where?
5. Upon whose recommendation? And upon whose authority?
6. Who are the persons who continue to reside in the immigration buildings during the winter season, on what authority, and for what purpose?

Rt. Hon. Sir RICHARD CARTWRIGHT—The answers are:

1. Yes.

2. From the close of navigation, i.e.,

about the end of November, 1909, until 31st March, 1910.

3. The superintendent of immigration.

4. No.

5. See answer to 4.

6. No one.

BILLS INTRODUCED.

Bill (TT) An Act to incorporate the Gatineau and Ungava Railway Company.—Hon. Mr. Cloran.

Bill (UU) An Act respecting the Essex Terminal Railway Company.—Hon. Mr. McHugh.

Bill (VV) An Act respecting the Dominion Atlantic Railway Company.—Hon. Mr. Power.

PROTECTION ON NAVIGABLE WATERS.

Hon. Mr. McMILLAN—Before the orders of the day are called, I wish to draw the attention of the Senate to the notice given by my hon. friend (Hon. Mr. David) yesterday. It reads that when the orders of the day are called for the third reading of the Act respecting the Protection of Navigable Waters, he would move an amendment to refer it to the commission on Conservation of Natural Resources. My contention is that this is not an amendment to the Bill which was before the House yesterday.

The SPEAKER. The objection can be raised when the motion is made. The motion may not be made, and therefore we may have a useless discussion.

Hon. Mr. BEIQUE—It could have been raised when the notice was given.

Hon. Mr. McMILLAN—The notice was given after the House rose. I draw attention to it now so that the Bill and the motion for adopting the report may be discussed on their merits.

The SPEAKER—But it may not be moved at all.

Hon. Mr. YOUNG—The proper time to raise the objection is when the motion is made.

THIRD READINGS.

Bill (No. 85) An Act to amend the Criminal Code.—Hon. Sir Richard Scott.

Bill (I) An Act respecting the Northern Empire Railway Company.—Hon. Mr. Talbot.

Bill (DD) An Act to incorporate the Weyburn Security Bank.—Hon. Mr. Douglas.

Bill (MM) An Act for the relief of Cecilia Marie Pringle.—Hon. Mr. MacKeen.

Bill (NN) An Act for the relief of Ada Ann Reed.—Hon. Mr. Jones.

GOVERNMENT ANNUITIES ACT AMENDMENT BILL.

THIRD READING.

Right Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (Y), An Act to amend the Government Annuities Act.

Hon. Mr. FROST—Before the third reading, I wish to say a few words on the subject of the petition which I presented and read yesterday from the Women's National Council of Canada. The executive of that association have made a complaint of the manner in which they are discriminated against. They have in their petition recited the fact that owing to the greater longevity of women than men the fees have been increased, and they regard that as an unfair arrangement. When we consider that throughout the country today thousands and thousands of women are employed in all manner of work, civil servants, clerks in stores, stenographers, even in manufacturing establishments, earning their own living, working beside their brothers, it seems somewhat unfair that a brother should have the privilege of paying a lesser rate for the same amount of annuity. Of course, I understand that the fees are regulated by actuarial calculations along the same line as life insurance companies; but it strikes me that under the conditions in which men and women work, side by side in these modern days, there ought to be no discrimination in regard to the annuities issued by the government. We know that this annuity is a

very admirable thing. The government are to be congratulated upon the success which is attending the annuity scheme, and no doubt in process of time it will become of great value and will benefit thousands of people and, in case there is anything in the operation of the Act to create any feeling on the part of one portion of the people against the other, now is the time it should be rectified. The National Council of Women, as we all know, is one of the largest and most distinguished of the organizations conducted wholly by women. We know that the head of that organization is a very distinguished lady, who graced Government House here a short time ago, and we all remember last June when the conference was held that hundreds of ladies from all countries of the world came to Toronto for two or three weeks consultation, for the purpose of uplifting as far as possible the conditions of their own sex. We know that organization is doing a great deal of good, and when this petition came to my hands I felt that, considering the distinguished names that it contained, it was not anything more than my duty to present it to the House. I am not prepared to say whether it was regular or not, considering the facts that the fees are regulated by actuarial calculations. That is a matter I do not care to go into. My right hon. friend the leader of the Senate will know as to whether anything can be accomplished to make that change, and I am perfectly satisfied to leave this whole matter in the hands of the government, assured that they will do the ladies justice. I, therefore, in order to provoke a little discussion on the motion, move that the word 'not' be inserted before the word 'now' and that the following words be added at the end of the clause:

But that it be amended by adding the following as clause 16 of the Act—

In the purchase of annuities under this Act no discrimination as to the price paid for the same shall militate in favour of either sex.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the Senate to the fact that the motion made is not the motion of which the hon. gentleman gave notice. Scarcely any one who has the Bill before him can at the present moment refer to it and see what the effect of that amendment will be.

Hon. Mr. POWER—That is perfectly correct; at the same time this is a public Bill and an amendment can be moved without any notice.

Hon. Sir MACKENZIE BOWELL—But if it is a substantial motion, notice has to be given of it. No one knows that better than the hon. gentleman.

The SPEAKER—If exception is taken to it, the Bill can stand over.

Rt. Hon. Sir RICHARD CARTWRIGHT—Perhaps we had better dispose of it now. I am afraid that however desirous I am of meeting the wishes of my hon. friend and of the National Council of Women, that in the present instance it would not be in the power of the Senate to adopt my hon. friend's amendment, and for this obvious reason, that it would of necessity impose an additional charge, be the same more or less, on the public chest, which is outside of our jurisdiction, I think.

Hon. Mr. LANDRY—Hear, hear.

Rt. Hon. Sir RICHARD CARTWRIGHT—Right or wrong, this means that the present regulations made by the government in accordance with the Act, and in accordance with the actuarial calculations, would be so altered as to add slightly to the public burden. That I think we cannot do, and, therefore, the amendment must be held to be out of order. But with respect to the main question; that is to say, the desirability of placing females on the same footing as males, all I can say is that if the ladies can make out a case I shall be delighted myself to comply with their request. I must warn my hon. friend, however, that the actuarial calculations so far submitted are all in favour of the superior longevity of women, and that if they pay a little more, they will receive a little more, inasmuch as they will live a little longer. I understand, however, that that position is disputed by the Ladies National Council, on the ground

that these actuarial calculations on which the government has been acting are made under somewhat different circumstances in a different country, and that, as a matter of fact, the longevity of women in Canada does not exceed the longevity of the men. That is a matter of fact, and I will cause some examination to be made into it. I think one thing is very certain, and that is, as anybody who studied the census returns will see, that after a certain advanced age, say after the age of eighty, the longevity of women is decidedly greater than that of man. I think there can be no doubt about that; but it is not so clear from our own census returns whether up to a pretty advanced period of life, say seventy-five or eighty, in Canada, that the same results would apply. My attention has been called properly enough to this subject, and the facts appear to me to warrant some investigation. I think I may venture to say to my hon. friend and the House that they can rest assured the government have not the slightest desire to do any injustice to the women of Canada, and if the contention of these good ladies could be established, that, in the gross, and on the whole, the longevity of the sexes in Canada up, as I said, to an advanced period, is pretty nearly equal, there would be ground for revising our decision. I think I will have to ask my hon. friend to allow that matter to remain in the hands of the government, and it can be dealt with by regulation if they are satisfied as to the facts. I am pretty clear that the objection I first took must necesarily apply, and that we could not import into this Act any provision adding to the public burden. The question is an interesting one, and it shall have our very best consideration; but, as at present advised, I am bound to say that the actuaries are ungallant enough to be dead against the National Council as to the matter of fact.

Hon. Mr. LOUGHEED—I should like to emphasise to some extent the absolute necessity of protecting the Act from any differentiation in favour of a particular class of individuals or sex. The value of the government Annuities Act must necessarily be based on well recognized actuarial tables, and immediately the government becomes susceptible to the approaches of any individual or any class or any particular sex with a view of extending to them particular favours, the Act must necessarily lose the confidence and support of the people of Canada. I hope the government will not for a moment permit any factor of that kind to enter into their consideration in dealing with future amendments to the Act. If the contention be based upon actuarial tables, certainly there is no good reason why the government should not place both sexes upon the same plane; but only upon that ground, with all deference, I would submit to my right hon. friend, should any consideration be given to this question.

Rt. Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman will notice that I was express in the remarks I made in pointing out that it was only on that ground the government must act. I may mention to him, however, that in applying an Act of this kind in this country we are acting under somewhat different conditions to those which apply in a country such as England. There annuities were usually purchased, almost invariably in the case of women, by more persons in very comfortable circumstances, and in rather good condition of life, and I think it extremely probable that calculations based on the length of life enjoyed by those parties may not entirely coincide with the calculations which might be based on annuities granted under our scheme. My hon. friend will notice that we grant annuities up to only a very limited amount, $600 being the maximum, and they will be taken out, I hope, in considerable measure by women of the working classes, as well as by women who earn their own livelihood in other callings. However, I fully recognize the importance of the suggestions made by my hon. friend, and he may rest assured that the government will consider anything that is done in this case very carefully.

Hon. Mr. POWER—Before the right hon. gentleman resumes his seat, I should like to ask whether it has been found in

the experience of life insurance companies that the lives of women average longer than those of men?

Rt. Hon. Sir RICHARD CARTWRIGHT —I do not think the experience of insurance companies in Canada is long enough or extended enough to be of any value. In the researches which were made by myself and officers of the department prior to the introduction of this Act, we found that an exceedingly small number in Ontario altogether were granted, remarkably small, taking into account the extent to which life insurance endowment policies, &c., had been granted in this country, and very few of those had been granted to women. We have no data to go upon except those we have obtained from English actuaries, which, as I have said, are based largely upon their experience in the lives of a class of people rather more comfortably off than those we hope to bring in under our scheme. There may be grounds for the contention advanced by Lady Edgar and her friends, that in this country, under a certain age, the difference, if any, in longevity, is very small. I have no doubt myself from all the evidence that has come before me, that after a certain age there is no question whatever the chances of life on the part of women are very considerably greater than the chances of life on the part of men; but the age limit, of course, would be a very considerable factor in considering any proposition that may be made.

Hon. Mr. FROST—I beg to withdraw my amendment.

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

SECOND READING.

Bill (LL) an Act for the relief of Alexander Augustus Barthelmes.—Hon. Mr. Derbyshire.

EXCHEQUER COURT ACT AMENDMENT BILL.

IN COMMITTEE OF THE WHOLE.

The House resolved itself into a Committee of the Whole on Bill (C), An Act to amend the Exchequer Court Act.

(In the Committee).

Hon. Mr. BELCOURT—I have an amendment here as a substitute for the first clause in the Bill. I do not think it is materially different from the clause as printed, only the language is more apt and is better drafted. The only difference is with respect to the word 'loss.' In the amendment now proposed, I have introduced the word 'loss' after the words 'death and injury' in order to cover the case of freight, for instance, on the Intercolonial railway being lost or stolen. As the Intercolonial railway is doing the business of a common carrier I submit that the government ought to be placed in the same position, and under the same responsibility as an ordinary carrier. With that difference, the amendment which I now move is exactly similar to the clause as it appears in the Bill.

Rt. Hon. Sir RICHARD CARTWRIGHT —The attention of the Department of Justice has been called to this measure. They are of opinion that it is very far reaching in its effects as my hon. friend proposes to amend it, and while there is a great deal to be said for putting government and the Intercolonial railway, which they are operating as a commercial enterprise, in the same position as other common carriers, and, while to that extent they are disposed to concur and agree with him, they think the public would be in danger of incurring very considerable loss if the amendment were passed in the shape in which my hon. friend presents it, and they have placed in my hands this amendment, which would confine the operations of the Act to the Intercolonial railway:

> Every claim against the Crown arising out of any death or injury to person or property, caused by the negligence of any officer or servant of the Crown, while acting within the scope of his duties or employment, etc., etc.

With the exception of the Intercolonial railway, the Department of Justice are of the opinion that it would not be expedient to extend the present liability of the Crown without very careful consideration, and I think it was with respect to accidents occurring on the Intercolonial rail-

way, or damage to property occurring on that road, that my hon. friend was chiefly interested. At this stage of the session, I may observe to him that it would be almost impossible, whether or not he succeeded in convincing this House of the expediency of widening the scope of this Bill, to get it through, and I think he would be well advised, if I may say so, to take a special case that the government are willing to provide for, which, of course, is a case that requires consideration fairly, and be content therewith. Perhaps the amendment which I have placed in the hands of the chairman might be improved by the introduction of a word or two for the purpose of proving losses, as it has been introduced in my hon. friend's main motion.

Hon. Mr. CLORAN—The right hon. gentleman mentions only the Intercolonial railway. Will his amendment cover other government railways? The Intercolonial railway is one road, and the amendment will only apply to that road.

Rt. Hon. Sir RICHARD CARTWRIGHT—The Prince Edward Islanders must be very much indebted to the hon. gentleman for the pains he has taken to promote their interests. I have no objection to include the Prince Edward Island railway.

Hon. Mr. CLORAN—The easiest way would be to include all government works.

Rt. Hon. Sir RICHARD CARTWRIGHT—We cannot include all government works.

Hon. Mr. LOUGHEED—Could my hon. friend state why this same principle is not extended to all public works?

Rt. Hon. Sir RICHARD CARTWRIGHT—Railroads, in the opinion of the government, have entered into a very special business, and, while the government are conducting a commercial enterprise like a company railroad, there seems to be no just cause why they should not be subject to the same rules and regulations that apply to other roads; but we will take the case, for instance, of an accident, occurring through the carelessness of a lighthouse keeper. That might incur enormous loss, yet my hon. friend would hardly contend that the public at large, who go to the expense, for the benefit of shippers and ship owners, of maintaining lighthouses all over the Dominion, should be held in heavy damages if one of those employees in any way failed to perform his duty. A curious case arose with respect to damage sustained by a vessel in coming up the St. Lawrence channel. During some spring freshet or storm a boulder was deposited in the channel somewhere between Quebec and Montreal. I am not sure of the exact spot. It was contended, though I think the application was afterwards withdrawn on consideration, that the government, after spending many millions in endeavouring to deepen the channel, and make it more commodious and convenient, should not be held responsible if, through a boulder falling into the channel, a ship and its cargo were damaged. There are many cases which will, no doubt, present themselves to my hon. friend in which it would be very dangerous to the public weal to allow heavy damages to be claimed as the result of negligence or unavoidable accident occurring on a public work. If anything of that kind is ever done, it should be only after very serious examination. In the present instance, the department do not object to bringing the Intercolonial under the same obligations as the other railways, but that is as far as they are prepared to go, and as far, I think as they should go.

Hon. Mr. LOUGHEED—The cases mentioned by my right hon. friend scarcely warrant parliament in exempting the government from all actions. Take, for instance, the case of an accident happening on a public building or bridge, a government highway or other public work, to which the public have access. The very knowledge that they are to a large extent free from actions for damages being brought by reason of accidents happening, creates a carelessness on the part of government officials. They feel that no responsibility attaches to them, even if an accident should happen. The consequence is, many cases of hardship do arise through the negligence of officials in the performance of their duties. It seems to me the govern-

ment should not place themselves in that atmosphere of exemption, so as to tolerate negligence on the part of their employees.

Rt. Hon. Sir RICHARD CARTWRIGHT —I would be disposed to draw this distinction: where the government receive pay for doing particular work, as on the Intercolonial railway, for conveying passengers and freight they should be liable to damages; but where they simply have at their own cost and charges constructed certain works for the general benefit, on which no fee is paid, then they ought not to be made liable for damages. The distinction seems to be broad and sound and in consonance with our previous policy.

Hon. Mr. LOUGHEED—Government bridges are almost notorious for their bad state of repair.

Rt. Hon. Sir RICHARD CARTWRIGHT —Government bridges where?

Hon. Mr. LOUGHEED—Wherever they are built.

Rt. Hon. Sir RICHARD CARTWRIGHT —Then the government should build no bridges at all.

Hon. Mr. LOUGHEED—It is a notorious fact that the government bridges are found in a worse state of repair than any other class of bridges. I attribute that fact to the exemption from responsibility from accidents as defined by the law. There should be some well defined sphere within which the government would be responsible. My right hon. friend has spoken of the case of lighthouses. That is a case which would come under a special class possibly; at the same time that is a very serious matter.

Rt. Hon. Sir RICHARD CARTWRIGHT —Millions of money might be lost through the culpability of an employee. There is this to be remembered, that any government official who is shown to have neglected his duty, and has thereby caused damage or injury to the public, is liable to instant dismissal.

Hon. Mr. LOUGHEED—Provided his friends have not enough influence to keep him on.

Rt. Hon. Sir RICHARD CARTWRIGHT —Provided he does not come from certain favoured localities. At any rate, as matters stand, my hon. friend will have made a decided gain in having the Intercolonial railway liability recognized. As to the other point, I still must say that the principle of not holding the government responsible in damages unless in cases where they receive a fee for doing certain services, as for instance on the Intercolonial railway, I fear is questionable.

My hon. friend knows very well that if large liberty is given to the subject to sue the Crown, that right or wrong most juries would find against the government, and find very handsomely. I should be very sorry to trust the public purse to the tender mercies of twelve honest jurors in any province that I know of, except perhaps Alberta, where experiences may be different.

Hon. Mr. BELCOURT—In the case of an action against the Crown there is no such thing as a jury, so my hon. friend is conjuring up a possibility that does not exist.

Rt. Hon. Sir RICHARD CARTWRIGHT —I understand that in the case of the Intercolonial railway they will allow juries to have something to say; there is a Bill for some such purpose. I am very glad to hear that such cases will not be tried before a jury. I do not intend to chop against my hon. friend opposite on a question of law. My belief in the possibility of the Crown escaping damages, where 12 men have to decide a question, is not very strong.

Hon. Mr. BELCOURT—Claims against the Intercolonial railway would not exhaust all the cases where a fee is paid, and where damages might be claimed as the result of negligence of some officer of the Crown. Take the post office service.

Rt. Hon. Sir RICHARD CARTWRIGHT —The post office is a law unto itself, and has a special statute.

Hon. Mr. BELCOURT—Fees are paid for the use of the post office. I remember a case in the city of Three Rivers where a man walking up to the

post office to make his daily call, owing to the very dangerous condition of the sidewalk which was under the care and responsibility of the post office authorities fell and broke his leg. In that case, his action was dismissed by the Exchequer Court because the judge held that he had no jurisdiction. Yet there is a case where there is a fee paid and a direct invitation is given to the public to frequent the place.

Rt. Hon. Sir RICHARD CARTWRIGHT —To walk up slippery steps.

Hon. Mr. BELCOURT—The case of negligence was admitted by the court.

Hon. Mr. DANDURAND—That would apply to all public buildings.

Hon. Mr. BELCOURT—Yes, where the Crown pay people to do their business.

Rt. Hon. Sir RICHARD CARTWRIGHT —Supposing my hon. friend from Ottawa met with a similar mishap coming up to the Senate to perform his duties in this Chamber, would he not have an action?

Hon. Mr. BELCOURT—If the accident happened to my right hon. friend, I think he would feel like making somebody pay for it—the Crown or somebody else. However, I am prepared to be content with what I can get, and accept it with a smile, and look for another opportunity to implement it and obtain what I think I ought to get. I do not withdraw the amendment, but I accept the clause proposed by the right hon. gentleman.

The SPEAKER—Then the question is on the amendment proposed by the right hon. Minister of Trade and Commerce?

Hon. Mr. BEIQUE—I beg to call attention to the fact that that should come as an additional subsection to subsection 20 because there are other claims under subsection (c) which should not be disturbed. If you strike out this section, then the claims will be protected only as far as they are connected with the Intercolonial railway. I understand it is intended not to affect the rights of claimants as existing in other cases.

Hon. Mr. BELCOURT—I think the hon. gentleman is quite right, because there are cases provided for under subsection (c) which might be destroyed by this. I do not desire to divide the committee on the amendment, and I will accept the proposed amendment for the present.

The amendment was adopted.

On clause 2,

This Act shall be held to have come into force on the 23rd June, 1887.

Hon. Mr. POWER—I understand the hon. gentleman from Ottawa has agreed to strike out the second clause of the Bill?

Hon. Mr. BELCOURT—I propose that instead of making the Act retroactive to the date at which the original Exchequer Court Act was passed, that the provision now adopted should be made applicable to cases now pending in court.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am afraid I cannot consent to that. It is virtually retroactive legislation.

Hon. Mr. BELCOURT—But these cases are now pending in court.

Rt. Hon. Sir RICHARD CARTWRIGHT —I cannot accept that without consultation with the Department of Justice.

Hon. Mr. BELCOURT—I cannot see why.

Rt. Hon. Sir RICHARD CARTWRIGHT —You might open the door to an immense amount of litigation.

Hon. Mr. BELCOURT—I propose to make it applicable only to the cases now pending in court, ready for trial. Some years ago the Exchequer Court gave judgment in the matter of Price vs. the King for damages, a case exactly similar, and caused under similar circumstances to the case of Chamberlain vs. the King to which I referred the other day. The damages awarded in Price vs. the King were for injury caused by sparks emanating from a locomotive. In Chamberlain vs. the King the Supreme Court decided for the first time that there was no liability, because the property destroyed was not actually on the right of way of the Intercolonial railway. There were other cases that were instituted at the same time as Price vs.

the King, and unless this Act is made to apply to them they will have no remedy, whilst a large number of other people have been paid the damages they have suffered. Under these circumstances, the Act should be made applicable to those cases.

Rt. Hon. Sir RICHARD CARTWRIGHT —I cannot concur in that. Cases now pending must go as the law was at the time they were entered. I move to strike out clause 2.

Hon. Mr. BELCOURT—I move in amendment that this Act shall apply to all cases now pending in the Exchequer Court of Canada.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am afraid, however great the hardship may be, that I cannot consent to that.

Hon. Mr. THOMPSON—I think that would be a bad precedent to establish.

Hon. Mr. CLORAN—Would the hon. gentleman inform the House how this legislation is made applicable to pending cases, would it benefit them in any way? Cases are in court. This legislation cannot affect them.

Hon. Mr. BELCOURT—I am very much afraid unless this Act is made applicable, those cases are out of court. The court will hold there is no remedy.

Hon. Mr. POWER—Substantially this is retroactive legislation. I gather from the hon. gentleman from Ottawa that some of the cases to which he referred arose some considerable time back. Of course, this is not the case in the present instance, but you can imagine a case where an influential member of parliament might tell a client that he would introduce a measure which would enable that client to recover against the Crown where, as the law then stood, he was not in a position to recover. That would be a very objectionable condition of things I think, and I am satisfied it did not strike the hon. gentleman from Ottawa that such a construction might possibly be put upon the passing of this clause.

Hon. Mr. BELCOURT—My only object was as I have stated. I happen to know of several cases similar to Price vs. the King, in which the suppliant recovered, and because of the decision in Chamberlain vs. the King, in the Supreme Court, those people whose cases were pending in the Circuit Court at the same time as the Price case was pending, will not be entitled to recover.

Hon. Mr. POWER—Why should they be put in a better position than the Chamberlain claimant?

Hon. Mr. BELCOURT—Because they have taken advantage of the law and have taken proceedings, and in order to avoid the anomaly of those people not succeeding in their cases when another party has succeeded on the very same state of facts.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am sorry I cannot agree to that.

Hon. Mr. BELCOURT—In deference to the right hon. gentleman's wishes, I will withdraw the amendment.

The amendment was withdrawn.

Hon. Mr. CHOQUETTE—Before the Bill is reported, I should like to ask the leader of the government if anything has been done in regard to this very court about which I inquired last session, and was answered that something would be done. My hon. friend from Ottawa and myself, at last session, moved to amend the Exchequer Court Act in order that in cases in Quebec where the parties and witnesses were French that a deputy judge or another judge should be appointed who could understand the case and hear it in French. If I remember well, the right hon. leader of the House promised at the time that if we did not press our amendment to the law, that before next session—that would mean this session—something would be done to remedy the evil we are complaining of. So far, I have heard nothing of the matter, and I may say that notices have been given that the judge of the Exchequer Court will hold sessions in Quebec by the end of this month. In my own office we have two cases of claims for damages where the complainants and witnesses are all French,

and I should like to know if, in view of the formal promise made by the leader of the House at the close of last session, something has been done in order that our clients and witnesses should appear before a judge who can understand them.

Rt. Hon. Sir RICHARD CARTWRIGHT —I do not exactly know what that has to do with the matter in hand. I can only say to the hon. gentleman, my recollection is that I promised to bring the matter to the attention of council, which I did. What action the Minister of Justice saw fit to take about it, I will find out and inform the hon. gentleman; but I do not remember at this moment what conclusion he arrived at. I remember the incident the hon. gentleman mentioned and I remember also bringing it before council.

Hon. Mr. CHOQUETTE—Perhaps I am not completely in order, but this being a Bill affecting that very court, I think it is a proper occasion to ask the right hon. gentleman to remember that promise.

Rt. Hon. Sir RICHARD CARTWRIGHT —I will make an inquiry of the Department of Justice and mention the point, which I remember very well that the hon. gentleman referred to.

Hon. Mr. WATSON, from the committee, reported the Bill with amendments, which were concurred in.

OTTAWA AND MONTREAL TRANSMISSION COMPANY BILL.

SECOND READING.

Hon. Mr. BEIQUE moved the second reading of Bill (II) An Act to incorporate Ottawa and Montreal Transmission Company, Limited.

He said: I understand this Bill was reached on Tuesday last, and in my absence was left over until to-day. I read the Bill for the first time on Wednesday of this week. On reading the Bill, I noticed that the point which was taken against it was well taken, that the Bill seeks to give the company power to expropriate under the Railway Act for the purpose of acquiring a right-of-way thirty feet in width, or of such greater or less width as for the purposes of the company may be deemed necessary in the localities which are enumerated in clause 8. As far as I am concerned, I would be opposed to granting such power. On speaking to the party who asked me to take charge of the Bill a few minutes ago, he told me that the solicitors who were to prepare the Bill had positive instructions to avoid that, to ask only for the power to expropriate for the placing of the poles, and that he himself—and he is a member of the House—would be against the Bill as drafted. He was very much surprised when I told him of this provision. With this explanation, I move the second reading of the Bill, with the understanding that it will be amended in committee by striking out the objectionable clause.

Hon. Mr. LOUGHEED—I would point out to my hon. friend in whose name this Bill stands, that it is of a very much more sweeping character than he has discovered within the few minutes he has devoted to the study of it. It not only proposes to expropriate a right-of-way, as provided in section 8 of the Bill, over a long distance of country, but it proposes to acquire and develop water-powers, and to generate, by means of water-power or otherwise, electrical heat and so on, and to obtain under section 13, lands, property, privileges, rights, contracts, &c. and then by a very insidious means apply the expropriation powers of the Railway Act. It is proposed to extend the Railway Act to this enterprise, which is not a railway and not within the purview of that Act, and to apply all the machinery of expropriation to secure such privileges and easements, and titles, as may be required by this company for the purpose of its undertaking. I take very serious exception to the promoters of Bills by this insidious way practically usurping the rights of the public, and taking advantage of machinery which was never contemplated for such a purpose, thus making an abuse, in my judgment, of the laws which we have placed on our statute-books on behalf of an entirely different class of public works. If these gentlemen had, instead of asking for the application of the expropriation clauses of the Railway Act, stated in detail that they propose to expropriate right-of-way, water-

powers, privileges and easements, &c., I venture to say that this Chamber would not approve of the principle of the Bill, and would not give it a second reading.

Hon. Mr. BEIQUE—I have the authority of the hon. gentleman from Ottawa (Hon. Mr. Edwards) that he requested when the Bill was drafted that it be drafted on the lines I have mentioned, and it seems to me that that declaration is satisfactory. It is through the misunderstanding of the solicitors that the Bill was drafted in the way I have mentioned, and as the party in charge of the Bill, I have stated that I would be the first to ask, when the Bill is in committee, that it be amended on the lines I have stated.

Hon. Mr. LOUGHEED—The reason I criticised the Bill in this way is that I understood my hon. friend to simply apply his remarks to right of way. But if the same remarks apply to the other territorial rights which the promoters seek, then I do not object to the Bill going before the Railway Committee—

Hon. Mr. BEIQUE—Section 16 of the Bill reads as follows:

16. The Railway Act so far as it is applicable and not inconsistent with this Act, shall apply to the company and to its undertaking, with respect to the acquisition of right of way and possession, the determination of compensation and damages, and the construction of telegraphs and telephones authorized by this Act.

2. Wherever in the Railway Act the word 'company' occurs, it shall include the company hereby incorporated.

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

I think that this would apply only to the right of way, because the Railway Act is made applicable only to the right of way. However, this section should be made clear.

Hon. Mr. POWER—I think the hon. leader of the opposition deserves credit for calling attention to the objectionable nature of some of the provisions of this Bill. He seems, however, to have overlooked paragraph (d) of section 8, which I look upon as conferring most dangerous powers on this company. It will be remembered that they propose to operate along the north shore of the Ottawa river from the city of Montreal to the city of Ottawa.

Hon. Sir RICHARD SCOTT—And further up.

Hon. Mr. POWER—Yes, up into the county of Pontiac.

Hon. Mr. CLORAN—And up to the north pole.

Hon. Mr. POWER—Paragraph (d) of section 8 empowers the company to

(d) Construct, maintain and operate all necessary works, dams, wing dams, canals, intakes, tail races, piers, booms, dykes, channels, conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments and devices, and erect and maintain poles and towers, and lay mains, pipes, cables, wires, baskets or other conductors and connect them with similar lines, either along the lines of the company's right of way, or at the company's works or terminals within Canada.

It will be borne in mind that the people of this part of Canada are very much interested in the construction of the Georgian Bay Ship canal. If you allow this company to erect dams, wing-dams, piers and so on, along the north shore of the Ottawa river, that to my mind will effectually damn the progress of the Georgian Bay canal.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. POWER—Because it would just mean that in order to construct the Georgian Bay canal, this company would have to be bought out. I think that is quite a serious question to which the attention of the committee will be directed. From what I know of the Railway Committee, I have very little doubt, but that they will do their duty by this Bill, and safe-guard the interests of the public.

Hon. Mr. CLORAN—The hon. gentleman from Halifax has pointed out a most serious objection to this Bill. It gives the company power to go up into the Pontiac district and down to the city of Montreal. It takes in the Lake of Two Moun-

tains, Laval, Jacques Cartier, and Hochelaga counties. That is exactly the route of the Georgian Bay canal, and if this company gets the first foot-hold, good-bye to the Georgian Bay canal, unless they are prepared to pay an extravagant amount to expropriate the rights of that company. This Bill of itself might do no harm, but in view of the very near construction of the Georgian Bay canal it would be a very dangerous obstruction to place in its way, and one that would be very hard to overcome, because these people cannot carry on their works without damming the river all the way down from Hawkesbury. There are four or five rapids on the lower Ottawa river and very extensive ones. These people would have a right to use all these water-powers, dam them as they please, and occupy the lands on both sides of the river. How is the Georgian Bay canal to be built if this is going to be done? I think the hon. member for Halifax and the leader of the opposition have done a service in pointing out objections to the Bill. I am not opposed to works of this kind; but we must safeguard the public interests and not give such rights to private individuals.

SECOND READING.

Bill (No. 83) an Act respecting the Vancouver, Westminster and Yukon Railway Company.—Hon. Mr. Bostock.

PROTECTION OF NAVIGABLE WATERS ACT AMENDMENT BILL.

SECOND READING.

The order of the day being called:

Resuming the adjourned debate on the motion for the second reading of Bill (B) An Act to amend the Act respecting the protecting of navigable waters.

Hon. Mr. DE VEBER—In view of the fact that in the consideration of the report of the Health Committee, the adoption of which I shall have to move to-morrow, I shall have to make a few remarks on this subject, and as the question has been so largely dealt with already, I hope I may be excused if I confine my remarks to reading the Bill, and making a few comments thereon. Clause 19a of the Bill reads:

No person shall throw or deposit, or cause or permit to be thrown or deposited, any sewage, offal, or refuse animal or vegetable matter of any kind whatsoever, into any river, stream or other water, any part of which is navigable or which flows into any navigable water.

This clause is very short, very strong, and very drastic, not one whit too drastic, and, if carried into effect and enforced rigidly, will doubtless give us what we need, pure water to drink. It is also very comprehensive. The 48 words contained in the clause embrace every harbour, lake, river, stream, creek, brook, rivulet and spring in the Dominion of Canada. I must congratulate the hon. gentleman in charge of the Bill on the speech he has made. He has expended a good deal of thought, research and energy in obtaining the information that he has given us. In fact his energy has been so great that it will go far to combat the feeling in the other House that once a man is appointed to the Senate, he immediately loses all energy. He has shown us very conclusively that legislation on this subject is an imperative necessity. He has also shown us that we have the power in this House to legislate regarding public health. I shall go further to-morrow in the remarks I intend to make than my hon. friend. He confines himself to the pollution of waters; I am going to take the larger issue of public health. I agree with the Bill thoroughly; I recognize the necessity of such legislation, and agree with his contention regarding the power vested in parliament. I may add a few words probably to strengthen his contention in regard to our power to deal with matters of public health. I will not put it from a legal point of view, being a layman and a physician: I shall put it from the point of view of a physician and the point of view of the man on the street. I came across recently a remark made by Sir John Macdonald in regard to the British North America Act. He made the statement that whilst the constitution of the United States distinctly declared that all power not definitely given to the federal government belonged exclusively to the states; that whilst that was the

stated case in the neighbouring country, in the British North America Act, which is the constitution of Canada, all powers not distinctly given to the provinces belong to the federal government. Sections 91 and 92 of the British North America Act deal with these questions. Section 92, which includes the exclusive powers of the provincial legislatures, does not in any way make a statement in regard to the public health. It simply provides that the provinces shall build and maintain all hospitals, charitable and elemosynary institutions. These charitable and poor houses are elemosynary institutions, looking at the subject from a medical point of view, having nothing to do with what we call public health, which is preventive medicine. They are simply houses of refuge built by the province to take care of those who may be injured or become sick. The man who is an object of charity is put in one of the charitable institutions, and if he is broken down and unable to maintain himself, he is put in the poor house. That is not what we call preventive medicine, and public health; the object of them is to prevent people having to go to those places. Whilst I agree thoroughly with the hon. gentleman in regard to the constitutionality of the Bill, and his contention with regard to its necessity, I cannot support it, simply because it is premature. The hon. gentleman in his speech has taken altogether one side of the question. He has shown that legislation is needed, and that we have the power to legislate, but he has not mentioned the difficulties in carrying out such a measure. The members of the Health Committee discussed and deliberated upon this question at some length, and in the first report we thought of recommending the Dominion government to call a conference of the health authorities to consider such matters. Whilst we were talking this over, we came across certain facts that we thought would make that inadvisable. My hon. friend quoted very profusely from the report of the Health Committee, but he did not give us any of the report that shows where difficulties lie in enacting this legislation. The report says:

> In the United States, federal law exists in the River and Harbour Act, stating 'It shall not be lawful to throw, empty, or suffer to be done, any filth, refuse or other waste of any kind into any pond, harbour or navigable stream which shall tend to impede navigation'; but no reference is made to any matter affecting the public health.

That is simply in regard to navigation, not health at all. We must remember that when we take up this question that there are international interests to be considered, and there must be co-operation between the governments of the United States and Canada before anything can be done. What good would it do if Canada passed laws preventing the pollution of the Niagara river, if the United States did not co-operate? Every thing done in this regard must be done by co-operation.

Hon. Mr. MACDONALD (British Columbia)—Take the case of the Ottawa river?

Hon. Mr. DE VEBER—There you have an interprovincial stream. It would be useless for Ontario to prohibit the emptying of sewage into the Ottawa river unless Quebec did the same. The report continues:

> The general right to the flow of a stream in its state of natural purity has been established in the United States under the law of 'eminent domain,' and again and again the same rights have been shown to exist under the English common law, in the courts of Canada. It is therefore manifest that the difficulties which will arise in the matter of the pollution of international streams will prove great, as the powers which the federal government at Washington has attempted to exercise in interstate matters, even in waters wholly under federal jurisdiction, have been undertaken with very great caution, and as in the case of the St. Mary's river at the Sault, the St. Clair, Detroit, Niagara or St. Lawrence rivers, should the federal authority order a city situated on any of these to purify its sewage, or should the government of Canada require any Canadian town so situated to do the same, and should the state or province in either case refuse to support the federal demand, it becomes at once a very interesting question to determine just what mandatory powers the federal governments possess to compel action in either country. If the principle be accepted, which time and again federal ministers in Canada have asserted, that all public health matters, except quarantine, were relegated by the Act of British North America to the provinces, then it is difficult to see how a federal demand in a case of this kind could be exercised and enforced.

These are some of the difficulties. Now we find that, although we have had the power under the British North America

Act to legislate, since 1882, since the Health Act was passed in Ontario, the provinces have been exercising those rights. That certainly creates a precedent, and, as the man in the street would remark, possession is nine points of the law, therefore we might have some little trouble in ousting provincial jurisdiction. For this matter has reached the point that, not only the Senate, but the people in all the provinces are looking for legislation. If you refer to the report, the questions asked by myself and other members of the committee all lead up to the same thing, asking what should be done to prevent the pollution of our streams, and all agreed that there should be some central power—some governing body—that the legislation to be effective must be uniform, and, to be uniform, there must be co-operation between the provinces and the Dominion government. Looking for the best way to attain this end, and whilst we were thinking of making recommendations to the Dominion government to call a conference of the health officers to discuss the question, we found that there was such a body as the Conservation Commission, a non-political body, representing not only the Dominion government, but the provincial governments as well, that they were appointed for exactly such purposes as this, and we concluded that the most reasonable way, and the way that promised most success, was to bring in the report that will come up for consideration to-morrow. I will just read its recommendation:

> Your committee have the honour to call the attention of the House to the exceedingly valuable evidence given before them and contained in the printed report now issued to the public.
>
> After hearing and carefully considering the evidence, your committee cannot fail to see that the public health of Canada is being considerably imperilled by the present custom of disposing of sewage, garbage, etc., into the lakes, rivers and streams of the country.
>
> Your committee is of the opinion that the only remedy, and the only safeguard lies in the passage of legislation to control it. The legislation to the effect must be uniform throughout the whole dominion and can only be brought about by co-operation between the Dominion and provincial governments.
>
> It is therefore recommended that the commission of conservation, representing as it does all the governments in Canada, be requested to call together the health authorities of each province to meet them in conference at an early date and endeavour to devise means whereby this end may be attained.

I am sure that the members of the Conservation Commission immediately upon receiving this report will take action. Some question has been raised about my hon. friend on the other side of the House having the right to move an amendment. I am going to move that amendment myself, and to ask that the hon. gentleman, who so ably introduced his Bill—who has fulfilled the greatest part of his mission, that of educating the people up to the fact that legislation is necessary—to withdraw his Bill, we agreeing that it shall become part of our report to the Conservation Commission. It would materially strengthen our report, and I would ask him to help to attain that good end by withdrawing his Bill. If he is willing, as I feel almost sure he must be to do that, I shall be glad; if he does not wish to do so, I will not move my amendment.

Hon. Mr. BELCOURT—I am quite prepared to allow this matter to go before the Conservation Commission, along with the other matters embodied in and referred to in the report of the committee of which my hon. friend is chairman, but I think it would go to that commission with very much more force if the Bill received its second reading first. It would show that this House sanctions the principles involved in the Bill. If my hon. friend will allow the Bill to go the second reading, I am prepared to say that I shall not press it until the Conservation Commission has had an opportunity of inquiring and making a report, so we would have the benefit of the investigation by that commission before dealing with the matter again. If we cannot get a report of the commission this session, I am prepared not to press my Bill before next session. But I do think, if I have impressed my views upon the House in the way which I hope I have, it would be far better that the House should sanction the principle involved in the Bill by allowing it to go to a second reading.

Hon. Mr. DE VEBER—The only object I have in view is to prevent any cause of friction. The provinces have been exercising this right since the year 1882, and it is

but human nature to suppose that they will hesitate to diminish that power. If I have what I consider a right that I have been exercising, even without proper authority, and any one should come to me with a club and say: 'You must give it up,' human nature would prompt me to say that I would not, and I would make a fight over it; but if the same person came to me graciously, showed me that it would be mutually advantageous to us that I should give up the right, I would be glad to yield. I should like to have a few words from the right hon. leader of the House in regard to the question before moving any further, but I will move this motion.

Hon. Mr. BELCOURT—Is my hon. friend not willing to adopt my suggestion to let the Bill go to the second reading?

Hon. Mr. DE VEBER—I should like to have the opinion of the right hon. leader of the House as to the effect of it.

Hon. Mr. BELCOURT—It seems to me that if I undertake not to proceed with the Bill until we have had this report from the Conservation Commission, what more could be asked of me?

Hon. Mr. DANDURAND—I do not know if the Senate could accept the idea contained in the notice of amendment of my hon. friend from Mille Isles; but I would throw out the suggestion that if this Bill were read a second time, it should be referred to one of our standing committees, the Committee on Health, which could then confer with the Conservation Commission.

Hon. Mr. BELCOURT—I approve of that. Hon. gentlemen will see the propriety and importance of what I am asking, that the principle of the Bill should be sanctioned by the House. If I am right in assuming that a majority of the members of this House are prepared to approve of the principle of the Bill, all I ask is that it be so recorded.

Hon. Mr. THOMPSON—Will the hon. gentleman say what he means by the principle of the Bill? Is it that this parliament has right to legislate in matters relating to public health, or is the principle of the Bill confined to the purification of the water in rivers and streams?

Hon. Mr. BELCOURT—The principle involved in the Bill can only apply to the subject of the Bill, and that is the dumping of sewage into navigable waters.

Hon. Mr. THOMPSON—We all agree on that. I was questioning the right of the federal parliament to control the public health in respect to taking charge of all rivers and lakes. That is an important question.

Hon. Mr. DE VEBER—As far as I am concerned, I am perfectly satisfied that the Bill should go to the second reading, provided it is referred to the Committee on Public Health and Inspection of Foods, and that the hon. gentleman agrees to their report, that is, if they say so it shall go in with our report to the Conservation Commission. If he is agreeable to that, I am perfectly willing, so far as I am concerned, that the Bill should have the second reading, because I am thoroughly in accord with his views.

Hon. Mr. BELCOURT—I am quite willing. I know the Bill would be perfectly safe in the hands of the hon. gentleman's committee. I am prepared in advance to accept the report of that committee, because I know the subject will be dealt with in a proper way. I am anxious to have the principle of the Bill sanctioned by this House, and it may be referred to the committee, and dealt with by them or by the Commission on Conservation, in the proper way.

Hon. Sir MACKENZIE BOWELL—It is not my intention to discuss the constitutional question or the right of parliament to deal with questions of this kind. The hon. gentleman from Ottawa is entitled to the thanks of the Senate for the elaborate and exhaustive manner in which he has treated the subject. Every one who heard him must have listened to him with a great deal of pleasure; but I must express the opinion that it is a mistake to place on the statute-books laws which never can be carried out. Any one who

reads the Bill must come to the conclusion that it will prove inoperative, and to a very great extent useless. One could understand if the proposition were made to prevent the throwing of any deleterious article which would interfere with the health of the people, into a navigable stream, there might be some reason for the proposition he is making; but when you look at the provision of this clause, it has a very wide range. It provides:

> No person shall throw or deposit, or cause or permit to be thrown or deposited, any sewage, offal, or refuse animal or vegetable matter of any kind whatsoever into any river, stream or other water, any part of which is navigable, or which flow into any navigable water.

Let me give a practical illustration of how this Bill would work should it become law. The city in which I live is on the river Moira. The river runs through the centre of the city, and discharges into the Bay of Quinte. But that river extends some hundreds of miles north of us, and along its course there are twenty or more villages of various sizes emptying their sewage into the main stream. Then there are creeks and branches, on which there are villages, which empty their sewage into the stream, and all that sewage is carried down the Moira into the Bay of Quinte, which is navigable water. This Bill provides that if a dead horse is thrown into the river a hundred miles north of its outlet, or sewage from any of the towns or villages up stream is deposited in the waters running into the Bay of Quinte, then the operation of this law could be invoked, because the River Moira empties into the Bay of Quinte. That is only one illustration. About nine miles east of the Moira is the Salmon river, running through the northern part of the counties of Lennox and Addington into the Bay of Quinte. There are a number of villages along the course of that river. Then west of Belleville is the Trent river, portions of which are navigable, and other portions of which are not navigable, all the way through to Georgian bay; yet, because the waters of that region flow into navigable bodies of water, the depositing of refuge or sewage in the stream at any point, from any of these villages along the route would render the people liable to the penalties which are to be imposed under this Bill should it become law.

I do not wish it to be understood for a moment that I would oppose any practical mode by which the health of the country could be preserved, and I think I could repeat that it is not only folly, but improper if you like, that any law should be placed on the statute-book which is of the impractable nature which this one would become if it were passed. I venture the assertion that it would never be carried out, and I question very much if you could find an army of officials sufficiently large to make it operative. It is utterly impracticable to my mind, and if my hon. friend reflects for a moment I think he will come to the conclusion that if the law is to become operative at all, it must be changed to a very great degree. It is to be referred to the committee who, I have no doubt, will deal with it as the hon. gentleman suggested in moving the second reading; but knowing as I do what the effect of this Bill must be, I do not want to allow it to pass the second reading without giving my reasons why such legislation would be impracticable. Of course no impracticable legislation should be placed upon the statute-book. Let the Committee on Public Health deal with this as they think proper; but it seems to me some change should be made in the Bill to make it useful for any purpose. Then there are very strong arguments against the position taken by my hon. friend from Ottawa, with which I am not going to occupy the time of the House at the present moment. There are scientific treatises written on the subject, in which scientific men point out very clearly that once sewage is emptied into a running stream, after it has travelled a certain distance it purifies itself. I am not going to detain the House by calling attention to authorities on that subject. I have no doubt that my hon. friend, who is chairman of the committee to which this Bill will be referred, is well acquainted with the subject to which I am calling attention. We should be very cautious how we pass a law which is going to have such a radical effect if we adopt it. I

merely point this out in as brief a manner as possible, in order that those who do not live in localities where streams pass through may know how a clause of this kind would operate if it were placed on the statute-book.

Hon. Mr. LOUGHEED—While I do not propose to discuss the matter on its merits, I desire to say that I am much in sympathy with the hon. gentleman from Ottawa in the presentation of his case. I think the Senate and the country are indebted to my hon. friend for directing public attention not only to the abuse which has existed, but to the possible methods which have been suggested for remedying the abuse. There are occasions when a legislator is justified in seeking to place on the statute-book what some might term an impracticable Act of parliament. There are times when public attention can only be directed to great abuses through pursuing a course of this character. Not only my hon. friend from Ottawa who has introduced this Bill, but the medical gentlemen throughout the whole of Canada, and the press I might say, have been discussing this question of pure water for years and years, yet no practicable solution has been adopted. It is conceded on all sides, by every intelligent man, that something should be done to remedy this great wrong, and yet we seem to be helpless. Every municipality in Canada assumes more or less authority on questions of public health, and yet they are helpless in carrying out anything like an adequate measure to protect the community within their boundaries. They have referred the matter in turn to the province. They say the province has a wider jurisdiction. The province comes to deal with it and they find they are handicapped on account of interprovincial streams or interprovincial questions—questions larger than those affecting the province, and they in turn hand the question over to the Dominion government, and the Dominion government and Dominion legislators look very wisely into the British North America Act, and they shake their heads with very great gravity and discuss the constitutional question as to whether the federal authority has power to deal with this great question; sometimes it has and again that it has not. Then, very possibly, and very probably, the courts will hold that the federal authority has no jurisdiction in the matter, and so our race continues dying on account of the conflict of authority in endeavouring to settle on whom responsibility lies. What are we going to do? Are we going to sit idly by and watch the death rate mounting up day after day, on account of our helplessness, not having solved the constitutional question? I say no. I say that my hon. friend from Ottawa has pursued the proper course. He has directed public attention to the serious questions involved. He has directed the attention of government and parliament to the fact that some legislation must be placed upon the statute-book for the purpose of remedying this great abuse. Although this Bill may not solve the difficulty, yet I venture to say it has set public opinion in motion, and legislators in motion, so that something will grow out of it. It goes without saying that all our public streams, provincial and interprovincial are becoming practicallly the great sewers of the Dominion. We have reached that stage when municipalities, for the purpose of saving themselves from contracting obligation of debt, find it cheaper to empty their sewage into the streams which run by their doors, than to adopt some scientific method which possibly will cost more, for the purpose of cremating or otherwise destroying the sewage of that community. Is this going to be perpetuated? As our population from year to year becomes more congested, the abuse grows, and rather than sit down and solve the difficulty we simply say it is impracticable. We seem to have concluded that nature has placed those streams by our doors to carry off our sewage, and notwithstanding the fact that the community requires pure water, yet we will reject the best methods of purification and take the consequences. It seems to me we have reached that stage. There must be some central authority to grapple with the question and the Dominion government is that central authority. None

other than the Dominion government can set in motion the proper movement for the effective carrying out of the general measure whereby this abuse can be remedied, and whereby the streams of this Dominion can be purified, or be kept in a purified state, so far as possible. I think that this is the object which my hon. friend from Ottawa has had in directing the attention of the Chamber to this matter, impracticable though it may be, upon the statute-book. Therefore, I say, a very grave responsibility rests on the Dominion government to take the necessary steps towards carrying out at the earliest possible day, either by a conference of the health authorities of the Dominion or otherwise, some advanced legislation towards the adoption of a general scheme of scientific treatment regarding the disposal of sewage of the various municipalities throughout the Dominion, which is now being emptied into the streams of the Dominion, and from which the people of the Dominion are drinking and poisoning themselves day after day. So far as the question of sending this matter to a hygienic or food committee, or some other committee, and then calling in the health officers, before that committee, and then referring it to the Commission on the Conservation of the natural resources of Canada, I think is only trifling with the question.

Hon. Mr. McMILLAN—Hear, hear.

Hon. Mr. LOUGHEED—I know of nothing that receives less attention and which we approach with greater indifference than the question of public health. We are legislating day after day as to quarantine, as to keeping the beasts of the field, and the animals of burden in proper physical condition, by requiring a clean bill of health as to all animals coming across the boundary. We are legislating day after day as to the condition of our fields as to keeping the seed which we sow broadcast pure and free from dirt; in fact almost every phase of human activity receives our attention here except that particular branch which relates to the enlistment of our energy in protecting public life. It is time this great question should receive the very best attention at the hands of the government, and that the government should appoint a commission of experts to consider this question with the view of determining whether some general and scientific scheme can be adopted and enforced throughout the Dominion for the disposal of the sewage and the protection of our streams.

Hon. Mr. WILSON—Does the hon. leader of the opposition think the control of such legislation is purely in the hands of the Dominion? I understand the constitution to provide that civil rights pertain to the provinces, and this is one of the Acts that is entirely a question of civil rights. Does the hon. gentleman say it would not encroach upon the provincial rights?

Hon. Mr. LOUGHEED—I say that so far as it is not local it is vested in the Dominion unquestionably.

Hon. Mr. POWER—I move that the debate be adjourned until Tuesday next.

The motion was agreed to.

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

FRIDAY, March 4, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ENTRY OF MINUTES OF PROCEEDINGS.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to draw the attention of the House to what took place yesterday, and to inquire if the proper entry has been made in the 'Minutes.' At page 493 of our 'Minutes' I find the following:

> The Honourable Mr. Cloran presented to the Senate a Bill (SS) intituled: 'An Act to incorporate the Federation of Chambers of Commerce of the Province of Quebec.'
> The said Bill was read a first time.

On motion of the Honourable Mr. Landry, seconded by the Honourable Mr. Montplaisir, it was

Ordered, that the said Bill be referred to the Standing Committee on Standing Orders under and in accordance with Rule 115.

I do not know whether that concurrence should take the form of a motion, or if, two senators having declared that they desired that the Bill be referred to that committee under rule 115, ipso facto it is referred. That is the sole question. If a motion is made it must be in the option of this House to carry it or reject it. I contend that by rule 115 no such motion should be submitted to the House; that as a matter of right, two senators having asked that the Bill be referred to the committee, it should go by virtue of the rule, without a motion being made.

The SPEAKER—That was stated here yesterday, and I am instructed that it is the entry upon the record, and that this memo was erroneously entered by the clerk of routine.

CORRECTION OF 'MINUTES.'

Rt. Hon. Sir RICHARD CARTWRIGHT—Before the orders of the day are called, I desire to call the attention of hon. members and the officers of the House to an error which appears to be made in the order paper which I have before me, as to the place which is to be occupied by order 17, which is fixed for Tuesday next. I had moved—and it is so recorded—that this should be made the first order after third readings. Instead of that I see it is put down at the end of the orders for Tuesday. This should be corrected. The order of the House was explicit, that it should be made the first order after third readings for Tuesday.

Hon. Mr. POWER—The right hon. gentleman is perfectly correct in what he says. I observed this error, and I pointed it out to the clerk in charge of the 'Minutes.' He said that he had already detected it, and that it would be corrected in the 'Minutes' of to-day, so that no harm would be done.

Hon. Mr. LANDRY—We cannot do that. Once a notice of motion is given, and it appears in our order paper, for a certain day, it cannot be transferred afterwards, whether it be an error or not.

Rt. Hon. Sir RICHARD CARTWRIGHT—I beg the hon. gentleman's pardon. When this House has distinctly declared that an order shall appear in a certain place on a certain day, the order must be carried out.

Hon. Mr. LANDRY—I would point out that Bourinot—

Rt. Hon. Sir RICHARD CARTWRIGHT—I do not care what Bourinot, or May, or anybody else says—

Hon. Mr. LANDRY—The hon. gentleman has not a right to decide that question simply because he is leader of the House.

Rt. Hon. Sir RICHARD CARTWRIGHT—I have a right to inform the hon. gentleman that an order of this House must be complied with.

Hon. Mr. LANDRY—That question has already come before this House, and has been decided according to my contention—that is, if an error has been made in fixing an order of the day you cannot correct the order of the day, and why? Because some members might desire to speak on the question, and, looking at the orders of the day and finding that the matter was not set down for that day, they might leave the Chamber.

Hon. Mr. WATSON—It is not fixed for to-day. It is set down for Tuesday next.

Hon. Mr. LANDRY—That is all right; I thought it was for to-day.

THIRD READINGS.

Bill (No. 97) An Act respecting the Pacific and Atlantic Railway Company.—Hon. Mr. Ross (Middlesex).

Bill (No. 113) An Act respecting the Manitoulin and North Shore Railway Company—Hon. Mr. Ross (Middlesex).

Bill (W) An Act respecting the Ottawa, Brockville and St. Lawrence Railway.—Hon. Mr. Derbyshire.

Bill (LL) An Act for the relief of Alexander Augustus Barthelmes.—Hon. Mr. Derbyshire.

Bill (C) An Act to amend the Exchequer Court Act.—Hon. Mr. Belcourt.

Bill (BB) An Act respecting the Sovereign Trust Company.—Hon. Mr. Riley.

MONTREAL CENTRAL TERMINAL COMPANY BILL.

SECOND READING.

Hon. Mr. EDWARDS moved the second reading of Bill (No. 44) An Act respecting the Montreal Central Terminal Company.

Hon. Mr. CLORAN—Has the hon. gentleman, who is in charge of the Bill, an explanation to offer?

Hon. Mr. EDWARDS—I have no information whatever, except what is contained in the Bill.

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

INSURANCE COMPANY OF CANADA BILL.

SECOND READING.

Hon. Mr. ELLIS, in the absence of Hon. Mr. Casgrain, moved the second reading of Bill (QQ) An Act to incorporate Insurance Company of Canada.

Hon. Mr. LOUGHEED—May I direct the attention of the House to the fact that the title of this Bill could scarcely be approved by parliament? Whether the promoter of the Bill desires to deceive the people of Canada by posing as the only insurance company in the Dominion, or whether it is unwittingly done, the title should not be tolerated in its present form. No application containing such a title should be allowed to come into the House.

Rt. Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman in charge of it agreed to change the name.

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

SECOND READING.

Bill (RR) An Act respecting the Dominion Bank.—Hon. Sir Richard Scott.

The Senate adjourned until Tuesday next at three p. m.

THE SENATE.

TUESDAY, March 8, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

INDEPENDENCE OF CANADA.

INQUIRY.

Hon. Mr. LANDRY rose to call the attention of this House and of the government to the following facts:

On the 25th of February last, at the Chateau Frontenac, in the city of Quebec, in the province of Quebec, the Honourable Judge Longley addressed the members of the Canadian Club of that city upon the independence of Canada. The keynote of his speech was independence, said the Quebec 'Morning Chronicle' of the next day, which reports in extenso the address in question. Here are his words:

The question was this: Were such men as he saw before him going to be content to occupy a secondary position? He did not advocate an immediate severance of their relations with the empire. But later on they must secure some national status and develop a pride in Canadianism. In time this question of nationhood must overwhelm all else. They could not endure to be always called colonists. When their population should have mounted to 50,000,000, would England still send them a Governor General and would they always be dependent on a smaller community? When Canada was stronger she must assume her place properly and potentially amongst the nations. If they must have union with England, let it be a union of equality. He hoped and expected that, even though he might not live to see it himself, his children might live to see the day when Canada would be recognized as a nation.

He said: If we take the words of the Premier of Canada, we were already a nation; but it appears that in the eyes of Mr. Longley, we are not yet a nation. I bring this question to the attention of the House to show that there is a flank movement, or a turning movement commenced to-day in Quebec, on the question of imperialism. I do not know whether it is done purposely or innocently; at all events it exists, and we have heard lately in another place two speeches made in accordance with that new policy. I do not want people in this Dominion to understand that the province of Quebec is looking for independence. I think we are quite satisfied with our lot as it is to-day.

Hon. Mr. DANDURAND—I thought Judge Longley was from Nova Scotia?

Hon. Mr. LANDRY—He is from Nova Scotia. I am asking, 'Is Mr. Longley, who has promulgated the aforesaid opinion in Quebec, a judge of the Supreme Court in Nova Scotia? I thought he was, but I am sure he is; but I want the information from the government. We are perfectly contented with our lot in Quebec. We cannot have anything better than we now have, and I hope that what we have we shall keep. I do not see why a judge of the Supreme Court of Nova Scotia should canvas the population of Quebec on the question of independence, and I know not whether he has found an echo in other places from members of that province while speaking on that burning question. Having called attention to these facts I beg to inquire:

Is the Mr. Longley, who has promulgated the aforesaid opinion in Quebec, a judge of the Supreme Court of Nova Scotia?

Did he obtain a leave of absence and the permission of the government to make such a propaganda in favour of the rupture of the colonial tie?

When did the government give him such permission and leave of absence?

For how long a time?

If the government repudiates all complicity on its part in the doings and deeds of the honourable judge, is it its intention to ask the learned judge to put a stopper to his zeal, by refraining in the future from treating coram populo on these burning questions, as the ermine which he wears may give to his words a borrowed prestige and lead many to a serious error?

Rt. Hon. Sir RICHARD CARTWRIGHT—I beg to inform the hon. member that Mr. Longley is a judge of the Supreme Court of Nova Scotia; also that he did not obtain a leave of absence from the government, nor had he the permission of the government for such a propaganda in favour of the rupture of the colonial tie; that the government gave him no such permission or leave of absence for any time. Touching the question of the complicity of the government, I beg to say that they are in no respect to be regarded as in any way responsible for the after-dinner utterances of Judge Longley, or any other hon. gentleman who may chose to prophesy what may happen when Canada attains a population of 50,000,000, a figure which, with all my zeal, and all my hope for the future of Canada, I think is somewhat in the distant future. Touching the request that we should put a stopper on the hon. Judge Longley, I am not prepared to say; that would require consideration, and I am not aware of any method by which the government could put a stopper on the hon. gentleman, with any regard to his physical health.

HYGIENIC CONDITION OF THE SENATE CHAMBER, ROOMS AND CORRIDORS.

MOTION.

Hon. Mr. McMULLEN moved:

That a Select Committee be appointed, to be composed of the following senators, viz.:—His Honour the Speaker, the Hon. Sir Mackenzie Bowell, the Hon. Messieurs Power, Dandurand, Lougheed, Ross (Middlesex), McMillan, Robertson, Wilson, De Veber and the mover, to examine and report upon the hygienic conditions of the rooms and corridors and chambers of the Senate, bringing to their assistance any hygienic expert they may think prudent to confer with, and that the question of the method of heating receive their consideration, as to whether it could be improved by substituting a more modern system than the antiquated and out-of-date one now in use in the building.

He said: In bringing this motion before the House, I do so out of a feeling of justice to myself and my colleagues. I have noticed ever since the session opened, that the air in this Chamber, and in the rooms and corridors of the Senate has been to me, as I think it has been to a good many senators, offensive. It is quite clear that the method of ventilating this Chamber is not one that conduces to health. It is brought in through ducts from the bluff in underground conduits, and when it enters the lower part of the building it is passed over hot iron tubes. This process extracts from it almost all the moisture, and the warm dry air is rushed up into the chambers, corridors and rooms, and that is what we are breathing every day. I have more sympathy for senators who have to remain here continuously than I have for those who go to their homes at week ends. Members from Montreal and Toronto leave Friday evening, and remain away until the following Tuesday morning, and thus get a breathing spell; but members who come from more distant parts of the Dominion are unable to get to their homes. They have to remain here, breathing the unwholsome air of this House. We did

not feel it in the same way when parliament used to meet in March and April each year, because then we had only four or five weeks during which we were closely housed; but since the change of the fiscal year we now meet in November, and are housed all winter, virtually cooped up, and breathing an atmosphere that is unquestionably injurious. An effort should be made to substitute something better than the antiquated system we have had here for over forty years. I have heard it said that very extensive and considerable improvements will have to be made upon the present system or a more modern system will have to be substituted. The committee named in this resolution should take up the whole question, and suggest some better system to the Minister of Public Works. Why should we be asked to put up with air that is brought in by means of underground ducts, and then heated and rushed up into the Chamber. Why not take in pure air, have it heated without extracting the moisture, and substitute it for the husky, dry air we now inhale? It has been a matter of surprise that the House has so long tolerated the condition of things that now exists. This question should have been taken up long ago, because pure air is one of the most important elements of existence. I venture to say that there is not a member of this Senate who would live in his own home under the unpleasant and unhealthy conditions that exist in this Chamber.

Hon. Mr. POWER—I do not altogether differ from the hon. gentleman from Wellington in the desire he has expressed that better care should be taken of the health of the hon. members of this House. I do not think, however, that the condition of things is so exceedingly bad as the hon. gentleman represents it. I have on my right hand (Hon. Mr. Scott) an hon. gentleman who has been in the Senate since 1873, and who has been very attentive during the sittings of the Senate, and, considering his age, he appears to have resisted all these malign influences with wonderful success. I see just opposite me the hon. gentleman from Hastings (Hon. Sir M. Bowell) who has been a member of this House for a great many years, has been most assiduous and regular in his attendance, and his health does not seem to have suffered. In fact, I think there is an impression throughout the country that being appointed to the Senate is something like having a very heavy life insurance, and that the average duration of life amongst senators is probably greater than that amongst any other class of His Majesty's subjects in Canada. Further, while it may be possible that the system of heating and ventilation which we have in the Senate building is not absolutely perfect, I do not think it deserves the strong language which has been applied to it by the hon. gentleman. There is a fairly good supply of fresh air, as a rule; but apart from that, we have a standing committee to whom I think this matter, if it is to be referred to any committee, had perhaps better go: that is the Standing Committee on Public Health and Inspection of Food. That committee is composed of the Hon. Messrs. Comeau, David, De Veber, Douglas, Fiset, McMillan, Robertson, Roy and Wilson. I think there are six or seven medical gentlemen on the committee, and I would suggest to my hon. friend that, perhaps, on the whole, if he wishes to have the subject referred to a committee, he should let it go to that Standing Committee. They have already fulfilled the duties which they owe to the public at large, and I have no doubt they would be very glad now to pay a little attention to the more circumscribed sphere of the Senate.

Hon. Mr. THOMPSON—As I read the motion authorizing the committee to engage any hygienic expert, I assume that that will possibly require, or give power to the committee to expend any money they might think proper for the purpose of obtaining that class of witnesses. I would suggest, and I think it would be only reasonable, that we could find information that would be advisable to get in the Public Works Department. They must have associated with them in that department an expert whose advice we could secure, without incurring any large expenditure. I have not felt, as the hon. mover of the resolution has stated, that we have suffered in consequence of the

condition of the atmosphere in this Chamber. I have had more difficulty in the room that I occupy in stuffing the windows with cotton wool, to keep the fresh air out rather than to bring it in. We have had too much of it. In respect to the corridors, I do not know whether the ventilation is as it should be, but I have not seen any very great evidence that the air we breathe here has affected the health of any hon. gentleman present. I am not against the resolution. I know that our system of heating and ventilation is not modern, but I do not think the Senate has suffered to the extent the hon. gentleman has stated.

Hon. Mr. McMULLEN—I might be allowed to say a word or two in reply to my hon. friend from Halifax. He has drawn attention to the fact that the hon. senator from Ottawa (Hon. Mr. Scott) is a very old member of this House, and has been here since 1873, and is now over 80. He is one of those gentlemen to whom I referred when I said a member could leave the Senate and live in his own home, or go to Montreal or Toronto at week-ends to recuperate. The Hon. Mr. Scott does not spend many hours in this House—he has not been doing so lately. He has his own comfortable, cosy home, no doubt in a healthy location right in the city. That is where he recuperates. But we have not our homes here. The Hon. Mr. Bowell goes to his home on Friday afternoon, and does not return until Tuesday. He is another who has the advantage of recuperating away from the House. But I refer to those from the east and far west who cannot go to their homes conveniently, and who have to remain here continuously. I do say that senators under such conditions have suffered, and I can name those in this Chamber who were healthy, vigorous looking men when the Senate opened, who have not by any means that fresh appearance to-day which they had when the House opened for business this session. Then with regard to the experts to which my hon. friend refers, I fully expected that it would be from the Department of Public Works we should get some hygienic expert to come before us and give us information with regard to the present method of heating, and suggest what improvement could be made upon it, or whether it would be better to substitute a new system altogether.

The motion was declared lost.

CANADIAN COAT OF ARMS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. What is the coat of arms of the Canadian confederation?
2. At what time and by whom was it granted to Canada?
3. Has it undergone successive alterations as new provinces joined the confederation?
4. What is the date of the latest official alteration made in the coat of arms of the confederation, and by whom was it authorized?

Rt. Hon. Sir RICHARD CARTWRIGHT—The Coat of Arms of the Dominion of Canada bears quartered the arms of the provinces of Ontario, Quebec, Nova Scotia and New Brunswick, which are described as follows:

For the province of Ontario: Vert a sprig of three leaves of maple slipped or, on a chief argent the cross of St. George.

For the province of Quebec: Or on a fess gules between two fleur de lis in chief azure and a sprig of three leaves of maple slipped vert in base, a lion passant guardant or.

For the province of Nova Scotia: Or on a fess wavy azure between three thistles proper, a salmon naiant argent.

For the province of New Brunswick: Or on waves a lymphad, or ancient gallery, with oars in action, proper on a chief gules a lion passant guardant.

The Coat of Arms of the Dominion of Canada was granted by Royal Warrant, dated 26th May, 1868.

The Coat of Arms of the Dominion has undergone no alteration as new provinces were added to the Dominion.

There has been no change in the Coat of Arms since the same was granted.

Hon. Mr. ELLIS—The government ought to have removed from the entrance floor in the rotunda of this building the coats of

arms of the provinces of Canada. It is too bad that we have to walk over them. It is improper from my point of view.

Rt. Hon. Sir RICHARD CARTWRIGHT —I shall call the attention of the government to the objection taken by my hon. friend.

THE FLAG OF CANADA.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Has Canada a national flag, and what is it?
2. If it has none, what is it authorized to fly on its buildings and ships; under what authority has the English flag been transformed into a Canadian flag by the addition of the coat of arms of the confederation?

Rt. Hon. Sir RICHARD CARTWRIGHT —The Union Jack, being the national flag, may be flown by British subjects, private or official, on land.

By an order in council, dated 28th February, 1870, the design of a flag for the Governor General of Canada was approved of, showing the Arms of the Dominion emblazoned on a white or grey shield, surrounded by a garland of maple leaves and surmounted by a crown in the centre of the Union Jack.

By the same order in council, flags for the lieutenant governors of Ontario, Quebec, New Brunswick and Nova Scotia were approved of, showing the Arms of the respective provinces emblazoned on a round shield in the centre, surrounded with a garland of maple leaves, but not surmounted by the crown, in the centre of the Union Jack.

By the same order in council, a flag for vessels belonging to the Dominion of Canada, was approved of, namely, a blue ensign, with the Arms of Canada on the fly.

The above mentioned order in council was approved of by the despatch from the Colonial Office, dated 30th April, 1870.

By subsequent orders in council duly approved of by the Colonial Office, flags for the lieutenant governors of the various provinces, with the exception of Alberta and Saskatchewan, were also approved of.

A Warrant of the Lords Commissioners of the Admiralty was issued on the 2nd of February, 1892, permitting the Arms of Canada to be inserted in the fly of the red ensign, to be used on vessels registered in Canada.

Hon. Mr. LANDRY—I suppose that the Arms of Canada apply only to the four provinces?

Rt. Hon. Sir RICHARD CARTWRIGHT —I think it is just the four provinces.

THE IMMIGRATION AGENT AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired:

How much did Dr. J. P. Lavoie, immigration agent at Quebec, charge the government for the use of his vehicle, for each month during the year 1909, from the 1st of April to the 1st December, 1909?

Rt. Hon. Sir RICHARD CARTWRIGHT —Nothing.

THE QUEBEC DRILL HALL.

INQUIRY.

Hon. Mr. CHOQUETTE Inquired:

1. Has the Military Riding School at Quebec been used, for some fifteen years, for public meetings, political or otherwise, concerts, &c.? If so, on whose demand has it been so granted, and who made use of it?
2. Was the said Military Riding School, in the course of February last, asked for a public meeting in connection with the municipal elections? If so, by whom, and was the request for it refused? If so, why?

Rt. Hon. Sir RICHARD CARTWRIGHT —The Quebec drill hall has been used as follows during the past fifteen years:

Year.	By whom demanded.	By whom used.
November, 1895	Quebec Winter Carnival	Quebec Winter Carnival.
October, 1899	Mayor of Quebec	Promenade Concert.
May, 1902	F. Murphy	Band Concert.
June, 1902	Laval University	Anniversary Celebration.
February, 1903	Mr. Harris	Madame Albani.
March, 1903	Minister of Agriculture	Reunion of Delegates.
April, 1903	Hon. S. N. Parent	Concert in aid of Jacques Cartier Monument.
December, 1903	Minister of Justice	Meeting.
March, 1904	Quebec Poultry Association	Quebec Poultry Association.
May, 1904	Mr. P. N. Breton	Independent Order of Foresters.
January, 1907	Quebec Poultry Association.	Quebec Poultry Association.
April, 1907	J. A. Paquet	Francois Xavier Mercer Concert.
June, 1907	Societe de Gymnastique	Societe National de Gymnastique.
January, 1908	Quebec Poultry Association	Quebec Poultry Association.
October, 1908	Mr. F. Murphy	Madame Calve.
October, 1908		Election Returns.
November, 1908	Dr. C. A. E. Harris	Sheffield Choir.
February, 1909	Quebec Poultry Association	Quebec Poultry Association.
November, 1909	Societe de Gymnastique	Societe National de Gymnastique.
February, 1910	A. A. Lacasse	Quebec Poultry Association.

That I suppose is the information the hon. gentleman requires.

Hon. Mr. CHOQUETTE—Not exactly. I know of my own knowledge that some other parties have had the drill hall for meetings.

Rt. Hon. Sir RICHARD CARTWRIGHT—Yes, on February 15th, by the Hon. Mr. P. Auguste Choquette, senator. The request was refused by the district officer commanding military district No. 7, who was given full power to use his own discretion in the matter, the department, however, at the same time, informing him that there was no objection to his granting the request, provided both candidates for the mayoralty of Quebec joined in requesting the privilege. Both candidates did not so join and the request was not granted.

Hon. Mr. CHOQUETTE—It was first granted, and then cancelled.

IMPORTED HARNESS HARDWARE.

INQUIRY.

Hon. Mr. McMULLEN inquired:

1. What is the amount of harness hardware imported into Canada the last three fiscal years, giving each year by itself?
2. The country from which imported, and the respective amounts of duty?

Rt. Hon. Sir RICHARD CARTWRIGHT—Harness-hardware is not separately enumerated in the classification of imports, but it is included in the general heading of 'Hardware, viz:—Builders', cabinet-makers', saddlers' and carriage hardware, including curry combs, n.o.p.', from which it is impracticable to separate the harness-makers' hardware from other articles in the heading.

The value, entered for consumption, of this classification item during the past three fiscal years, together with the duty collected thereon, has been as follows:

Countries.	1907 (9 months).		1908.		1909.	
	Value.	Duty.	Value.	Duty.	Value.	Duty.
	$	$ cts.	$	$ cts.	$	$ cts.
Great Britain	61,914	12,554 90	52,263	10,861 40	28,171	5,643 00
Austria-Hungary	123	36 90	76	22 80	.....	.....
France	2,032	609 60	1,621	486 30	3,545	1 063 50
Germany	2,581	1,032 40	3,067	1,226 80	1,181	472 40
Japan	146	43 80	519	155 70	80	24 00
United States	530,771	159,231 30	520,544	156,168 20	332,252	99,675 60
China	.....	.....	.....	.....	1	30
Total	597,567	173,508 90	578,090	168,921 20	365,230	106,878 80

BILLS INTRODUCED.

Bill (No. 127) an Act respecting the Grand Trunk Pacific Branch Lines Company.—Hon. Mr. Gibson.

Bill (No. 121) an Act to incorporate the Saskatchewan Central Railway Company.—Hon. Mr. Young.

THE FRENCH TRANSLATION STAFF.

The Speaker submitted to the House a memorandum from the Clerk of the Senate, recommending the appointment of an additional French translator, also a certificate from the Civil Service Commission that Mr. Montigny, who had applied for the position, had been examined and proved to possess the necessary qualifications, and also a recommendation that Mr. Montigny be appointed.

Hon. Mr. POWER moved that the recommendation of the Speaker be referred to the Committee on Contingent Accounts and Internal Economy.

Hon. Sir MACKENZIE BOWELL—What has the Committee on Internal Economy to do on these points? If I understand the provisions of the Civil Service Act, it leaves it entirely to the recommendation of the Clerk and the Speaker. I am at a loss to know how the Committee on Internal Economy could change the recommendation that has been made. I am not discussing the merits of the appointment. I am merely asking for information.

Hon. Mr. SPEAKER—The appointment is an appointment made by the Senate on a recommendation of the Speaker based upon the report of the Clerk.

Hon. Sir MACKENZIE BOWELL—It is for that reason I asked why it should be referred to a committee which, under the law, has nothing to do with it.

Hon. Mr. POWER—This is not the first of those recommendations which have been dealt with by the Senate. The Senate, as the hon. gentleman very properly says, takes the place of the Governor in Council, and, as a rule, he refers any question which involves detail to a sub-committee of the council.

Hon. Sir MACKENZIE BOWELL—Not at all.

Hon. Mr. POWER—I have not the same experience in that matter as the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—It is done occasionally, but it is not the practice.

Hon. Mr. POWER—Last session the Senate decided upon this mode of dealing with the question. Senators, as a rule, do not know very much about the gentlemen whose names are submitted to them, and they naturally, in order to find out whether the candidate is a person whom they consider suitable for the appointment, refer the matter to their own Standing Committee, and the committee reports, and the Senate acts finally upon that report. As far as I am individually concerned, it does not seem to me at first blush that there could be any serious objection to the appointment of Mr. Montigny, as the examiners report favourably. Still, suppose the other case. Suppose it to be the case of a gentleman who is not qualified, then the committee may find that out and so report to the House, and then the House will deal with the appointment intelligently.

Hon. Sir MACKENZIE BOWELL—That would be a reflection upon the Clerk and also upon the Speaker who made the recommendation.

Hon. Mr. THOMPSON—The only reason why a recommendation of that character might be referred to the Committee on Internal Economy and Contingent Accounts is in respect to salary. On referring to Bourinot, I understand that financial questions of this nature have always been referred to the Committee on Internal Economy and Contingent Accounts. That is for the matter of salary and services, whether it is appointment to a position where the salary has been fixed, or whether the financial end of it is to be left to the Clerk, and the recommendation of the Clerk, without having been considered by the Senate, is sent to the committee for their recommendation. In other respects, there is no objection.

The motion was agreed to.

THIRD READINGS.

Bill (No. 110) An Act respecting the Algoma Central Railway Company, as amended.—Hon. Mr. Ross (Middlesex).

Bill (EE) An Act respecting the Grand Trunk Railway Company.—Hon. Mr. Gibson.

Bill (No. 67) An Act respecting the Improved Paper Machinery Company.—Hon. Mr. Kirchhoffer.

INTERCOLONIAL BRANCH LINES RAILWAY BILL.

DEBATE CONTINUED.

The order of the day having been called:

Resuming the further adjourned debate on the motion for the second reading (Bill 17) An Act to authorize the government of Canada to acquire, by lease, lines of railway connecting with the government railways.

Hon. Mr. McHUGH—When I moved the adjournment of this debate the other day, it was not because I had any intention of addressing the House on this important subject. I did it in the interest of the hon. gentleman from Middlesex (Mr. Ross), because I understood he desired to address the House on the subject, and I felt like giving him an opportunity of doing so. I think the House would be pleased to listen to an address by such an able gentleman on so important a question. That request has not been renewed in any way since, though the order has been on the paper several days, and as I have no desire to at all delay the Bill, I do not intend to speak on the subject at length. I think the influence that prevailed in the minds of the people at the time of the construction of the Intercolonial railway was not so much one of revenue as it was of better cementing the union of the provinces, and the greater development of the country. I think the opinion which prevailed at that time has been fully realized. The Intercolonial has not been a revenue producer. I do not think any one will say it has; but it cannot be gainsaid that it has been a great boon to the country in the way of national development. It was a compact entered into largely between the eastern and western provinces, and the construction of the road is too large a question to be dealt with from any provincial or sectional standpoint. Whilst no doubt the railway has been of great advantage to the east, it has also been of great advantage to the western provinces in the way of providing a market in the maritime provinces for the products of the western manufactories. I do not think it can be said that the question has not been fully and thoroughly discussed. A good many able speeches have been made upon it by men who are much more conversant with the subject than I am. The Bill as it stands before us enabling the government to take over the connecting lines, seems to be fairly well safeguarded. The Board of Control must recommend it, and the chief engineer recommends it, and when the minister asks parliament to ratify such a transaction, I think it is pretty well safeguarded, and it could be very well left in the hands of parliament to say how far they will give the minister the right of taking over these branch lines. It cannot be done by the Board of Control, nor by the engineer, nor by the minister. Parliament has to sanction what they do in that direction. Therefore, I intend to support the Bill.

Hon. Mr. ROBERTSON—Just a few words before the vote is taken upon the Bill. The branch line or side line may be quite a large feeder of the Intercolonial or some other road, even though it does not pay itself. Take the Prince Edward Island road as a specimen. It is a very large feeder, yet there is always a deficit on the Prince Edward Island section. The reason of it is, that the freight taken on that road and carried to the Intercolonial railway is carried in three different sections. On the Prince Edward Island road there is only a very short haul, while on the Intercolonial railroad there is a long haul, and on that account it pays very well, or helps to make the Intercolonial railway pay, while our Island section of the road does not pay, because of the short haul. I notice in this House, and have noticed it for quite a long while, a disposition among the members from Ontario and the west to treat the Intercolonial railway as being entirely a maritime province road, and that the deficits arising from its operation are due and chargeable to the maritime provinces. The deficits on the Intercolonial railway for so many years were due largely, not to the maritime provinces, but to the upper pro-

vinces. For instance, the freight from Ontario, farm implements, flour, which is a very heavy freight, and other things, were carried at a reduced rate over the Intercolonial railway to the maritime provinces, and again, coal, which was shipped to Ontario or to the west, was carried at a reduced rate also; so that properly speaking, the deficits on the Intercolonial railway were largely due to those two important circumstances, and not to the maritime provinces at all. The part of the Intercolonial that does not pay is the section west of Moncton. The part of the Intercolonial railway which is east of Moncton pays as well as any western road in the Dominion of Canada, and if the part which is to the westward is the cause of the deficit, that is largely due to the western and not to the maritime provinces.

Hon. Mr. McGREGOR—In asking the indulgence of the House for a few minutes, my object is not to speak on the merits of the Bill, which is only permissive but rather by putting before the House some facts respecting the operations of the Intercolonial railroad, that I will in some measure, be able to remove the misapprehension not only held by a few honourable members of the House, but by many of the people of the upper provinces, who look upon the Intercolonial railway as wholly maritime, forgetting and ignoring the fact that Ontario and the other provinces are equally interested with the people of the maritime provinces, because they are equally benefited, as I think I will be able to prove it by data I have of the operations of the Intercolonial railroad during the past year.

I was somewhat surprised in listening to the hon. members from the maritime provinces who took a part in the debate to find a rather pessimistic tone in regard to the branches.

After hearing the addresses of the hon. members from Belleville and North Wellington, I feel justified in saying that they are somewhat prejudiced and that they have allowed these strong feelings, to better their otherwise good judgment, regarding the Bill under discussion; otherwise they would not so strongly and decidedly oppose the taking over and operating branch lines. For instance, the hon. gentleman from Hastings in his remarks said:

> My impression is that if the title of this Bill, and the preamble were changed a little, it would meet the views that I have upon the subject, and the results which I believe will follow from the acquisition of those branch lines. I notice the preamble says that the lines to be acquired by the government of Canada are 'lines of railway connecting with the government railways as feeders thereto and in connection therewith.' If that were changed to read as 'feeders on the revenue of the country at the expense of the people', I think it would be a more accurate statement than to say that they are to be feeders of the Intercolonial railway. . . . There is not a senator from the maritime provinces who has paid attention to the operation of that road that does not know it has been managed for political purposes. On the verge of an election contest in that part of the country hundreds of voters have been put on the pay-lists, and after the elections have been discharged.

In the time to which the hon. member referred, things were very bad; passes were given by the hundreds, contracts were not given to the lowest tenderers, but were allotted to friends of the party in power. These were the conditions in 1896 when the present government came into power, and, I am sorry to have to admit, were continued for a time after. While I do not approve of the running of the road by commission, as it is now run, I have reason to believe that changes for the better have been made. Passes, although not abolished, have been reduced to a minimum and contracts are allotted to the lowest tenderer, and the days of graft on contracts are a thing of the past.

The hon. member for North Wellington appears to have his eye on the Intercolonial railway, and it is almost like waving a red flag before a bull to make any mention of it in his presence. Speaking of the road from Oxford to New Glasgow he said in this debate:

> Then take that new branch that was built from Oxford to New Glasgow. Sir Charles Tupper introduced the Bill for the construction of that branch with an amount of eloquence and forcible argument, such as he was capable of using, and persuaded the House, and his followers especially, that it would virtually vitalize the whole system. He pointed out that the grades from New Glasgow to

Stellarton were so steep that an engine could only draw ten or eleven cars on that particular section, and that by the construction of the Oxford and New Glasgow branch the line would be shortened by twenty miles, while the grades would be the minimum grades on any road. It would open up a very large coal trade between Quebec, Montreal and New Glasgow, and would virtually put the Intercolonial railway upon its feet. What was the result? When that branch was built, in place of being twenty miles it was only four and a half miles shorter, and instead of the grades being lower than they were between New Glasgow and Stellarton, they were actually as steep, if not steeper, grades, as proven by the engineers on the investigation that was held with regard to the line.

Sir Charles Tupper, when introducing the Bill for the building the Oxford branch to New Glasgow, illustrated it by taking the three corners of the room. Taking Oxford for one, Truro for one, and New Glasgow for the third, he claimed that by the building of this branch twenty miles would be saved and had the road been built as the crow flies, that distance might have been saved. But after the road was surveyed it was decided to divert it to accommodate the town of Westville, an important mining town which has now a population of 7,000 to 8,000, and the road terminated at Stellarton instead of New Glasgow as at first intended. Even with the diversion there is a saving of six miles. But while there was only a distance of about six miles shortened to New Glasgow there is a saving of twenty-eight miles to Pictou.

The distance, Oxford to Pictou via Truro, and New Glasgow is 97 miles, while the distance, Oxford to Pictou is only 69 miles.

This saving of 28 miles does not only serve the town of Pictou, but the people of Prince Edward Island have that advantage also and every ton of through-freight from and to Prince Edward Island during winter months is hauled over this branch.

Not only did it effect that saving, but it opened up one of the best country districts in Nova Scotia, and supplied railway communication to Oxford, Pugwash, Wallace and Tatamagouche in Colchester, and River St. John, Lion's Brook and Pictou, opening up one of the best agricultural districts in that part of Canada. I am sure the hon. member from Wellington did not know those facts when he spoke so strongly against it. The hon. gentleman added:

For my part I was educated under the Hon. Edward Blake as my leader and under Hon. Sir Wilfrid Laurier as my present leader to vote against extensions and branches and now I am asked to turn around and swallow myself and vote in favour of what I opposed previously.

I, too, in some measure was a follower of both these men, and I would not like to think they are so narrow-minded as to oppose the progress of the country by refusing to build branches. No more could a tree grow or flourish without branches or a river continue to flow without a source of springs or tributaries than a railway could be profitable and serviceable without branches.

When that part of the Intercolonial railway from New Glasgow to Mulgrave was built and run by a private company it did not pay, as they say, its 'axle grease.' Through the foresight of Sir Charles Tupper it was taken over by the Intercolonial railway and the road was extended to Sydney, with a branch road to North Sydney and Sydney Mines. To-day it is the busiest and best paying part of the Intercolonial railway.

To show what trade has developed thereby, I will take one industry alone—that of steel. The combined output of the two companies, Dominion Iron and Steel Company and the Nova Scotia Steel and Coal Company amounts to about 400,000 tons per year, or equal to 1,300 tons a day for every working day in the year, all of which goes over the Intercolonial railway and finds a market in the western part of Canada.

Let me further show what this 400,000 tons per year means of revenue to the Intercolonial railway. The total revenue as published in March, last, for the year ending March 31, 1909, was for:

Passengers	$2,628,000
Freight	5,503,000
Mails and express	350,000
Miscellaneous	46,000
Total	$8,527,000

Of this amount, the Dominion Steel Company paid to the Intercolonial railway 15 per cent of the whole earnings. Or, of freight 23 per cent of the whole earnings. The smaller industry, the Nova Scotia Steel and Coal Company, with only an

output of 60,000 tons of steel, paid for freight on steel and coal $336,881 for the year ending December, 1909, or a sum nearly equal to that credited by the Intercolonial for the carrying of the mails and express.

Then we have, in addition to the steel industry, the largest coal company in Canada, that of the Dominion Coal Company, and without having taken over of the branch road from New Glasgow to Mulgrave, which was originally owned by a private company, these three industries having a capital of $71,000,000 would not exist to-day.

	Bonds.	Preferred stock.	Common stock.
Capital Dominion Coal.. ..	$ 5,400,000	$ 3,000,000	$15,000,000
Montreal Dominion Steel.	9,000,000	5,000,000	20,000,000
Nova Scotia Steel and Coal..	6,000,000	2,000,000	6,000,000
	$20,400,000	$10,000,000	$41,000,000
Total..	$71,000,000		

I have shown what the taking over of the branch road from New Glasgow to Mulgrave has done for the mutual benefit of east and west. Let me further show where the west has the advantage over the east in the transportation of goods for export. I find that the tariff on goods shipped from the west for export is very much lower than on goods for domestic use. For instance, Montreal to Halifax for domestic use, Class 1 to 10, the average rate per 100 pounds is 32½ cents, on the same class of goods for export, 30 cents per 100 pounds, equal to $10 per car of 40,000 pounds. Then again, Halifax to Montreal for the same class of goods, 1 to 10, for domestic use, average per 100 pounds 29 cents; Halifax to Montreal, for import 19 cents, a difference of 10 cents. Class fish, sugar, cotton and paint for domestic use 24 cents per 100 pounds. Class raw sugar, jute bagging, bottles and iron commodities, if imported, 14 cents, a difference of 10 cents per 100 pounds, or $2 per ton of 2,000 pounds, $40 per car of 40,000 pounds, in favour of import over domestic. But the most striking illustration to show the advantage of west over east is upon flour. I find in the Railway Annual report that for the last three years there was carried over the Intercolonial railway an average of 1,500,000 barrels—every barrel of which comes from Ontario and the west. I was unable to ascertain what quantity was exported, but no doubt a large part of it was. The rate for domestic use upon flour is 17½ cents per 100 pounds, and on that for export only 12½ cents per 100 pounds; a difference of 5 cents, equal to $25 per car of 250 barrels.

Let me give another illustration. The mail steamer from England is signalled off Halifax harbour; immediately after the Intercolonial railway officials are notified and they have a train on the wharf ready to leave the moment the steamer arrives, and as soon as the mails can be put on board. We will suppose that the steamer arrives at 8 a.m. An hour later the train is off with a (right-of-way) order over all other trains, and arrives at Montreal at 7 o'clock the next morning. The train for Sydney had left before the mails were landed, but there is no special for Sydney, and, there being only one mail train per day for Sydney, this important mail remains in Halifax for twenty-four hours, or until eight o'clock next morning, so that the mail for the west is in Montreal before the mail for Sydney, and the east leaves Halifax. The conditions are much the same at Rimouski in summer. I landed more than once at Rimouski and found a special train waiting for Montreal mail. The passengers and mails for the maritime provinces had to wait over for the regular train, three, six or nine hours as it might be. Let it be understood that I am not complaining of any injustice, as I know the large population must be served first, but I want to make good my argument and show that the west derives equal, if not more, benefit than the east from the running of the Intercolonial railway.

From the figures and facts I have given, the House, hon. members will admit that the Intercolonial is not provincial, but with more aptness may be called a national work.

Before confederation, and with reciprocity with the United States, cheap transportation and direct communication by water, the trade of the maritime provinces was nearly, if not altogether with the New

England states. Owing to the way confederation was brought about, the bitter feeling existing so strongly against it that many of the people of the provinces refused to trade with Canada, as they called the upper provinces. The building of the Intercolonial railway was a part of the compact of confederation, and I may be permitted to read the clause in the British North America Act which authorizes its construction:

> Inasmuch as the provinces of Canada, Nova Scotia and New Brunswick have joined in a declaration that the construction of the Intercolonial railway is essential to the consolidation of the union of British North America and to the assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that provision should be made for its immediate construction by the government of Canada; therefore, in order to give effect to that agreement, it shall be the duty of the government and parliament of Canada to provide for the commencement, within six months after the union, of a railway connecting the river St. Lawrence with the city of Halifax in Nova Scotia, and for the construction thereof without intermission, and the completion thereof with all practicable speed.

It was also necessary to allay that bitterness of feeling of the provincialists and to promote interprovincial trade. That object has been more than fulfilled. To-day we are Canadians all, and the trade which went to the United States, now goes to the west, for the mutual benefit of both.

To-day the Intercolonial exists for the benefit of the whole Dominion and not of the maritime provinces. No other part of the Dominion receives such advantages from it as do the provinces of Quebec and Ontario. The manufacturers of these provinces, in all lines, find a ready market in the maritime provinces, through the favourable rates of the Intercolonial railway for their products, which have displaced entirely the American trade that formerly existed with nearly a million people.

The policy of obtaining branch lines and of constructing them opens up a new and additional source of trade to the people of the upper provinces, and will be to the material advantage of the whole Dominion in this respect.

I am in favour of acquiring branch lines to the Intercolonial, because the proposal is economically sound. There would be no question about the advisablity of building and acquiring branch lines if the Intercolonial belonged to a company. Every great railway company in Canada sees the importance of controlling the branch lines along its route. The branch lines that are owned or operated by the main line can dispense with separate repair shops, round houses, head office staff, and many other kinds of outlay that they are compelled to maintain when being operated as independent lines. In the province of Nova Scotia, especially, owing to our geographical position, with no part of the province much more than fifty miles from the sea, the branches reaching out to the seaports on either side must necessarily be short, and could not be economically financed or operated by a company. At the same time, these branches might prove to be profitable feeders to the Intercolonial, as the road from New Glasgow has proved. The other great railway systems of Canada do not need to be persuaded as to the importance of branch lines wherever there is a sufficient body of traffic. The Grand Trunk railway, the Canadian Northern and the Canadian Pacific are yearly surveying and projecting and constructing branch lines all over Canada. They are after traffic, and they know that this is the only way it can be secured. It goes without saying that what is needed most of all for the development of the resources of Canada, both east and west, is better transportation facilities. Are the people of the maritime provinces to be told that because they happen to live along the line of the Intercolonial railway, they are to have no expansion and no development of their resources? No, the east must be developed as well as the west. It is impossible that with the large increase of population and the vast expansion of the west, the industries, mining and manufacturing, of the maritime provinces are going to stand still. They are bound to expand in ratio with the requirements of the western country. In addition to the building of the Transcontinental railway, there is an understanding that, as soon as the finances of the country will admit of it, we are to have the Hudson Bay railway, the Georgian Bay canal and the deepening of the Welland canal, and are we to deny the right of the Intercolonial railway in the

maritime provinces to expand by building and leasing branch lines? Every true Canadian would like to see this country complete in its possibilities. Shortly we will have three transcontinental lines, and the only open seaports of the Dominion on the Atlantic, for six months of the year, are to be found in the country traversed by the Intercolonial railway. Shall not the national highway be made of more advantage by obtaining and constructing branches reaching out to the sea at different points, so that ultimately all our great trade shall flow to and from the sea in Canadian channels? Any other policy would be short-sighted and would not be Canadian.

Hon. Mr. ROSS (Halifax)—I do not intend to oppose the acquiring of branch lines by the government providing they exercise sufficient caution to see that they are in proper condition before taking them over. Some of those roads are in a very poor, I was going to say rickety condition to-day, and it would be highly improper for the government to take them over until they are put in a condition equal to the other roads in the Dominion. I have in my mind a road built by Mackenzie and Mann from Port Tupper to Port Hood in the county of Inverness, a very poor road, with light rails, sharp curves, and high grades. That road would require to be very much improved before the government would be justified in taking it over. The South Western railway, from Halifax to Yarmouth, is in a better condition, and the road from Windsor to Kings, and Annapolis to Yarmouth, is owned, I believe, by Jewish capitalists in London. I understand that the road is paying very well, and I doubt if the owners would be pleased to hand it over to the government unless they are paid a large amount for it. I should like to quote from a speech of my old friend, Joseph Howe, delivered in 1851, showing his views with regard to the Intercolonial railway:

> The imperial government, with a magnanimity which does honour to the British people, sustained by that unanimity of sentiment among the great leaders of public opinion at home, which promises a long continuance of the honourable relations existing between us, has offered to the three British North America provinces £7,000,000 sterling, at the lowest interest at which money can be obtained in the world. This money is offered for the purpose of enabling them to complete in an incredibly short space of time, and with security and ease, great internal improvements which their advanced condition renders so desirable, which will bind them together into one prosperous community, animate them with new hope and aspirations, and ultimately elevate them from the colonial condition to that of a great and prosperous nation, in perpetual amity and friendship with those glorious islands to which we trace our origin, and to which, through this great boon, so much of our material prosperity will in all time to come be traced.
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> I am neither a prophet nor the son of a prophet, yet I would venture to predict that in five years we shall make the journey hence to Quebec and Montreal and the home through Portland and St. John through rail; and I believe that many in this room will live to hear the whistle of the steam engine in the passage of the Rocky mountains, and to make the journey from Halifax to the Pacific in five or six days. With such objects in view, with the means before us to open up 1,000 miles of this noble territory, to increase its resources, and lay bare its treasures, surely all petty jealousies and personal rivalries should stand rebuked; all minor questions of mere local interest should give way.

Hugh Allan, subsequently Sir Hugh Allan, at a meeting of the Board of Trade in Montreal, said:

> It is not then as a politician that we meet Mr. Howe, or as a legislator, but as a great advocate of internal improvements. The people of this colony are glad of the chance of associating and extending connections with their fellow subjects of Nova Scotia and of the provinces below.

That was spoken with a prophetic vision sixteen years before confederation. If Mr. Howe had been sustained by Sir Francis Hincks, and other statesmen, that road would have been built at the time, and it nearly broke his heart, after the efforts he made, that it was not built. He went to Quebec, and addressed the people there, and to Montreal, and met Hugh Allan, afterwards Sir Hugh Allan, who moved a resolution, congratulating him upon the efforts he had made to build the railway.

All this went to pieces by disturbing influences afterwards of Sir Francis Hinks and other politicians in Canada. A word about the Intercolonial railway. I believe that road at present is better managed than ever it was before, and that it is freer

from political influences now than it has been up to the present time. Under the present management, carefully conducted, the road can be made to pay, and I am not one of those who would consent to see it given over to a company. I believe that it should be owned by the people, and managed as it is for the benefit of the people. It has been stated that it was built for the benefit of the people of Nova Scotia. That is not the case. It is more of a benefit to the people of Ontario than to us, because we have to take from them their flour, their oatmeal and their butter, their beef and pork, and they have a market there all the year round, while we have nothing to send to them. We have to make the money and treasure it to buy what we require. It is stated that the Intercolonial railway is a burden, but the people should look upon it as a blessing to the people of Canada. We had to build the Intercolonial railway under the confederation agreement, and the great mistake made at that time was that it was not built on the Robertson-Henderson survey. That was the line that the imperial government desired; but even the road-bed of the Intercolonial railway was built politically. It was constructed out of its direct course to Spring Hill to be near the mines. It was again deflected for the benefit of Peter Mitchell's saw mills, and under such influences it could not be properly built. I had the authority of Sir Sanford Fleming, that if he had the location and building of the Intercolonial railway, it would not be in its present bed at all, and he told me two or three days ago that in the short distance from Moncton to Amherst, I suppose about 50 or 60 miles, it could be shortened about 12 miles, with a better road-bed than it has at present. Quebec must look upon that road from a commercial standpoint, when the Transcontinental railway shall have been completed to Moncton, and the trade of China, Japan, India and Australia will come over that road. And what are passengers going to do after they reach Moncton? The Intercolonial railway is not able to take all the business that is offered. It is pressed for freight now with the single track. I would give to any other company, the Canadian Pacific railway if you like, power to build from Moncton to Halifax, or from St. John to Halifax or I would double track the Intercolonial railway. If the Intercolonial railway is to be doubled tracked, the present bed in some places must be changed materially. In some places the grade is 56 feet to the mile, and in other places 52½ feet to the mile. You cannot haul the heavy freight loads that will come over the Transcontinental railway over grades of that kind; therefore, if the policy will be to double track the Intercolonial railway its road-bed must be improved to take some of the sharp turns out of it, and make it equal to the road that will come to Moncton. I am opposed to taking the Intercolonial railway out of its present management. I believe it will be found during the present year, with the fine prospect before us, to pay well, and that there will be a large surplus during the present year. Of course if you hand the road over to a company, the present low rates of freight would be changed. Those low freights are a benefit to the people of Ontario, as well as to the people of Nova Scotia. In Nova Scotia we built from Halifax to Windsor, 45 miles, from Halifax to Truro, about 70 miles, and about 40 miles to Pictou Landing—all by our own government, with our own money, before confederation. The Intercolonial railway will belong to the people, and the people of Nova Scotia would resist its being taken from them. Again I would urge the government to be cautious to find exactly in what condition branch roads are in, before they will be justified in taking them over.

The motion was declared carried on a division, and the Bill was read a second time.

TRANSPORTATION OF INTOXICATING LIQUORS BILL.

SECOND READING.

The order of the day being called:

Resuming the further adjourned debate on the motion for the second reading (Bill M) An Act to regulate the transportation of Intoxicating Liquors, and the motion of the Hon. Mr. Domville, in amendment thereto:—'That the said Bill be not now read a second time, but that it be read a second time this day six months.'—(Hon. Mr. Ross, Middlesex.)

Hon. Sir RICHARD SCOTT—I called to see the hon. member from Middlesex, and regret to state that he is still an invalid and not likely to be in his place during this week. I discussed with him the proposal that I intended to make when the House went into committee and he entirely approved of it. As other hon. gentlemen are probably going to speak on this Bill, I desire to say, after consultation with the deputation that came from the maritime provinces, that I intend to limit its operation to Prince Edward Island. That is the only province in the Dominion which has prohibition over the entire province. The objection, therefore, that has been urged to the Bill will, I think, in a great degree be minimized by the amendment I propose in that regard. I understand that one or two hon. gentlemen who desire to speak prefer postponing it until to-morrow, and I therefore move that the order of the day be discharged and that the Bill be placed on the orders of the day for to-morrow, to be the first order after third readings.

Hon. Mr. DOMVILLE—I think it should be proceeded with. The public are disturbed over it.

Mr. McMULLIN—It is going to be confined to Prince Edward Island.

Hon. Mr. POWER—I hope the hon. gentleman will not persist in the objection. The hon. member from Ottawa agreed to postpone the order to a certain extent on my request, and I hope the hon. gentleman from Rothesay will not oppose it.

Hon. Mr. DOMVILLE—At your request?

Hon. Mr. POWER—Yes.

Hon. Mr. DOMVILLE—Oh, that is all right, I have no objection.

SECOND READINGS.

Bill (OO) An Act for the relief of Elmore Walker Scott.—(Hon. Mr. Young.)

Bill (S) An Act to incorporate the Retail Merchants' Association of Canada.—(Hon. Mr. Young.)

Bill (TT) An Act to incorporate the Gatineau and Ungava Railway Company.—(Hon. Mr. Cloran.)

Bill (UU) An Act respecting the Essex Terminal Railway Company.—(Hon. Mr. Ross, Middlesex.)

Hon. Mr. ROSS (Halifax).

Bill (VV) An Act respecting the Dominion Atlantic Railway Company.—(Hon. Mr. Power.)

CATHOLIC EPISCOPAL CORPORATION OF TIMISKAMING BILL.

SECOND READING.

Hon. Mr. LANDRY, in the absence of Hon. Mr. Lougheed, moved the second reading of Bill (PP) An Act to incorporate the Catholic Episcopal Corporation of Timiskaming.—(Hon. Mr. Lougheed.)

Hon. Mr. WILSON—I think the object of this important measure should be explained to the Senate. It is very far reaching. We have here a repeal of an Act of the provincial legislature, so that the Mortmain Act may not come into force to enable them to assume possession of this property. While I am not anxious to interfere in any way with any of those religious organizations in assuming certain rights and privileges, yet it appears to me this Bill is entirely beyond the jurisdiction of this parliament. We should be careful to see that no rights belonging to the citizens, or belonging to the province should be encroached upon by any legislation that is passed by the Senate. If my hon. friend who has charge of the Bill will look at it closely, he will see that they are asking for peculiar legislation such as we have not as a rule, allowed to pass. The Bill is an Act to incorporate the Catholic Episcopal Corporation of Timiskaming. Clause 5 of the Bill reads:

5. No parcel of land or interest therein, at any time acquired by the corporation and not required for its actual use and occupation, and not held by way of security, shall be held by the corporation or any trustee on its behalf, for a longer period than ten years after the acquisition thereof, but shall, at or before the expiration of such period, be absolutely sold or disposed of, so that the corporation shall no longer retain any estate or interest therein, except by way of security.

2. Any such parcel of land, or any estate or interest therein, not within the exceptions hereinbefore mentioned, which has been held by the corporation for a longer period than ten years without being disposed of, shall be forfeited to His Majesty for the use of Canada; but such forfeiture shall not take effect nor be enforced until the expiration of at least six calendar months after notice in writing from the Minister of Finance to the corporation of the intention of His Majesty to claim such forfeiture.

3. The corporation shall give the Minister of Finance when required a full and correct statement of all lands at the date of such statement held by the corporation, or in trust for it, and subject to the provisions of this section.

What is the meaning of this? They claim the right to take security under this Act, and the churches can hold the security so long as they are disposed; but if they own the fee simple in property they are supposed to be compelled to sell it within the term of ten years. Then further down, in clause 6, I find the following:

And for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

They go as far as to grant the power to make promissory notes. Then clause 7 reads:

7. The corporation may, from time to time, for the purposes of the corporation:—
(a) borrow money upon the credit of the corporation;
(b) make, draw, accept, endorse or become party to promissory notes and bills of exchange; but it shall not be necessary to have the seal of the corporation affixed to any such note or bill.
(c) mortgage, hypothecate or pledge any property of the corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the corporation.

Then looking at clause 8, it reads:

In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the corporation.

You see that this grants them absolute control and power over any properties they may require. Are we going to do away with the rights and privileges of the local legislatures, where they have laws to control certain societies and say that they shall not have possession? We do not only that, but further powers are granted to this society, and the law of mortmain cannot apply to them. I look upon this as an important Bill, and we should certainly have a fuller explanation at this stage, or have the second reading deferred until such time as the hon. gentleman in charge of the Bill is in his place to explain it. I again call the attention of the Senate to the fact, that this is a very serious Bill and should be explained to us.

Hon. Mr. LANDRY—If the hon. gentleman would be kind enough to look at the preamble of the Bill, he will see that it meets all the objections he has put forward. Here is a corporate body, which extends to three provinces, Quebec, Ontario and the Northwest—

Hon. Mr. WILSON—If it is partly in one province and partly in another province, they can go to the various provinces and obtain legislation at the hands of the legislatures to cover the whole matter.

Hon. Mr. LANDRY—But for the Northwest Territories they must come here, because the Northwest Territories are under our jurisdiction. No province can give them an incorporation for the Northwest Territories. It is for that reason clause 8 is framed, which reads:

In regard to any real property which by reason of its situation or otherwise is subject to the legislative authority of the province of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province in Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations in so far as such laws apply to the corporation.

It provides for all cases. In Ontario it can be done according to the laws of the province, and for the part that is under the jurisdiction of the Dominion they must come here. They cannot go anywhere else. At all events, this is a matter of fact to be proved when it goes into the Private Bills Committee. If the facts recited in the preamble are not true, then it will be time enough to throw it overboard; but, as far as we are concerned, by the preamble of the Bill itself there is no doubt those parties must come here for incorporation, so far as that incorporation relates to the Northwest Territories.

Hon. Mr. DANDURAND—I think the hon. gentleman from St. Thomas (Hon. Mr. Wilson) will find that this Bill is on all fours with a number of similar Bills that have been passed by this parliament. If he will look up the incorporation of the Archbishopric of Ottawa, he will find, I think, that this is but a copy of the powers that were given to the Archbishop of Ottawa, whose territory covers two provinces, Ontario and Quebec. If there were in this Bill some clauses to which exception may be taken, it can well be debated and settled in committee.

Hon. Mr. WILSON—I ask the hon. senator if he will read clause 8, and explain to me what the meaning of that is, where the company are asking powers under this Bill to destroy the rights of the provinces, as far as mortmain shall apply. Will the hon. gentleman explain in what way it is desirable, whether in one, two or three provinces to repeal the powers of the local legislature?

Hon. Mr. DANDURAND—On the contrary, I think it is respecting provincial legislation and provincial rights.

Hon. Sir MACKENZIE BOWELL—I confess I have not considered what the effect of passing the clause would be; probably I do not understand it. It makes the holding of lands subject to the laws of the different provinces, where the corporation holds property in mortmain within those provinces. But does it not exempt the provisions of the law in regard to holding property in mortmain in the territories? And are we not, by making this exemption, giving to this corporation authority to hold land in mortmain, an authority which has been refused by the different provinces? I have a distinct recollection that a number of years ago the great Liberal party of Ontario made this very point the subject of every contest which took place in the province of Ontario. During an election as far back as 1863 I had to fight it very strongly in the constituency I was then contesting. I am not prepared to give an opinion by casually reading the clause, as to the effect it would have in conferring upon these religious corporations powers that I know in the province of Ontario and in other provinces where the question has been discussed, have been refused. The question would arise whether it is good policy to grant to ecclesiastical corporations, no matter of what character, powers in the territories that might conflict with the wishes of the people of those territories where they are incorporated. That is a question that can be fully discussed in committee. I think the point is worthy of consideration by the government. I am not speaking from any prejudice one way or the other, because I defended the Conservative party in the course they pursued at the time in connection with such corporations; but at that time, as I have already pointed out, one of the principal planks in the platform of the Liberal party was a declaration against the holding of land in mortmain. We had very severe fights over it. During that period the younger members of this House had very little interest in politics, and probably my hon. friend who is smiling was one of the parties to whom I refer at the present moment.

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

PROTECTION OF NAVIGABLE WATERS BILL.

DEBATE CONTINUED.

The order of the day being called:

Resuming the adjourned debate on the motion for the second reading Bill (B) An Act respecting the Act for the protection of navigable waters.

Hon. Mr. POWER—The flavour has rather gone out of the subject. The postponement of a discussion often does take the flavour out of a debate; but I shall say a few words on the subject. I quite agree with the hon. gentleman who introduced the measure, and with the other hon. gentlemen who have spoken on it, with respect to its very great importance. It is a most important thing that the people of this country should have wholesome water to drink, nearly as important as that they should have pure air to breathe, and the thanks, not only of this House, but of the country generally are due to the hon. gen-

tleman from Ottawa for bringing the matter before parliament in the careful and able way in which he has handled the subject. The hon. gentleman's speech was one which I thought was suited to the importance of the question, and it is also the kind of speech which is pleasant to listen to in the Senate, a speech worthy of the dignity of this House. But while there is only one opinion as to the desirability of the people having an abundant supply of wholesome water, in our desire to see that the population have that, we cannot lose sight of other circumstances. There may be difficulties in the way. The way chosen by the hon. gentleman may not be the wisest; irresistible force always has its own way until it comes against an insuperable obstacle, and we have to see whether there are any insuperable obstacles in the obstacle; and we have to see whether there are any insuperable obstacles in the way of this measure.

With regard to this measure, two questions arise.

The first question is, has this parliament power to pass a Bill such as the one before us? The second one is, granting the power, should the power be exercised in so absolute and unqualified and drastic a manner, as is proposed by this Bill? In dealing with a question like this, it does seem unfortunate, that our parliament is not like the parliament of the United Kingdom. The parliament of the United Kingdom can deal with any subject, no matter how great or how trifling and local; but this parliament can only deal with the subjects assigned to it by the British North America Act. There is one point which was made by the hon. member from Mille Isles the other day, to which the hon. mover of the Bill did not seem to attach much significance, but which seems to me to have been a point of very considerable importance. The title of this Bill is, 'An Act to amend the Act respecting the protection of navigable waters.' That Act is chap. 115 of the Revised Statutes, and the new section is 19A. One naturally would suppose that this measure had something to do with the protection of navigable waters, and I think we are justified in so supposing. Section 19 of the Navigable Waters Protection Act provides that:

> No owner or tenant of any saw-mill, or any workman therein, or other person, shall throw, or cause to be thrown, or suffer, or permit to be thrown, any sawdust, edgings, slabs, bark or rubbish, of any description whatsoever, in any river, stream, or other water, any part of which is navigable, or which flows into any navigable water.

Now, the object of that provision—I think that provision originated in the Senate—arose from a desire of some members of this House to prevent the depositing of sawdust and other mill refuse in the Ottawa at the mouth of the Rideau river, and at the Chaudière. Evidence was taken to show the pernicious effect the depositing of sawdust and mill refuse had on the navigation of the Ottawa river. It was shown that the depth of water here in the immediate neighbourhood had been reduced a great many feet by this dumping of sawdust and mill refuse in the river; that explosions had taken place which were dangerous to boats navigating the river, and so on. That section 19 of the Act is intended to protect navigation, but when we come to look at the measure now before us, it goes very much further than that. Once you get above the Chaudière Falls, the Ottawa river is not navigable. The ordinary sewage does not interfere materially with navigation. The colon bacillus, which, I understand is the particular microbe which leads to typhoid fever, does not interfere with navigation, so that the hon. gentleman has not been wise in selecting the place in which to insert this amendment. I think it would have been better to have dealt with the question as one of public health, and located his Bill somewhere else than in the Navigable Waters Act. Section 19 of the Act, looking at it as a measure dealing with navigation, goes about as far as this parliament has a right to go. When we dealt with sawdust, we went to the limit, so that this measure really does not come under chap. 115 of the Revised Statutes.

Hon. Mr. BELCOURT—So far as navigable streams are concerned, such as the Ottawa and the St. Lawrence, will my hon. friend say that we have not the sole and exclusive jurisdiction, or will he say the reverse?

Hon. Mr. POWER—I say that parliament has the right to safeguard navigation. I do not raise any question about that.

Hon. Mr. BELCOURT—What other jurisdiction is there that could deal with those navigable streams?

Hon. Mr. POWER—I do not propose to go into that question. From the point of view of navigation, I quite recognize the fact that this parliament has exclusive jurisdiction; but when you come to look at a river, even a navigable stream, from another point of view, I feel that this parliament has not exclusive jurisdiction. Take the Ottawa river here. The province of Ontario owns the bed of that stream to the middle of the river, and the province of Quebec owns the other side of the bed of the river to the same line. The fact that the river is navigable does not destroy the rights of riparian owners altogether. When one looks at the wording of this measure, it will be seen that it is very sweeping:

No person shall throw or deposit, or cause or permit to be thrown or deposited, any sewage, offal, or refuse animal or vegetable matter of any kind whatsoever, into any river, stream or other water, any part of which is navigable or which flows into any navigable water.

That would just mean that if there was a pool on a farm and a small rivulet trickled out of that pool, and some of the draining from the barn yard got into the pool, and in that way flowed down the stream, the farmer would be liable, under this Bill, to the severe penalties which are proposed to be invoked. While on that point I wish to call the hon. gentleman's attention to this fact, that in his measure he fails to refer to section 22 of chapter 115, which is the section which prescribes penalties. If the hon. gentleman looks at chapter 115 he will find that section 22 refers to the three preceding sections. 19a would either not come under that or would shut the original section 19 out.

Hon. Mr. BELCOURT—It will be part of section 19.

Hon. Mr. POWER—No, it is a new section. However, I do not attach any consequence to that; I simply call attention to it. The main question is whether this measure comes under section 91 of the British North America Act. I do not think it does. The hon. gentleman gave us an exceedingly able argument to show that this measure did come under section 91 of the British North America Act, and, consequently, within the jurisdiction of this parliament; and he wanted to know where jurisdiction over the subject of this Bill could be found in the local legislatures. The hon. gentleman knows that land includes the water within the limits of the land. They are part of the real property, and they come under section 92 of the British North America Act, paragraphs 5 and 13. Paragraph 5 is:

The management and sale of the public lands belonging to the province and of the timber and wood thereon.

And paragraph 13:

Property and civil rights in the province.

My own authority is not worth much, but the hon. gentleman has, I am sure, carefully read the decision of the Supreme Court of Canada in a case which arose in New Brunswick, Robertson vs. the Queen, and has also read the Fisheries case, which was decided by the Judicial Committee of the Privy Council in 1898. In both of these leading cases it was declared in the clearest terms that the streams running through the land, certainly where the streams were above tide water and were not navigable, were within the jurisdiction and ownership of the local legislatures. I do not suppose the hon. gentleman raises any question about it.

Hon. Mr. BELCOURT—So far as the beds of the rivers are concerned.

Hon. Mr. POWER—More than that: The leading case on the subject is the Attorney General for Canada against the Attorneys General of the provinces and vice versa. There was a decision of the Supreme Court, and an appeal to the Judicial Committee of the Privy Council. The decision was given by the late Lord Herschell, and will be found at page 709. Near the bottom of the page the decision says:

The Dominion of Canada was called into existence by the British North America Act, 1867. Whatever proprietary rights were at the time of the passing of that Act possessed by the provinces remained vested in them, except such as are by any of its express enactments transferred to the Dominion of Canada.

There has been no transfer of ownership of land and streams running through land to Canada. Their Lordships of the Judicial Committee gave the same opinion as to the fisheries:

Their lordships are of opinion that the 91st section of the British North America Act did not convey to the Dominion of Canada any proprietary rights in relation to fisheries.

That is at page 712. Then at page 716:

For example, provisions prescribing the mode in which the private fishery is to be conveyed or otherwise disposed of, and the rights of succession in respect of it, would be properly treated as falling under the heading, 'property and civil rights' within section 92, and not as in the class 'fisheries' within the meaning of section 91. So, too, the terms and conditions upon which the fisheries which are the property of the province, may be granted, leased or otherwise disposed of, and the rights which consistently with any general regulations respecting fisheries enacted by the Dominion parliament may be conferred therein, appear proper subjects for provincial legislation, either under clause 5 of section 92, 'the management and sale of public lands,' or under the class 'property and civil rights.' Such legislation deals directly with property, its disposal, and the rights to be enjoyed in respect of it, and was not in their lordships' opinion intended to be within the scope of the class 'fisheries' as that word is used in section 91.

The hon. gentleman's argument—a very ingenious one—was that inasmuch as the subject of public health had not been expressly left to the provinces, it was vested in the Dominion. This measure deals with the rights to, and the owners of lands. It does not deal directly with public health; it only deals indirectly with public health. My contention is that the implied jurisdiction which he has argued for cannot override the express authority given by paragraphs 5 and 13 of section 92. One remedy against the evils of which the hon. gentleman complains is this, that if any riparian owner were to do or permit to be done on his land any act which might pollute the stream and make it less suitable for his neighbour down the stream, he would be liable to an action. I presume, by the lower proprietor, the water in front of whose land was polluted by the action of the upper proprietor; but that is a totally different thing from this parliament undertaking to deal with a matter which has been left by section 92 to the local legislatures. It seems to me that the hon. gentleman's argument goes too far. If you say that because as a possible consequence of certain action, injury will arise to the public health, and therefore with a view of that possible contingent injury the Dominion parliament has jurisdiction, you will practically enable the Dominion parliament to absorb the jurisdiction over all subjects. One of the good things which the Judicial Committee of the Privy Council have done since 1867 is that they have prevented that process from going on, and have in a great many cases decided that parliament has not the right by such an extension of its power to interfere in matters which really belong substantially to the provinces.

Hon. Mr. BELCOURT—How does the hon. gentleman account then for the exercise of jurisdiction by this parliament in the two Acts I have referred to, the Act for the Inspection of Animals, and the Act for the Inspection of Food and Drugs. They would be manifestly cases coming under the sections he has just quoted. How does he account for the exercise of jurisdiction by this House in these two matters, if not on the ground of public health?

Hon. Mr. POWER—With respect to the diseases of animals, and the adulteration of food, these subjects come properly under the heading of Trade and Commerce.

Hon. Mr. BELCOURT—No.

Hon. Mr. POWER—If the adulteration of food does not come under the heading of trade and commerce, I should like to know under what head it does. It proposes to regulate trade and commerce by saying to any one who is interested in the sale of articles of food, you shall not deal in articles which are adulterated, and are consequently injurious.

Hon. Mr. BELCOURT—These two Acts contain provisions that cannot at all be applied to commerce. For instance, there is a provision which enables an inspector to come to my stable, and take my horse, which is not kept for trade purposes but

for my own use. He can take it away and kill it.

Hon. Mr. THOMPSON—If you have a diseased horse, may that not affect trade and commerce?

Hon. Mr. BELCOURT—No, the horse is for my own use, and is kept in my own stable.

Hon. Mr. POWER—I do not undertake to pronounce upon the case of the horse; but the point is, that no question has ever been raised about it, and where the question has not been raised, and there has been no judicial decision, you cannot speak with any positiveness as to the subject coming under one jurisdiction or the other. At any rate, both of these things are matters which come properly under the heading of trade and commerce. If unwholesome food, which a diseased animal certainly would be, or groceries which are adulterated, were allowed to be sold, it would injuriously affect our commerce. If the farmers of this country were allowed to export diseased meat to England, you can see at once the effect it would have on the trade and commerce of this country. The hon. gentleman referred to the fact that the doctors as a rule are in favour of this measure, and in favour of the Dominion jurisdiction. I am not surprised at that. The doctors are always anxious to do that which is best for the health of the public, and, incidentally perhaps, for the benefit of the profession, and I can understand that they should be in favour of this measure. We are all in favour of bringing about such results; and the doctors probably do not worry themselves much about the constitutional question. But I notice this with respect to the medical profession, that all their associations throughout the country are incorporated and controlled by the local legislatures; that the regulations affecting the medical profession in all the provinces have been passed by the local legislatures and, certainly, if that is the case, we would be justified in thinking that dealing with water might go the same way. Of course, I assume that the local legislatures have dealt with the medical profession on the ground that they were dealing with civil rights. Another authority has been cited to me by the hon. gentleman from Fredericton. I do not cite the authority as a great constitutional authority, but as being under the circumstances one to whose words weight should be given. There are only two survivors now of the gentlemen who have been called the fathers of confederation, and one of those gentlemen is Sir Charles Tupper. Not long since, when the hon. gentleman from York asked him if he had again to go over the framing of the British North America Act, whether he would make any changes in it, he said that the only change that occurred to him, as being desirable, was that the question of public health should have been put in the hands of the Dominion parliament instead of being left as it was with the local legislatures. The practice which followed in the years after confederation shows what the feelings of the framers of the British North America Act was. The question of jurisdiction is at any rate a very doubtful one.

I do not myself believe that we have the jurisdiction to pass this measure; but suppose we have that right, should we assert it? On that point I should do nothing more perhaps than refer to the speech made by the hon. member from Hastings (Hon. Sir Mackenzie Bowell) as to what the effect would be in the country in the neighbourhood of the city where he lives. The putting of such a measure into force at once, would mean a complete revolution of existing conditions all over the country. It would involve enormous expense and difficulty. Nearly every farmer who lived on the slope of a hill, would have to reconstruct his buildings and drains and all that, and while in a thickly peopled country like England, Scotland, or Belgium, it might be possible without undue expense to keep sewage from flowing into the streams, in a sparsely settled country like Canada, the expense involved would be something enormous. We must remember that streams and rivers are the natural drains of the country. Naturally everything liquid which is dropped on the surface of the ground except what is completely absorbed, ultimately finds its way into streams and rivers, and it seems to me that time and a good deal of consideration are needed to evolve a practicable measure to place us in the position aimed at by the

Bill. Probably we shall some day attain that position, but we cannot do it at once. I quite concur in the opinion of the hon. gentleman from Alberta, the chairman of the Committee on Public Health (Hon. Mr. De Veber), in the view that we had better go a little slowly, and adopt moderate and friendly measures. It seems to me that the body to deal with this matter during the recess of parliament is the Conservation Commission. That commission has at its head one of the ablest and most energetic men of this country, and I have no doubt that before the next sitting of parliament, that commission will have evolved a practicable scheme for dealing with this question. Meanwhile, there are certain steps which may be taken. I wish to direct the attention of the hon. gentleman from Ottawa to the fact that in Great Britain, where they take a good deal of care to prevent their streams from being polluted, the great cities do not take their water supply from the streams flowing past them. Glasgow does not go to the Clyde river to get its water, but gets its drinking water from Loch Katrine. Birmingham and Liverpool get their drinking water from Wales. The Mersey runs through Liverpool, and if the practice which prevails here in Ottawa and Montreal prevailed in the old country these cities would be getting their water supplies which flow through them. Manchester has two rivers running through it, but does not get its water from either of them, but from Lake Thirlmere in Cumberland county. The city of St. John does not get its water from St. John river, but from Lake Lomond, some distance from the city. In Halifax we get water from lakes seven miles out in the country, and it seems to me the natural thing is for Montreal and Ottawa—I do not know much about the position of other cities—instead of going into very expensive schemes to purify the water, to get their water supply from lakes in the not remote distance. I understand that there are lakes within ten or twelve miles of Ottawa from which a good supply of pure water could be had, and I am told that the same condition of affairs exists near Montreal.

Hon. Mr. BELCOURT—What about the people below Montreal who are being poisoned by the sewage from that city every day of the year?

Hon. Mr. POWER—There was a time when people got their water from wells. I feel there is a grave doubt as to the constitutionality of this measure. I have no doubt at all as to the unwisdom of undertaking to pass it now in its present stage, and I, therefore, have the honour to move that this Bill be not now read the second time, but that it be read the second time this day six months. That will give the conservation commission and the government an opportunity to consider the whole question.

Hon. Mr. McMULLEN moved the adjournment of the debate until to-morrow.

The motion was agreed to.

THE SENATE.

WEDNESDAY, March 9, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (WW) An Act for the relief of Ellen Mellor Fleming.—Hon. Mr. Derbyshire.

Bill (XX) An Act to incorporate the Pioneers Loan Company.—Hon. Mr. Watson.

TARIFF NEGOTIATIONS WITH THE UNITED STATES.

Hon. Mr. LOUGHEED—Before proceeding with the orders of the day, may I ask my right hon. friend if the tariff conference between this government and the representatives of the United States government is yet completed, and whether my right hon. friend has anything to report to the House touching an understanding between the two countries?

Rt. Hon. Sir RICHARD CARTWRIGHT—My hon. friend will understand that these negotiations, if they may be so called, are of a highly confidential and informal character, and it would not be in the

public interest, at the present moment, to enter into any details on the subject. The gentlemen who were here representing the United States authorities have returned to Washington, but I am not in a position to give my hon. friend any information just now as to what passed.

Hon. Sir MACKENZIE BOWELL—I notice a despatch from Ottawa in the Toronto papers to the effect that the representatives of the United States government were making extraordinary demands, and that when some members of the Canadian cabinet were prepared to accede to them, my right hon. friend put down his foot and said 'no.' It is not often I agree with the right hon. gentleman, but on this occasion I hope the statement is correct, that he was not prepared to accede to the demands of a government with whom we have so often tried to come to an understanding, but without success. I hope our government is not prepared to come down at their bidding. If the information is correct, I wish to express my warmest approval of the stand the right hon. gentleman has taken.

Rt. Hon. Sir RICHARD CARTWRIGHT—I am rather afraid that while personally I would always desire to have my hon. friend's approval, it might not always be regarded as the greatest proof of wisdom on my part to concur with him. As to the other matter, I would just say that it is very dangerous, as he knows well, to rely on newspaper reports as to what happens in the Cabinet, where everybody is pledged to secrecy.

THIRD READINGS.

Bill (No. 91) An Act to incorporate the London and Lake Erie Railway and Transportation Company.—Hon. Mr. Coffey.

Bill (OO) An Act for the relief of Elmore Walker Scott.—Hon. Mr. Young.

PUBLIC HEALTH AND INSPECTION OF FOODS.

MOTION.

Hon. Mr. DE VEBER moved the adoption of the third report of the Standing Committee on Public Health and Inspection of Foods. He said: Speaking to this motion, I feel somewhat as I should judge the leader of a battalion would on arriving on the scene of action to find that all his ammunition had been expended; but as it has been expended by an ally, and has done very good execution, I cannot feel very sorrowful over it. With what remains, I shall endeavour to say a few words on this very important question; but as my remarks will be on a very few lines, you shall not have to exercise your patience for any length of time. I was very much pleased, delighted in fact, to hear the discussion on the Bill of my hon. friend from Ottawa, relating to the pollution of navigable waters. Discussion brings out all the good points in legislation, and creates an interest throughout the country. The public becomes aware of certain facts, and when they learn that danger lurks in every glass of water they drink, the press will take it up, and then we may hope for legislation to meet the evil. Very few members of this House belong to the medical profession, and the majority have not had the medical training that would enable them to thoroughly understand legislation on a subject like this. In order, therefore, that you may more fully appreciate my arguments, I think it advisable that I say a few words on contagion. In doing so, I shall be brief and shall avoid as far as possible all medical and scientific terms.

For many years it has been known that certain diseases are communicable by contact, by brushing against clothing worn by people who have had the disease, by opening letters written in houses where there is disease, and which have passed through the mails, and in many ways. All that was known was that some germ or organism went from one person to another, but it was not known until lately, as the result of scientific research with the aid of powerful microscopes, that certain organisms caused these diseases. All these organisms or germs causing diseases have not been isolated, but several have, and I may take three of these especially, the germ of tuberculosis, the germ of typhoid fever, and the germ of diphtheria. It has been found that these three, are caused by bacilli. They are very minute, being much less

than one millionth of an inch in length. The bacillus of consumption has its habitat as a general thing, in the lungs of human beings. It may be found in other parts of the body, but, generally speaking, it is in the lungs that it is found, and it is breathed in through the mouth. It comes from a consumptive patient by floating through the air or from the sputa dropped, drying up, becoming dust, and floating through the air. The bacilli of diphtheria have their habitat in the throat, and are also taken into the system in the same way as the bacillus of consumption. The bacillus of typhoid fever has its habitat in the intestines of human beings. It is taken into the system through the mouth, and may be taken in milk, water or food. It does not follow that because it is taken into the system that it always produces the disease. There is in the human system a continuous warfare between health and disease. The bacilli that cause the disease are more abundant than people imagine. They may be found to a certain extent almost everywhere; but to take the disease after absorbing the bacilli a person must be in a certain condition. I may compare the resisting powers of a man to an army of defence, and the bacilli as the army of invasion. If the army of defence is sufficient in numbers, sufficiently well armed and in good condition, it meets the army of invasion, surrounds and walls them off or kills them, or in other ways render them innocuous. So it is not necessary that everybody should have the disease simply be cause he has absorbed some of the bacilli. One would naturally remark if this is not so, how is it so many people escape consumption who are continually in rooms with consumptive patients? Simply because they have an army of resistance, and the invaders cannot overcome this resistance. I may quote here an extract from a New York paper, relating to a woman called 'Typhoid Mary':

New York, Feb. 21.—'Typhoid Mary,' whose real name is withheld at the request of the New York health authorities is a free woman again, after having been confined in a hospital three years because physicians said she was a living receptacle for typhoid germs and a menace to public health.

She was formerly a cook and considered particularly dangerous in that capacity as likely to transmit disease. With the understanding that she is to cook no more, Health Commissioner Lederle announced to-day that the department had decided to release her.

'Typhoid Mary' had of late been confined in a charity hospital on an island in the east river. Her case is unique in medical records. After repeated cases of typhoid were discovered in families for which she had cooked, the authorities made an investigation, which resulted in her detention on the theory that she was a walking reservoir for typhoid germs, harmless to herself but easily communicated to those whose food she cooked.

There are three essentials of life, food, water and air. Of food, we have very many varieties, thousands of them, and if one seems to be unwholesome, we can naturally go to another; but there is only one air, and only one water. Air, of course is very much easier purified than water, because it is in motion all the time. All you have to do is to open a window to ventilate a room, but once water is polluted it will remain polluted. In regard to food, we have laws to prevent adulteration. This report deals with the pollution of streams, and I will therefore confine my remarks to that subject. Water as supplied to us by nature is pure. It falls from the clouds upon the earth, and some of it sinks into the soil, and comes out as a spring. It is still pure, free from bacilli, though it probably has absorbed considerable salts from the earth; but so far as bacilli are concerned, it is pure. Other waters run into rivulets which flow into large streams, and thus down to the great lakes or to the sea. At its source water is pure and remains pure until it reaches the habitation of man or animals. Then it commences to be polluted and as it continue on its way to the sea, it gradually becomes more polluted. When it reaches the sea, or the large lakes, evaporation takes place. It rises to the clouds, is condensed and again falls to the earth. It has passed through nature's distillery, is purified and again comes to us perfectly pure. Now, how is this water polluted?

On its way to the lakes and sea, rains may fall upon some organic material, the waste of man or of animals that have bacteria of certain kinds in them and they are washed down into streams and some into wells. I have seen some of the worst cases of typhoid fever in the west caused

by water taken from wells, that it would be almost impossible for anything to get into except by being washed on from the plain. According to the evidence given in our report, typhoid bacilli have been known to live 252 days. It takes a pretty long stream at the rate most of our streams go, to have the bacilli die before they reach one of the large lakes or the ocean. The bacilli float down the stream, waiting, one might say, to be taken up by some human being. One of the greatest obstacles we have to contend against, and it is met in all progressive movements, is old established ideas, which have no real foundation, but are still existing. For instance, I have been told time and again when speaking on this subject, 'Oh, what nonsense, water purifies itself in the course of running so many miles. All it requires is to be stirred up in rapids, and become aerated, and it is pure again.' I must admit that water running a certain distance will purify itself of organic matter, if the volume of water is large. After it goes a few miles, you do not find it offensive to the taste; but chemical reaction shows that the impurity is still there. A few miles further, chemical reaction fails to find it any longer, but that does not affect the bacilli. They still go on. I am sorry to say that some men, who in all other matters keep up with the times, still hold to the idea. I may cite the Niagara river to illustrate what I mean. If there is any river in the world where this contention could be established, it is the Niagara. You have falls, rapids and a great volume of water; but Dr. Amyot, Dr. Hodgetts, and Prof. Starkey, all have been going to the Niagara river and testing the water for different governments, and they made the statement to our committee that they never took a sample of Niagara water without finding bacteria, and it was so bad that, as probably most of you know, the volunteer militia at camp at Niagara was not allowed to take any water for drinking purposes from the Niagara river. One of the worst cities in New York State for typhoid fever, is Niagara, and it is because of pollution of the river. If a large body of water like that with its great fall and rapid current does not destroy the bacilli, I do not know what stream would. If you take ten bacilli and put them in one tumbler full of water, and drink it, you get ten germs. If you mix it up in ten tumblers of water, by natural average you get one germ in each tumbler. Multiply the quantity by a thousand, and there is less chance of course of taking a bacillus into one's system, but the germs are there, and if any body takes them, he is liable to contract the disease. Are the people awakening to the danger? I have here a quotation which I have taken from a paper. It is as follows:

> There is no more vital question confronting the people of this country. From the cradle to the grave every citizen has need of water. How much longer shall it be that every time he raises the glass to his lips, he shall do it with the knowledge that that act may number him within six weeks among the hundreds who in this country annually forfeit their lives because public water supplies are not thoroughly protected against pollution, or, if subject to contamination, are not purified?

Here also is an article from 'American Health,' which shows the movement in the United States:

> That the movement for a national organization of public health has gained a momentum which promises early and extensive legislation by Congress, few may doubt. President Roosevelt, in his speech at Provincetown, among other things said: 'I also hope that there will be legislation increasing the power of the national government to deal with certain matters concerning the health of our people everywhere; the federal authorities, for instance, should join with all the state authorities in warring against the dreadful scourge of tuberculosis. I hope to see the national government stand abreast of the foremost state governments.' This stand taken by the President is in accord with his letter to the Committee of One Hundred. In it he said: 'Our national health is physically our greatest national asset. To prevent any possible deterioration of the American stock should be a national ambition. We cannot too strongly insist on the necessity of proper ideals for the family, for simple living and for those habits and tastes which produce vigour and make men capable of strenuous service to their country. I can most cordially commend the endeavours of your committee to bring these matters prominently before the public.'
>
> By such an organization only can the most pressing problems be met,—such as the pollution of our rivers, by which contamination of whole populations is brought about and as a result typhoid fever is a constant occurrence. In like manner whole populations may be infected by travellers or by animals or vermin, as, for example, the bubonic plague which already has a foothold in California. No uniform and effective regulations against the spread of tuberculosis can be enforced with-

out national interference. The progress already made in pure food legislation should also be maintained. There can be no question that laws regarding child and female labour, adulteration of drugs and food, contamination of water supplies, or against such destructive scourges as tuberculosis, are amply justified on the ground of public health and will be at the same time legislation of incalculable value to all classes of people.

The practical work of legislation falls naturally into three groups:

1. The readjustment of all bureaus now carrying on public health work or having power to do so together with their unification and coördination in a single already existing department.

Then, in another issue of the same magazine there is a report of an address by Dr. William H. Walsh, the retiring president of the Medical Association. He says:

Nothing is more significant and more hopeful for the promotion of public health than a gathering of this kind under the auspices of this association. The significance lies in the fact that the movement is no longer confined to medical men and professed sanitarians or hygienists, but is has become a great civic movement. The other class of experts who have interested themselves in this subject, next to medical men and sanitarians, are the economists and sociologists. This is most significant because they approach the problem from a different point of view from that of the physician. Both have come to the same conclusion as to the predominant importance of public health to the welfare of the community, as well as its industrial, commercial, physical, social, moral, and political importance. There is no force in the community, educational, political or social, which is not concerned with the great problem involved.

Numberless efforts have been made to secure a department of public health, efforts originating always on the part of physicians who have received little or no attention from those in power. Doctors, individually and in committees, have made their appearance before the committees of the Senate and House, but deaf ears have been turned to their appeal. When one states that public health is essential to the welfare of the community, there is, of course, no dissenting voice. It can not be that those who have the authority to check the preventable waste of human life, constantly going on around us, have no realizing sense of what it signifies. The state does not do its duty in the matter, because, possibly, it does not know what its duty is. When officials are told that the death rate can probably be cut in two if adequate measures, which are well within the possibilities of realization, are inaugurated, the statement does not seem to make any definite impression on their minds. They have got to be informed in detail as to exactly how these proposed measures are to accomplish this desired result, and if they are so informed, can we doubt for a moment that the appeal will be heard? The waste, resulting from the prevalence of disease which we know can be prevented, is incalculable. The measures which should be adopted to prevent this waste are based on a knowledge of the origin and mode of spread of preventable diseases. That knowledge is, to a very considerable extent, of recent origin, but the movement to protect the health of the public is by no means of recent origin. The greatest single incentive to stir up the popular mind to do something in this direction has been the outbreak from time to time in the world's history of some strange, unusual, devastating pestilence.

The beginning of public health reform in England can be traced to the outbreak of Asiatic cholera, about the year 1830. Nothing since the days of black death had aroused such fears and terrors in the minds of the people as the appearance of this disease, previously unknown in western Europe. There were other causes at work, great evils resulting from the large industrial developments. The factories and living conditions of the poor were unhygienic to a degree. All of them were important causes of bad health.

I may say that very little has been done in the United States, and practically nothing in Canada in regard to it. The first nation to take the matter up was Great Britain. And the beginning of public health reform in England took place in 1830. It states here:

It was above all the appearance of Asiatic cholera which started the health movement in England. While Great Britain possibly has not been the principal contributor to our knowledge of the origin and spread of infectious diseases, it is the country most interested and most effective in applying that knowledge. It was conceded that the most of the prevailing epidemic diseases were the result of the contamination of water, soil or air due to filth. They were spoken of as filth diseases and on the whole probably that was the most correct explanation. This led to a general cleaning up of habitations and surroundings. It led to the introduction of public supplies and the establishment of suitable system of sewerage and drainage. But it is to be regretted that so much of the filth was allowed to escape into running streams, and that it was not earlier seen that this was a great source of danger.

Possibly the greatest single triumph in the direction of sanitary reform was the extermination of that disease which is most directly traceable to filth—typhus fever. We can hardly realize at this time the extent and mortality of typhus fever in those days.

We never hear of typhus fever as being epidemic to-day in any country, and yet it was one of the most predominant fevers that we had in the olden days. Large salaries were paid to men like Pasteur, Koch and others to do nothing but experiment and find the origin of such diseases and how to prevent them. They say here:

To what extent is this knowledge applied in public hygiene and preventive medicine? Only to a limited extent anywhere in the world. Any one who is familiar with what is actually known to-day regarding this class of disease is aware that even in the most enlightened countries there is only a fraction of that knowledge applied. Here is another instance in which knowledge outstrips application, but in Germany and particularly in France and England so much of this knowledge has been put to practical use that the results are very apparent. The death rate has been reduced by one-third in many places to one-half of the mortality which formerly prevailed, and this has been chiefly due to checking the spread of the infectious diseases.

In America this new knowledge is applied to a lamentably small extent. We are a reproach to the civilized world by reason of our inattention to matters of public health and the prevention of disease. Can we conceive of our national government if a Koch or a Pasteur should make his appearance in this country, calling him to Washington and by giving him a laboratory afford him an opportunity to confer inestimable benefits on mankind? Incredible. Under existing conditions our government could do nothing of the kind. In whose hands has been placed hitherto the administration of matter of public health? It has been in the hands chiefly of the towns and cities, but only to a limited extent has existing knowledge been applied in a systematic and intelligent way. The reason is because there is no national head to indicate in what direction money and skilled knowledge, which have been so wastefully applied in many instances, can be applied effectively. In England every little town and city has the trained expert in matters of sanitation, one who has the diploma of 'Doctor of Public Health' indicating that he has special sanitary knowledge beyond that of the average physician.

Now, to show what advantages accrue. In congested Europe, with immense population, and small rivers, one would naturally think that if typhoid could develop anywhere it could there, yet they have only one case of typhoid fever per hundred thousand, as compared with seven in America, notwithstanding our great waterways and abundant supply of supposedly pure water. It is simply because the people of Europe have gone through the experience we are going through to-day, and through that experience have realized the fact that they must have proper laws and proper carrying out of the laws if they wish to control these diseases. I have a number of other extracts which I shall not occupy the time of hon. gentlemen by reading. I notice in one of the local papers an article in regard to the quality of the water supply. This paper imputes the large death rate among children in Ottawa to impure water. I can hardly agree with that, for the simple reason that the water that is used in the food of infants is generally boiled, and boiling water would kill all the bacteria contained in it. I admit that if water that had not been boiled were put in the milk, it might be the cause of bowel complaint in children. In addition to the typhoid bacilli, we have in water numerous tribes of bacteria which cause diarrhoea, dysentry and cholera morbus and the other complaints of children.

This paper says:

The most important aspect of this question is of course its relation to public health. That a large amount of typhoid in this country was caused by the pollution of our water cannot be disputed. The United States census of 1900 states that during that year there were 35,379 reported deaths from typhoid in the United States. Whipple says that estimating each one to represent a loss of capital to the community of $6,000, the total amount is found to be $212,000,000, and that probably three-fourths of these deaths could have been prevented, and that there was a needless loss of vital capital of about $150,000,000.

We have in this country proceeded so far with a reckless disregard for the future. We have dispoiled our forests, sacrificed many of our natural advantages and saved nothing for the future. That a different policy must be adopted is apparent to every one. It is very probable that many of our cities must eventually look to other sources for their water supplies and a far-sighted policy would consider this and aim to provide such sources as free from pollution as may be necessary.

Minnesota reports that they believe the federal government should have full control of interstate lakes and streams and should be in a position to prevent their pollution.

New Jersey believes that the federal government should act as a court of last resort when a state refuses to co-operate in the work of purifying interstate streams and so on. The opinion of nearly all the states is that the only solution of this question is to place the jurisdiction in some central authority. To show what a difference it actually makes in the typhoid death rate when you get water which may be classed fairly pure, I will refer to one or two of the states mentioned here. In Albany, after the adoption of their filtration plant, fore filteration was employed to 22·2 during the ten-year average dropped from 88·8 be- the ten years since the filters have been

installed, and in 1908 the death rate was 10.9 to the 100,000.

In the city of Hudson where the water supply has been changed (in 1905) from the Hudson river to purer small streams, the death rate from typhoid in 1908 was 18·1 as compared with an annual rate of 59·2 during the past ten years.

* * *

The death rate from typhoid fever in the city of Poughkeepsie in 1907 was 112·0. The filtration plant was improved in the fall of 1907 and in 1908 the death rate dropped to 34·5. Previous to 1907 the average annual death rate for eight years had been 39·8.

The reduction in the death rate of Ithica after the establishment of filtration plant was 79·6; Albany, 75·0; Binghamton, 68·7; Watertown, 60·5; Hudson, 55·6; Rensselaer, 53·7; Schenectady, 45·1; Troy, 44·5; Hornell, 44·3; Elmira, 39·7. That is both sewage and filtration plant. They had a reduction of eight per cent.

Whilst in this country we have not legislated very extensively with regard to the health of human beings, we have legislated in regard to animals, chapter 75 of the statutes of 1906 is an Act respecting infectious diseases of animals. The United States has a similar Act. I have something here which I would like to quote in regard to that which shows the feeling of prominent men in this matter. In President Roosevelt's message to Congress, he says:

One of the most striking features was the recommendation that we should conserve not only material, but also our vital resources. As he said, we must remove the reproach that this nation takes more care for the lives of its hogs and cattle than for the lives of human beings.

Hon. Mr. McMILLAN—What is the hon. gentleman quoting from?

Hon. Mr. DE VEBER—From a magazine known as 'American Health.' If you will look into the statistics you will find that there is no system of uniform national regulation for the preservation of the health of the people of Canada but we have them regarding other animals. For instance, the following regulation in the case of fish:

No person shall place or pass, or allow to pass, into treaty waters any substance offensive to fishes, injurious to fish life or destructive to fish fry or to the food of fishes or of fish fry, unless permitted so to do under any law passed by the legislative authority having jurisdiction.

I am not going to enter into an argument over the jurisdiction of this House in regard to the right to pass legislation concerning public health. That was discussed when the Bill of the hon. gentleman from Ottawa was being considered; but I should like to call attention to the fact that if the Dominion government has the power to legislate in regard to the health of animals and in regard to the pollution of streams that would injure the life or health of fish, or even the food of fish, surely it should have the power to legislate in regard to the pollution of waters that would destroy human life. I may say we have some provincial laws covering these things. We have an Ontario Act passed in 1897 which provides that:

No sewage domestic or factory refuse excremental or other polluting matter of any kind whatsoever, which either by itself or in connection with other matter, corrupts or impairs or may corrupt or impair the quality of the water of any source of public supply for domestic use in any city, town, incorporated village, or other municipality, or which renders or may render such water injurious to health, shall be placed or be discharged into the waters, or placed or deposited on the ice of any such source of water supply; nor within such distance thereof as may be considered unsafe by the provincial board of health, and any person who shall offend against any provision of this section, shall, upon summary conviction be liable to a penalty of not more than $100 for each offence, and each week's continuation after notice.

The weakness of this provincial legislation lies in the granting of power to the Board of Health to say whether the pollution of the water, say one hundred yards, or one hundred miles if you like, from the source of supply, constitutes a breach of the Act. It is not intended to prevent lake and stream pollution generally. It is merely a selfish act, one might say. In Toronto, the authorities were consulted, and in fact had to be consulted, before the water was taken from the lake to supply the city, and they had to make some changes in their intake pipe and extend it into deeper water. It was considered by the Board of Health that they had gone as far as was necessary to make the public health safe, yet what do we find right here to-day:

TYPHOID IN TORONTO.

(G.N.W. press despatch.)

Toronto, Feb. 22.—That a sewage laden sand bar has been formed at the mouth of the intake pipe off the island was the surprising statement made by Mayor Geary at the board

of control meeting to-day. He stated briefly that soundings taken by the city engineer had proved this to be the case.

There is a possible danger of the sewage laden sand finding its way into the intake pipe and not only contaminating the water but possibly choking up the whole intake at the elbow. The city engineer is taking measures to prevent anything of the kind happening.

That is in Toronto. In the Northwest Territories we had a statute on this matter, the statute 1898, but I am sorry to say that it has never been carried into effect generally. Perhaps some man would throw a dead horse or steer on the bank of the river above somebody else's property, who would lay an information before the police, and the offender would be fined for it; but there was no general carrying out of the law at all. In Alberta we have had for some three years a law that practically was one of the first Acts passed by the provincial legislature, that no pollution of any kind could be placed in any river, stream or lake in Alberta. It was to have gone into force two years ago on the first of April, but, owing to the health authorities wishing to find out exactly what was the best system of sewage disposal to adopt, it was deferred, and does not come into effect until the 1st of April next. In the city in which I reside, money has been voted to provide a septic tank and filtration plant, and I think that every city almost in Alberta has made preparations to take the thing up properly. I do not know whether Saskatchewan has passed such an Act, but I know that they intend to do so, and it will become law. What we want is not laws that will govern one part of the country and not another. We want no laws to protect Ottawa from having polluted water, and not have the same law protect the people below Ottawa. If any protection is to be afforded at all, the law, to be effective, must be uniform, and we can have no uniformity if nine provinces are legislating each to suit themselves. The only solution is to have the control in one government, not necessarily with a minister at its head, but attached to some one of the existing departments, with power to make regulations. My scheme would be that this department should have the making and issuing of regulations which would govern the whole of Canada in regard to public health; but under the advice of the health officers of each and every province who would meet in Ottawa annually to discuss these health questions as they affected their individual province, and come to an agreement as to what was best. The department would embody these suggestions into regulations and overlook the enforcement of them. The department would have control, but it would not be necessary for it to carry out details because that would have to be done the same as it is in England, by the local boards of health. You would then have a central body able to control things, and the legislation would be uniform throughout the whole Dominion, and we could get better results. Our report is simply that these matters should be drawn to the attention of the Conservation Commission and that they be asked to take the matter up, to call a meeting of the health authorities of the different provinces and come to some conclusion, if it would not be possible by some co-operation between the provinces and Dominion to have some such plan as I have outlined here carried out. I feel certain from the talk I have had with the health authorities of some of the different provinces that they would be only too glad to accede to it, and I think that if the Conservation Commission, which is a non-political body, which represents the provincial government as much as the Dominion government, and which also has the power to hold conferences with the United States with regard to the international streams, took the matter up, there would be no trouble at all, and the legislation we desire would be brought into force without any delay.

Hon. Mr. DOUGLAS—I have no desire to occupy the attention of this House for any length of time, or even to submit any argument in favour of due attention being paid to this question. I am satisfied personally that the intelligence of this honourable body is quite sufficient to secure any legislation that would be deemed necessary. I rise as a member of the Committee on Public Health, and one who gave close attention to all the meetings last session, when a report was prepared

to encourage our chairman in his efforts to make the work a success, and to say that I am much more in favour of the method recommended by the committee than that which is recommended in the Bill of the hon. gentleman from Ottawa. Simply enacting a law with a penalty attached is not likely to bear that fruit we desire to see, and the method that is proposed by the committee—and we were quite unanimous about it—was to leave the matter in the hands of the Conservation Commission. There is, however, an idea which I wish to throw out without travelling in the path which has been gone over by the hon. member from Ottawa so ably. He made an able speech in defence of his Bill. Much of it was not new to the members of our committee, but it certainly was of great advantage to the House; as some of the ideas and methods suggested would no doubt be new to many wh are not of the medical profession. But I wish to call attention to the statement that was made, and to which our chairman has referred very briefly; that is the reference to the great death rate of infants in our cities. I have given a great deal of attention to the subject for the past thirty years; perhaps, more than many members of this House know. I have made it a special study. A German chemist would not attribute the large death rate amongst children to the presence of typhoid germs. There may be such cases. Where water is used in preparing food for children it is generally boiled, and the danger is small. In my opinion, the large death rate of children is due to another state of things. I have not heard any one suggest the real difficulty. If to-day a census could be taken to show how many mothers in the city are capable of nursing their children, I believe the number would be found to be very small. In a city like Ottawa, where we have wealth, high society, high living, late hours, and a great tax upon the ladies in entertainment of one kind and another, there is a strain on the nervous system which, perhaps, they do not count upon, but very few Canadian ladies are able to nurse their own children. The duty is given to professional nurses or parties hired for that purpose, and to a large extent we have to face the difficulty of artificial feeding. Now, this covers the whole difficulty in reference to the death rate of children here or in any other city. It is a known fact that from year to year fewer women in this country are able to nurse their own children. The death rate amongst children, as I have said, is due to this cause, that we are not giving to children under eighteen months or two years the nourishment that is suited to them at that period. The saliva of the child under eighteen months being deficient in certain chemical qualities is suited only to the food which the mother should supply. The principle which the chemists are pleased to call ptylin is given by the Creator to the child later on. If artificial food is necessary, milk is generally used. Now, milk contains caseine, the cheese forming ingredient. No one would think of feeding an infant on cheese, because it could not digest it. I remember being called out at two o'clock in the morning to attend a child who was in great distress. The mother told me she had fed it with canned salmon, and I did not wonder that there was no sleep in that House.

If we take the caseine in cows' milk and give it to the child that has not got in the saliva the element nature depends upon for getting the proper nourishment, we are in error. That is the point I wish to emphasize. We are giving food to a child at a certain age, when nature has not provided the wherewithal to deal with that food. We are told by the mayor of this city that when we attend to the bottle in which the milk is distributed we shall have the best milk supplied in any city in the country, and that the difficulty of supplying pure milk for infants will thus be got over; but when he looks into the chemistry of it, he will find that the artificial food thus supplied to nourish children leads simply to their destruction. Every doctor knows that a child cannot digest caseine, cannot find the nourishment in it that nature demands, and when it becomes lodged in the bowels it becomes putrid and brings about all sorts of trouble. The child is not nourished, and it dwindles, and is laid away among the multitudes that die every summer from the same causes. It is said that one-third of

the human family pass away within the age of two years, and very much of that mortality is due to the fact that infants are not getting suitable nourishment. I throw out this hint in the hope that it may be useful, that others may look into the whole question as I have done. When caseine is eliminated from the food of children under two years old, you will have no diarrhœa, no indigestion; you will have an improved condition of health. I may be asked, what would you substitute? But that is another question. I could talk for an hour or two on that if necessary. The point is, that you had better cut out the milk and use instead a spoonful of sweet cream. I should like if the attention of the government could be turned to this point, that it is not bad water that is causing such infant mortality; it is the fact that fewer and fewer of our Canadian mothers are able to nurse their children. The other day, when the speech of the hon. member for Ottawa was delivered, an employee of this House came running after me, and said: 'Doctor, I have had so many children, and they have had their mother's milk, and I have saved every one of them.' I think we could save a great many more children if others followed his wife's example. I think I have struck a note that may be helpful in seeking to counteract the lamentable state of things by which so many of the human family are swept away in infancy. I want to speak of the recommendation of the committee, that we should leave the means to be employed to counteract the condition of things we believe to exist, with the Conservation Commission, rather than pass a Bill and impose penalties, which I am sure will not secure the attention to the whole question that its importance deserves.

The motion was agreed to.

HENRY ALEXANDER WISE WOOD PATENT BILL

COMMITTEE'S REPORT ADOPTED.

Hon. Mr. McHUGH moved concurrence in the report of the Standing Committee on Miscellaneous Private Bills on Bill (H) An Act respecting certain patents of Henry Alexander Wise Wood.

Hon. Mr. DOUGLAS.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman inform the Senate whether any changes are suggested in the Bill itself? Are any amendments recommended by the committee?

Hon. Mr. McHUGH—The committee decided that there was not sufficient ground given to prove the preamble of the Bill; that the fee had been allowed to remain unpaid for so long a time that they would not grant the prayer of the petition, and another fact was the manufacturing which should have taken place in Canada, had not been carried out. For these reasons, they have not granted the prayer of the petition.

The motion was agreed to.

OTTAWA, MONTREAL AND EASTERN RAILWAY COMPANY'S BILL.

REFERRED BACK TO COMMITTEE.

Hon. Mr. BEIQUE moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (No. 107) An Act to incorporate the Ottawa, Montreal and Eastern Railway Company.

Hon. Mr. CASGRAIN moved that the report be not now concurred in, but that it be referred back to the Committee on Railways, Telegraphs and Harbours, for reconsideration.

Hon. Mr. THOMPSON—We should have some explanation.

Hon. Mr. DANDURAND—The amendment which is contained in the report requires the consent of the municipalities before the railway bridge and tunnel are constructed. The idea was that the consent should be limited to the city of Montreal as to the building of the bridge or tunnel and not to the building of the two or three hundred miles of railway east and west of Montreal. The amendment goes further than it was intended; therefore, it is but just that the Bill be sent back to the committee to be reconsidered.

Hon. Mr. CLORAN—I am in receipt of a communication from the City Council of Montreal. It is to the effect that the city,

which is most deeply interested in this Bill, does not wish the proposition, which has been mentioned by my hon. friend, to be carried.

Hon. Mr. CASGRAIN—All the members think that.

Hon. Mr. CLORAN—All the members do not do their duty by opposing the wishes of the city of Montreal.

Hon. Mr. DANDURAND—Would the hon. gentleman read the communication he has received from the city of Montreal?

Hon. Mr. CLORAN—I have not got it here. I am giving it from memory. The proposition is this: If the amendment which was carried at the last meeting of the railway committee is sent back to the committee again, there is a chance that it will be modified so that it will only affect the city of Montreal as at present constituted. The object of the promoters of this Bill having been frustrated as far as the city of Montreal is concerned, they are moving down to a little place outside of the city of Montreal, known as Maisonneuve. What they cannot get in the city of Montreal, even through this parliament, they expect to get in that small municipality.

Hon. Mr. MITCHELL—How many miles would you limit it to?

Hon. Mr. CLORAN—To the whole island, the great metropolis of the Dominion.

Hon. Mr. MITCHELL—The hon. gentleman voted to leave it to the whole Dominion a while ago.

Hon. Mr. CLORAN—This is only a subterfuge to get from under the control of the city. Members coming from the far east and the far west do not understand the situation so far as the city of Montreal is concerned; but we who are directly representing those interests feel it our duty, irrespective of corporate interests and the interests of private individuals and friends, to put before this honourable House the requirements, needs and demands of the city of Montreal. There is to-day a movement to have all the municipalities on the island of Montreal formed into one great city. We have succeeded within the past five or six years in bringing into the city of Montreal several of the outlying municipalities, and it is the object of the rulers of the city to make the island of Montreal one great metropolis. Maisonneuve is the nearest municipality to the point where this bridge or tunnel is to be constructed, and the suburb may become part of Montreal within six or seven months. What Montreal will succeed in obtaining from this parliament is that no tunnel or bridge can be adopted without the consent of the city authorities. To get over that the suggestion is now made to have the bridge built over and into an outlying municipality.

Hon. Mr. CASGRAIN—The hon. gentleman is out of order. I ask that this Bill be referred back, and the hon. gentleman is imputing motives, saying it is intended to do this, and to do that. I have no such intention.

Hon. Mr. CLORAN—I do not know that any hon. gentleman who fathers a Bill in this House is responsible for every aspiration of the company he represents. If the hon. gentleman is responsible, then he is right in raising this point of order; but I should like to know if he is aware of what the company wants to do?

Hon. Mr. CASGRAIN—No.

Hon. Mr. CLORAN—Well, I am.

Hon. Mr. CASGRAIN—That can be brought out in committee.

Hon. Mr. CLORAN—The question at issue now is whether the Bill should be referred back to give this company an opportunity to have the city control the matter, or let the company enter the city in a devious way. We know that the company came to parliament to-day to force an entry into the city of Montreal, and to do so they are prepared to go outside of the city and build a tunnel under the St. Lawrence or a bridge over the St. Lawrence. That municipality will be a portion of the city, and one of the most valuable in a short time. No one knows it better than the hon. gentlemen who come from Montreal. Is it fair to send this Bill

back to the committee to run such a danger? The committee has put on record that this company should have the consent of the municipalities before doing anything within the municipality. I do not see anything outrageous in that demand.

Hon. Mr. DANDURAND—I draw the attention of the hon. gentleman to the fact that railways are built throughout the Dominion under the limitations imposed upon them by the parliament of Canada and the control of the Railway Commission. We have never allowed municipalities to say whether a railway shall pass through them or not. This is a question of public interest which is beyond the consent of the several municipalities. We thought we were making an exception in favour of the city of Montreal, when it was sought to invade it by a bridge or a tunnel; but there are some hundreds of miles of railway asked to be built to the east of Montreal or south of the St. Lawrence, or to the west of the city. There are three or four hundred miles of railway that will be constructed through the province of Quebec and part of Ontario which cannot be made subject to the consent of the municipalities. All that the hon. gentleman has said would be quite appropriate if we were simply incorporating a bridge or tunnel company; but what is lost sight of is the fact that there are four hundred miles of railway to be constructed in Ontario and Quebec.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman say that a railway company can lay their rails through the streets of a municipality?

Hon. Mr. CASGRAIN—It comes under the Railway Commission.

Hon. Mr. CLORAN—I quite agree with the hon. gentleman from De Lanaudiere (Hon. Mr. Casgrain) in regard to the supervision which is exercised by the Railway Board over the construction and the operation of railways in this country. I can appreciate in many, perhaps the majority of cases, their decision; but that does not destroy the principle which ought to underlie all legislation, that home rule begins at home, the best judges of which would be the municipalities or communities, or the representatives thereof, irrespective of any board, commission, or other organization. I say that for this reason: That there is no municipality in the Dominion of Canada that will object to a railway or any other public utility being constructed within its limits. They will not object. On the contrary, they will give their good money in loans or bonuses to railway and other enterprises to come within the limits of the municipality, so that the assumption that a municipality will oppose the construction of a railway through its limits is unfounded. It is against all considerations of good legislation, and the desire of the people to have their municipality benefited. It is, therefore, no hardship whatever, for a company to have to ask a municipality for permission to build a railway through its limits. The ex-leader of the opposition (Hon. Sir Mackenzie Bowell) has pointed out a possible difficulty that might arise if the road had power to pass through a municipality without consulting the local authorities. The railroad might find it advantageous to use a certain street, as in the case when the Canadian Northern wanted to cross a public street on the level entering the city of Ottawa. It took all the city council to fight them, and the Board of Railway Commissioners were influenced by the action of the Ottawa city council to prevent that level crossing. It is true it was not the city council which finally prevented that crossing. The final decision was given by the Board of Railway Commissioners; but the board was largely influenced by expressions of opinion from the mayor, aldermen and public citizens of Ottawa. So when it is required that railroad or other corporations shall obtain the consent of municipalities through which they are to do business, I do not say this is revolutionary or obstructive legislation, because municipalities are only too glad to have new works within their limits; but the municipality should have the right to say under what conditions the work shall be constructed. Suppose a railway company wanted to use one of the main streets of the municipality, as so frequently happens in the United States.

Hon. Mr. CASGRAIN—That is prohibited by the Railway Act in Canada.

Hon. Mr. CLORAN—The Railway Act does not prohibit anything. It leaves everything to the consideration of the Railway Board. It is no burden on a corporation of any kind, to submit itself to the control of the municipal authorities, because they will not be obstructive. In the building of this bridge or tunnel, which would be of immense advantage to the city of Montreal, it is quite possible that the city might vote them a million dollars, as they have done in the case of the Canadian Pacific railway and other companies. We are not opposed to the construction of a bridge or tunnel. All we ask is that these important works be conducted under municipal, I will not say control, but under municipal advice, and that they shall not interfere with the permanent works which the city is endeavouring to carry out, I am glad to say, under the happy regime which is going to give us honest, clean government, in Montreal for a few years anyhow. That regime, which is largely due to the efforts of gentlemen who have seats in this Chamber, is destined to build up the city of Montreal on a free, honest and economical basis, and along lines with which this parliament will not have the right to interfere. No senator knows that better than the hon. gentleman from De Lanaudiere, and the hon. gentleman from De Lorimier. Under the circumstances, I do not see that there is any necessity to refer this Bill back to the committee. Of course, if the House deems fit to do so, I hope the hon. members who were present at the last meeting will be there again to see that no extra privileges will be given to the company in view of the fact that Montreal is now consolidating the whole island into one great commercial metropolis, and if the object of this reference to the committee is to secure entry into the city by a back door. I shall certainly oppose it.

Hon. Mr. POWER—I have the honour of being a colleague of the hon. gentleman from Victoria division (Hon. Mr. Cloran) on the committee, and I have some little remembrance of what took place there. The committee inserted clause 11, as follows:

11. The company shall not construct or operate its lines without first obtaining the consent, expressed by by-law, of the municipalities having jurisdiction, over or under, a road, or such other public place and upon terms to be agreed upon with such municipalities.

The hon. members of the committee who voted for that amendment and carried it, were under the impression that they were protecting the rights of the city of Montreal alone, but, afterwards, when they came to look at the resolution, they found that this amendment in the form in which it presents itself to the House now, would practically enable any little rural municipality to blackmail the railway company and to interfere with their constructing their railway anywhere along a line, I think, of about 400 miles in length, and the object of referring the Bill back is to enable the committee to do what they thought they had done, and to undo what they had not intended doing. The hon. gentleman says that every municipality is anxious to have a railway go through it, and only too anxious, and they would receive the railway company with open arms; but there are other ways of looking at that proposition. I can readily understand that in a rural municipality there may be one, perhaps, fairly large settlement, which has a controlling influence in the municipal council, and they may make the point that if the railway does not pass through that particular village, then the municipality would not grant the right of way, and would not allow the company to put their road through the municipality.

Hon. Mr. CLORAN—If they did not pass through the village they would not want it at all.

Hon. Mr. POWER—But an interprovincial road 400 miles in length should not be placed in the position of being liable to be held up by any one municipality. The Railway Act amply protects the rights of the municipalities, and there is no precedent for such an amendment as this. There is no case where a long railway line

is placed completely in the hands of any one municipality.

The motion was agreed to.

SECOND READING.

Bill (No. 118) an Act to incorporate the Burrard Inlet Tunnel and Bridge Company.—Hon. Mr. De Veber.

THE INSURANCE BILL.

AMENDMENTS OF COMMITTEE ADOPTED.

Hon. Mr. GIBSON moved concurrence in amendments made by the Standing Committee on Banking and Commerce to Bill (A) An Act respecting insurance.

Hon. Mr. POWER—I think this is rather a large order. Is it not proposed to take some other action?

Rt. Hon. Sir RICHARD CARTWRIGHT—No, of course I am in the hands of the House. These amendments are of a technical character, and I think any amendments would be better considered on the third reading, if the House has no objection.

Hon. Sir MACKENZIE BOWELL—This is going to committee.

Hon. Mr. POWER—This is a public Bill and of a very important character, and one would suppose that if amendments are to be proposed it would be much better to do it in Committee of the Whole.

Hon. Mr. DANDURAND—But if nobody has any amendments to offer it would not be necessary.

The motion was agreed to.

Rt. Hon. Sir RICHARD CARTWRIGHT—I move that the Bill be read a third time to-morrow.

Hon. Mr. DANDURAND—There may be one or two small amendments to harmonize and carry out the will of the committee, which may be made to-morrow at the third reading. It may be there are some clerical errors, and in one or two instances some clause should have been amended in order to harmonize with changes which are made in other clauses of the Bill. The amendments required will be of no special importance.

Hon. Mr. GIBSON—I was going to suggest that as this Bill has occupied the attention of the committee for nearly two months it might be taken up after six o'clock.

Hon. Mr. LOUGHEED—I would point out to my hon. friend, that those amendments are inconsequential, and I presume can readily be made on the third reading without any notice. The law clerk has directed my attention to three inconsequential amendments. Personally I am not aware of any amendment of consequence that it is proposed to incorporate into the Bill.

Hon. Sir MACKENZIE BOWELL— It has been intimated that one or two amendments might be suggested which are not of an inconsequential character. I fully approve of the suggestion made by the leader of the House that these amendments could be made at the third reading, so as to save the trouble of going through the whole Bill in Committee of the Whole. I would suggest that whatever amendments are to be made, whether of a consequential or inconsequential character, notice should be given so that the House can see at once what they are asked to adopt. There can be no objection to that.

Rt. Hon. Sir RICHARD CARTWRIGHT—No.

Hon. Mr. POWER—Then third reading on Friday.

Hon. Mr. DANDURAND—We can put notice of the amendments in the hands of the clerk, perhaps after six o'clock this evening, so that they may appear on the order paper to-morrow.

Hon. Mr. ELLIS—I have no amendments to propose; but I may say that the committee gave a great deal of attention to the matters placed before them. When the right hon. gentleman proposed this measure, he distinctly stated that it would go through Committee of the Whole House in the Senate. That question was put to him and that statement was made. I do

not know that it is absolutely necessary to carry it out.

Rt. Hon. Sir RICHARD CARTWRIGHT—If desired, of course, we will comply; but I have been informed that with the exception of a very slight amendment, no hon. gentleman desires to raise a discussion on the measure, and as this is a very long Bill it would be a tedious matter to put it through Committee of the Whole.

Hon. Mr. GIBSON—Perhaps I might be permitted to read a letter in connection with the Bill. I think it should be on the records of the House. It is from the gentleman who took so much pains in regard to the Insurance Bill, and who, everybody knows, is an expert insurance man. It is from the Sun Life Company of Canada, dated Montreal, March 28. I desire to place it on record, because I think it is an act of courtesy and kindness on his part. It reads as follows:

Montreal, March 8, 1910.

Hon. Wm. Gibson,
Chairman, Committee on Banking and Commerce,
The Senate, Ottawa, Ont.

My dear Senator,—Now that the labours of the Banking Committee are over, will you permit me to take the liberty of expressing to you our deep appreciation of the laborious, thoughtful, fair, friendly, and the able manner in which the Senate committee has dealt with this important and troublesome question. The attendance at every committee meeting was surprisingly large, and the deep interest shown by every member, and their grasp of the subject, were a continual wonder to us, and a source of intense satisfaction. It was indeed a pleasure to feel that the life insurance interests of the country were being dealt with by such a thoughtful and able body of men. It was a source of great regret to us to be the unwilling cause of so much trouble, but you and we may now all have the satisfaction of feeling that while the Bill is probably not what any one of us would like in every particular, yet it is really a better piece of insurance legislation than that of any other country or state in the entire world, so far as I know. Permit me to thank through you all the members of the committee for their courtesy and attention.

Sincerely yours,
(Signed) T. B. MACAULAY,
Managing director.

Hon. Mr. BOYER—Might I suggest that a copy of this letter be sent to the member for North Toronto in the House of Commons?

The motion was agreed to.

TRANSPORTATION OF INTOXICATING LIQUORS BILL.

ORDER POSTPONED.

The order of the day being called:

Resuming the further adjourned debate on the motion for the second reading (Bill M) an Act to regulate the transportation of Intoxicating Liquors, and the motion of the Hon. Mr. Domville, in amendment thereto:—'That the said Bill be not now read a second time, but that it be read a second time this day six months.'—(Hon. Mr. Ross, Middlesex).

Hon. Sir RICHARD SCOTT—I explained yesterday that I had a conference with the hon. gentleman from Middlesex, and discussed the form which I hoped the Bill would take; that is limiting it entirely to a province in which prohibition existed. As there is only one province in which they have prohibition, and that is Prince Edward Island, after the Bill comes from the committee I hope its application will be limited to that one province. In that way I expect the opposition to the Bill will be entirely removed, because it has been asked for from the entire province without any dissent. I read the resolution passed by the provincial legislature asking for this legislation and gave the reason for it, that they did not wish that beyond their own local law liquor should be sold in the province.

Hon. Mr. DOMVILLE—I think my hon. friend is out of order in this matter, under the rules of the House.

Hon. Sir RICHARD SCOTT—The hon. gentleman from Middlesex hoped to be here to-day. I expect that he will be here to-morrow.

Hon. Mr. CLORAN—When the hon. gentleman from Middlesex moved the adjournment of the debate he had concluded his remarks in regard to the question; but he moved the adjournment, according to his own statement, for the purpose of giving the government a chance to consult with the authorities of Prince Edward Island with regard to the matter. That was the object of his adjourning the debate. He had already made his speech when he made this declaration.

Hon. Mr. POWER—I think the statement made by my hon. friend to my right

(Hon. Mr. Cox) will show that ordinary courtesy would now require that the debate be adjourned until to-morrow. As everybody knows, the hon. gentleman from Middlesex is one of the most able, eloquent and earnest advocates of temperance in the whole country, and he had not completed his observations when the House adjourned the other day. He has been unable to resume on account of illness, and now my hon. friend on my left (Hon. Mr. Cox) says he expects him to be here to-morrow. Under the circumstances, we might let it stand until to-morrow.

Hon. Mr. DOMVILLE—I might not be here to-morrow myself. As a matter of courtesy, would the hon. gentleman postpone consideration of the measure if I were not here? I think the Bill should be proceeded with.

Hon. Mr. CLORAN—The hon. gentleman from Middlesex also adjourned the debate on the Bill regarding the Intercolonial railway branch lines. He is perfectly satisfied to have his say when that matter comes up for third reading to-morrow. The hon. gentleman from Middlesex was distinct and clear in his statements, and if the hon. gentleman from Halifax will refer to the Debates he will see that the hon. gentleman from Middlesex moved the adjournment of the debate simply to give the government a chance to confer with the authorities of Prince Edward Island. I would be sorry to do any thing which would appear disrespectful to the hon. member. I saw him to-day and he expects to be here to-morrow, as he desires to speak on some other questions. I think he wants to make a few remarks on the Insurance Bill and the Intercolonial railway branch lines, but he made no mention of this matter. I do not think the House will show any disrespect, if we decide the question as to whether the Bill should go to committee or not.

Hon. Mr. BOYER—I would inquire from the hon. promoter of the Bill if there is any necessity for going on with the measure after the declaration that the people of Prince Edward Island are perfectly satisfied to have the Bill apply only to Prince Edward Island. Has the Dominion of Canada any business passing legislation affecting one province alone? The hon. gentleman from Middlesex declared in his very clever speech that it had been decided by the Privy Council that each province had a perfect right to pass any prohibitory law, even forbidding the manufacture of liquor within that province. If such a right exists according to the decision of the Privy Council, what is the necessity for this Bill? Are we going to legislate specially for Prince Edward Island? If Prince Edward Island wants such legislation, let its own legislature legislate for itself, but do not make parliament legislate for one corner of the Dominion. If the people of Prince Edward Island want to get drunk on five gallons, I have no objection. If they want prohibition, it strikes me this is the wrong way to go about it. Why not limit the supply to one bottle? I simply raise the point to ask the hon. promoter of the measure what he thinks of it.

Hon. Sir RICHARD SCOTT—The object of the Bill is to prosecute persons who are constantly violating the law outside of the province. The province has no control outside its own borders, and it is for the purpose of preventing liquor from being sent into the province. A similar law was passed two years ago in regard to the Canada Temperance Act, and the House discussed the subject then, and, without division, passed a similar law. It is persons outside who are to be affected by the Bill.

Hon. Mr. GIBSON—How are the Prince Edward Island authorities going to prosecute people outside who send liquor in from another province, when the Bill is only applicable to the province of Prince Edward Island?

Hon. Sir RICHARD SCOTT—The chief trouble in Prince Edward Island is caused by parties who smuggle liquor into the Island. It is for the purpose of checking that illicit trade, the same kind of illicit trade which is carried on in the Yukon and other places.

Hon. Mr. McMILLAN—We have in the province of Ontario what is called the local

option law. Will this Bill apply to local option counties in Ontario?

Hon. Sir RICHARD SCOTT—No, it is limited to Prince Edward Island.

Hon. Mr. McMILLAN—But it would prevent the importation into local option townships?

Hon. Sir RICHARD SCOTT—Then it would be interfering with the jurisdiction of the province. The province has a perfect right to pass an Act that liquor shall not be sent in to any local option town. This parliament can interfere and protect the province from the action of an outside province.

Hon. Mr. GIBSON—I live in a part of the country where local option is in force. The district from the city of Hamilton to the city of St. Catharines, with the exception of the little village of Jordan, is under local option. Grimsby has lately repealed the local option Act, however. I regret to say that in my own village, Beamsville, local option has been a farce so far as the enforcement of the law is concerned. Every conceivable kind of excuse is made to bring whisky into the village, and you cannot go to church on Sunday morning without seeing an empty bottle at the door of some one who is known to be a temperance sympathizer. During the time the Scott Act was in force, my own men lost more time in one month than they did for any three years after the repeal of the Act.

Hon. Sir RICHARD SCOTT—It was not enforced.

Hon. Mr. GIBSON—Yes it was enforced for three years in the county of Lincoln, and then the people repealed it. During the time it was in force in my county—and the hon. member from Victoria who is a native of the county will bear me out in what I am saying—on Saturday, if there was the slightest appearance of rain, my men had to absent themselves from their work and they went to St. Catharines, where the Act was not in force, and brought home liquor inside of themselves or in jugs. There is more whisky brought into Beamsville under the Temperance Act than there was under the License Act. Under the License Act the regulations were so well enforced that no man could get liquor during prohibited hours. What is the result to-day, under present conditions? One train leaves Hamilton, every night about 11 o'clock, that is called the grog train. Young men and old wait for the arrival of the grog train and get liquor and take it to barns and other places, where they sit and drink it until the last drop is drained. I am talking from what I know--from information received from others and what I see myself on Sunday mornings, and I am prepared to substantiate every statement I make that as far as the local option law is concerned in the county of Lincoln it is a dead letter. I will give you an experience which took place under the Scott Act. Whisky was distributed in tea pots and poured into tea cups. A medical man has been speaking about feeding children with tea; that was the kind of tea supplied from these tea pots. Another mode of selling whisky was men were supposed to buy pipes, and whisky was provided free in order to evade the law.

Hon. Mr. DOMVILLE—What part of Canada is the hon. gentleman talking about?

Hon. Mr. GIBSON—About the province of Ontario.

Hon. Mr. DOMVILLE—Where were their moral principles?

Hon. Mr. GIBSON—I am sorry to say further, that the Scott Act did more to create bad evidence than anything else. People foreswore themselves rather than tell the truth with regard to where they got the liquor. I have great respect for Prince Edward Island and its people. If they are as good as the ex-Secretary of State has said—and I have no reason to doubt it—we are going out of our way to legislate for that proivnce. Manitoba has a provincial law; why could not the same law be enacted in Prince Edward Island instead of coming here for legislation?

Hon. Mr. CLORAN. Does the hon. gentleman in charge of this Bill really think he is putting an effectual piece of legislation on the statute-books of this country? If his explanation, that this parliament has a right to prevent one province from send-

ing intoxicating liquor into another province where prohibition prevails, I want to know if he has taken into consideration the fact that there are eight other provinces which can send liquor into Prince Edward Island? Is he aware of the fact that there is also the United States to the south, and the British Islands on the other side of the ocean, and, moreover, that this government has entered into a treaty with France which provides for the importation of wine? Will he say that his legislation will be effective in punishing these people if they send liquor here? If his legislation does not include them, it will be inadequate.

The SPEAKER—I call the attention of the hon. gentleman to the fact that there is nothing before the House, no motion having been made.

Hon. Mr. POWER moved that the order be discharged, and that the said debate be adjourned until to-morrow, and to be the first order of the day after the third readings.

The Senate divided on the motion, which was adopted.

BILL INTRODUCED.

Bill (99) An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.—Hon. Mr. Bostock.

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

THE SENATE.

THURSDAY, March 10, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

REPORT OF THE INTERNAL ECONOMY AND CONTINGENT ACCOUNTS COMMITTEE.

Hon. Mr. THOMPSON presented the report of the Committee on Internal Economy and Contingent Accounts recommending the appointment of a French translator, and moved that rules 24a and (h) be suspended.

The motion was agreed to.

Hon. Mr. THOMPSON moved that the report be concurred in.

Hon. Sir MACKENZIE BOWELL—I am somewhat at a loss to understand the principle upon which these appointments are based. I do not refer to this one particularly. We find that of late years we have gentlemen appointed to different positions of a not very important character, who had not at the time, nor for some time afterwards, qualified themselves under the law for such positions. More than that, we find that some have been placed on the staff at a much higher salary than the duties they have to perform justify, while others—and this one particularly, as I am informed—are recommended for appointment at a lower salary than has been given to others, though as I understand the duties to be performed are of a much higher and important character than others to whom I have referred. My principal reason for calling attention to this, is the fact that we have been, since the new Civil Service Act came into force making appointments irrespective of the requirements of the service, of gentlemen who have had no experience in the duties they are called upon to perform. The gentleman who is recommended in this report for appointment is, I am informed, a gentleman not only of high character, but of exceptional ability for the duties which he has to perform as translator, having to do the work of others who are appointed at a higher salary. Let me illustrate what I mean. We appointed a short time ago, on the recommendation of the Speaker who acted for the Senate, and under the law, as he supposed it was, what is termed a chief of clerks of committees. No such office existed prior to that appointment, and the duties to be performed by that official are not of a character that would justify giving him an extra five hundred dollars per annum over and above the class in which he was appointed. If we look at the Civil Service Act we will find that the 33rd clause gives power to the Senate, on the recommendation of the Speaker, to add five hundred dollars to the minimum salary of $1,900. The chief clerk of committees had that $500 added to the minimum rate at

which he should have been appointed. Why, I am at a loss to know. Any one who has been in the habit of attending committees knows very well that the duties to be performed by such an official are not of a character to justify that increase. We have, in this instance, a gentleman to whose ability I have already called attention—of course, I am speaking on information of which I have no personal knowledge—appointed to fill a position which other translators have not filled, as I understand it, to the satisfaction of those who have had to have their Bills translated into French. I have noticed in the report made by the Clerk to the Speaker, and laid before the Senate, that this man has exceptional ability. Then why is the salary of only $1,900 recommended in his case, while an officer has been appointed who requires no particular qualification beyond sitting at the table and recording what we do, appointed at a salary of $2,100? It is a mystery to me. I cannot understand it, unless it is on the old principle that kissing goes by favour. If you consult section 21 of the Civil Service Act you will find that an officer can be appointed, if he possess special qualifications, without any examination by the Civil Service Commission or certificate of his qualifications other than the fact that he is recommended. Then section 33 gives the Senate power, through the Speaker, to add to the salary of a specially qualified official, in addition to the minimum sum at which he should be appointed, to the extent of $500. If there is to be any principle by which appointments are to be governed, surely it ought to be that when a man is appointed to any position requiring special qualifications, his salary should not be cut down to two or three hundred dollars less than the salary of a man appointed to fill a position created apparently for his special benefit, and who has no special qualifications. I have no desire to pursue this question further. I am not actuated by any feeling for or against these men, but it seems strange to me that this difference should be made in the two appointments. The object of adopting the present system of making appointments was to remove them from all political favouritism and to base them on qualifications alone. That is why I bring this matter before the Senate. I have no personal knowledge of the qualifications of the gentleman whose appointment we are now considering. My object in bringing the matter to the attention of the Senate is to express the opinion that we should be guided by some principle other than favouritism, if favouritism prevails in these appointments.

Hon. Mr. DANDURAND—I think I can give the hon. gentleman the reason for fixing the salary in this instance at $1,900, because I was in consultation with His Honour the Speaker, when the question of salary came up. His Honour had something to guide him—the report of the Internal Economy Committee last year, recommending that the salary for this very position should be fixed at $1,800. The amount having been so fixed, His Honour was disposed to abide by the amount fixed, namely $1,800; but in this instance the gentleman named in the report refused to accept less than $2,000. After reconsidering the position, he agreed to take $1,900. His Honour the Speaker made it $100 more than the salary fixed last year, in order to be in harmony, as far as possible, with the policy adopted by the committee.

Hon. Mr. THOMPSON—I do not understand the hon. gentleman from Hastings (Hon. Sir Mackenzie Bowell) to have any special objection to this recommendation. If I understood him aright, his objection was to some of the appointments made last session. At that time, there was considerable confusion as to what the powers of the Senate were in the application of the new Civil Service Act to appointments made by this House. In this matter of reference to the committee, we found the recommendation of the Speaker was that the appointment should be made under sub-division (a) division 2, salary $1,600 to $2,100. Provision is made under section 23 to increase that amount to a sum not exceeding $500 above the minimum salary. The information the committee had of the fitness of the gentleman for the office and the work he had to do, satisfied them that the recommendation could be properly made under the Act.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman refer to the present appointment, or the one of last year?

Hon. Mr. THOMPSON—The case that is before us now. I understood the reference made by the hon. gentleman from Hastings was more particularly applicable to the action of the Senate last year than to the action of the committee this year. I have given the reasons why the committee felt justified in making this recommendation. The question of salary I regarded as important so long as the Committee on Contingent Accounts continues to deal with financial matters. The expenditure of money of the Sanate is practically a work which devolves on this committee, and in making the recommendation that $1,900 should be the initial salary for this appointment if they found no provision in the Act, it would be a matter for consideration how a recommendation of this character would conform to the provisions of the Civil Service Act. But, under the section I have referred to, appointments for technical work, provision is made for the salaries under the several divisions and classifications. One section says that the official appointed in one of these divisions cannot receive more than the minimum salary. Now this recommendation carried with it $300 more than the minimum salary for the class under which the appointment is made. The matter was considered by the committee, and the reasons given in the recommendation by the Speaker were such that the committee felt it was proper the recommendation should be accepted.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has misunderstood me altogether. The reason I referred to the appointment of last year was to draw the distinction between appointing a man to a new office just created, and which, to my mind, was unnecessary, at a salary of $2,100, and the appointment of the gentleman recommended in the report because of his superior abilities for the position, at a salary of $1,900. That is the only reason I drew attention to the matter. I should like to direct the attention of the hon. gentleman to the fact that his interpretation of the law is not correct. The same law existed last year that prevails to-day, and if he will read section 33 of the Act he will find that power is given to the Senate to add $500 to the minimum sum. It says:

The salary of appointment shall be the minimum salary attached to the position, provided that in case the qualifications required for the performance of the duty of the position are of an exceptional character, a further sum not exceeding $500 may be added to that minimum salary.

That law existed last year as well as now. My hon. friend says he looks upon financial matters of that kind as coming under the jurisdiction of the Internal Economy Committee. I repeat what I stated the other day, that the Internal Economy Committee have nothing whatever to do with it. The law provides that the recommendation shall be made by the speaker, and it is a mere formal affair to send it to any committee. I could understand the position of the hon. gentleman who explained why the appointment was made at a salary of $1,900, if it had been said to the gentleman 'you can have the position at a certain salary, and we will give you no more.' It would then be for the gentleman to be appointed to say whether he would accept or not. That does not answer the point I take. I say we ought to have some fixed principle, based upon common sense, in making these appointments, and we certainly have not been acting on any fixed principle in the cases to which I have called attention.

Hon. Mr. DANDURAND—Is not the hon. gentleman too late in speaking now of the appointment of last session? The appointment was made on the recommendation of the Speaker, after having been referred to the Contingent Accounts Committee. The Senate having the right to pass on the recommendation of the Speaker, I cannot understand why we could not send it to one of the standing committees to obtain information or to be reported on. This having been done, and the report being made, and being submitted to the Senate, and being adopted unanimously by the House, it seems to me the hon. gentleman, with the other members of the House, is responsible for the amount then assented to.

The SPEAKER—May I be permitted to say a word by way of explanation? With reference to the appointment made last year of the chief clerk of committees, it must be borne in mind that a large number of new committees have been added to the standing committees of this House. It will also be borne in mind that for the closing part of the previous session and the beginning of last session, a large amount of extra work was entailed by the active operation of so many of those committees, and my attention was called by more than one of the chairmen of committees, to the necessity of having more officials added to the staff. The then staff was not adequate, and could not attend all the meetings that were being held on one day. In consequence of that, the appointment was made of a chief clerk of committees, whose duty it would be to see that every committee was properly officered by a clerk. Upon information I got I recommended then the creation of the new office, and upon that I also recommended the person who was appointed. With reference to the question of salaries, it depended entirely upon the class to which that official should be assigned. He was assigned to the sub-division, the minimum of which was the salary which was awarded to him, so that it was in that way the appointment was made. Now, it will be borne in mind that, following the custom of determining what the salaries should be, and looking at the different classifications that there were in the Senate, I found French translators were in a class by themselves, and were paid very much less than the clerks of the House; therefore, it seemed to me, if that were the view of the Senate, I was bound to recognize that condition and place the official so appointed in the class with others discharging the same kind of duty and receiving the minimum salary pertaining to that particular division. That is the whole principle by which I was guided, and that is the way in which the one comes in the subdivision with the minimum salary, the subdivision which gives him that being of a higher grade than the French translator, whose remuneration all along, both before and since the new classification, has been much less than the clerk in discharge of the other duties. If I did wrong in adopting the view which had been for many years adopted by the Senate in fixing the salaries, it was open at the time for any one to move in the matter, and as it was not challenged, responsibility for it must rest upon the Senate.

Hon. Sir MACKENZIE BOWELL—The ground taken by the hon. gentleman is that the position of chief clerk of committees, being much more important than that of French translator, it justified putting him in that class.

The SPEAKER—I find the clerk of routine proceedings, the correspondence clerk and accountant, chief clerk of committees and the chief translator and the clerks of the Standing Orders and Private Bills Committees, are all being paid minimum salaries which are higher than French translators, who are in a class by themselves and paid from $200 to $300 less than the clerks of committees. It seems to me that was a guide to me in determining what sum should be paid.

Hon. Sir MACKENZIE BOWELL—We have an official receiving $2,100 a year, who has three or four months' work to perform, and we give a translator who works a much longer period a great deal less.

Hon. Mr. KERR—We have four clerks who are being paid higher salaries, and who have been paid these salaries for years before.

Hon. Sir MACKENZIE BOWELL—Then you are doing an injustice.

Hon. Mr. LANDRY—I think attention should be drawn to the fact that our translators are in subdivision (a) of the second division. That gives them from $1,600 to $2,100. But in the House of Commons they are in another class. They are in a class they should be in by law. We have not acted according to law in making our classification. Clause 5 says:

> The inside service under deputy heads, excluding messengers, porters, assorters and packers, and such other appointments and employments in the lower grades as are determined by the Governor in Council, shall be divided into three divisions.

That division is made by the Governor in Council; that is, by the Senate in the present instance.

The first division shall be divided into:—
Subdivision (a) consisting of officers having the rank of deputy heads, but not being deputy heads administering departments, assistant deputy ministers, and the principal technical and administrative and executive officers.
Subdivision (b) consisting of the lesser technical and administrative and executive officers, including the chief clerks now holding office and not eligible for subdivision (a).

I contend that the translators should be in class (b), and that division is the division pointed out to us by the law, so that they are not in their place. The chief clerks are in their place, but not the technical officers. The increase given to this officer is only $300. It is not $500, because if he had been put in the other class, he would receive only $1,600, and if the $500 had been added, it would amount to $2,100. He is receiving only $1,900. Why was that distinction made? If an increase should be made, when the law gives it as $500, I do not see why it is cut down to $300. Is it because he has not the ability required? I do not think so. But you might infer that it is so, because he is not up to the mark. If an increase is to be given, it should be given as the law provides, unless there are good reasons to say he is not worth the increase. Our classification should be made as much according to law as they have it in the House of Commons, and our employees should not be placed on a lower footing than those of the House of Commons.

Hon. Mr. CLORAN—This matter has been before the Senate for several sessions, and I have to bear testimony, as regards the French translators, to the effect that the Senate is not doing them justice. We have on our staff of French translators men who have a reputation as writers, and authors, men who have been decorated by the French Academy, and by France. We are paying them a very small salary. I think it is not fair that this honourable House should exact from them services for which they are not paid, and that is what we are doing. Some of them are getting $1,800, $1,900, $2,000 and $2,100 per year. I contend that the French translators on our staff are the most eminent men in the Dominion of Canada as far as the French language is concerned. I am glad the hon. senator from Stadacona has mentioned that. I cannot now increase their salary, but I want to put their merits before the country, and the fact that the country is not paying them adequately for their services. As this honourable House can, either by itself, or through its committee or otherwise, secure a proper recognition of their services, I shall be in favour of the motion, and I know whereof I speak. You cannot replace these men for the money we are paying them, and it is a crying shame that the parliament of this country should exact from its servants exceptional service for a pauper fee.

The motion was agreed to.

COMPLAINT AGAINST THE IMMIGRATION AGENT AT QUEBEC.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue for the production of all complaints made to the Department of the Interior against the present immigration agent at Quebec, and of all the correspondence exchanged on this subject between the different parties in question and the department or any of its officers.

Rt. Hon. Sir RICHARD CARTWRIGHT—There is no objection to the motion.

The motion was agreed to.

IMMIGRATION AGENT AT QUEBEC.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue for the production of all correspondence exchanged between the Immigration Department and Doctor Jos. P. Lavoie, immigration agent at Quebec, since the appointment of the latter, with regard to the following subjects, to wit:—

1. The expense of equipping his office.
2. The placing of the telephone, the cost and the use of that instrument.
3. The installing of electric fans in the immigrants' eating room, and in the agent's dining room.
4. The changes to be made in the personnel of the Quebec office.
5. The appointment of new employees.
6. And every subject concerning the internal administration of his office.

Rt. Hon. Sir RICHARD CARTWRIGHT —There is no objection to the motion.

The motion was agreed to.

SALE OF MILK TO IMMIGRANTS AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Does the government or the Department of the Interior know whether, in the past, milkmen in general might sell their milk for or to immigrants disembarking at Quebec on the arrival of each transatlantic vessel?
2. Is it the case that quite recently notices have been given to several milkmen, either by the department itself or in its name, notifying those vendors that a contract for the sale or the furnishing of milk had just been given to a person of the name of Guay, of St. Joseph de Levis?
3. Is it the case that this Mr. Guay is to monopolize for the next season the sale of milk for or to immigrants disembarking at Quebec?
4. Has a contract been made to that effect, or has the immigration agent at Quebec received instructions from the authorities enjoining him not to allow any longer milkmen in general to sell their products upon the government wharfs, but to reserve this exclusive privilege to the Mr. Guay above mentioned only?
5. When were such instructions given or when was such a contract signed?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers to the hon. gentleman's questions are as follows:

1. Yes.
2. Yes.
3. Yes.
4. Yes.
5. The contract is effective for one year from January 1, 1910, subject to renewal if the plan works satisfactorily.

INDIAN AFFAIRS IN BRITISH COLUMBIA.

MOTION.

Hon. Mr. McDONALD (British Columbia) moved:

That an order of the Senate do issue for a statement regarding Indian affairs in British Columbia for the years 1908 and 1909, showing:—

1. The number of persons and place of residence to whom salaries are paid and the amounts?
2. The number of Indians to whom food or clothing were given, in what districts, and the value?
3. How many hospitals are there for Indians, in what districts, how many Indians treated, and the cost?
4. The number of agents travelling, how many trips in the year, what are the allowances per day?
5. How many offices are rented, in what localities, and the rent paid?
6. How many Indian orchards were cleared and where?
7. How many Indians received seed and implements, and where?

Rt. Hon. Sir RICHARD CARTWRIGHT —There is no objection to the motion.

The motion was agreed to.

SALE OF BEER TO IMMIGRANTS.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue for the production of the report of the analysis made, by order of the Department of the Interior, of the samples of liquor called 'lager beer' and 'lagerine,' retailed under these names to immigrants at Quebec by the restaurant keeper Déry, and also of a copy of the correspondence on this subject exchanged between the department and the immigration agent at Quebec.

Rt. Hon. Sir RICHARD CARTWRIGHT —There is no objection to the motion.

The motion was agreed to.

INSURANCE ACT AMENDMENT BILL.

THIRD READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (A) An Act respecting insurance.

Hon. Mr. BEIQUE moved in amendment:

That the said Bill be not now read a third time, but that 1, section 31 be amended by striking out in lines 11 and 12, the words 'office of the superintendent' and substituting therefor the word 'department.'

Hon. Mr. LOUGHEED—Would my hon. friend explain the difference between the two expressions, or is there any distinction?

Hon. Mr. BEIQUE—No, but in committee, for convenience of reference, the word 'superintendent' was changed into 'department,' and the change was made in a number of cases, but was overlooked in that clause.

The motion was agreed to

Hon. Mr. BEIQUE moved:

2. That in section 98, p. 39, after the word 'directors' in line 29, the following be added:—

Provided however, that in case of liquidation of the company, the policy-holder as such member shall not be entitled to share in the distribution of the assets or be liable to be placed on the list of contributories.

He said: The reason for this motion is that the participating policy-holders are made members of the company, and it raises a question as to whether, in being made members of the company, they would not be entitled, in case of liquidation, to participate in the distribution of assets, or be made liable to be placed in the list of contributories. This amendment interferes in no shape or form with the policy of the Bill as adopted by the committee, but is merely for the purpose of making it clear that including the policy-holders as members of the company shall not entitle them to participate in the assets, or make them contributories.

Hon. Mr. LOUGHEED—I yesterday placed upon the Order Paper a notice of motion proposing to amend the clause substantially as my hon. friend's motion would amend it. I may say I have more sympathy for my own motion than for his. I very much doubt whether his motion will be sufficient to change the clause as it was intended. It was not intended that participating policy-holders shall be members of the company for other than a specific purpose, namely that of attending annual meetings, or general meetings, and participating in the affairs of the company so far as those general meetings are concerned; but if they are made members of the company as they would be under my hon. friend's motion, they would occupy the same status practically as shareholders, and be entitled to the same rights as the shareholders with reference to matters other than what might come before a general meeting, and which rights were never intended to be extended to participating policy-holders. I am not prepared to define what those rights might be, but it occurs to me that it was not intended that the participating policy-holders should have access to the books of the company, and other rights of that kind to which shareholders are entitled. The purpose in view could be effected, it seems to me, under the amendment offered in my notice of motion which reads as follows:

That the said Bill be not now read a third time, but that it be amended by striking out in subsection 7 of section 98 in the 26th and 27th lines thereof the words 'a member of the company and be' and by striking out in paragraph (i) of section 146, in line 46 the words 'a member of the company and be' and also the words in the 47th line 'in person or by proxy.'

That is to say, the participating policy-holders should have all the rights specifically mentioned in the 98th clause, without being placed in all respects on the same footing as a shareholder. It seems to me that the adoption of the hon. gentleman's amendment would lead to inconceivable difficulties. We are importing into the Act an entirely new phraseology, which, possibly, may be interpreted in a technical way by the courts, and which of itself has no interpretation at present. We should attempt to give effect to the object we have in view, namely that the participating shareholders shall be made members of the company for the purpose of attending meetings and electing directors. I do not think it was the intention of the committee to go beyond the recognition of that principle, and that principle would be properly embodied in the clause by adopting my amendment.

Hon. Mr. DANDURAND—I think the hon. gentleman would go beyond the object he wants to attain, if he struck out the word 'members,' and did not give them the standing of members in the company, because he would considerably restrict the privilege of the participating policy-holder in his right to discuss and vote at a general meeting. The policy laid down by the committee was that he should have as much right to attend and discuss and participate in the affairs of the company at the annual and general meetings as a shareholder.

Hon. Mr. LOUGHEED—I assumed that the attention of the Chamber had been directed to the powers specifically mentioned as having been conferred upon the participating policy-holders in the early part of the clause, namely in subclause 3, of clause 98:

The shareholders' directors shall be elected by the shareholders, and the policy-holders' directors shall be elected by the participating policy-holders.

And again at line 35 in subsection 8:

The policy-holders' directors shall meet with the shareholders' directors and shall have a vote on all business matters.

Hon. Mr. DANDURAND—That is, the directors.

Hon. Mr. LOUGHEED—Then in subsection I, in clause 146, it is specifically stated that the participating policy-holder shall be a member of the company and shall be entitled to attend and vote in person or by proxy, at all general meetings of the company. That manifestly was the policy of the committee that they should have those rights, and only those rights which have been specifically prescribed, whereas if they were made members of the company, inferentially they will have all the rights relating to shareholders who are in law regarded as the only members of the company.

Hon. Mr. DANDURAND—This is no new departure, because the hon. gentleman will find that in thirteen companies incorporated by this parliament the same principle is recognized. Take the Confederation Life, chapter 54 of the statutes of 1871, the 7th section is as follows:

Sec. 7. The members of said association shall be all persons having subscribed stock therein, or become shareholders, and all persons actual holders of policies from the said association (whether such holders of policies shall be holders of shares or not in the said association) who shall, by the terms of the said policies, be entitled to participate in profits, and who are otherwise known as holders of 'participating policies,' and such holders of participating policies shall also be entitled to participate in the management and earning of the same as herein provided.

There are a number of charters in which the policy-holders are made members of the company.

Hon. Mr. LOUGHEED—Does the charter so express it?

Hon. Mr. DANDURAND—The Manufacturers Life, incorporated in 1901, contains the following:

Sec. 13. At all general meetings of the company, each shareholder present or represented by proxy, who has paid all calls due upon his share in the capital stock of the company, shall have one vote for each share held by him. Every proxy must be himself a member and entitled to vote. Each person holding a policy from the company or a policy from the manufacturers company or the temperance company, whether such person is a shareholder of the company or not, who is by the terms of his policy entitled to participate in profits and who has paid all premiums due on such policy, shall be a member of the company, and shall have one vote for each one thousand dollars of insurance held by him.

The National Life, incorporated in 1897, contains the following:

Sec. 15. The company may agree to give to holders of participating policies, the right to attend and vote in person at all general meetings of the company; and if the company so determines, then all persons who are actual holders of policies from the company, whether such persons are shareholders of the company or not, and who are by the terms of their policies entitled to participate in profits, and are referred to in this Act as holders of participating policies, shall be members of the company and be entitled to attend and vote in person at all general meetings of the company; and every holder of a participating policy of the company for a sum not less than one thousand dollars shall be entitled to one vote for each one thousand dollars in his policy.

The Royal Victoria, incorporated in 1897, the Federal Life, incorporated in 1898, the Home Life, incorporated in 1899, and the Crown Life, incorporated in 1900, recognized the same principle. Then, the Imperial Life, incorporated in 1896, contains the following provisions:

Sec. 15. The company may agree to give to holders of participating policies, the right to attend and vote in person at all general meetings of the company; and if the company so determines, then all persons who are actual holders of policies from the company, whether such persons are shareholders of the company or not, and who are by the terms of their policies entitled to participate in profits, and are referred to in this Act as holders of participating policies, shall be members of the company and be entitled to attend and vote in person at all general meetings of the company, except at those called for the purpose of increasing the capital stock of the company (and shall not be entitled to vote by way of confirmation or against the confirmation of any by-law for the increase, issue, allotment or sale of capital stock of the company); and every holder of a participating policy of the company for a sum not less than one thousand dollars shall be entitled to one vote for each one thousand dollars in his policy.

It is the same in the Southern Life and the Union Life, incorporated in 1902, and in the Monarch Life, incorporated in 1904. The North American Life contains the following:

Sec. 5. Any individual or corporation who is a legal or beneficiary holder of a policy of insurance in the company, or a subscriber to the guarantee fund hereinbefore mentioned, and who shall have paid all due premiums or calls thereon respectively, shall be a member of the company, and entitled to all the benefits thereof under the provisions of this Act and the by-laws of the company.

So it seems to me that the limitation contained in the amendment moved by the hon. member from Salaberry would save the policy-holder from any greater responsibility than he has as a policy-holder in case of liquidation, and would limit his profits to those accruing to him under the present Bill.

The motion was agreed to.

Hon. Mr. BEIQUE moved that in section 146, p. 54, line 49, after the word 'directors,' the following be added:

Provided however, that in case of liquidation of the company, the policy-holder as such member shall not be entitled to share in the distribution of the assets or be liable to be placed on the list of contributories.

This amendment is of the same character, but I would call attention to the fact that this section is inserted in that part of the Act which will govern companies to be incorporated hereafter. It will not affect life insurance companies already incorporated. It will be noticed that the rights of the policy-holders will be more extensive in the new companies than in the old companies. I do not desire to disturb the policy adopted by the committee.

The motion was agreed to.

Hon. Mr. ELLIS—I should like to have some information about the note which appears on the first reprint of the Bill.

Hon. Mr. LOUGHEED—It is not part of the Bill.

Hon. Sir RICHARD SCOTT—It ought to be struck out, that was the finding of the committee. We affirm part of clause 139. The decision of the committee was that there should be no charge, and, therefore, the clause should be struck out. I pointed out that if we struck out clause 139 the Commons would re-enact it, and the Senate could not make a change, and that charge would be enormously excessive. I called the attention of the committee to it several times, and they decided that it was better to strike it out.

Hon. Mr. POWER—I understand this note is to the effect that part of subsection 1 of section 37, and paragraph 3 of subsection 1 of section 139 do not form part of the Bill. They are printed for information only. As to paragraph 3 of subsection 1 of section 139, that should be struck out altogether, and the reference to it also.

Hon. Mr. BEIQUE—It will be noticed that the committee struck out the clause entirely and replaced it by another clause, which does not contemplate levying a charge after all.

Hon. Mr. DANDURAND—This note should be amended, inasmuch as it does not fit in with the Bill to be adopted at the third reading. The note reads as follows:

NOTE.—The part of subsection 1 of section 37 and paragraph 3 of subsection 1 of section 139, which are shown within square brackets, do not form part of this Bill. They are printed for information only and will be struck out before the Bill is passed by the Senate. It is intended to introduce them in the House of Commons.

If the hon. gentleman will look at subsection 1 of section 37 they will find the following words:

And such officer shall be paid such salary, not exceeding $5,000 per annum, as the Governor in Council may from time to time fix and determine.

This would not be initiated in this Chamber, and is simply there to be adopted by the Commons when the Bill reached them, but as the hon. gentleman from De Salabery (Mr. Beique) has just stated, there is no more utility in our making this statement as to subsection 1 of section 139, since it has been eliminated altogether from the

Bill. As I have seconded the motion for the second reading, I would suggest that somebody should move to strike out the latter part of the first phrase of that section.

Hon. Mr. BEIQUE—With the leave of House, I have the honour to move that on the first page of the Bill the words 'and part 3 of subsection 139 be struck out, and that the word "are" should be changed to "is" and the word "they" should be "it".'

Hon. Mr. ELLIS—Some hon. gentleman on my right said a few moments ago that the Bill the Senate was now passing was the original Bill with the amendments passed in committee tacked on. We are passing the Bill right in our hands now.

Hon. Mr. DANDURAND—The Bill of the Senate will go to the Commons as our original work without any amendments appearing thereon.

Hon. Mr. ELLIS—Then section 37 should be struck out.

Hon. Mr. DANDURAND—No, because there is a reason for maintaining this note inasmuch as we cannot vote the salary.

Hon. Mr. BEIQUE—I think the hon. gentleman is right. Of course the Bill, as intended to be sent to the House of Commons, will not contain the first part of section 37.

Hon. Mr. DANDURAND—It will contain it in brackets.

Hon. Mr. BEIQUE—But not as passed.

Hon. Mr. YOUNG—Would it not be well to leave it in blank and let the House of Commons deal with it?

Hon. Mr. BEIQUE—But this does not affect my motion.

Hon. Mr. LANDRY—That first note does not form part of the Bill.

The SPEAKER—The Bill as it will go to the Commons commences 'Second session, eleventh parliament, IX Edward VII., 1909, Senate of Canada, Bill (A), An Act respecting Insurance.' What business have we to put in a note which is not enacted by this House?

Hon. Mr. DANDURAND—That note forms part of our work, and it is the first time I have seen the Senate proceed that way. I have generally seen the amount to be voted left in blank; but we put it in brackets, and we have stated that that part in brackets does not form part of the Bill, and will have to be voted by the Commons.

Hon. Mr. LOUGHEED—This is not part of the report. This note does not appear in the report.

Hon. Sir RICHARD SCOTT—It must be entered in the report.

Hon. Mr. LOUGHEED—Why should it be? It has not come from the committee in the report. Better leave it out entirely. When it comes before the House of Commons the Superintendent of Insurance will draw their attention to it.

Hon. Mr. DANDURAND—If this note on the face of the Bill is struck out absolutely, then we would need to take clause 37 and eliminate from that clause what is between the brackets, which is beyond our jurisdiction.

Hon. Mr. LOUGHEED—The Superintendent of Insurance will draw their attention to that.

Hon. Mr. BEIQUE—I will change my motion to read in this way; that the note be struck out, and that the first paragraph of clause 37 be also struck out.

Hon. Mr. POWER—That would not do at all, because the early part of the clause is an essential part of the Bill. It reads as follows:

37. The Governor in Council may appoint an officer, to be called the superintendent of insurance, who shall have the rank of a deputy head of a department, and all the powers, rights and privileges of a deputy head so far as regards matters relating to or arising out of the administration of this Act.

Then it goes on and states:

And such officer shall be paid such salary, not exceeding five thousand dollars per annum, as the Governor in Council may from time to time fix and determine.

Why should that not remain in brackets, with a note to show the Commons what

the feeling of the Senate is with regard to the salary? It does not do any harm.

Hon. Mr. LOUGHEED—Why not strike out the salary? We have never filled in the salary in our Bills.

The SPEAKER—The only effect it would have, would be that it would require the Bill to be sent back to us.

Hon. Mr. LOUGHEED—I move that the note be struck out, and also the amount mentioned in clause 37.

Hon. Mr. POWER—This House has no right to enact that any salary shall be paid to an officer.

Hon. Mr. LOUGHEED—But we do not enact it. We strike it out.

Hon. Mr. POWER—But the officer must get a salary.

Hon. Sir MACKENZIE BOWELL—The practice with regard to money Bills in the Senate has been to leave the sum blank to be filled in by the Commons.

Hon. Mr. DANDURAND—It is as broad as it is long. Of course, it is unusual to put the amount in brackets.

Hon. Sir MACKENZIE BOWELL—It should go from the Senate exactly as we have passed it, without any explanation as to what has been done with the original Bill. When it goes before the Commons, they will take the Bill as it is presented to them. It is not usual to consider a Bill originating in the Senate and make a number of amendments to it and send it to the Commons with an explanation of amendments made to the original draft. If this Bill had come from the Commons, then it would be necessary to send it back with an explanation of whatever changes had been made, but we are sending this Bill de novo, as a new Bill, and it does not require any of those explanations. We should send it in precisely the same words and conditions in which it has been passed.

Hon. Mr. YOUNG—Bourinot says:

> If any Bills are sent down from the Senate with clauses involving public expenditures or public taxation, the Commons cannot accept them. Such Bills may be ordered to be laid aside.

Hon. Mr. POWER.

The better way is to move that those words be struck out altogether.

Hon. Sir RICHARD SCOTT—Why not leave a note which points out that the Senate did not consider the question of salary?

Hon. Mr. LOUGHEED—I move that the words five thousand dollars be stricken out of section 37.

Hon. Mr. DANDURAND—The hon. gentleman may include in his motion the striking out of the note as well?

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. DANDURAND—This means there will be a blank as to the amount of the salary.

The amendment was adopted.

Hon. Sir MACKENZIE BOWELL—Was the amendment made which was suggested, adding the words 'in Canada,' or was it rejected? The attention of the committee was called to the necessity of adding after the words 'holders of policies' in line 17, page 21, of section 52, the words 'in Canada.' Some insurance companies called attention to it, and one gentleman expressed the opinion that the amendment suggested by Mr. Macaplay, by inserting after the words 'holders of policies' in line 17, page 21, the words 'in Canada' should be made for the reasons very fully set forth.

Hon. Mr. BEIQUE—The suggestion of the hon. gentleman in connection with this is that in case of amalgamation between two life insurance companies, under the Bill as reported from the committee, it is incumbent to notify all the policy holders in both companies, of the amalgamation. This rider has been added giving the right to the superintendent to dispense with the necessity of notifying the policy-holders of the company in which they re-insure; but the hon. gentleman from Hastings draws attention to the fact that the clause should be amended for the purpose of doing away with the necessity of notifying the policy-holders outside of Canada. For instance, in China or Japan, or any other foreign country, it would be very expensive, it would have to be printed possibly in different languages, if it is to be of any effect.

and I must say that I quite agree with the suggestion because there does not appear to be any reason to notify the shareholders all over the world in a case of that kind. It should be sufficient to notify the policy-holders in Canada.

Hon. Mr. THOMPSON—That was quite thoroughly discussed in committee, and it was quite understood that the matter would be left entirely with the superintendent of insurance, and surely in the case cited by Mr. Macaulay, in respect to policy-holders outside of the Dominion of Canada, they would not insist that that provision should be carried out.

Hon. Mr. BEIQUE—But the hon. gentleman will see that we gave them the power to dispense only as regards the reinsuring company, and not as regards the other company; therefore, he would have no power to dispense with the notice as regards the company which is being reinsured.

Hon. Sir MACKENZIE BOWELL—I am reading the old Bill, section 52, subsection (c). I refer to the seventeenth line which reads as follows:

> Shall in case of transfer or reinsurance be served on the shareholders and on the holders of all policies other than industrial policies of the transferred or re-insured company.

I suggest that it should read in this way: 'Shall in case of transfer or reinsurance be served on the shareholders, and on the holders of policies in Canada'.

As it reads now it would impose the duty, as has been pointed out by the gentleman who has just spoken, of translating it into a number of languages and sending it to all parts of the world, and it would be almost unnecessary, because if notices had to be sent to policy-holders in all quarters of the world, it could not be carried out. They would never get them, and the suggestion has been made, which struck me as feasible, to add the words 'in Canada' after the words 'holders of all policies'. I therefore move that the words 'in Canada' be added.

Hon. Sir RICHARD SCOTT—Does section 10 not cover the point?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. THOMPSON—It seems to me that when an insurance company is going to amalgamate with another company, the policy-holders of that company, ought to know what is being done with them?

Hon. Sir MACKENZIE BOWELL—You could never reach them.

Hon. Mr. THOMPSON—But they are policy-holders who have an interest in the company; their money is invested there. I do not see how you are going to change their status.

The amendment was adopted.

The motion for the third reading was carried, and the Bill was read a third time.

Hon. Mr. POWER—The hon. Speaker has not asked the usual question: 'Shall the Bill pass'? which should be done after the Bill is read the third time.

The SPEAKER—Shall this Bill pass?

The motion was agreed to.

Hon. Mr. POWER—It was not a desire to interfere that actuated me when I called attention to the fact that the Bill had not been passed at the third reading; but I happen to remember a very important measure that was before the Senate many years ago, when the Bill had been read the third time, and the question was put by the Speaker: 'Shall this Bill pass'? The hon. gentleman to my right (Hon. Sir Richard Scott) was spurred to make a speech in opposition to the measure, and he made a very forcible appeal to the Senate, with the result that the Bill was defeated at that stage.

Hon. Sir RICHARD SCOTT—That was the Cable Monopoly Bill.

Hon. Mr. POWER—Yes.

TRANSPORTATION OF INTOXICATING LIQUORS BILL.

DEBATE CONTINUED.

The order of the day being called:

> Resuming the further adjourned debate on the motion for the second reading (Bill M) An Act to regulate the transportation of Intoxicating Liquors, and the motion of the Hon. Mr. Domville, in amendment thereto:—

'That the said Bill be not now read a second time, but that it be read a second time this day six months.'—(Hon. Mr. Ross, Middlesex.)

Hon. Mr. POWER—I wish to call attention to the fact that it was I who moved the adjournment of the debate, although it appears in the Minutes as being moved by the hon. gentleman from Middlesex.

Hon. Sir RICHARD SCOTT—Mr. Ross is unable to attend. I wrote him a note and called attention to the Bill still standing in his name, and he writes that he will not be able to attend this week, and hopes to be here on Tuesday.

Hon. Mr. POWER—I had hoped the hon. gentleman from Middlesex would have been in his place, and that he would have given the House an able and eloquent speech, which I am sorry I am not in a position to do; but I wish to submit certain considerations which have suggested themselves to me with respect to this Bill. I do not think that this Bill, in its present form, is a constitutional measure. I do not think it is a measure which parliament has a right to pass. I am not going to enter into any long discussion of the constitutional question, I just wish to indicate that there is such a question. It was claimed, I think, that we have a right to pass this Bill because it is a measure regulating trade and commerce. I wish to direct attention to the fact that this Bill does not regulate trade and commerce, but that it forbids commerce. That is a totally different thing from regulating it, and my contention is that parliament has no right to say there shall be no commerce between the main land and Prince Edward Island, or any other province, in any given material. The constitutional aspect of this question has been considered by the Supreme Court, and also by the Judicial Committee of the Privy Council. The question of the constitutionality of the original Scott Act of 1878 was considered in the case of Russell vs. the Queen, and the ground was taken there by the counsel who contended that the Act was unconstitutional, and did not apply to the whole country, that it was intended to apply only to a certain section of the country where the people had adopted the Act by vote. It was decided, in the last resort, by the Judicial Committee of the Privy Council that this ground was not well taken, because the Act did apply to the whole country. All over the country the same law existed that, any county or municipalty which voted for the Act in the way in which the law provided, should come under its provisions that that was the general law, and was not a law affecting only a particular part of the country. That is the distinction which the Judicial Committee of the Privy Council drew. This is not an enactment of that kind. This Bill says that in any section of the country where a local Act has been passed, then certain things shall happen—this Act shall operate. That is a totally different thing; and it has been held by the Judicial Committee that prohibition is not a matter that Parliament can deal with as limited to one province. I do not wish to tire the House by going into an elaborate argument, but if any hon. gentleman wishes to look the matter up he will find it dealt with in the case of the Attorney General of Ontario, and Attorney General of Canada, appeal cases of 1896, page 361, and following pages. I am quoting from page 361 with respect to the point discussed yesterday:

If it were once conceded that the parliament of Canada has authority to make laws applicable to the whole Dominion in relation to matters which in each province are substantially of a local or private interest, upon the assumption that these matters also concern the peace, order or good government of the Dominion, there is hardly a subject enumerated in section 92 upon which it might not legislate, to the exclusion of the provincial legislature.

That does not bear very directly on the question before us, but it does bear on the discussion which took place a little while ago. At page 365, I find the following:

It is not impossible that the vice of intemperance may prevail in particular localities within a province to such an extent as to constitute its cure by restricting or prohibiting the sale of liquor, a matter of a merely local or private nature, and, therefore, falling prima facie within number 16. In that state of matters it is conceded that the parliament of Canada should not imperatively enact a prohibitory law adapted and confined to the requirements of localities within the province where prohibition was urgently needed.

There it was laid down that we had no right to interfere in a case like the present. At page 367 there is a more direct case. The words are:

In the present case the parliament of Canada would have no power to pass a prohibitory law for the province of Ontario.

This was a law prevailing in Ontario, just as the law we are now dealing with prevails in Prince Edward Island. If parliament has no power to pass a law for Ontario, it has no power to pass one for Prince Edward Island. That case goes to show that we have not the constitutional power to pass this measure.

There is one point which occurs to me with respect to this measure, which seems to deserve a little consideration. I have been informed that the parties who were anxious for the passing of this measure presented it to a leading member of the House of Commons from Prince Edward Island and asked him to introduce the measure. That gentleman declined. I do not know whether other members of the Commons from Prince Edward Island were requested or not; at any rate, after this member of the Commons had declined to introduce the Bill, one of the hon. gentlemen who represent Prince Edward Island in the Senate was requested to introduce it here, and he also was disinclined to do it. This is a House in which the provinces are supposed to count for a good deal, and I think that is a consideration which should have a little weight with hon. members.

I do not wish to use strong language about the Bill, but I think it is a sample of the tyrannical legislation which has often been sought by well-meaning gentlemen, and sometimes by well-meaning ladies, who have made a fetish of some particular virtue or some particular line of conduct. In the present case, there are a number of well-meaning people all over the country who have made a sort of little god of the total abstinence from liquor. I do not wish at this late time of day, and this late period in the history of the country to discuss the general question of the propriety of prohibition; but I do say that no hon. gentleman can find anywhere in the decalogue, or anywhere else in Scripture, any prohibition of the use of wine or the use of intoxicants. The hon. gentleman from Middlesex, the other day, spoke of prohibition, and of prohibition being the foundation of law, and all that. Well, we are prohibited by the decalogue from doing various things, but there is no prohibition in the decalogue of the drinking of a glass of wine, or even of stronger beverage, and there is nothing found anywhere in the Scripture which forbids the use, in moderation at any rate, of intoxicating liquors. Of course, like everything else, wine and every intoxicating beverage can be abused. There is no one of the Almighty's gifts to us which may not be abused; but that does not justify parliament in undertaking to proscribe all those things. The truth is, that the first miracle which our Saviour is reported in the Gospel to have worked, was turning water into wine.

Hon. Sir RICHARD SCOTT—Not the wine of modern times.

Hon. Mr. POWER—The hon. gentleman says it was not the wine of modern times; but there is no ground whatever for assuming it was not intoxicating liquor.

Hon. Mr. CLORAN—He would not produce an adulterated wine.

Hon. Mr. LANDRY—Noah got drunk.

Hon. Mr. POWER—In the history of the miracle at Cana, we are told that the steward expressed to the host his surprise. Paraphrasing the story, he said: 'It is the usual practice to give the best wine first, and then, when the guests have well drunken, give them that which is not so good. If the wine was not a beverage which could intoxicate, could that have been said? Surely wine there, was the wine of the country. It was not a strong drink like our whiskey, or not as strong as our sherry or port, but it was a wine which, taken in sufficient quantities, would intoxicate; and one of the reproaches urged against our Saviour was that he was 'a wine bibber.' You remember it was said of John the Baptist that he came not drinking, and so on, and our Lord came the other way, and then he was spoken of as a wine bibber, and as being associated with people of that kind; and we find St. Paul, whose authority is good, actually recommends his friend Timothy to use wine under certain

circumstances. So there is, as I say, no evidence and no good authority to be found in the Bible, or anywhere else as far as I know, for the contention that there is anything wrong or sinful in drinking wine or intoxicants.

Hon. Mr. CLORAN—Is the hon. gentleman not exposing himself to a fearful roasting at the hands of certain people?

Hon. Mr. POWER—I am not afraid of a roasting. I think, perhaps, I shall get a little roasting in the next world if I get to Purgatory, but I am not afraid of a roasting here. The truth is, these people have a deal of superfluous energy, and I suppose superfluous virtue, and those things must find vent. They ignore other matters, and they devote their energies to this one weakness. They ignore the other failings of our population, and treat people who differ from them on this one point as being, in fact, not much better than miscreants, people who should not be protected by the laws that protect the average British subject. I do not question the sincerity of these worthy people; but this prohibition originated in New England, and New England has been the home of a good many rather peculiar ways of looking at things. It will be remembered that one of the laws of Connecticut, the blue laws as they were called, forbade a man to kiss his wife on Sunday. They have got over that particular kind of law in New England.

Hon. Mr. LOUGHEED—They do not consider it necessary.

Hon. Mr. POWER—And they do not persecute people who differ from them in religion, the way they did a couple of hundred years ago; but the same spirit of intolerance against those who happen to differ from them, still prevails, and it finds its expression in this onslaught on the people who are not like themselves prohibitionists.

Hon. Sir RICHARD SCOTT—The Bill does not interfere with private persons drinking as much as they like. It does not interfere with the rights of individuals.

Hon. Mr. POWER—I do not see it that way.

Hon. Sir RICHARD SCOTT—Then the hon. gentleman has not read the Bill.

Hon. Mr. POWER—Yes, and carefully. The hon. gentleman says it does not interfere with public rights. Why, it forbids the importation of liquor into the province, and it forbids its being dealt with as a merchantable commodity; but there is a provision, which I understood the hon. gentleman to say he proposed to have stricken out, which allows a man to import five gallons for his own use, and when you eliminate that you practically prevent any one in Prince Edward Island from getting liquor in any shape or way. The Bill does not even contain any provision such as the original Scott Act did, in regard to the sale of liquor for medicinal or sacramental purposes.

This Bill, amongst other things, provides that a search warrant may be issued to go into the house of the most respectable man in Prince Edward Island, at almost any time and search it to see if there is any liquor on the premises. No one who was not a perfect fanatic could advocate a measure as that. Now the Scott Act, so called, has been in operation more or less in this country since 1878, and, as far as I am aware, it has not created any very marked improvement in the moral condition of the country. In the province of Ontario, I think, the Act has been repealed in almost all the constituencies which adopted it. The same is true in the Lower Provinces, and the measure which we are now dealing with is simply an experiment made by the local legislature, who were satisfied that the Scott Act was not a success, that it had failed, and they are trying now if local prohibition will not meet their ends better. There is no reason for supposing it will. My own view about it is that the progress of education, and the change which naturally takes place in people's opinions had, at the time the Temperance Act was passed, made drinking unfashionable. It was considered a discreditable thing for a man to be seen openly under the influence of liquor. One hundred years ago that was not the case, and for the last century the views of people generally on this question have been getting more respectable. If the friends of temperance—I do not say

the friends of prohibition—had continued to use moral suasion, and the influence of religion since 1878, I am satisfied the condition of things in Canada to-day would be very much better than it is. You need not take this country, but take the New England states, especially Maine, and Vermont, as examples. In Maine they have had prohibition since about 1850, and in Vermont for about forty years, and I am satisfied that there is to-day, proportionately, more drinking in the state of Vermont than there is in the province of Quebec. As I have said on more than one occasion here, drinking is not the besetting sin of Canada. If hon. gentlemen turn to Mulhall's Dictionary of Statistics, or any other such publication, they will find that the amount of alcohol consumed in Canada per head is less than in almost any other civilized country.

Hon. Sir RICHARD SCOTT—Through the educative effect of temperance legislation.

Hon. Mr. POWER—It was true when the Scott Act was passed.

Hon. Sir RICHARD SCOTT—No.

Hon. Mr. POWER—I can furnish authority for that. There is just one point as to which I wish to say a few words. The hon. gentleman has claimed that the people of Prince Edward Island are anxious for this measure. I have not the figures of the recent elections in Prince Edward Island on local prohibition, but I hold in my hand the returns of the Scott Act elections in Prince Edward Island, and I call the attention of hon. gentlemen to those statistics. I may say that the statistics for the other provinces run very much in the same line. Take the county of Prince, in Prince Edward Island. There was a Scott Act election there in 1878. The total population of that constituency was 34,347, the number of votes cast at the general election preceding 1878 was 4,512; the agreegate number of voters on the roll was 5,434; now what was the vote for the petition?—1762. The votes against, 271. I may say that I do not think they really enter into the question, because there is such a dislike to drunkenness, and such an objection on the part of the ordinary voters to be considered in any way supporting the use of liquor, that men who disapprove of the Act, and very strongly disapprove of it, will not vote against it, consequently the criterion is the number of those who vote for the Act.

Hon. Mr. McSWEENEY—Twenty-five per cent voted for the Act.

Hon. Mr. POWER—Then there was the county of Queens, in which Charlottetown is situated. There was an election in 1880. The population was 26,626; votes cast at the preceeding election 6,082; aggregate number of voters on the roll 6,351, and the number in favour of the Act was 1,317. That is not twenty-five per cent, not one-fifth of the voters. In Kings it was somewhat the same way. Total population 26,433; votes cast at the last general election 3,860; aggregate number of voters on list 5,673, and the number who voted for the petition was 1,076. Only a little more than one-sixth of the voters. The fact is, that Prince Edward Island was brought under the Scott Act by the votes of less than five per cent of the total population. The same figures apply substantially to the province from which I come.

Hon. Mr. ROBERTSON—Why would not the hon. gentleman count those who stayed at home as being in favour of it? If they did not come out to vote, they certainly should be counted as much in favour as against it.

Hon. Mr. POWER—I have already told the hon. gentleman why. Many years before the Scott Act was passed, excessive drinking had become unfashionable, and the man who drank was not very much respected. The people who were in favour of the Scott Act voted, and those who were not stayed away. When they came to enforce the Scott Act that fact was realized. Unless the Scott Act was carried by a majority of the whole of the voters, it could not be enforced. I do not know what the figures were at the recent election, but if they were anything like the figures in the Scott Act election, they do not form a basis for the argument of the hon. gentleman on my right (Hon. Sir Richard Scott) that the people of Prince Edward Island are anxious for this legislation.

Hon. Mr. ROBERTSON—I may tell the hon. gentleman that the people of Prince Edward Island are anxious for this legislation. Meetings have been held all over the Island, and have been very much in favour of the Act—I should say ten to one in favour of it.

Hon. Mr. POWER—Then I should like to know why one member of the House of Commons and one hon. member in this House belonging to Prince Edward Island, when requested to introduce this Bill, declined to do so?

Hon. Mr. CLORAN—Because they had not popular opinion behind them.

Hon. Mr. BAIRD—An hon. gentleman was asked to introduce the Bill here, but he gave way to a legal gentleman better qualified to put the Bill through.

Hon. Mr. POWER—The answer should come from the gentleman to whom the reference was made.

Hon. Mr. YEO—I suppose the hon. gentleman alludes to me. It is quite true I declined to present the Bill, not that I was opposed to it, but because I wished to put it in the hands of some one who could more strongly advocate the measure than I could. Two gentlemen waited on me, and told me they had this Bill, and told me the nature of it or partly so. I said I have always been in the habit of supporting anything which will advance the cause of temperance, and I will support any Bill in that direction still. One thing they pointed out to me particularly was, they wished to prevent liquor from being forwarded under false labels. I know that such a practice has done a great deal of harm in Prince Edward Island. Liquor comes in under all sorts of labels. I told them I would support that part of the Bill, and everything that would further the cause of temperance. They also told me that the Department of Justice had been consulted and that they were not opposed to the passage of the Bill. I declined to introduce the measure, not because I had anything against it, but because I wanted to place it in the hands of some senator who would be better able to advocate it than I am.

Hon. Mr. POWER—Perhaps the hon. gentleman will answer a question with respect to the introduction of the Bill in the other House. Is he aware that a prominent member of the House of Commons from Prince Edward Island was asked to introduce the Bill, but declined?

Hon. Mr. YEO—I have heard something of that, but I cannot say of my own knowledge.

Hon. Mr. POWER—I know, because the hon. member told me himself.

Hon. Mr. CLORAN—And I can corroborate what the hon. member from Halifax says.

Hon. Mr. POWER—I could dilate on this subject for some time, but, probably, it is just as well not to do so. I wish to refer briefly to some statistics which the hon. gentleman on my right (Hon. Sir R. Scott) made use of, with respect to the consumption of liquor in Prince Edward Island. The hon. gentleman pointed out that the quantity of liquor consumed in Prince Edward Island per head, judging from the statistics, was less than in the other provinces. I do not undertake to contradict the hon. gentleman; but I wish to direct attention to the fact that there are large quantities of foreign liquors imported, for instance to Montreal, which are debited to the province of Quebec, but which are subsequently sent by rail or water to the maritime provinces, including Prince Edward Island. The statistics go to show that the per capita consumption of alcohol in the province of Quebec is greater than the maritime provinces.

Hon. Sir RICHARD SCOTT—I made no reference to the quantity consumed in Prince Edward Island. What I did say was this; take the statistics of the Department of Justice, of crime in Prince Edward Island. I concluded that the quantity of liquor consumed there must be much less because there were fewer men convicted for indictable offences. It was only in reference to crime that I quoted the statistics.

Hon. Mr. POWER—The hon. gentleman took the Prince Edward Island statistics, and showed that the reason why there was less crime in that province was that there was less drinking. I say he is not in a position to tell how much drinking there was in Prince Edward Island.

Hon. Sir RICHARD SCOTT—I did not quote that at all.

Hon. Mr. POWER—I want to know how the hon. gentleman was able to trace the absence of crime to the absence of drinking?

Hon. Sir RICHARD SCOTT—Will the hon. gentleman allow me to explain?

Hon. Mr. POWER—No, I do not think I shall. The hon. gentleman can explain afterwards. He pointed out that there was a good deal of crime in Ontario. I think the statistics which he read showed there was a great deal more of crime proportionally in Ontario than in Quebec; and I remember distinctly that the hon. gentleman in the course of his speech, said there were more places for the sale of liquor in Montreal than in the whole of Ontario. If the connection between drinking, and the sort of crime which gets people into prison is so intimate as the hon. gentleman contends, how does he account for that state of facts? In a large city, naturally, you expect more crime than in the rural districts. Here we have the fact that in Montreal, where there are more drinking places than in the whole province of Ontario, the amount of crime is only a small fraction of that in the province of Ontario? I am not basing my argument on figures at all. Statistics can be made to tell almost any story in the hands of a gentleman who can use them as skilfully as the hon. gentleman on my right. As I understand, the hon. gentleman proposes now that the Bill should apply only to Prince Edward Island. Such a limitation as that would make the Act unconstitutional. If it does not apply to any place but Prince Edward Island, how can you say that it is a criminal offence for a man in St. John, or Halifax, to ship wine or beer into Prince Edward Island? That is extending the Act to places where there is no prohibition. As the hon. member from Westmorland pointed out, this measure would render the common carrier liable.

Hon. Sir RICHARD SCOTT—Hear, hear! it is so intended.

Hon. Mr. POWER—The hon. gentleman boasts that it is intended to do so. Now, why should that be the case?

Hon. Sir RICHARD SCOTT—If he knowingly commits the offence, he should be punished.

Hon. Mr. POWER—There is a provision to punish the common carrier if intoxicating liquor is brought into Prince Edward Island under any other name. Hon. gentlemen know very well that the percentage of alcohol which makes any beverage intoxicating is, under this Bill, three per cent; and they know that there are many patent medicines which contain very much more than that percentage of alcohol. For instance, I understand that Peruna, which is a favourite beverage with a good many temperance people, contains thirty or forty per cent of alcohol. I have already called attention to the fact that this Bill proposes to allow the dwelling houses of the most respectable people in Prince Edward Island or any other province to be entered under a search warrant.

Hon. Mr. CLORAN—On suspicion.

Hon. Mr. POWER—It does not say that there is to be any notice or anything of that sort; the officer simply goes there and searches the house. We find that the province of Prince Edward Island is in this way calling in the aid of the parliament of Canada to make effectual the prohibition which they have in that island. I do not think they have any right to do it. I believe it is unconstitutional, and even if it were constitutional there are other objections to it. All over the country the brewers and distillers pay large license fees, and having got these licenses to carry on their business we have no right, and the Dominion government has no right with one hand to take the money of the brewers and distillers and with the other hand deprive them of the means of carrying on their business. It is most unfair

and inequitable. They undertake to destroy a business which has grown up under the law, and to render useless the plant and destroy the capital involved in that business. As I said before, this measure reflects no credit on the skill of the gentleman who prepared it. There was an Act passed here in 1908, a most objectionable Act, and the sole object of the measure now before us, its sole avowed object at any rate, is to make that Act applicable to a district where there is local prohibition, not where the Scott Act is in force. The Act of 1908 provided for the case where the Scott Act was in force in a district.

Hon. Sir RICHARD SCOTT—It is the same provision.

Hon Mr. POWER—I know it is the same provision; but this Bill is not drawn as carefully as the other one. The other Bill was an amendment to the Scott Act. It made provision for the case of wine intended for sacramental and medicinal use. This Bill makes no such provision. That is a serious defect, and shows how people who are very enthusiastic over a given subject are likely to lose sight of other things.

Hon. Sir RICHARD SCOTT—Ample provision is made.

Hon. Mr. POWER—I have to apologize to the House for not being better prepared to deal with this question; but I have at all events expressed my opinion.

Hon. Mr. BELCOURT—I should like to ask the hon. member from Ottawa, if an amendment to the Scott Act enabling a province to pass legislation which would permit them not only to prohibit the sale, but to prohibit the importation of liquor into the province, would not be more effective than this measure?

Hon. Sir RICHARD SCOTT—No, the Canada Temperance Act can only apply to counties where it has already been voted on. That is the principle of it. The principle of the Bill before us applies to where a province, itself as a province, has passed a prohibitory law. The weaknesses in this Bill, which will be changed in committee, are many. Parliament could not interfere, for instance, with Ontario, and say that liquor should not be sent from a county adjoining, a local option county, into the local option county, that would be unconstitutional, but I think it can be clearly shown that where a province has passed a prohibitory law, parliament can say to outsiders: 'You have no right to send in liquor there unless you send it in under the regulations in force.' That is a reasonable proposition, and is intended to apply in this case.

Hon. Mr. LOUGHEED—Would my hon. friend say what amendments he proposes to move when the Bill goes into committee? I understand that no notice of motion has been given as to what the amendments will be.

Hon. Sir RICHARD SCOTT—No, but I explained them.

Hon. Mr. LOUGHEED—I understand this is to be simply operative in Prince Edward Island?

Hon. Sir RICHARD SCOTT—I did not feel authorized to make any change in the Bill as it was handed to me, although I expressly disapprove of parts of the measure. When I was asked what changes I proposed to make, I stated them clearly, and fully, that the Act would apply only to any province in the Dominion that was all under prohibition, that the policy of the Bill would be to prevent outsiders consigning liquor to a province under prohibition except in cases where the province itself allowed liquor to come in. The province has made ample provision for liquor to be brought in for medicinal and sacramental purposes, and for private persons who desire to have it for their own use, and not for sale.

Hon. Mr. LOUGHEED—Is this Bill to be restricted to Prince Edward Island?

Hon. Sir RICHARD SCOTT—In that sense it is.

Hon. Mr. LOUGHEED—That places it in an entirely different position. If my hon. friend says this Bill is to apply to Prince Edward Island only at present, and from which province it comes, I can understand it.

Hon. Sir RICHARD SCOTT—I thought it would be more acceptable in its present shape.

Hon. Mr. LOUGHEED—The distinction is this; my hon. friend proposes legislation which he is practically foisting on every province in this Dominion, a restrictive measure, simply because Prince Edward Island desires certain legislation, ancillary to legislation they have passed themselves. I am prepared to vote for the Bill if it is to apply only to Prince Edward Island.

Hon. Sir RICHARD SCOTT—The possibility of any other province as a whole passing a prohibitory law was so remote that I thought it more constitutional to draw it in that way. The explanation I gave in the first instance was that it would apply only to Prince Edward Island. It mattered not whether I mentioned Prince Edward Island particularly, or spoke of it as a province, because I thought the chances of any other province adopting prohibition for the whole province was so remote that the contingency would not arise. I can readily apply it to Prince Edward Island alone, if the other provinces do not wish it.

Hon. Mr. BELCOURT—I am not at all satisfied as to the constitutionality of this Bill. My hon. friend says that in committee he is going to propose some amendments which will have the effect of making it constitutional. In all decency, the hon. gentleman should be given that privilege, and I shall vote for the second reading, holding myself free to vote as I think best when the Bill is in Committee of the Whole.

Hon. Mr. ROSS (Halifax)—Since the hon. gentleman spoke the other day of the condition in Prince Edward Island, I have changed my mind and want to do justice to the people of that province and give them an opportunity of experimenting, I shall, therefore vote for the Bill as introduced by my hon. friend. I do so, believing that local prohibition will not prohibit liquor being sent to Prince Edward Island from other places. The legislation of Prince Edward Island preventing liquor from being sent into the province was declared by the Minister of Justice to be ultra vires of the legislature of that province. I was in Prince Edward Island last year as a representative of the Maritime Board of Trade, and my observations were not favourable to the operation of prohibition. I went down about twelve miles by invitation to where the Scottish games were going on, and saw a number of young men going home in the evening who did not seem to me to have observed the prohibitory law. I do not believe that you are going to do much in the way of reform by coercion of any kind. Allow me to give you a quotation from my old departed friend Joseph Howe:

> I approve of the efforts made by the temperance societies and wish them every success as long as they seek to reform by persuasion, by argument, and by example. When they attempt the impossible, when they seek to coerce the people into intemperance, I conscientiously believe they will fail. I believe that all efforts they have done will be imperiled by resorting to harshness and coercion.

These are pretty much my own views. I believe that the teaching of the different churches, the example that is shown in our Sunday and week day schools, will have more influence in temperance reform than prohibition. Prohibition was tried in New Brunswick, but it will never be tried there again, because it proved a failure, and the government that introduced it went to the wall with prohibition. Now, just a word in favour of the people of Prince Edward Island. I have travelled pretty extensively on that island, and have seen the great improvements that have been made by the farmers, their comfortable homes, their large barns, and all the comforts that are necessary in life. I do not believe that that has been accomplished by people given to drinking. The people are largely of Scottish descent, with a few scattered Englishmen and a stray Irishman. They have all done well in the island, and they are as temperate as the people of any part of Nova Scotia. I must do them that justice. I shall vote for the second reading of the Bill.

Hon. sir RICHARD SCOTT moved the adjournment of the debate.

The motion was agreed to

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

THE SENATE.

FRIDAY, March 11, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (No. 86) An Act respecting the Western Canada Power Company, Limited.—Hon. Mr. Beique.

Bill (BB) An Act respecting the Dominion Atlantic Railway Company.—Hon. Mr. Power

Bill (R) An Act to incorporate the Montreal, Kapitachuan and Rupert's Bay Railway Company.—Hon. Mr. Beique.

Bill (PP) An Act to incorporate the Catholic Episcopal Corporation of Timiskaming.—Hon. Mr. Young.

Bill (QQ) An Act to incorporate Insurance Company of Canada.—Hon. Mr. Casgrain.

Bill (RR) An Act respecting the Dominion Bank.—Hon. Sir Richard Scott.

Bill (No. 89) An Act respecting the Calgary and Edmonton Railway Company.—Hon. Mr. Lougheed.

Bill (HH) An Act respecting the Calgary and Fernie Railway Company.—Hon. Mr. De Veber.

Bill (No. 83) An Act respecting the Vancouver, Westminster and Yukon Railway Company.—Hon. Mr. Bostock.

Bill (KK) An Act respecting the Montreal and Southern Counties Railway Company.—Hon. Mr. David.

Bill (No. 107) An Act to incorporate the Ottawa and Montreal and Eastern Railway Company.—Hon. Mr. Young.

Bill (No. 61) An Act respecting the Canada Northern Railway Company.—Hon. Mr. Young.

Bill (No. 11) An Act to incorporate the Ottawa and Montreal Transmission Company, Limited.—Hon. Mr. Young.

Bill (GG) An Act to incorporate the Morrisburg Ferry and Dock Company.—Hon. Mr. Beique.

Hon. Sir RICHARD SCOTT.

AN ADJOURNMENT.

MOTION.

Rt. Hon. Sir RICHARD CARTWRIGHT moved: That when the Senate adjourns today, it do stand adjourned until Wednesday next, at three o'clock in the afternoon.

The motion was agreed to.

SEIZURES OF GOODS AND REMISSION OF FINES.

MOTION.

Hon. Mr. LANDRY moved.

That an order of this House do issue for the production of the report of every inquiry made and of all correspondence exchanged during the last five years on the subject of one or more seizures of goods consigned to or the property of the Quebec Rock City Tobacco Company, as well as on the subject of every remission of fines incurred by the said company for infraction of the inland revenue laws or regulations.

The motion was agreed to.

SECOND READINGS.

Bill (No. 80) An Act to incorporate l'Institut de Notre Dame des Missions.—Hon. Mr. Ross (Moosejaw).

Bill (No. 121) An Act to incorporate the Saskatchewan Central Railway Company.—Hon. Mr. Young.

Bill (No. 127) An Act respecting the Grand Trunk Pacific Branch Lines Company.—Hon. Mr. Gibson.

Bill (WW) An Act for the relief of Helena Mellor Fleming.—Hon. Mr. Davis.

Bill (XX) An Act to incorporate the Pioneers' Loan Company.—Hon. Mr. Watson.

Bill (No. 99) An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.—Hon. Mr. Bostock.

RETAIL MERCHANTS' ASSOCIATION OF CANADA BILL.

SECOND READING.

Hon. Mr. YOUNG moved the second reading of Bill (S) An Act to incorporate the Retail Merchants' Association of Canada.

He said: This Bill is very much on similar lines to the Manufacturers' Association. The object is merely to promote industrial and commercial interests of the retail merchants of Canada. All their powers are set out in paragraphs 2 and 3. It is not a buying and selling association; the object of the Bill is merely the management of the retail merchants, who have formed an association.

Hon. Mr. MACDONALD (British Columbia)—I believe the Bill is not distributed. It is a very important measure and should not go to its second reading until we know what its provisions are.

Hon. Mr. YOUNG—The Bill has been distributed.

Hon. Mr. WILSON—The Bill is not printed in French, and it is not on my file; therefore I do not think it should be pressed now.

Hon. Mr. DANDURAND—As it is printed in English, I could perhaps translate it in French for the hon. gentleman.

Hon. Mr. WILSON—The hon. gentleman himself ought to object to proceeding with it until it is printed in French. As his hon. colleague from Quebec is not here to look after it, I thought I would assume the responsibility.

Hon. Mr. DANDURAND—It is because I feel I was derelict in my duty that I offered to translate it.

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

MONTREAL CENTRAL TERMINAL RAILWAY COMPANY BILL.

ORDER OF THE DAY POSTPONED.

The order of the day being called:

Consideration of the amendments made by the Standing Committee on railways, telegraphs and harbours, to (Bill 44) An Act respecting the Montreal Central Terminal Company.—Hon. Mr. Béique.

Hon. Mr. YOUNG—In the absence of the hon. gentleman from De Lanaudiere, I move that these amendments be concurred in.

Hon. Mr. ELLIS—I beg to call the attention of the House to the important clause which the Railway Committee propose to insert in this Bill. They propose to extend the law which now prevails in regard to municipal control over the construction of railway and telegraph lines on streets in incorporated cities, towns, or villages, all of which legislation might be very good; but this provision extends it to a railway which is to pass under the streets of the city or the municipality.

Hon. Mr. LOUGHEED—We have already passed a similar amendment to-day

Hon. Mr. ELLIS—Attention was not drawn to it. When a tunnel is built under a city by a company, the company should not be prevented from carrying passengers from one part of the city to another if they choose to do so. In this case, the railway company cannot do any business in the city of Montreal, although it may have gone to all the expense of constructing a tunnel, without obtaining the consent of the city of Montreal to a matter which does not from that point of view concern the city at all, and we know that as regards that corporation the aldermen are very expensive gentlemen. While I do not cast any reflection on them—I am speaking in a general way—it does not seem to me to be right, to adopt a compulsory clause in any Bill, which may be extended as the time goes on, and although the principle may be good, it is carried in this case to an extreme which I do not think should be permitted. In the absence of my hon. friend, I do not propose any amendment, but I do think, in these days of liberalism and regard for democratic ideas, that we ought not to refuse a company the right to carry passengers on a road built by the company under the city, and not in any way obstructing the streets of the city of Montreal or of any other corporation. One trouble will be that the principle will be extended. We have a provision in the Bill as regards municipalities. The argument I heard upon the question by those who framed this clause, was that because certain things had been done, it followed as a matter of course that this should also

be done, and in this way we would be led on from one condition to another and railway companies would be tied up. I do not wish to say any more upon this matter because it is a hopeless case. I hope this Bill will be opposed by the people of Montreal.

Hon. Mr. YOUNG—I move that the order be discharged, and that it be placed on the orders of the day for Wednesday next.

Hon. Mr. DANDURAND. There is no rival interest behind any of these clauses. They have been put there at the demand of the city council of Montreal for the protection of its own franchise, and inasmuch as there is a motion to adjourn this matter until Wednesday next, I shall reserve further explanations until that date. I should like to correct the impression expressed by the hon. gentleman from St. John, that there may be a conflicting private interest that would be served by this clause being inserted in the Bill. There is simply a desire to protect the public and the rights of the city of Montreal. It may be over zealous work on the part of those who think that city franchises should be respected; however, when we come to consider the matter, I will deal fully with it.

BILLS INTRODUCED.

Bill (YY) An Act for the relief of John Green.—Hon. Mr. Derbyshire.

Bill (ZZ) An Act for the relief of James Thornton Brownridge.—Hon. Mr. Watson.

Bill (No. 69) An Act respecting the Prince Albert and Hudson Bay Railway Company. Hon. Mr. Davis.

THE ORDER OF BUSINESS.

Rt. Hon. Sir RICHARD CARTWRIGHT moved that the House do now adjourn.

Hon. Mr. WOOD—I would be glad if the right hon. gentleman would give us a little more definite information with regard to the business to be taken up on Wednesday and Thursday of next week. I understood him to say that the principal business would be the Supply Bill, and it was for that business particularly we were to meet next week at all. A number of members are leaving, and will not be back next week under any circumstances; and there are three or four important Bills which, in my judgment, should not be taken up when there is a very small House. The decision as to whether they are to be taken up or not may influence others who are here now in deciding whether they will remain over or not. I refer particularly to the Bill relating to the leasing of branch lines connecting with the government railways, the Bill for the Portection of Navigable Waters, and the report of the Internal Economy and Contingent Accounts Committee.

Rt. Hon. Sir RICHARD CARTWRIGHT—It is not absolutely certain when we shall get the money Bill. We may get it Wednesday, or we may get it Thursday. I hope to get it on Wednesday. If it should turn out as the hon. gentleman expects, that the House should then be very thin, I would not be disposed to proceed with anything but formal business; but if there should be a good attendance I might proceed with one or two government measures. There is only one government measure, the one which relates to the government railway, which is ordered for committee next Wednesday, that I should like to proceed with; but I shall not do so unless there is a fair attendance of the House.

The motion was agreed to, and the Senate adjourned until Wednesday next, the 16th instant.

THE SENATE.

WEDNESDAY, March 16, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

HUDSON BAY INSURANCE COMPANY BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. THOMPSON, from the Committee on Banking and Commerce, reported Bill (No. 43) An Act respecting the Hudson Bay Insurance Company, with amend-

ments. He said: This Bill will have to go back to the House of Commons. The amendments were largely made at the instance of the superintendent of insurance, who felt that they were necessary in order that the Bill should conform to the general Insurance Act. I think there is nothing in the amendments affecting the general principle of the Bill. I should like to have these amendments considered now; I therefore move that paragraph (h) of rule 24, be suspended so far as it relates to this Bill.

Hon. Sir MACKENZIE BOWELL—I desire to enter my protest against this practice of suspending the rules, which results in members of the Senate who were not present at the meeting of committee, being deprived of learning what has been really done. I pay about as much attention to the proceedings of the House as most of the members, and I frankly confess that on the last sitting day I watched with a great deal of anxiety a report which came from the Banking and Commerce Committee, with a view to calling the attention of the Senate to the character of the Bill itself, with the determination of dividing the House upon the principle which I thought was involved in that measure. I subsequently learned that the rules had been suspended, although I sat at my desk and thought I watched attentively what was going on. I found the Bill had been passed through all its stages. To my mind that Bill was a most flagrant violation indirectly, or directly, of the constitution. It was granting to a company, by this parliament, the right to build six or seven miles of railway, in aid of a private enterprise, and in order to evade the provisions of the Confederation Act, it was declared to be a work in the interest of the Dominion that these five or six miles of railway should be built from one end of the stations of the Canadian Pacific railway in British Columbia, to a water-power, a purely private enterprise. The railroading, of such Bills, at a two-forty pace through the House, without hon. members really knowing what they are doing is not in accordance either with the principles which should guide our legislation, or the dignity of the Senate. If it is strictly constitutional to pass a private Bill of that kind and make it a work for the general advantage of Canada, it would be much better that the imperial parliament should be petitioned to so amend the constitution as to place all questions of this kind wholely and solely within the power of this parliament. I noticed an editorial in the Toronto 'Globe,' a government paper, as we all know, of Friday or Saturday, I think Saturday, calling attention to this question and intimating that the matter would be sent to the Privy Council, in order to test the right of the Dominion parliament to set aside the intention of the provisions contained in the Constitutional Act. The article to which I refer points out the readiness with which the majority of the committees of parliament infringe the rights of the provinces in this direction. Those who have paid any attention to the discussions which took place at the time of forming the constitution, know it was urged very strongly, by the fathers of confederation, that certain provisions should be contained in the constitution for the protection of the provinces, and one of the arguments for a second Chamber was the necessity for an upper House to protect and maintain provincial rights. Our practice has been worse even than that of the Commons. Instead of being a protection to the provinces, we set aside their rights as readily as the Commons. The argument is used, that when a question of this importance has been considered by a Standing Committee it ought to be sufficient evidence to the House of the correctness of their proceedings. I know it is against the rules to mention in our debates the proceedings of any committee, but I venture to say that that Bill only passed in the committee by a majority of one, and it was for that reason I intended, when the report came before the House, to call the attention of the Senate to it and test the opinion of this Chamber on the question. I propose in future, unless there is something that is absolutely necessary in the interest of the country to do otherwise, to object to the rescinding of the rules. Whatever amendments are made in committee should stand until we have time and opportunity to consider them. I do not want my hon.

friend to think that I am at all personal in my remarks, or that they are directed against the motion he has made.

Hon. Mr. THOMPSON—It is entirely agreeable for me to defer this Bill until to-morrow. I am merely following what was the practice last session, when Bills were rushed through here as if they were going through a funnel. Every rule was suspended. I withdraw my motion, and beg leave to substitute for it a motion that this report be taken into consideration to-morrow.

Hon. Mr. BEIQUE. I must confess that I was myself taken somewhat by surprise, and the more so because I appear to have moved not only for the suspension of the rules, but also for the third reading in the absence of the hon. member who was in charge of the Bill. My only excuse for it is this, that I had a number of Bills to report to the Senate, and for one reason or another I found that either the reports were not prepared, or were wrongly prepared, and I had to use the utmost diligence to prepare the reports myself. I was so much occupied by that work, that I did not at the time realize that the Bill which was being moved was the one which has been referred to. I quite agree with the hon. member, that it is a question on which it would have been quite proper to test the opinion of this honourable House.

Hon. Mr. BOSTOCK—I was in charge of the particular Bill to which the hon. member from Hastings has referred, and hon. gentlemen might possibly think that I had some reason for trying to rush it through. As a matter of fact, I had nothing to do with the motion made for the suspension of the rules. The chairman of the Railway Committee will bear me out in saying that this was the first Bill he laid before the House on Friday. It so happened that I was called out of the Chamber for a few minutes, and on returning was surprised to find that the rules had been suspended and the Bill had passed the third reading. Knowing the feeling of some members with respect to the Bill, I had intended myself to fix the third reading for to-day, so that every one would be given an opportunity to discuss the measure. I hope hon. gentlemen will acquit me of having had anything to do with the rushing of the Bill through this House.

Hon. Sir MACKENZIE BOWELL—I had no intention of reflecting on either my hon. friend or the chairman of the committee. The report was adopted in a hurry, and without any one realizing what was done. What I want to do is to call attention to the result of railroading Bills through the House.

Hon. Mr. LANDRY—All this could be avoided by adopting this course: when the chairman of a committee makes his report, let the member in charge of the Bill himself move the suspension of the rules if he wants to have them suspended. The clerk of the committee sent with the report all the motions to be made, and I am satisfied that the motion which the hon. gentleman moved was not prepared by himself.

Hon. Mr. THOMPSON—I can hardly get time to read them.

Hon. Mr. LANDRY—Perhaps the clerk of the committee was anxious to get the work through immediately. There is plenty of time to let us consider the amendments which have been brought in to-day.

The motion was agreed to.

THIRD READINGS.

Bill (WW) An Act for the relief of Helena Mellor Fleming.—Hon. Mr. Davis.

Bill (No. 46) An Act to incorporate the Pine Pass Railway Company.—Hon. Mr. Béique.

Bill (No. 114) An Act respecting the Richelieu and Ontario Navigation Company.—Hon. Mr. Casgrain.

SECOND READING.

Bill (FF) An Act to incorporate the Ottawa, Rideau Valley and Brockville Railway Company.—Hon. Mr. Derbyshire.

TRANSPORTATION OF INTOXICATING LIQUORS BILL.

SECOND READING.

The order of the day being called:

Resuming the further adjourned debate on the motion for the second reading (Bill M) An Act to regulate the transportation of intoxicating liquors, and the motion of the Hon. Mr. Domville, in amendment thereto: That the said Bill be not now read a second time, but that it be read a second time this day six months.

Hon. Sir RICHARD SCOTT—In making some observations on the motion made by the hon. senator in this Chamber, whom I do not now see in his place, for the six months' hoist, I should like to say in advance, for the information of the hon. senator from Halifax (Hon. Mr. Power) that at the time I undertook the charge of this Bill, I was not aware that other gentlemen had declined. I do not believe, if I had been so advised, that it would have made the smallest difference in the course I have taken, because I have considered the Act a very commendable measure—one which it would be extremely unfair on the part of parliament to refuse to Prince Edward Island, which province has been under partial or total prohibition now for nearly twenty-five years, the last ten years, under an Act passed in 1900, total prohibition prevailed. The people of Prince Edward Island, whether they are correct in their views or not, at all events are the ones who are most deeply interested, and they were almost unanimously of the opinion that the proposed legislation referred to in this Bill is going to be of substantial benefit to them. They can protect themselves as far as the island itself is concerned. They have a law on the statute-book which makes ample provision for intoxicants which may be required for medicinal and sacramental purposes, or for arts or manufacture. The Act is most liberal. It is larger and more generous to those who differ from them on the subject of total abstinence than is the Canada Temperance Act. Under those circumstances, it did seem to me very ungenerous and indefensible, that this Bill when first introduced should have been attacked so bitterly by certain hon. gentlemen, particularly in the face of the hon. senators who reside on the island, and whose opinion was altogether adverse to the conclusion suggested by those gentlemen. There was a gentleman, who at one time was a member of this House, though I am sorry to say is not with us now, who two years ago gave his opinion on this subject, and as his views were always listened to with very great respect, I should like to quote a few lines of his opinions on the effect of prohibitory law in Prince Edward Island. I allude to the late Senator Ferguson, at one time a member of the government in this country. In speaking of the Act upon which this is based—that is to prevent law-breakers, whether they are agents, or transportation companies, or smugglers, from forcing liquor on the territories that are under prohibition. The Bill which we were considering and which became law, was for the purpose of protecting some fifteen or sixteen counties, perhaps more, in Nova Scotia and New Brunswick. We gave to them the privilege which they asked, of being protected from outsiders, while we declined—and in the opinion of some gentlemen, we should have declined—to give the same privilege to Prince Edward Island. The late Senator Ferguson said in reference to Prince Edward Island:

I think the cause of temperance has been advanced very considerably since the Scott Act was exchanged for prohibition. I think I am safe in saying that the province of Prince Edward Island occupies a position today with regard to the liquor traffic equal to any part of the North American continent, and I think I might go beyond that. I do not say that all drinking is stamped out. I am sorry to say that it is not, but the difference between the state of the community to day and what it was in the old days under license or free liquor is most pronounced.

Then in answer to those who were opposing that legislation this is what the late senator said:

Is it right to leave people who want prohibition, no matter how strong the sentiment may be and how willing they may be to carry it out, to the mercy of outside places who have less advanced temperance sentiment, who can send in the liquor and can make every express agent in the country an agent to sell liquor? This will prevent that practice and it will give the people in those constituencies that want the Scott Act a chance to adopt it. Why should we not give them a chance? Leave the communities who do not want the Scott Act to work out their own problem in

the matter of the liquor traffic, but give the people who want the Scott Act a fair chance in their own constituency and do not have their operations swamped by outside influences.

Now, that is the opinion of a gentleman whose observations in this chamber were always held in high esteem—a very level headed man he was, and one whose loss was very seriously felt in this Chamber when he left it. Some reflection has been made on the paucity of votes in Prince Edward Island in favour of prohibition. I have under my hand a return made some years ago—I think about 1893—giving the vote under a provincial plebiscite, and I find the majority in Prince Edward Island in favour of prohibition was a little over 8,000. Then hon. gentlemen will remember that in 1898 the present administration, in answer to a very general demand, had a general plebiscite taken, and on that occasion the majority in Prince Edward Island was 8,315. That showed a very marked appreciation of the benefit arising from prohibition, and it does not rest with any hon. gentleman to say that the sentiment of Prince Edward Island is adverse to the adoption of prohibition. The resolution adopted by the legislature passed, so far as the official report shows, without any challenge. That is, the legislature unanimously asked the government of this country to lend their aid to enable them to keep liquor out of the province. Their law is a most generous one. It is set forth in the Bill before us. They allow liquor to come in for all the purposes I have mentioned—sacramental, mechanical and medicinal. As far as the medicinal part of it is concerned, I think people would get well much sooner without it. However, I shall not raise a controversial question on that point. Then private individuals are allowed for their own use to import liquor, and the limit which they put on it shocked me—it was five gallons at one time. The fact is that their law is far more liberal and considerate to those who differ from them on that question than is the Canada Temperance Act, which has been on our statute-book now for some thirty odd years.

I must confess I was very much surprised, I might add shocked at the extraordinary stand taken by the hon. gentleman from Halifax, who denounced this Bill as tyrannical, and he used language which I will not say was unparliamentary, because we have pretty wide latitude in abusing each other; but those who support the Bill were put in the category of cranks. I regret that the hon. gentleman used language of that kind. In the attempt to justify his own views, he invoked holy writ, and his calling up the Son of the Most High was a great shock to everybody, and his friends deeply regret that he ever made use of profanation of that kind. The hon. gentleman sought to compare the juice of the grape, even as it existed 2,000 years ago, with the product of the modern distillery, which is liquor made out of rotted grain, which God never intended to be used for that purpose, but was intended for keeping up the life of the world. The strongest point on their side made by the opponents of the Bill, was that the measure was unconstitutional. Before I proceed to prove—I think I am safe in using as strong a word as that—that this Bill is intra vires of the parliament, I should like to compare the various clauses in the Bill now before the House with the law we passed two sessions ago, and with the Canada Temperance Act, which has been before the courts, and has been sustained by the Judicial Committee of the Privy Council. I wish, therefore, to hastily run over the paragraphs and point out that the Canada Temperance Act having been held by the highest court in the empire to be entirely within the jurisdiction of the parliament of Canada, the argument that the Bill now before the Senate, which is drafted on exactly the same lines, only being less extreme in its character, so far as those who differ from the total abstainers are concerned, cannot therefore be challenged on the ground of want of constitutionality. The object of the Bill, as I explained, was to prevent parties sending liquor into Prince Edward Island. It is a matter of notoriety in all the maritime provinces that the prohibitory law exists there. The island is from time to time visited by commercial travel-

lers, dealers, merchants and others, and therefore the law is generally known. In passing our legislation, we do not provide that persons are not liable to be punished who plead that they do not know the law; everybody is supposed to know the law. In this case the parties who deal with Prince Edward Island must have known that it was under prohibition, because it has been in that condition now for over a quarter of a century. Clause 1 provides that no person shall, except as in the Act provided, by himself, clerk or agent, bring or ship liquor into the island. The next declares that the selling of liquor transmitted to the island under any other name is illegal. The House, I am sure, will not hesitate to adopt that. The hon. gentleman from Halifax says:

I do not wish to use strong language—

I should like to know what language he could have used that would have been stronger:

I do not wish to use strong language about the Bill, but I think it is a sample of the tyranical legislation which has often been sought by well-meaning gentlemen, and sometimes by well-meaning ladies, who have made a fetish of some particular virtue or some particular line of conduct. In the present case, there are a number of well-meaning people all over the country who have made a sort of little god of this total abstenence from liquor propaganda.

I shall call up the hon. member from Halifax as a witness in this particular case. He illustrated the tyranny of it by informing us that there were breweries and distilleries in Halifax, and they could not be stopped. He assumed that this Act was the outcome of the power parliament had with regard to trade and commerce. He was wrong there, however, in his view of its meaning on that point. Therefore he assumes this is rather against trade and commerce, which he thought rendered the Bill unconstitutional. But he took the case of the distillers and the brewers and said it was monstrous to think of checking them in that regard. Thirty-two years ago, the hon. gentleman supported clauses in the Temperance Act, the important parts of which I will read to the House. One clause provides that: 'From and after the date which this Act comes into force, and so long thereafter as it continues, and so on, exceptions are made for sacramental and medicinal purposes.'

Then the Act proceeds:

No person by himself, clerk, servant or agent, shall expose or keep for sale, directly or indirectly, or on any pretense or device and so on, any spirituous or intoxicating liquor, and so on.

I should like the hon. gentleman to note this particular sentence:

And neither any license issued by or to any distiller or brewer, nor yet any license for retailing on any steamboat, etc., nor yet any description of license, shall avail to render legal any act done in violation of this provision.

Hon. Mr. POWER—The hon. gentleman misapprehends the point I was endeavouring to make.

Hon. Sir RICHARD SCOTT—I did not interrupt the hon. gentleman, and I am taking his language.

Hon. Mr. POWER—The hon. gentleman interrupted me several times. I just wish to explain what I stated, that this Act was not a general Act applying to the whole of Canada, and that it was an exceptional thing to prohibit the sending in of liquor to Prince Edward Island or any other small district like that. It is not like the Canadian Temperance Act, which is a general Act.

Hon. Sir RICHARD SCOTT—The hon. gentleman does not say that he has not used the language I have quoted?

Hon. Mr. POWER—Oh, no.

Hon. Sir RICHARD SCOTT—He admits he did use the language illustrating the effect of the proposed legislation. That he thought we could not do it.

Hon. Mr. POWER—I think so still.

Hon. Sir RICHARD SCOTT—Although the Canada Temperance Act was based on the assumption that you could not send into a city or county that had adopted the Act any spirituous liquors for sale. That was the basis of it, so that this Act is exactly on the same lines in reference to that important point. The next clause provides that nothing in the Act shall pro-

hibit the vendors legally appointed by the provincial governments from importing liquor. They have a liberal act in Prince Edward Island on that score. They appoint inspectors, and the druggists, as a rule, are those who are authorized to sell for these particular purposes. Section 2 reads:

No act done in violation of this Act, shall be rendered lawful by reason of any license of any discription.

That is following the words of the Canada Temperance Act. Here is a liberal paragraph not in the Canada Temperance Act, it is the permission for private persons to import liquor for their own use. The 4th clause is a penalty clause for violation of the provisions of the Act, and the 5th clause reads:

5. Every one who, in violation of this Act, in the employment or on the premises of another so sends, ships, brings or carries, or causes to be sent, shipped, brought or carried, or delivers to any consignee or other person, or stores, warehouses, or keeps any intoxicating liquor, or packages containing intoxicating liquors, not so labelled, shall on summary conviction be liable to the same penalty as the principal.

The next statement to which I will refer in the remarks of the hon. gentleman from Halifax, reads as follows:

This Bill, amongst other things, provides that a search warrant may be issued to go into the house of the most respectable man in Prince Edward Island at almost any time and search it to see if there is any liquor on the premises. No one who was not a perfect lunatic could advocate such a measure as that.

I should like the hon. gentleman to take the Bill in his hands and let me read the corresponding paragraph in the Canada Temperance Act, and he will find that the one in the Bill before us is a far more liberal proposition than the one in the Canada Temperance Act. The clause reads:

In case a creditable witness proves upon oath before a stipendiary magistrate, etc., before whom any prosecution is brought that there is a reasonable cause to suspect that any intoxicating liquor in respect to which such offense has been committed is in any dwelling house, store, shop, etc., such stipendiary magistrate may grant a warrant to search such store, shop or dwelling house, garden or other place or places for such intoxicating liquor, and if the same or any part thereof is found, to bring the offender before him, and so on.

Under the Act, you will observe, a search can be made at midnight, or at any time, and the Bill proposes that it shall only be made in the day time. That is the only difference between the two. The hon. gentleman from Halifax supported the clause in the Canada Temperance Act, yet he now urges that this provision is fanatical. Well, he ranks as a fanatic. I think I have clearly shown that there is substantially no proposition in the Bill that has been so fiercely denounced by some hon. gentlemen, who I do not now see in their places, and by my hon. friend from Halifax, that had not been already approved of, and that the changes made were all in the direction of giving liberty to those who were opposed to the legislation. It is more generous in its terms. It is not nearly as exacting in the inquiry to be made, and here is a most marked difference. Under the law as it stood, a person holding a search-warrant could enter a man's private dwelling at midnight. There is a limitation in the Bill, that it must be in daylight. I think I have shown that this Bill, so far as the principle goes, is exactly on the same lines as the Canada Temperance Act. The hon. gentleman discussed the judgment rendered by the Chief Justice of the Supreme Court, in which he expressed the opinion of the court, that the parliament of Canada had the power, because it related to trade and commerce. The Privy Council, in their judgment, expressed the opinion that while the judge of the Supreme Court and the minor judges may have been right in coming to the conclusion that this traffic was under the item of trade and commerce, yet they found very much stronger basis on which to form the judgment, and I may say, and perhaps my hon. friend will remember, that when the Canada Temperance Act was before this Chamber, reference was then made to the powers parliament had on the very first reference to section 91, that any legislation, affecting the peace, order and good government of Canada, was within the control of this parliament. The case arose in Russell vs. the Queen. It went to the Privy Council. The note at the beginning reads:

The object and scope of the Act are general, namely, to promote temperance and a uniform law throughout the dominion. They relate to the peace, order, and good government of Canada, and not to the classes of subjects, property and civil rights.

In giving their judgment, they said:

The general question of the incompetency of the Dominion Parliament to pass an Act, depends on the construction of the 91st clause of the British North America Act, 1867, headed, distribution of powers.

That section reads:

It shall be lawful for the Queen, by, and with the consent of the Senate and House of Commons, to make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the legislatures of the provinces.

In the argument before the Judicial Committee, the counsel urged three grounds, and they were these:

The three classes of subjects enumerated in section 92, were referred to, under each of which it was contended by the appellant's counsel that the present legislation fell. These were: Shop, saloon, tavern, auctioneer, and other licenses in order to the raising of a revenue for provincial local or municipal purposes.

In answer to that they say:

With regard to the first of these classes, it is to be observed that the power of granting licenses is not assigned to the provincial legislatures for the purpose of regulating trade, but in order to the raising of a revenue for provincial, local or municipal purposes. The Act in question is not a fiscal law. It is not a law for raising money; on the contrary the effect of it may be to destroy or diminish revenue; indeed it was a main objection to the Act that in the city of Fredericton, it did in point of fact diminish the sources of municipal revenue.

Next, their lordships cannot think the Temperance Act in question properly belongs to this class of subjects 'Property and Civil Rights':

It has in its legal aspect an obvious and close similarity to the laws which place restrictions on the sale or custody of poisonous drugs, or of dangerously explosive substances. These things, as well as intoxicating liquors, can, of course, be held as property; but a law placing restrictions on their sale, custody, or removal, on the ground that the free sale or use of them is dangerous to public safety, and making it a criminal offence, punishable by fine or imprisonment to violate these restrictions, cannot properly be deemed a law in relation to property in the sense in which those words are used in the 92nd section.

Then they proceed:

Laws of this nature designed for the promotion of public order, safety, or morals, and which subject those who contravene them to criminal procedure and punishment, belong to the subject of public wrongs rather than to that of civil rights. They are of a nature which fall within the general authority of Parliament to make laws for the order and good government of Canada, and have direct relation to criminal law, which is one of the enumerated classes of subjects assigned exclusively to the Parliament of Canada.

Their conclusion is this:

Their lordships having come to the conclusion that the Act in question does not fall within any of the classes of subjects assigned exclusively to the provincial legislatures, it becomes unnecessary to discuss the further question whether its provisions also fall within any of the classes of subjects enumerated in section 91. In abstaining from this discussion, they must not be understood as intimating any dissent from the opinion of the Chief Justice of the Supreme Court of Canada and the other judges, who held that the Act, as a general regulation of the traffic in intoxicating liquors throughout the Dominion, fell within the class of subject, 'the regulation of trade and commerce,' enumerated in that section, and was, on that ground, a valid exercise of the legislative power of the Parliament of Canada.

There we have the highest authority of the realm holding that the Canada Temperance Act was a proper Act, and one they approved of; and we have the opinion of the Supreme Court wholly ignoring the supreme powers Parliament has in reference to peace, order and good government. That, under the special powers of the British North America Act relating to the regulation of trade and commerce, it gave them also that power. Hon. gentlemen say: 'Oh, but the Canada Temperance Act applied to the whole country!' Well, it did not. It applied to only such parts of the country as chose to adopt it, and we are in the habit of passing laws eliminating particular sections of the country from its operation. We passed a law the other day, a Bill I myself had charge of, in reference to stealing of ores and compelling parties having ores in their possession to give an account of where they got them, and which several gentlemen said they would support if the particular province they came from was excluded from its operation. We finally got it down so fine that we did not apply it to any province; we left it for the Governor in Coun

cil to apply it to a province if the occasion arose. Another point raised in opposition to this Bill was that it was applicable to the whole Dominion. I can answer him on that point. In the Canada Temperance Act special provision is made for enforcing a law which is purely local. Take the law known as the Dunkin Act, which prevailed only in certain municipalities. We did not incorporate that law in the Canada Temperance Act, but we have a number of clauses directly affecting it, and giving increased power to carry out the law in the municipalities which have adopted the Dunkin Act. So that on all grounds we have shown that the Bill is clearly within the purview of parliament. That cannot be challenged. I certainly was surprised at the opinion expressed by several hon. gentlemen who addressed this House, in the extreme language they used, denouncing it in the most unmeasured terms as a law that ought not to be supported. I confess I was amazed that those gentlemen had failed to note the change that has occurred in the last twenty-five years in regard to the question of temperance. In all the advanced countries of the world restrictive legislation is being adopted to-day. Canada probably led the van thirty odd years ago in adopting the Canada Temperance Act; but other countries have gone ahead of us with such legislation, and made much more restrictive enactments in order to restrain and check the liquor traffic. In Ontario, year by year laws have been made more stringent on all engaged in the traffic. During the last twenty-five years, year by year, the number of licenses issued to shops, taverns and saloons has been diminished. The hours on which they may keep the bars open have been reduced. Formerly it was limited to Sunday, and then further reduced for the protection of the man who earned his living, and was paid at the end of the week; the bars had to be closed at seven o'clock p. m. on Saturdays and remain closed until Monday morning. Then in order to widen the benefits of restrictive legislation in the province of Ontario, they passed a Local Option Act, enabling counties to enact absolutely restrictive legislation, prohibiting the sale of liquor, not as this Bill does, allowing individuals to purchase and use liquor, but absolutely prohibiting the introduction of it into particular districts to which it was applied. That local option has been carried in the last three years in ninety constituencies. It required a three-fifths vote, not an ordinary vote such as we have at our elections, such as is used for deciding very many important questions, but a three-fifths vote must be recorded before they can pass the law; yet with that difficulty and objection no less than ninety municipalities have in the past three years been placed under local option. I do not know if it is quite proper for me to give the reasons why I advocate a measure of this kind. I have now for upwards of sixty years taken a note of the days that have passed and years, and observed the influence of the free use of intoxicants. I have noticed three effects. Sixty odd years ago, when I was a young man, conditions were different from what they are to-day. A very marked change has taken place. The difference was that in those days our liquors were pure, they were honest; if you drank Madeira you knew it was Madeira, and if you drank port wine, it was port wine. As a boy, I drank port wine, and it had less effect on me than a glass of ginger wine would have to-day, because the wine was pure. As years went on, those who indulged in liquor showed its effect in the shortening of their lives.

I can point out a legion of men who might have lived much longer had they abstained from intoxicants. I do not say they died of delirium tremens, not at all. They were considered moderate drinkers, and they died of Bright's disease, tuberculosis and other causes; but they would have lived twenty, thirty or forty years longer had they been total abstainers. I have reason for knowing this probably more than many within the range of my voice to-day, and I speak of facts as my memory has recorded them. Therefore, I feel that any movement we make to restrict the liquor traffic, particularly the liquors as we find them to-day, is doing good not alone to our country, but to our fellow men, and that is why I so earnestly

appeal to this House to adopt the Bill. They certainly can never regret their action. They may congratulate themselves on saving from misery and sorrow many a household. The views that I have expressed are shared by others. I should like to give some few opinions that I have collected from the utterances of prominent men. Last summer twenty-five countries appointed delegates to meet in London in order to consider the question of the use of intoxicants. The United States sent twelve, and they were selected by the government. They represented the army, the navy, and the state. In England, many of the leading men were judges. Now I shall just read an extract or two from the report made by the Washington delegation on their return:

Alcohol and alcoholism are two of the real and substantial enemies of moral, artistic and commercial progress of the human race, according to the report of the United States delegates to the twelfth congress on alcoholism, made public by the state department to-day. The delegates were appointed by secretary Knox as one of his first official acts. The congress was held last July in London, England, and twenty-five governments were represented, the delegates of each concurring in general finding that alcohol not only was unnecessary to human life and comfort but was inimical to health. Three departments of the United States government were represented by delegates, the state, navy and treasury. Twelve representatives went abroad and all of them reported to-day.

According to the report, the interest shown in the congress was greater than ever was known before.

While the congress urged the necessity of imposing the most rigorous restrictions on the sale and traffic in alcoholic liquors, it regarded as equally important the need of educating the younger generation to a true knowledge of what alcohol is and what its effects upon the human system are. The delegates believe that the numerous discoveries as to the harmfulness of drunkenness and even of 'moderate' drinking, also, should be set before children in order that they may see the danger of the practice. The American delegates sum up this phase of their report by saying: 'increased teaching as to its character and influence should be provided to conserve industrial efficiency in the commercial competition of nations, as well as to promote two of the chief objects of government, the public health and morals.'

I should like hon. gentlemen to pay attention to the following paragraph with respect to crime:

The relation of drunkenness to crime was a subject that received much attention at the congress. The chief justice of Britain, however, Lord Alvestone, announced that in his belief, 90 per cent of the crime under observation was due to drink. Judge W. F. Pollard, of St. Louis, Mo., who presides at the second district police court in that city, declared that of the cases passed upon by him, fully 85 per cent of those convicted could charge their degradation to the use of alcohol. Lieut. Col. McHardy, of Edinburgh, Scotland, coincided with Judge Pollard as to the percentage of crimes occurring in the former Scotch capital.

Here is the conclusion:

While the congress took no action looking to international organization for work, the meeting resulted in the organization of the two new auxiliaries. One is the international prohibition which proposed to wage an educational campaign among the adults and the total abstinence of teachers, composed of teachers in the public schools and universities who will pledge themselves to promote the temperance education of youth.

These views rather clash with the views that have been expressed by the hon. member from Halifax. Recently, at Toronto, a meeting was held of representatives of labour unions, four thousand delegates attending. They represented probably three million men. The text of the main discussion was the proposal by Mr. Gompers that there should be a total separation between the various unions and the saloons. The Toronto 'Globe' in summarizing what was said at the meeting has the following:

Labour Unions and the Saloon.

A strong and ringing note was struck by the labour leaders of America at Massey Hall yesterday afternoon. It was the note of open and uncompromising antagonism to the saloon. There was no mincing. There were no saving clauses. Straight from the shoulder the blow was struck. All fellowship between labour unions and the saloon was denounced. Without reserve or equivocation, and in the name of international labour, endorsed by four thousand men with the right to speak, the liquor traffic was condemned as an enemy of the workingman, a burden on his life, and a curse to his home.

The significance of yesterday's declarations is very great. It means a fresh rally of the forces making for sobriety and a new social order. It signalizes the deliverance of a great host of the world's workers from a bondage that has for generations, in Britain and in America, been a blight on the vitality and a bar to the progress of the labour movement.

Recently, in France, Doctor Bertillon, the celebrated expert was called on by the government there to express some opinion in reference to the connection between alcoholism and tuberculosis. I will just read

a paragraph or two from his report as quoted in a despatch from Paris, July 13, to the daily press:

Paris, July 13.—The French government has for the first time made a statistical inquiry of a comprehensive and detailed character into the causes and various development of alcoholic diseases. Dr. Bertillon, the eminent authority on hygienic subjects, has made the results the subject of a very striking address before the academy of medical science.

On the kinship between alcoholism and tuberculosis, Dr. Bertillon quotes the statisties of mortality among the retailers of intoxicating liquors as compared with that of all other classes of shopkeepers. Twice as many of the former as of the latter are killed by consumption. They live all day long in an alcoholized atmosphere; even if they be temperate they absorb the poison through their lungs, they take it in, so to speak, through every pore. They are more liable to disease of all kinds than any class of the community. But Dr. Bertillon's diagrams show that tuberculosis is far and away their worst scourge. The figures taken from statistics of publicans and shopkeepers between the ages of 35 and 45, prove that alcoholism of the lungs is twice as common as alcoholism of the liver. Again, to quote Dr. Bertillon: 'alcohol causes consumption through enfeeblement of the constitution—in other words, by robbing of its power of resistance against microbe attack. We all absorb, every day of our lives, the microbe of phthisis. It matters not while we are in sound health.

Women being physically weaker than men, how is it that men are at least twice more liable to tuberculosis than women—who are subjected to greater privations than men, and have a harder fight of it in making a livlihood? The answer is that 'the stronger sex is the drinking sex.' Is it not a tell-tale fact that up to the age of fifteen both sexes are on a par as regards liability to tuberculosis? Up to that age young men are as temperate as young women. 'After that age, the drinking habit begins, and the ravages of tuberculosis among men grow more and more fatal until about the fifieth year.

I do not know whether hon. gentlemen take a note of what appears from day to day in the papers, showing the terrible consequence of over indulgence in liquor; the crimes that are committed, the households that are wrecked and the widows and orphans that are made. But let me give you a statement of what has occurred in the Dominion within the space of seven days. In the 'Globe' of October 25, I find the following:

The Slayer of Men—One Week's Record.
To the Editor of the 'Globe':—

At Woodstock, N.B., on Thursday of last week Sandy Monicelli was found guilty of manslaughter and sentenced to imprisonment for life. In a drunken quarrel he had shot and killed Nicholas Leganie on August 8 last. He was only nineteen years of age.

The same day at Pictou, N.S., began the trial for murder of John Fraser, aged thirty, who on June 8 last, at New Glasgow, had shot and killed Duncan Brown after both men had been drinking freely.

Two days later, at Toronto, Walter Blythe was sentenced to eighteen years in the penitentiary for having beaten his wife to death with a poker at Agincourt in the early part of the year. His defence against the charge of murder was that he was drunk when he committed the crime.

At Vancouver, B.C., there was also a murder trial last week. Charles Egan was arraigned for the killing of William Shields, whom he stabbed to death at Prince Rupert on September 13. Witnesses testified that both slayer and slain were very drunk at the time of the killing.

On Sunday morning last at Lindsay, Joseph Hunter committed suicide in the county jail, where he was awaiting trial for the murder of his wife, whom he had shot and killed at Bobcaygeon some time before, when he was intoxicated.

This waste of human life and wreck of homes all over the Dominion is only a part of the awful consequences of the drink habit and the liquor traffic which burden our country with a terrible weight of misery, brutality, shame and crime.

When I addressed the House before, I gave some instances of what had occurred just the previous week. I instanced the case of an Italian who, under the influence of drink, had killed his two best friends. He was arrested, and when he was taken to the hospital where one of the victims was dying, for the purpose of being identified, he was so overwhelmed that he threw himself on the bed of his friend and wished that he could be there in his place, and all this occurred from drinking. It is sixty odd years since I was called to the bar, and for half a century of that time I was practising my profession, and a greater part of the time acted as Crown prosecutor. There it was I had the opportunity of coming in close contact with the consequences of indulgence in drinking. I have had to indict a man for the murder of his wife, and the implement he used to commit the murder was a whisky bottle. He was under the influence of liquor at the time, and did not know what he was doing. I have had to indict a woman for the death of her husband, and when the poor little woman appeared in court with her children, all of them dressed in mourning, it was a most pitiful sight. When the jury heard her story, and learned that she had killed her

husband to save herself, and probably her children too, they acquitted her. Those were sad scenes, and it shocks me very much to find when it is proposed to adopt restrictive legislation, that gentlemen of mature years stand in the way, and say we are fanatics to propose it. Surely when people ask unanimously for such a measure, it is strange that any one should say: 'No, we will not grant it; we will encourage the extending of liquor to your homes, and you must not interfere with it.' Smugglers, buccaneers, law-breakers, are to be encouraged to force liquor upon a population that does not want it, to corrupt the taste of their children, and to destroy the peace and happiness that prevail in the community. The law-breakers are the only people who are attacked in this Bill, and it seems incomprehensible that any number of gentlemen of the ages that we have reached here, should rise in their places, and call us fanatics, and this legislation tryannical. It is a sad thought. I leave the Bill to the Senate, convinced that I have done my duty at all events in presenting the case of the people of Prince Edward Island for the passage of a measure that will protect them from the outsider. In reference to the adulteration of the liquors of to-day, I should like to recall to mind some things that hon. gentlemen may not think of. Would you believe there is a law on our statute-book authorizing men to compound in their cellars all kinds of liquors. Twenty or thirty years ago, I brought up this question in the House and expressed my abhorence that such a law should be on the statute-book, and I thought it was struck off, but it is still in the revised statutes. The Act of 1883, which is somewhat modified, contains the following:

> The term 'compounded spirits' means and includes all articles containing Canadian or other spirits which are enumerated in the schedule to this Act, the duty thereon having been paid—or which may be added to such schedule by any order of the Governor in Council.
>
> Compounder means and includes every person who by himself or agent compounds or mixes for sale by wholesale any of the articles enumerated in the schedule to this Act, &c.
>
> The schedule is:
>
> Imitations of British or foreign wines, brandy, rum, gin, old Tom, Geneva Schnapps, British or foreign whisky, and bitter liquors and cordials when containing alcohol.

The reason for this law was, people were compounding liquors and the government thought they could check the practice if they made them pay a license fee; so, under this Act no man is allowed to compound liquors unless he pays $50, but having paid the $50, he is permitted to turn out any form of liquor he pleases. My own conviction is that three-fourths of both the wholesale and retail men of Canada blend their liquors. No doubt there are honourable men in the trade who would disdain to compound; but so far as I can learn, it is practised all through generally. It, perhaps, does not seem to be any particular harm to blend wine. It is done because the law allows it to be done, but it would be absolutely impossible, it would require thousands of officials to watch all the cellars of the various dealers in liquor to-day throughout Canada, so that the opportunity of blending liquors is unlimited. When people buy liquors that they think are pure, they justify their drinking by saying: 'I am drinking, genuine stuff; there is no danger, it has not been blended with any improper fluid'. I say it is quite impossible to come to that conclusion. A few years ago, when the phyloxera were destroying the vineyards in France, the output of champagne did not diminish, but kept on increasing. Men who had wealth thought champagne was the most fashionable of drinks. It was one of the evidences of prosperity, yet it was impossible that all of it could be pure, because the vines in the champagne district had been destroyed. Other wines were purchased and with the advanced knowledge that men have of chemistry, it was easy to make an imitation of any brand of champagne. The same observations apply to all other liquors. I hope I have not tired the House; but I felt it necessary to bring this subject prominently before the Senate because I was surprised at the hostility evinced when this Bill was submitted to the Senate. I thought it was one in the direction of morality, and the betterment of my fellow men. Let me say here I think we are only discharging a moral duty when we pass legislation of this kind. We may have sufficient strength of character ourselves to resist temptation, but we must remember that a large number of our brethren have not the same strength

that we possess. They cannot resist temptation. The saloon is an attractive place, and when they see it lighted up in the evening, and filled with gay people, they enter without the intention of drinking. But drinking does take place, they go home drunk, are upbraided by their wives, and some of them thrash their wives. Wife-beating has become a common practice, and when the wife-beater is brought before the court the wife frequently appeals to the magistrate not to punish her husband, that when he is sober he is the best of men, and it is only when he is drunk he is cruel. Thus it happens that the magistrate is often induced by the appeals of the wife to let the wife-beater go. Surely any law that will restrict a traffic which creates such terrible destruction and blights so many homes, ought to be readily adopted without question by men who have at heart the best interests of their fellow men. Having given many years of thought to this subject, I am forced to the conclusion that the less liquor consumed the better for the community, and where a whole community desires to be free from the traffic in liquor, and plead with parliament to prevent liquor being sent into their province, we ought to meet their wishes by passing a Bill of this kind.

Hon. Mr. MACDONALD (British Columbia)—How will this Bill affect the transportation of liquor through a temperance county to a non-temperance county?

Hon. Sir RICHARD SCOTT. The law provides already that the distiller or brewer has no right to send his liquor into a prohibited district. The province of Prince Edward Island is under prohibition. The legislature of the province, without a dissenting voice, ask us to pass this Bill. I am modifying it at the instance of some hon. gentlemen, and it applies only to Prince Edward Island.

The Senate divided on the amendment, which was rejected by the following vote:

CONTENTS:

Hon. Messrs.

Béique,	Fiset,
Boyer,	Poirier,
Chevrier,	Power,
Derbyshire,	Riley,
DeVeber,	Roy,
Ellis,	Tessier—12.

NON-CONTENTS:

Hon. Messrs.

Baird,	McDonald (Cape Breton),
Belcourt,	McGregor,
Bowel (Sir Mackenzie),	McKay (Truro),
Campbell,	McMillan,
Dandurand,	McMullen,
Douglas,	Montplaisir.
Edwards,	Robertson,
Farrell,	Ross (Halifax),
Gillmor,	Scott (Sir Richard),
Landry.	Thompson,
Macdonald (Victoria),	Yeo—22.

The motion for the second reading of the Bill was carried on the same division reversed, and the Bill was read a second time.

MONTREAL CENTRAL TERMINAL RAILWAY COMPANY BILL.

The order of the day being called:

Consideration of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours, to (Bill No. 44) An Act respecting the Montreal Central Terminal Company.

Hon. Mr. BEIQUE—Before moving the adoption of the report, I desire to say a word or two. The hon. gentleman from St. John (Hon. Mr. Ellis) took exception to the amendments which were made in committee to this Bill, as going too far. I desire to draw the attention of the House to the fact that under section 225 of the Railway Act, the construction and operation of railways along or across any highway is left entirely to the Railway Board; but by the proviso to the same section, that the construction or operation of street railways or tramways, or any railway to be operated as a street railway or tramway along any highway, which is within the limits of any city or incorporated town, cannot be constructed or operated until the company has first obtained the consent therefor by by-law of the municipal authority of such city, or incorporated town. Therefore, under the operation of section 225 of the Railway Act, as regards electric railways or tramways, the power of the Railway Commission is made subject to the consent of the city having the municipal control over such highway or street. I submit that one of the amendments which

has been made to this Bill is exactly in accord with the spirit and letter of the provision. The fact that it is a tunnel instead of being a surface railway, seems to make no difference at all. The municipality owns the sub-soil as well as the surface, and therefore, the consent of the municipality should be obtained. But I may be told that the amendment goes further than that, and actually prevents the operation of the street railway, or of the tunnel authorized by this Bill, even if it is constructed outside the line of street, unless the city's consent is obtained. The main reason of the amendment is to preserve the rights of the city. It is well known that in a large city, such a franchise is of considerable value. Speaking in a general way, I think the city of Montreal derives a revenue of some five or six hundred thousand dollars a year from the Montreal street railway, and to-morrow there may be established an underground system of railway, and surely, whenever it is done, the franchise of that underground railway will represent a valuable asset and the city of Montreal, or any city in this Dominion, should not be deprived of its value. I think that is the reason which influenced the committee in adopting the amendment which has been challenged by the hon. member from St. John. I have referred to the first portion of section 225, and have drawn attention to the fact that, as regards the building and operating of railways proper, it is left under the first part of section 225, to the Railway Commission, but what has been the policy of parliament almost ever since this Railway Act was passed—at least for the last four or five years? The policy of this House, as well as the other branch of parliament, has been invariably to introduce into all the Railway Acts a provision taking away from the Railway Commission that power, and limiting it to the consent of the city, whenever it is intended to operate a railway along the street, highway or public place, which is altogether in the same spirit as the amendment which has been adopted.

Hon. Mr. THOMPSON—Where it is a subway or underground railway, how is the street or highway to be interfered with?

Hon. Mr. BEIQUE—Because it is under ground. The city owns the subsoil as well as the surface, and by what authority should the city be deprived of its right without any indemnity at all?

Hon. Mr. THOMPSON—The hon. gentleman's argument is based on the fact that we have protected all cities and villages in respect to their streets, highways and public places, by putting in a provision of this character. The argument was based largely on the effect that they had roads, and highways and streets in public places, but when you come to build under the streets the surface roads are in no sense interfered with.

Hon. Mr. BEIQUE—You deprive the city of the ownership of the location and the hon. gentleman is losing sight of the fact that municipal property is not subject to expropriation under the Railway Act; therefore when power is given under the Railway Act in any charter to any company to take possession of a street, whether it is the surface or an overhead street crossing, it means that the power is given to take possession of it without paying any indemnity for it, because under the Railway Act the municipalities are not subject to expropriation and any provision of that kind would be clearly interpreted as depriving the city of the ownership of the property without any indemnity whatever.

Hon. Mr. THOMPSON—I agree with that; but the hon. gentleman's point was that we are disturbing conditions that exist in the larger centres; that it is a question of paying value for it as a franchise. I can understand how, if the argument is entirely on the question of franchise, the city should have something. That argument is quite clear.

Hon. Mr. POWER—I think there is this point which the hon. gentleman from Fredericton leaves out of sight, that if this company were allowed to go where it pleased underneath the city of Montreal

and build street railways underneath the surface, then the railways which run on the surface, and from which the city of Montreal derives a very handsome revenue, would be put out of business or almost so, and in that way the revenue of the city of Montreal would be affected.

Hon. Mr. ELLIS—I called attention the other day to the fact that the principle which was embodied in this amendment is not in any way similar to the illustrations which the hon. gentleman has given with regard to existing privileges or powers or rights, whatever they may be, as to the railways crossing highways. There is there a restraining interest on the railway from doing a certain thing. It cannot cross a highway except by complying with certain conditions, and as regards the municipality, it cannot place posts in front of a church or a private dwelling without some restriction. The illustrations which the hon. gentleman has collected are not germane to this matter; they are based entirely on what the company is restrained from doing. It is proposed to shut this company out. Having built its tunnel as a part of a great line of railway, extending perhaps for hundreds of miles through the country, it is in an entirely different position from a railway running on the surface of the street, which the city has built and which it owns. But, having built this underground railway, why should there be any further power than the power which may be in the Railway Commission to deal justly and fairly in this matter, as between the city owning the road bed of the upper railway and this railway? Why should there be a compulsory clause saying that they shall not run the railway at all through the places which they had built it to run, and collect money from passengers? I maintain that the argument based on the illustration which the hon. gentleman has made is unfair, because it carries a sound principle so far that you get it on an unsound basis, and you are applying it not to prohibit the company from building its railway, but from using it after you have allowed it to be built.

Hon. Mr. POWER.

Hon. Mr. BELCOURT—Was this railway built with or without the consent of the municipality?

Hon. Mr. BEIQUE—It is not built.

Hon. Mr. BELCOURT—My hon. friend says it is built.

Hon. Mr. BEIQUE—No.

Hon. Mr. EDWARDS—In order that this matter may be disposed of, I move that the order of the day be discharged. I make this motion at the instance of the company, who desire that this course be adopted.

Hon. Sir MACKENZIE BOWELL—If the motion of my hon. friend is carried, that kills the report.

Hon. Mr. BEIQUE—For my part, I cannot consent to this motion, for the reason that this amendment should have been made to the Act which was passed last year amending the charter of the company. Through an oversight, the amendment was not inserted. It was inserted this year with the consent of the promoters, and if the motion in amendment was carried, it would now have the effect of rejecting the report of the committee, and leaving the company with its charter without this safeguard for the city of Montreal. We have had the same provision in a charter in another Bill affecting another company, and it was done in this case with the consent of the promoter. It seems they have the bad grace now to ask that the report be rejected and that the company be freed from the protection which has been given to the city of Montreal in both cases.

Hon. Mr. BOSTOCK—This measure is for an extension of time.

Hon. Mr. BEIQUE—They have still a year, and they could go ahead without being compelled to obtain any consent from the city of Montreal.

Hon. Mr. EDWARDS—So far as the former charter is concerned, does it give any rights within the city of Montreal for doing such business as they suggested?

Hon. Mr. BEIQUE—Yes, it does, and it was not inserted in the charter as it now exists. The House of Commons had one

provision which we amended; and the committee added a further provision for the better protection of the city of Montreal.

Hon. Mr. CAMPBELL—The solicitor of the company, in connection with what the hon. gentleman from Russell has mentioned, said to me also that this amendment which has been made was against their interest, and would render the Bill practically useless to them, and they, therefore, desired the Bill withdrawn. In my twenty odd years experience, where a company has introduced a Bill, and subsequently asked that it be withdrawn before it becomes law, I have never known a case where parliament has refused to grant that request. If this amendment is concurred in, it would kill the Bill. The promoters would rather have no Bill at all than the Bill with this amendment. I hope that their request will be granted.

Hon. Mr. EDWARDS—May I suggest that it stand over until after the adjournment?

Hon. Mr. DANDURAND—I should like to draw the attention of the hon. gentleman who is making this motion to the fact that when these amendments were passed, they were with the full concurrence of the promoters of the Bill, as represented by their attorneys, and it is because I am not sure that the hon. gentleman was present when these amendments were made with the express concurrence of the promoters, that I draw his attention to it.

Hon. Mr. EDWARDS—I understand that the attorney present did consent. I am simply doing what I was asked to do for the company. As to the city having control under ground, I am perfectly in accord with what has been stated, but I understand that this is a railway which terminates in the city of Montreal by tunnel or bridge, and I am not clear that this road should be put under the same municipal restriction as a tramway.

Hon. Sir MACKENZIE BOWELL—What object is there in having it stand over? The Bill was discussed in committee fully, and no further information can possibly be given to this House, and as I understand my hon. friend who makes this motion, he is not desirous of adopting the amendment made to the Bill, or adopting the report. He prefers, on behalf of the promoters, to drop the Bill altogether.

Hon. Mr. EDWARDS—Yes.

Hon. Sir MACKENZIE BOWELL—What necessity is there to prolong a debate of this kind upon which there is such a diversity of opinion? I can easily understand that if the railway, as intimated by the hon. gentleman who made this motion, is to have its terminus in Montreal, then we can infer it was never intended to have a subway through Montreal. In that case, there would be no necessity for the amendment, but before the committee it was distinctly understood that the company intended, after they had bridged or tunnelled the St. Lawrence, to also tunnel the city of Montreal, and what Montreal very properly, in my opinion, asked was that there should not be a competing line to destroy the franchise which the city owned in the street railway. No one knows better than the hon. gentleman who has just spoken, that a very large revenue is derived by the city of Toronto from the operation of the street railway. They are talking of building a subway, but that is not to interfere with the franchise and receipts which are added to the revenue of Toronto. They retain that at present, and it would be simply taking from these cities a revenue which they now derive from the working of these railways, and subways which would necessitate an additional tax on the people of these cities. If the Bill is to be withdrawn, let it be so understood, and withdrawn at once, and there is an end of it, but I suppose we will have the same thing up again next session.

Hon. Mr. POWER—The hon. gentleman who introduced the Bill has requested that final action be postponed until the House meets again, and, as I understand it, the hon. gentleman who reports the Bill from committee is quite willing to extend that courtesy. For that reason, and also that this is a very thin House in which to decide such an important question, it seems to me better to let the matter stand over.

Hon. Sir MACKENZIE BOWELL—I am quite willing to extend courtesy to the hon. gentleman; but it is not a question of courtesy at all. Hon. gentlemen should be at liberty to express their opinions in regard to any matter before the House without being accused of being discourteous.

Hon. Mr. DANDURAND—I do not know to what extent we can refuse the demand of one fathering a Bill to withdraw it. In this instance, it is a Bill for an extension of time in building. Of course it is somewhat unusual to resist such a demand; but I would rather that further consideration of the Bill be adjourned until the 7th April, so that we may see where we stand.

Hon. Mr. EDWARDS—I move that the order be discharged, and that it be placed on the orders of the day for April 7th next.

The motion was agreed to.

BILL INTRODUCED.

Bill (AAA) an Act respecting the Brandon, Saskatchewan & Hudson Bay Railway Company.—Hon. Mr. Power.

DELAYED RETURNS.

Hon. Mr. LANDRY—I some days ago asked the leader of the House to make inquiries about some returns I moved for and I furnished him with a memo. If he has overlooked the matter, I might give him another memo.

Rt. Hon. Sir RICHARD CARTWRIGHT—No, I did not forget it. I communicated with the Department of Justice who promised faithfully to send me the returns at an early date. Possibly I may have them to-morrow.

Hon. Mr. LANDRY—I hope the hon. gentleman will have them.

Rt. Hon. Sir RICHARD CARTWRIGHT—I hope so; they were not overlooked.

The Senate adjourned until two-thirty p. m. to-morrow.

Hon. Mr. POWER.

THE SENATE.

THURSDAY, March 17, 1910.

The SPEAKER took the Chair at 2.30 p.m.

Prayers and routine proceedings.

GRAND TRUNK PACIFIC BRANCH LINES BILL.

THIRD READING.

Hon. Mr. BEIQUE, from the Committee on Railways, Telegraphs and Harbours, reported Bill (No. 127), An Act respecting the Grand Trunk Pacific Branch Lines Company.

Hon. Mr. CASGRAIN moved for a suspension of the rules in so far as they relate to this Bill.

Hon. Mr. RILEY—I object to the suspension.

Hon. Mr. DANDURAND—I would ask the hon. gentleman to withdraw his objection; if he has any special objection to the Bill I would not ask him to withdraw it, but we were told—I need not mention where—that the Deputy Governor will come here this afternoon, and if this Bill is sanctioned it would enable the Grand Trunk Pacific authorities to obtain money in the London market this month, and they can then proceed with the branches which are about to be built this spring and summer. If there is no special objection, I think it is one of those measures which the House would well afford to adopt, inasmuch as there were no amendments made to the Bill.

Hon. Mr. RILEY—In this particular case, I withdraw my objection; but I want to notify the hon. gentleman that I will object to any suspension of the rules in regard to the other Bills brought up between now and the close of the session. I objected to the long adjournment.

Hon. Sir MACKENZIE BOWELL—I express my gratification on the fact that another member is prepared to take exception to the railroading of important mea-

sures through the House in the manner in which it has been done in the past. I expressed myself in very strong language the other day in reference to this matter, and stated at the same time that I would take objection to the suspension of the rules unless there were good reasons to my mind for permitting it. For the reasons that have been advanced by the hon. gentleman who has spoken just now, I do not feel inclined to object at the present time, because it is important that the Bill should be sanctioned as soon as possible in the interests of this great undertaking.

The motion was agreed to.

Hon. Mr. CASGRAIN moved the third reading of the Bill.

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

THIRD READINGS.

Bill (FF) An Act to incorporate the Ottawa, Rideau Valley and Brockville Railway Company.—Hon. Mr. Derbyshire.

Bill (TT) An Act to incorporate the Gatineau and Ungava Railway Company.—Hon. Mr. Bostock.

CORRESPONDENCE WITH IMMIGRATION DEPARTMENT.

Hon. Mr. LANDRY (in French) moved:

That an order of this House do issue for th prodution of all correspondence exchanged between Mr. Stein, of Quebec, and the Immigration Office, Department of the Interor, on the subject of a request for inquiry into a complaint lodged against the immigration agent at Quebec.

The motion was agreed to.

AN ADJOURNMENT.

Hon. Mr. DANDURAND moved:

That when the Senate adjourns to-day, it do stand adjourned until Wednesday, the 6th April next, at three o'clock in the afternoon.

Hon Mr. ROBERTSON—I do not think it will be possible for the House to adjourn until the 6th April. There are in the House of Commons at the present time most important Bills that will be here in a very short space of time, and if we adjourn until the 6th April we will have very little opportunity before prorogation to properly consider and pass them.

There are private Bills 23, public Bills 39, and government Bills 30. I think you may safely say there are one hundred Bills altogether yet to be considered.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think I may promise my hon. friend that he will not be troubled with the consideration of any public Bills here in the present state of business in the House of Commons. As to private Bills, I cannot speak with the same certainty. I am afraid, from what has occurred in the House of Commons lately, we shall have ample time to consider everything that is sent up to us.

Hon. Mr. ROBERTSON—The time will be very short for such an amount of work.

Hon. Mr. DANDURAND—The House of Commons will adjourn from the 23rd to the 30th of this month.

Hon. Mr. ROBERTSON—Would it not be better to have the adjournment end on the 30th in this House also?

Hon. Mr. DANDURAND—No; if we are to adjourn at all we should adjourn now, and there is no object to be gained by meeting again until a week after the other House resumes sittings.

Hon. Mr. ROSS (Halifax)—I am decidedly opposed to these long adjournments. There is an impression in the country that the Senate is a useless body, and we are simply giving ground for that impression. In about ten days, the Naval Bill, which has taken five weeks to debate in the Commons, will be sent up to us, and we want to give it at least a week's consideration here. Now we are asked to adjourn, and when we come back there will be any number of Bills ready for our consideration. We will be obliged to rush them through near the end of the session. It would be better to remain here and take them up day by day, as they come before us, and give them most careful considera-

tion. I have no objection to an adjournment for nine or ten days; but it is unjust to seventeen or twenty senators who are opposed to long adjournments, to carry this motion. I am only sorry that the right hon. leader of the government consents.

Hon. Mr. ROBERTSON—It is all very well for hon. gentlemen who live in Montreal and Toronto, and the country between these two cities, to ask for adjournments. We only sit four days a week and they have all the other days; that surely ought to be enough; without asking for a longer adjournment.

Hon. Mr. DANDURAND—I can tell the hon. gentleman that his brother senators living in Toronto and Montreal are not asking for a long adjournment. They are accommodated fully by having three days to spend at their homes every week. It is for the people who live beyond these cities that this Easter adjournment is proposed. They want to have an opportunity to spend a little time with their families.

The Senate divided on the motion, which was adopted by the following vote:

CONTENTS:

Hon. Messrs.

Béique,	De Veber,
Belcourt,	Edwards,
Bostock,	Ellis,
Boyer,	Farrell,
Campbell,	Fiset,
Cartwright	Landry,
(Sir Richard),	MacKay (Alma),
Chevrier,	MacKeen,
Choquette,	McGregor,
Costigan,	McMullen,
Dandurand,	Montplaisir,
Derbyshire,	Power,
Dessaules,	Roy,

NON-CONTENTS:

Hon. Messrs.

Beith,	McDonald
Bowell	(Cape Breton),
(Sir Mackenzie),	Ratz,
Davis,	Riley,
Douglas,	Robertson,
Macdonald	Ross (Halifax),
(Victoria),	Thompson,
	Yeo—12.

Hon. Mr. ROSS (Halifax).

THE DAM ON THE RIVER LA DECHARGE.

MOTION.

Hon. Mr. CHOQUETTE moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to lay before this House, all documents, letters, returns, etc., concerning the damming of the river La Dècharge, near Lake St. John, in the district of Chicoutimi; which returns are to the effect of showing whether it would be possible to maintain the level of Lake St. John at a reasonable height in order to ensure serviceable navigation on that lake and its tributaries.

The motion was agreed to.

TERMINAL OF THE NATIONAL TRANSCONTINENTAL RAILWAY AT QUEBEC.

INQUIRY.

Hon. Mr CHOQUETTE inquired:

1. Have the government or the Transcontinental Railway Commission arrived at any conclusion whatever as to the best place for the construction of the central railway station in the city of Quebec? If not, when is the decision to be made?
2. Is it the government, or the Transcontinental Railway Commission, or only the Chairman, Mr. Parent, who has to choose the place for the central railway station?
3. Have negotiations taken place on this subject with the different railway companies which at present have their stations at Quebec?
4. Does the government know that nearly all the population of Quebec is opposed to this central railway station being situated at the Champlain market in the lower town of Quebec? If not, does it intend to consult the city council, the chamber of commerce, and the citizens of Quebec, on this subject, or to leave the decision to Mr. S. N. Parent, chairman of the Transcontinental Railway Commission, as the latter has said at Quebec, and has caused it to be said by his son, Mr Geo. Parent, M.P., in public meetings held at Quebec, in February last?

Rt. Hon. Sir RICHARD CARTWRIGHT—The question of location of the central station and terminus in Quebec, is under consideration, and nothing can be done without the approval of the government.

APPOINTMENTS ON NATIONAL TRANSCONTINENTAL RAILWAY.

INQUIRY.

Hon. Mr. CHOQUETTE inquired:

1. Since the first of January last until the first March instant, what persons have been appointed to any employment whatsoever on the Transcontinental Railway, or to what persons has a promise of employment been made?

2. Who made these appointments and these promises?

3. Has Mr. P. B. Dumoulin, agent of the Molsons bank at Quebec, a son employed on the Transcontinental Railway? If so,—

(a) Since when?
(b) Where?
(c) What is his employment?
(d) What is his salary?
(e) What are his qualifications?
(f) Has his salary been increased since the first January last, or is it to be increased?
(g) Was this Mr. Dumoulin one of the directors of the Quebec Bridge Company? If so, what amount has he drawn from it as such, and what reports has he made to the government?

Rt. Hon. Sir RICHARD CARTWRIGHT —The following information is furnished by the Commissioners of the Transcontinental railway:

LIST OF PERSONS APPOINTED FROM JANUARY 1, 1910, TO MARCH 1, 1910.

Name.	Month.	Wages per Month	Occupation.
		$ cts.	
McKinnon, John	February	40 00	Chainman, Div. 2.
Donally, Herbert	"	40 00	" " 2.
Lloyd, Pennington	January	45 00	Labourer, " 2.

DISTRICT B.

Deluco, T	January	50 00	Cook, Div. 8.
Grant, Hugh	"	80 00	Teamster, Div. 10.
Dubay, J	"	40 00	Axeman, " 9.
Lacroix, E	"	40 00	Tapeman, " 1.
Cassita, A	*	65 00	Carpenter, " 1.
Thibideau, Jos	"	65 00	" " 1.

DISTRICT C.

Bastien, P	January	45 00	Labourer, C Headquarters.
Boutin, Gedeon	"	50 00	Mail Carrier, C Headquarters.
Papatisse, M	"	50 00	Packer, Transport Service.
Frenette, A	"	40 00	Tapeman, Div. 4.
Wills, O	"	40 00	Axeman, " 4.
Johanson, V	"	40 00	" " 4.
Aho, H	"	40 00	" " 4.
Michaud, Chas	"	50 00	Cook, " 4.
Watson, A	"	50 00	Cook, Div. 4.
Letellier, O	"	50 00	Timekeeper, Div. 3.
Belitz, Paul	"	50 00	Cook, " 3.
Guimont, J. A	"	45 00	Rodman, " 3.
Germain, A	"	40 00	Tapeman, " 3.
Lilburn, R	"	40 00	Axeman, " 3.
O'Meehan, W	"	40 00	" " 3.
Dumontier, A. E	"	50 00	Timekeeper, " 3.
Hendry, Allen	"	40 00	Tapeman, " 3.
Foster, J. B	"	50 00	Cook, " 3.
Gauthier, H	"	40 00	Tapeman, " 3.

DISTRICT D.

Name.	Month.	Wages per Month.	Occupation.
Richards, W. A.	February	75 00	Draughtsman, Headquarters.
Schwartzman, Geo.	"	40 00	Axeman, Div. 2.
Fischer, Otto F.	January	75 00	Draughtsman, " 2.
Brown, J.	February	100 00	Pile Inspector, " 2.
McBeth, D.	"	100 00	" " 2.
Trousee, Horace E.	January	40 00	Axeman, " 2.
Sauve, Peter	"	75 00	Foreman, " 6.
McAllister, R	"	45 00	Rodman, " 6.
Fowler, J. H.	"	40 00	Axeman, " 6.
McDonald, Jno.	"	40 00	" " 6.
Dickson, Geo.	"	40 00	Tapeman, " 6.
McDonald, J. H.	"	40 00	Axeman, " 6.
Corby, H. C.	"	50 00	Cook, " 6.
Poitras, A.	"	40 00	Axeman, " 6.
Hay, Geo.	"	40 00	" " 6.
Vice, Alex.	"	40 00	" " 6.
Periard, Henry	"	40 00	" " 6.
Hotte, Albert	"	40 00	" " 6.
Hotte, Ferd.	"	40 00	" " 6.
Bedard, Alex.	"	40 00	" " 2.
Gregor, Max	February	40 00	" " 5.
Souliere, Jno. J.	"	40 00	" " 5.
Taylor, Chas.	"	40 00	" " 5.
Lawton, J.	January	75 00	Draughtsman, " 5.
Roberts, Estyn	"	40 00	Axeman, Div. 5.
Kane, Harry	"	50 00	Cook, Div. 5.
McCaskill, Sandy	"	40 00	Axeman, Div. 4.
Timlin, Thos. J.	"	60 00	Cook, Div. 4.
Young, M.	February	50 00	Draughtsman, Head.

DISTRICT F.

Harstone, Ralph	January	70 00	Constable.
Malott, Forest	"	45 00	Mail Carrier, Div. 3.
Raed, Chr.	"	40 00	Tapeman, Div. 3.
Chatfield, Chas. E.	"	75 00	Draughtsman, Div. 6.
Shogreen, A.	"	40 00	Axeman, Div. 4.
Foreman, Sam	"	50 00	Cook, Div. 4.
McVeigh, Ed.	"	60 00	" " 4.

HEAD OFFICE.

Casey, Raymond			Clerk in Chief Engineer's Office.

2. The appointments were made by the commissioners, and no promises of employment have been made.

3. Yes, (a) April, 1907; (b) district 'D,' division 5, residency 19; (c) rodman; (d) $45 per month, with $25 board allowance; (e) well qualified for said work and services very satisfactory; (f) no; (g) no.

PATRONAGE ON NATIONAL TRANSCONTINENTAL RAILWAY.

INQUIRY.

Hon. Mr. CHOQUETTE inquired: Does the government know:

1. That Mr. S. N. Parent, chairman of the Transcontinental Railway Commission passed the greater part of his time at Quebec from the 1st to the 22nd of February last with the purpose of taking part in the municipal elections which then took place in that city, and that he made use of all the influence and all the patronage that the Transcontinental Railway Commission could give to aid the election of Mr. Nap. Drouin as mayor of Quebec?

2. That he caused it to be said at public meetings by his son, Mr. Geo. Parent, M.P., that, unless Mr. Drouin was elected mayor, the city of Quebec would obtain nothing from the Transcontinental Railway Commission, and that the necessary works for the establishment of the terminus at Quebec, and of the central railway station would not be commenced?

3. That Mr. S. N. Parent himself made the same threats to a great number of citizens of Quebec?

4. Had Mr. Parent, as a public employee, the right so to act?

5. Is it the intention of the government to inquire into these facts?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers to the hon. gentleman's questions are as follow:

1. Between the dates named, Mr. Parent was in Quebec on two occasions in connection with business of the Transcontinental railway.

2 and 3. No.

4. Answered by No. 3.

5. No.

CONTRACT WITH PHOENIX BRIDGE COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Is Mr. S. N. Parent, chairman of the Transcontinental Railway Commission, the same Mr. Parent, who was chairman of the Quebec Bridge Company, when the contract of more than four million dollars for the construction of the said bridge was given to the Phœnix Bridge Company, a company with a capital of $50,000?

2. If so, what security did he demand from this small company, for the execution of this considerable contract?

3. Who were the other directors of the bridge company who, with the chairman, Mr. Parent, gave this contract to the company?

4. Is it the intention of the government to make an inquiry into the circumstances relating to the making of this contract, in order to know whether the shareholders of this company of $50,000 were only prête-noms of persons interested in the Quebec Bridge Company, either as directors or contractors?

5. What amount has Mr. S. N. Parent disbursed as a shareholder of this Quebec Bridge Company, and what amount has he received from it:

(a) in salary?
(b) in bonuses?
(c) in paid up shares?

Rt. Hon. Sir RICHARD CARTWRIGHT —Answers to all the above inquiries will be found in appendix No. 6, of the report of the Select Committee appointed to investigate the conditions and guarantees under which the Dominion government paid moneys to the Quebec Bridge Company. 7-8 Edward vii.

MILITIA RIDING SCHOOL AT QUEBEC.

MOTION.

Hon. Mr. CHOQUETTE moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency be pleased to cause to be laid before this House all correspondence, documents, despatches, &c., exchanged between the Honourable the Prime Minister, Sir Frederick Borden, Minister of Militia and and Defence, Colonel Fiset, Deputy Minister of Militia and Defence, and others, and Sir George Garneau, ex-mayor of Quebec, Colonel Pelletier, Senator Choquette, and others, on the subject of granting of the Military Riding School at Quebec for the holding of a public meeting therein in February last.

The motion was agreed to.

SERVICES OF C. E. A. TASCHEREAU ON THE NATIONAL TRANSCONTINENTAL RAILWAY COMMISSION.

INQUIRY.

Hon. Mr. CHOQUETTE inquired of the government:

1. How much has Mr. C. E. A. Taschereau, of Quebec, notary, received during the last five years from the government or from the Transcontinental Commission for professional services, disbursements, travelling expenses, &c., and what is the amount of his accounts to the government or to the said commission which have not yet been paid?

2. Was the said Mr. Taschereau employed only in the city of Quebec, or also in other counties of that district, and, if so, what counties?

3. If he has been employed in other counties, were there not in these counties notaries capable of acting for the government or the Transcontinental Commission?

4. And if there were notaries in those places, why were they not employed?

Rt. Hon. Sir RICHARD CARTWRIGHT —In respect to these questions, I have a memorandum from the Department of Justice, which reads as follows:

Referring to question No. 8 on the Senate minutes of the 10th instant by Senator Choquette as to the services of Mr. Taschereau, notary at Quebec. I have written the Under Secretary of State, stating that he should procure the information from the various departments. There is no adequate information in this department as to these payments, although I presume they could be traced from the Auditor General's Report. I may say that the information sought by the first and second paragraphs of the question is such as is usually obtained by return, and would necessarily take some time to get it.

I think my hon. friend had better move for a return as to those two points.

Hon. Mr. CHOQUETTE—I have no objection to change the inquiry to the form of an address.

Hon. Mr. POWER—It cannot be put as an address.

The SPEAKER—I venture to suggest, inasmuch as some one has to make the change, that the hon. gentleman had better do it and give it in the form of a notice of motion.

CONTRACTS ON THE NATIONAL TRANSCONTINENTAL RAILWAY.

INQUIRY.

Hon. Mr. CHOQUETTE inquired of the government.

1. Did a Mr. Murdock, alone or together with his brother, obtain a contract on the Transcontinental for the portion passing by Armagh, or in the neighbourhood thereof, in the county of Bellechasse?
2. If so, was the resident engineer for that section, who had to pass the work of that contractor, a person named Francis?
3. Was the engineer of the division from the Quebec bridge eastward, a person named Charlton, and had he authority over the engineer Francis?
4. Have there been difficulties between the Transcontinental Commission and the contractor, or the contractors, Murdock, on the subject of their accounts for work at the Chamberland and Théberge cuts, or elsewhere?
5. Had they charged more than they had a right to, and had their accounts been certified to by the engineer Francis?
6. If so, in what manner have these difficulties been settled? Has the government lost money thereon?
7. Has the engineer Charlton been displaced? If so, why? And where is he at present.
8. Where are now the contractor, or the contractors, Murdock, and the engineer, Francis?

Rt. Hon. Sir RICHARD CARTWRIGHT—The answer to the first question is 'no'. To the second, the answer is 'Francis has been a resident engineer at Armagh'. The answer to the third question is 'Charlton has been a division engineer and had authority over Francis'. The answer to the fourth, fifth and sixth questions is 'no'. The answer to the seventh question is 'Charlton has been transferred to division No. 1 with headquarters at St. Eleuthère. Reason for transfer: Because of inability to keep proper discipline over his staff at Armagh'. The answer to the eighth question is: The whereabouts of Murdock is unknown to the commissioners. Francis has not been working on the Transcontinental railway since May, 1908.

CONSTRUCTION OF BRANCH LINE BY NATIONAL TRANSCONTINENTAL RAILWAY.

INQUIRY.

Hon. Mr. CHOQUETTE inquired:

1. In virtue of what Act, statute, or charter, has the Transcontinental Commission or the government the requisite authority to construct a railway from the boundaries of the parish of Sillery to enter the city of Quebec and reach the site of the Champlain market, where it is proposed to establish a central station?
2. If it is not in virtue of the Act which authorizes the construction of the Transcontinental Railway, to whom does the charter, or charters, belong, thus allowing the building in the city of Quebec of a railway from the boundaries of the parish of Sillery to the Champlain market?

Rt. Hon. Sir RICHARD CARTWRIGHT—The answer to the hon. gentleman's questions is as follows: By virtue of the National Transcontinental Railway Act, chapter 24, 4 Edward VII. See clause 2 of the agreement, which forms the schedule to said Act.

RANK OF COLONEL ENGLISH.

INQUIRY.

Hon. Mr. CHOQUETTE inquired of the government:

1. For how many years has Colonel English, the present commandant of the Citadel at Quebec, resided in Canada?
2. What were his rank and functions in the English army before coming to Canada?
3. What position did he occupy on arriving here?
4. On whose request and on whose recommendation did he enter the services of Canada?
5. What was his rank in the Canadian militia upon his arrival here? Has his present rank been given to him according to his merit and examinations, or is it simply honorary or by favour?
6. On whose recommendation was he appointed commandant of the Citadel at Quebec?
7. Were there not in the Canadian militia officers qualified to fill that position?
8. Was Colonel English the senior officer in the Canadian militia?
9. Does the government intend to keep him temporarily or permanently?
10. Were there, among the Canadian officers, officers who were senior to Colonel Eng-

lish? If so, why was not one of them appointed commandant of the Citadel rather than he?

11. During the last five years how many officers coming from England have obtained a position in the Canadian militia? What positions have they thus obtained and what are their salaries?

12. Who is the person specially charged with the preliminary organization of the naval marine, in view of the passing of the Naval Bill? What is his rank? Has he already had in England the command of a battleship? Has he lost it? If so, for what reason?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers to the hon. gentleman's questions are as follow:

	Yrs.	Mos.
1. Professor of Artillery, Royal Military College	7	
With Imperial forces in Canada	4	3
With Canadian permanent forces	3	4
Total	14	7

2. Major and local Lieutenant-Colonel, Royal garrison artillery.

3. Officer commanding imperial troops, Esquimalt.

4. The Militia Council and the Army Council.

5. Lieutenant-Colonel. His present rank was given because he holds that rank in the imperial army, having passed all necessary examinations.

6. The Militia Council.

7. Yes; but too junior in rank and service for the position.

8. Yes; the senior officer qualified for the position.

9. Temporarily.

10. There were no qualified senior officers in the artillery available.

11.

Name.	Present Position.	Salary and Allowances. per annum.
J. C. Mack	Major, Canadian Army Pay Corps	$2,537 72
P. Elliston	Captain, Royal Canadian Artillery.	$1,886 50
B. J. D. Acland	Lieutenant, Royal Canadian Artillery.	$1,076 75

12. Appertains to the Department of Marine and Fisheries.

INCREASED ACCOMMODATION FOR PARLIAMENTARY LIBRARY.

MOTION.

Hon. Mr. COSTIGAN moved:

That in the opinion of the Senate the question of increased accommodation for the parliamentary library should be considered, with a view to providing a new chamber for the House of Commons, and additional committee rooms for the Senate.

He said: My reason for bringing this matter before the Senate is this: Recently the necessity for increased accommodation in the library has brought itself very prominently before both houses of parliament; but long before that question arose, the necessity for a new chamber for the Commons had been considered, though no solution of that problem has yet been found. The reason I bring this matter before the Senate to-day is because I think, although not an architect myself, and having no pretentions to skill as such, it may be a benefit that this House should discuss the question. I think I can point out a means of providing accommodation, not only for the library, but for a new chamber in the Commons, and increased accommodation for the Senate. My plan may be a very crude one, but I submit it will be practicable, and before the architects of the department consider the work at all I am anxious that they should have the benefit of whatever discussion may take place here. My idea is that, in the first place, a new chamber for the House of Commons is an absolute necessity, and will force itself on the attention of this country before long. It cannot be delayed further. The great question is to find how to supply that want. There is no way in which it can be done, to my mind, without destroying the symmetry of the present buildings, or without encroaching very largely upon the public grounds, either of which, to my mind, would be rather objectionable. I think there is one way in which this could be avoided. The older members of this chamber, as well as the House of Commons, will remember that when this block was first constructed the impression was general that the building was too low and squatty, and to remedy what

was admitted at the time to be an architectual defect, the whole front of the grounds was terraced with a stone wall to give it an appearance of height, looking at it from Wellington street. That made some improvement, but at very considerable expense. In reconstructing the chamber for the House of Commons, if another story were added to the front of this building between the tower of the Senate building and the tower west of the main entrance, it would add very materially to the appearance of the building. It would not destroy the architectural effect, but would, on the contrary, improve the appearance of the whole block. You would then have room enough for as large a chamber for the House of Commons as would be necessary. It would also have the advantage of being in the best position that we could possibly have it, and equally well ventilated. If that should be found practicable, the present chamber of the House of Commons could be utilized for a reading room. Then you can take in the whole of the present reading room for the further accommodation of the library. In that way, you would give increased facilities for the library. You would have a new chamber for the House of Commons, and you would have the Senate portion of the upper story in which you would provide rooms that are very much required for committee rooms in this chamber. I hear complaints every day for want of room, not only for the use of senators, but for committee work to be carried on. The committee rooms are altogether insufficient, and many rooms occupied by officers of the Senate are not sufficient for the accommodation required. I thought by calling attention to these facts, it might attract the attention of the architects, before they submit plans for the increased accommodation of the library. To remodel the library will incur a considerable expense, judging from what I know at the present time, and will not afford a satisfactory solution of the difficulty. It will only remedy that one demand, while we ought to consider at the earliest possible moment the expediency of getting a larger Commons chamber, increased accommodation for the library, and for this Chamber also. I submit these suggestions with all respect. I do not submit them as an architect, but simply because I think they are practicable. They may be crude and may be objected to. The architect who will study and prepare plans for these improvements may consider them quite impracticable. It will, however, do no harm to have this interchange of opinion, and I would be glad to hear some other members of this Senate on the same subject.

Hon. Mr. POWER—The matter to which the hon. gentleman has called the attention of the House is a very important one, and I sympathise with him, because instead of proposing a most extensive and expensive erection of buildings, the hon. gentleman proposes rather to utilize the buildings that we have. I trust that his opinions will be considered by the gentlemen who may have occasion to deal with the proposed increase of accommodation for the library. The hon. gentleman has probably noticed that someone, speaking apparently with authority, intimated that the disposition of the government was to erect another building for the library, to correspond with the present library building. I venture to say, although I am not an architect nor a builder, that nothing could be more unwise than that. The expense would be very great, and the circular form, while very pleasing to look at, gives less accommodation for books than any other form. The suggestion made by the hon. gentleman from Victoria, New Brunswick (Hon. Mr. Costigan) is a very good one, that if you could utilize the Commons reading room, and one or two other rooms there, you would probably get all the necesary accommodation for the library at very little expense. I somewhat deprecate the idea of our undertaking to advise the Commons as to providing a new chamber for them. Perhaps the hon. gentleman might just as well leave those words out, because, naturally, the members of the other House might look upon it as somewhat of an infringement upon their rights and privileges. What have we to do with their accommodation, they might naturally ask? With respect to additional committee rooms for the Senate, attention has not been called in the House, very

clearly at any rate, to the fact that the Commons have gradually taken away a considerable number of rooms which once belonged to the Senate. At the present time, not only the rooms immediately this side of the tower—which is the centre of the front of the building—are in the hands of the Commons, but rooms in the Senate end of the building, in the wing which belongs peculiarly to us, have been for some years now in the hands of the Commons, including amongst others the old Railway Committee room of the other House. If we got back that room and the room adjoining, to the east of it, that would enable us to have respectable meeting places for our various committees, and the committees would not have to meet, as they now do, in the basement. I quite concur too in what the hon. gentleman has said with respect to the accommodation for the officers of the House. When I first came to the Senate, the officers of the House were infinitely better accommodated than they are now, and I think that without any serious change in the structure of the building, we ought to be able to provide certainly better accommodation than they have at present. It may be invidious to particularize, but take the Usher of the Black Rod. He is one of the principal officers of the Senate. He has to meet daily with a great many people, particularly just at the beginning or before the opening of the session, and at the close of the session; and instead of the luxurious and magnificent quarters which one of his predecessors had—one who was in office up to ten years ago—he is assigned a small room up in the attic of the building, almost inaccessible. One needs a guide to find him, even when one is told where that office is. The hon. gentleman from Victoria (Hon. Mr. Costigan), deserves the thanks of the Senate for bringing this matter up, and even without dealing with the Minister of Public Works, the Internal Economy Committee of this House might do something to improve the condition of things, for instance as to the Usher of the Black Rod.

Hon. Mr. MACDONALD (British Columbia)—Beyond doubt, the first great necessity is to clear out the Library. It is packed now with hundreds of tons of old newspapers. Nobody ever looks at them, nor will ever look at them, yet they fill the passages and basement. Some years ago, before we had official reports of the debates in both Houses, it was necessary to refer to newspaper files; but nobody ever thinks of looking at them now. Everything that the members say appears in the official reports. If the government would remove or destroy the files of papers accumulated in the library, they would furnish much needed accommodation.

The SPEAKER—As a member of the Library Committee, it is only right that the House should be informed of the fact that this matter is not being overlooked. The Library Committee, at the close of last session, brought it to the notice of the Public Works Department. It was too late then to have anything done, but this year, early in the session, it came up again, and subsequently a meeting was arranged, when the Minister of Public Works attended and heard the representations which were made as to the necessity for increased accommodation. He heard suggestions as to the way in which accommodation might be furnished. I understand from one of the librarians that, acting upon that, a plan of a building, as an annex to the library, has been prepared and sent to the librarians, but has not reached the committee yet. I have not seen the plans, but I think I know what they are, and although exception has been taken to them for some reasons by the librarians, I am not at all sure that when the committee comes to see them, they will not work out a good deal better, so far as the library is concerned, than has been understood. Shortly put, they are this: another building, not quite the same in formation as the present structure, shall be built as an annex, connected by an underground passage, as is done now in the great public libraries built elsewhere, and the building should be so deep down into the ground, and well lighted as we can do it now by the use of electricity, that it can be used as a storage room. That is what is wanted for the library, and in that way accommodation would be furnished. The lower stories would be square, and

would furnish the very best accommodation for the storage of books. That would accommodate nearly 300,000 volumes, which would be more than the books in the library to-day. The result of that would be there would be an upper part of the building where storage could be later on continued, and it could be used as a departmental division of the library. On the whole, without having seen the plans, or knowing more about them, I know that the question of furnishing increased accommodation is receiving attention, and I am not without hopes that the Minister of Public Works will ask for an appropriation to deal with the matter this session.

Hon. Mr. MACDONALD (British Columbia)—Has any plan been proposed about the newspapers? To construct extra buildings for them would mean a waste of money.

Hon. Sir MACKENZIE BOWELL—It seems to me the object the hon. member from Victoria, New Brunswick, had in bringing this mater under the consideration of the Senate, was to draw the attention of the government and Public Works Department to the necessity, not only for increasing the library accommodation, but also of making provision for what must necessarily be required in a very short time, that is greater accommodation for the members. As population increases to the westward, the number of members will increase, and it seems to me the principal object the hon. gentleman had in view was not to dictate what should be done, but to call the attention of the Public Works Department, not only to the necessity for increasing the accommodation, but to suggest a plan by which the symmetry of these buildings would not be destroyed. Not being an architect myself, I cannot understand how an addition could be made even of a similar character to the present library, and connect it with that building, or any other portion of this building, without destroying the symmetrical appearance of the group of structures as it exists to-day. The addition to the western wing of the parliament building has not destroyed the appearance of the building, nor would a similar extension if made to the east wing. The suggestion made by the hon. gentleman seems to me not only practical, but if carried out would add to the beauty of the whole structure, and furnish all the accommodation required. It will be for architects, who are learned in matters of this kind, to consider well before erecting new structures on the ground, and to take into consideration the suggestions which have been made. Sometimes a layman with a practical mind can make as valuable suggestions as any that could come from a professional architect, and I hope the suggestions which have been made here to-day will be brought to the notice of the Minister of Public Works before anything further is decided upon.

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

The motion was agreed to.

THIRD READINGS.

Bill (No 27) An Act respecting the British North American Mining Company.—Hon. Mr. Casgrain.

Bill (No. 51) An Act respecting the Montmagny Mutual Fire Insurance Company, and to change its name to 'Factories Insurance Company.—Hon. Mr. Choquette.

Bill (No. 112) An Act to incorporate the Independent Order of Rechabites.—Hon. Mr. Young.

BILLS INTRODUCED.

Bill (BBB) An Act to incorporate the St. Lawrence and Ungava Railway Company.—Hon. Sir Mackenzie Bowell.

Bill (CCC) An Act to amend the Criminal Code.—Hon. Mr. Belcourt.

A SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (No. 173) An Act for granting to His Majesty certain sums of money for the public service for the financial years ending respectively the 31st March, 1910, and the 31st March, 1911.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the suspension of the rules in so far as they relate to this Bill.

The motion was agreed to.

Rt. Hon. Sir RICHARD CARTWRIGHT moved that the Bill be read the second time.

Hon. Sir MACKENZIE BOWELL—What is the amount?

Rt. Hon. Sir RICHARD CARTWRIGHT —Twenty-one million.

Hon. Sir MACKENZIE BOWELL—Is that all?

Rt. Hon. Sir RICHARD CARTWRIGHT —That is all at present.

The motion was agreed to, and the Bill passed through its final stages.

The Senate adjourned during pleasure.

BILLS ASSENTED TO.

His Honour Mr. Justice Girouard, Deputy Governor General, being seated at the foot of the Throne

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

who being come with their Speaker, the following Bills received the Royal assent:

An Act to amend the Inland Revenue Act.
An Act respecting the Phœnix Assurance Company, Limited.
An Act respecting the Kamloops and Yellow Head Pass Railway Company.
An Act respecting the Campbellford, Lake Ontario and Western Railway Company.
An Act respecting the Edmonton and Slave Lake Railway Company.
An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.
An Act respecting the West Ontario Pacific Railway Company.
An Act respecting the South Ontario Pacific Railway Company.
An Act respecting the Ottawa, Northern and Western Railway Company.
An Act respecting the Walkerton and Lucknow Railway Company.
An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.
An Act respecting the Edmonton, Dunvegan and British Columbia Railway Company.
An Act respecting the Kettle River Valley Railway Company.
An Act respecting the Saint Maurice Valley Railway Company.
An Act respecting the Columbia and Western Railway Company.
An Act respecting the Eastern Townships Railway Company.
An Act to incorporate the Merchants' Bank of Canada Pension Fund.
An Act for the relief of George Robert Buttonshaw.
An Act for the relief of Hope Eileen Moreland Drinkle.
An Act respecting the Union Life Assurance Company.
An Act to incorporate the Merchants and General Insurance Company.
An Act respecting the Esquimalt and Nanaimo Railway Company.
An Act respecting the Manitoba and Northwestern Railway Company of Canada.
An Act respecting the Vancouver and Coast Kootenay Railway Company.
An Act to amend the Seed Control Act.
An Act respecting a patent of the Mond Nickel Company, Limited.
An Act respecting the Central Ontario Railway Company.
An Act respecting the Canadian Pacific Railway Company.
An Act for the relief of Jessie Maud Mary Maxwell.
An Act for the relief of Frederick Joseph Gustin McArthur.
An Act to incorporate the Northern Mortgage Company of Canada.
An Act respecting the Pacific and Atlantic Railway Company.
An Act respecting the Manitoulin and North Shore Railway Company.
An Act respecting the Improved Paper Machinery Company.
An Act to incorporate the London and Lake Erie Railway and Transportation Company.
An Act to incorporate the Congregational Union of Canada.
An Act respecting the Western Canada Power Company, Limited.
An Act respecting the Calgary and Edmonton Railway Company.
An Act respecting the Vancouver, Westminster and Yukon Railway Company.
An Act respecting the Grand Trunk Pacific Branch Lines Company.
An Act respecting the St. Clair and Erie Ship Canal Company.
An Act granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1910, and the 31st March, 1911.

The Senate resumed.

SECOND READINGS.

Bill (No. 69) An Act respecting the Prince Albert and Hudson Bay Railway Company.—Hon. Mr. Davis.

Bill (YY) An Act for the relief of John Green.—Hon. Mr. Lougheed.

Bill (ZZ) An Act for the relief of James Thornton Brownridge.—Hon. Mr. McMullen.

THIRD READINGS.

Bill (No. 45) An Act respecting the Hudson Bay Insurance Company.—Hon. Mr. Thompson.

Bill (XX) An Act to incorporate the Protectorate Life Insurance Company of Canada.—Hon. Mr. Thompson.

The Senate adjourned until April 6th, at three o'clock in the afternoon.

THE SENATE.

WEDNESDAY, April 6, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

TRANSPORTATION OF INTOXICATING LIQUORS BILL.

MOTION.

Hon. Sir RICHARD SCOTT—I beg to move seconded by the Hon. Mr. Yeo, that Bill (N) An Act to regulate the transportation of intoxicating liquors, as proposed to be amended in Committee of the Whole, be printed for the information of the Senate.

Hon. Mr. CLORAN—I am surprised at this notice of motion.

The SPEAKER—Is there any objection to the motion being read?

Hon. Sir RICHARD SCOTT—It is only for information.

Hon. Mr. CLORAN—I am going to object to its being received.

The SPEAKER—Then there is no occasion for discussion, if there is objection to it.

Hon. Mr. POWER—My hon. friend on my right can give notice that when the Bill is in committee he will make that motion.

Hon. Sir RICHARD SCOTT—That is not necessary. It is absolutely impossible for the House to comprehend the proposed changes in the Bill, there are so many of them. It means the scoring out and altering of so many sections, that the Senate could not follow the Bill in committee.

Hon. Mr. CLORAN—It is absolutely incomprehensible when the word of the House was pledged that this Bill would not be proceeded with until to-day, to members who left for the west and east, to now find that the Bill had gone into committee, when the hon. leader of this House gave us his pledge that no contentious measures would be taken up.

The SPEAKER—Before discussion of the matter, I would ask if it is intended to press the objection to the motion being received?

Hon. Mr. CLORAN—No, I do not intend to do that; but I desire to call attention to the fact that this measure has proceeded a stage, contrary to the pledge given by the hon. leader of the House.

Rt. Hon. Sir RICHARD CARTWRIGHT—What is my hon. friend objecting to?

Hon. Sir MACKENZIE BOWELL—This is simply a motion asking that the amendments which have been proposed to the Bill shall be printed for the information of the Senate, so that they will be thoroughly understood by every member, more particularly by our French members, when the Bill goes into committee.

Hon. Mr. CLORAN—I have no objection to that.

Hon. Mr. POWER—I think the proceeding is very irregular. There is such a thing as reprinting a Bill as amended in committee; but this is a case of the hon. gentleman in charge of the Bill saying that he proposes at some time, in the future discussion of the Bill, to make certain amendments, and he asks the House now to order that the Bill, with the amendments he proposes be printed. I think the better way is to wait until we get in committee, and if the Bill is there amended in the direction he wishes, it can be printed for the information of the House before the third reading; but I think it is an exceed-

ingly irregular proceeding to move that the proposed amendments be printed.

Hon. Mr. CLORAN—It is tantamount to proposing a new Bill.

Hon. Mr. POWER—The course which is perfectly right and proper is for the hon. gentleman to give notice that when the Bill is in committee he will move these amendments.

Hon. Sir RICHARD SCOTT—I thought I had explained my object. I do not propose to substitute another Bill for this one. It is simply to print the amendments for the information of the Senate, and it is so marked on the top, 'For the information of the Senate.' That is all that is asked. It is done to enable members to understand the amendments when they are moved in committee. It is not an unusual thing; it has been done over and over again, and motions of this kind have been accepted. It is only giving information to the House, and there should be no objection to it.

Hon. Mr. LANDRY—What has been done is this: when amendments have been proposed which alter the Bill so much that the measure is not in the same shape, or is in an incomprehensible form, it is reprinted; but here we are asked not to have the amendments incorporated in the Bill, but to have a new Bill altogether as it will be amended when it goes into committee.

Hon. Sir RICHARD SCOTT—Oh no.

Hon. Mr. LANDRY—That is what we are asked to do. The best thing is to come in with a new Bill which we can understand. As the hon. gentleman wants to put it, the first Bill was to enact certain things regarding the whole Dominion. Now we want a new Bill with enactments that will apply to one province only. That is a new Bill altogether.

Hon. Sir RICHARD SCOTT—No. The Bill will go into committee, and all I ask is that the amendments, as they are proposed to be moved here, shall be printed, for the use of the members. It is not official in any sense.

Hon. Mr. CLORAN—How can this hon. House order amendments to be printed which it has not before it? We have no amendments before us. We may have the imagination of the hon. gentleman to print; but we have nothing substantial. How can we order to be printed what is not before us?

The SPEAKER—Objection having been taken, the motion is out of order.

Hon. Sir RICHARD SCOTT—It is the first instance I have known where such a course has been taken. However, I give it as a notice of motion for to-morrow.

BILLS INTRODUCED.

Bill (No. 20) An Act to prevent the introduction or spreading of insects, pests and diseases destructive to vegetation.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 52) An Act to incorporate the Nelson River Railway Company.

Bill (No. 98) An Act respecting the Trust and Loan Company of Canada.

Bill (No. 102) An Act respecting Immigration.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 104) An Act to control the rates and facilities of ocean cable companies, and to amend the Railway Act with respect to telegraphs and telephones, and the jurisdiction of the Board of Railway Commissioners.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 105) An Act to amend the Telegraphs Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 106) An Act respecting the Canadian Northern Ontario Railway Company.—Hon. Mr. Jones.

Bill (No. 108) An Act to incorporate the Rainy River Radial Company.—Hon. Mr. Watson.

Bill (111) An Act respecting the Dominion Millers' Association.—Hon. Mr. McGregor.

Bill (No. 123) An Act respecting the Central Canada Manufacturers Mutual Fire Insurance Company.—Hon. Mr. Frost.

Bill (No. 124) An Act respecting the Eastern Canada Manufacturers Mutual Fire Insurance Company.—Hon. Mr. Frost.

Bill (No. 125) An Act to amend the Land Titles Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 128) An Act to incorporate the James Bay and Eastern Railway Company. —Hon. Mr. Casgrain.

Bill (No. 129) An Act to incorporate the Ontario and Ottawa Railway Company.—Hon. Mr. Jones.

Bill (No. 130) An Act respecting the Vancouver Island and Eastern Railway Company.—Hon. Mr. Bostock.

Bill No. 132) An Act to amend the Gas Inspection Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 141) An Act to amend the Indian Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 180) An Act to amend the Royal Military College Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 181) An Act to authorize the sale or disposal of certain public lands in or in the vicinity of the city of Toronto or Winnipeg, respectively.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 184) An Act to provide for the testing of glassware used in connection with milk tests.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 196) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending the 31st March, 1910.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 138) An Act to amend the Customs and Fisheries Protection Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 150) An Act respecting the Restigouche Boom Company, and to change its name to the Restigouche Log Driving and Boom Company.

Bill (No. 186) An Act to amend the Irrigation Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 194) An Act to amend the Militia Pension Act.—Rt. Hon. Sir Richard Cartwright.

Bill (DDD) An Act respecting the Alberta and British Columbia Railway Company.—Hon. Mr. Lougheed.

Bill (EEE) An Act respecting the British Northwestern Fire Insurance Company.—Hon. Mr. Watson.

PUBLICATION OF LAWS, RULES AND REGULATIONS IN FRENCH.

Hon. Mr. LANDRY inquired:

Why do not the supplementary numbers of the 'Canada Gazette,' contain the French version of the laws, rules and regulations which are published in English only?

Does the government intend to give, on this subject, the necessary orders to whom it may concern?

Rt. Hon. Sir RICHARD CARTWRIGHT —The laws are always printed in English, as a supplement to the 'Canada Gazette,' and have never been printed in French. All rules and regulations relating to the Dominion and published as a supplement to the 'Gazette,' are likewise published in the French language. A French translation of the King's Rules and Ordinances, which were published as a supplement to the 'Gazette' some weeks ago, is in course of preparation, and as soon as it is complete it will be published as a supplement to the 'Gazette,' in exactly the same way as the English version was published. All government notices relating to the Dominion at large, or to the provinces of Quebec, or Manitoba, appear in the 'Canada Gazette' in both languages.

Hon. Mr. LANDRY—Except the laws which are sanctioned here. Lately some laws were sanctioned, which were published in the 'Canada Gazette,' but in English only. They should be printed in both languages.

Rt. Hon. Sir RICHARD CARTWRIGHT —The statutes are printed in both languages, as my hon. friend is aware.

Hon. Mr. LANDRY—I am not speaking of the statutes; that is evading the question. I am speaking of the 'Canada Gazette.' Why should the laws, rules and regulations be printed in English only? The 'Canada Gazette' is for the Dominion, and the two languages are official. The laws of the Dominion, which are printed in English in the 'Canada Gazette,' should be printed in French also.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am merely stating to the hon. gentleman what has been the invariable practice since confederation.

SCHOOL LANDS IN THE WESTERN PROVINCES.

MOTION.

Hon. Mr. DAVIS moved:

That in view of the rapid increase in land values in the western provinces, this Senate is of the opinion that the school lands in those provinces should be withdrawn from sale, and leased only, until such time as they can be sold to the best advantage, in the interest of the public schools of the provinces in which they are situated.

He said: I will ask permission to strike out the word 'public' because it might start a controversy, and I do not want to take up time in that way.

Hon. Mr. LOUGHEED—I should like to ask my hon. friend why he strikes out the word 'public.' We understand that those school lands are held in trust practically by the Dominion government for the use of the public schools of the western provinces. Do I understand my hon. friend to take the position that those lands are held in trust for all schools as distinguishable from public schools?

Hon. Mr. DAVIS—As far as I am personally concerned, I think the land is held in trust for public schools; but as I have already said, there are other people who perhaps, have a different opinion. For the purposes of this motion, the use of the word 'public' is not necessary. My object is to conserve the school lands of the west. In the meantime it does not make any difference what schools are included. All I ask is that we should deal with those lands in a certain way in the interests of the schools, and whether they are public schools or not does not affect the motion. I merely want to avoid a controversy.

Hon. Mr. LOUGHEED—We have always understood, and the law has been so interpreted, that separate schools are public schools. Hon. gentlemen will doubtless remember that some two sessions ago amendments were made in the process of consolidating the Dominion Lands Act, and the unprecedented step was taken by the government of striking out the word 'public' from the statute, although that word 'public' had been in the statute almost from confederation to that time. For some reason, for which no explanation was given, the word 'public' was stricken out. The government, however, assumed the responsibility, in making an explanation of their reason for so doing, that nevertheless the trust still continued as it was, and the proceeds of the trust would be only applicable for the maintenance of public schools. Of course it was conceded that a separate school is a public school; but why the government took the step at that time I have never had explained. Why my hon. friend strikes the word 'public' from his motion is also difficult for me to understand, because we well know that the trust can in no way enure to the advantage of denominational schools. If my hon. friend has some explanation to make as to why he strikes out the word 'public' from his motion, I should like to hear it.

Hon. Mr. DAVIS—I have made the only explanation possible for me to make, that I do not wish to raise a controversy at the present time. I wish to discuss on its merits the question whether it would be wise to hold the lands, or to sell them and the question my hon. friend has raised can be considered later. It does not affect my motion in any shape or form. I take it that the school lands would be considered public school lands without inserting the word 'public' at all.

Hon. Mr. CLORAN—Does the hon. gentleman mean that all schools are entitled to the same protection and same bounty from the government? Are they all on the same footing?

Hon. Mr. DAVIS.—I am not raising that issue. I have nothing to do with that question, and do not wish to make any statement about it.

Hon. Mr. LANDRY—I think we should know what the policy of the government on this question is.

Rt. Hon. Sir RICHARD CARTWRIGHT —Certainly I shall be prepared to state it. I would say to my hon. friend who makes this motion, that while there can be no objection at all to his stating his views, I would not be prepared on behalf of the government to assent to a motion of this kind. It is taking out of the control of the Department of the Interior a very important tract of property which they are bound to administer in the best interests of the inhabitants of Saskatchewan and Alberta, and for the benefit of the schools. He may be right or he may be wrong—I am not in a position to say—as to the result of the policy adopted by the Department of the Interior. If he has any evidence to place before the Senate, it would of course deserve the consideration of this Chamber, and also the government at large, but he brings forward a bald motion to deprive the government of the control of lands which they are endeavouring to administer to the best advantage of the settlers. I am not in a position to consent, on the part of the government, to any such proposition at present. I would suggest to my hon. friend that he state his case, and then the debate could be adjourned until such time as I shall have an opportunity to consult with the Department of the Interior. I was not aware he was going to bring the motion up to-day, or I would have conferred with the parties in charge of the matter, and have obtained from them a declaration of the reasons which have induced them to pursue the policy which has been pursued up to the present time. But without some very strong reason I certainly could not concur in the proposition which is now laid before the House.

Hon. Mr. DAVIS—With reference to the statement of the hon. leader of the House, I may say that I do not wish to deprive the Department of the Interior of the right of the control of school lands, or anything of that kind. I merely introduce the motion so that the subject shall be discussed and taken into consideration by the Department of the Interior. I am simply expressing my own views in regard to it. My view at the present time is that it would be wiser, in the interests of the country, to lease the lands and hold them until we would receive a higher price for them. That is the whole thing in a nut-shell. I propose in the meantime to give all the information I have collected on the subject to the House, and place it in the 'Debates,' and I hope the government and the Minister of the Interior will take up the question and see if they do not think the policy that I have suggested would be a better one than the method adopted at the present time. As a matter of fact, there is quite a large amount of school lands in Alberta, Saskatchewan and Manitoba. The predecessors of the present government, acting very wisely, laid aside a large amount of land in each township in the new country for school purposes. I think it is up to the present government and succeeding governments to administer that land in such a way as would be most beneficial to the people of the provinces for school purposes, and we might adopt a better system than selling the lands. I propose shortly to give my reasons for this opinion. Before proceeding to do so, however, I wish to give a little statement to the House of the amount of lands there are in those provinces, because I suppose every hon. gentleman is not seized of the information on this question. The information that I give cannot be considered as absolutely reliable, because a great portion of Alberta and Saskatchewan is not yet surveyed; therefore we have to make an estimate of the amount of lands there. The return that I have from the Department of the Interior gives the following information:

Assuming the total area of Manitoba to be 41,169,280 acres, and assuming school sections to comprise one-eighteenth or two sections in every township, the approximate area of school lands in the province of Manitoba is 2,287,182 acres. On the same basis, assuming the area of Saskatchewan to be 151,900,000 acres, the approximate area of school lands in that province is 8,438,888 acres and, assuming the total area of the province of Alberta to be 155,400,000 acres, the area of school lands is approximately 8,633,333 acres.

The school lands disposed of by public auction in the province of Manitoba and in the provisional districts of Assiniboia and Alberta in each year to the 1st September, 1905, when the provinces of Saskatchewan and Alberta were established, and the average price per acre realized each year are as follows:

Year.	Province or District.	Area sold in Acres.	Average Price per Acre.
			$ cts.
1882-3	Manitoba.....	619·94	10 02
1882-3	Assiniboia.....	640·00	5 10
1883-4	Manitoba.....	2·00	30 25
1884-5			
1885-6			
1886-7	Manitoba.....	640·00	5 00
1886-7	Alberta.....	64·16	10 05
1887-8	Manitoba.....	20,435·46	7 28
1887-8	Alberta.....	546·00	62 19
1888-9	Manitoba.....	20·00	20 00
1888-9	Alberta.....	579·72	14 97
1890-1			
1891-2	Manitoba.....	52,992·88	7 95
1892-3	Manitoba.....	12,602·85	7 11
1893-4			
1894-5			
1895-6			
1896-7	Manitoba	4·00	7 00
1897-8			
1898-9			
1899-1900	Manitoba.....	189,983·38	8 11
1899-1900	Assiniboia.....	7,417·41	11 27
1900-1	Manitoba.....	954·94	14 16
1901-2	Manitoba.....	640·00	6 50
1902-3	Assiniboia.....	136,239·82	9 74
1903-4			
1904-5	Assiniboia.....	570·00	13 77

Ths area of the school lands in the provinces of Manitoba, Saskatchewan and Alberta sold in each year between the 1st September, 1905, and the 1st of January, 1910, and the average price per acre realized in each year is as follows:—

Year.	Province or District.	Area sold in Acres.	Average Price per Acre.
			$ cts.
1905-6	Manitoba.....	692·00	12 39
	Saskatchewan....	26,662·93	14 32
	Alberta.....	127,705·66	11 68
1906-7	Manitoba.....	125,086·98	12 20
	Saskatchewan....	11,801·40	14 67
1907-8	Manitoba.....	102,761 50	10 35
	Saskatchewan....	806·00	15 21
	Alberta	10,057·85	9 66
1908-9	Alberta.....	640·00	12 00
1909-10	Manitoba.....	80,991·28	9 55
	Saskatchewan....	14,737·40	15 98
	Alberta.....	234,862·20	10 94

The approximate area remaining unsold in each of the provinces of Manitoba, Saskatchewan and Alberta is as follows:—

	Acres.
Manitoba..	1,698,755
Saskatchewan..	8,240,014
Alberta..	8,258,879

The total area of school lands disposed of in the provinces of Manitoba, Saskatchewan and Alberta, to the 31st of December, 1909, the total principal of the purchase money therefor, and the average price per acre, are as follows:—

Total area sold.. .. ..acres.	1,161,757·76
Amount realized.. .. ..$	11,955,878 93
Average price per acre realized..	10 29

In connection with this, I might say that while the price that we have realized looks to be large—that is a little over ten dollars an acre on the land we have sold up to date—if any hon. gentleman will take the trouble to analyse the figures and statements, they will find that the large price realized was in the small quantities of land sold in or near where towns have been established, or where cities have grown up, and improvements of that kind, have increased the value of land in the vicinity. It only proves that my argument is correct: that if we hold this land it will eventually increase in value to such an extent that we, in the western provinces, will be self-supporting, as far as the schools are concerned. Supposing the government sell the land at ten dollars an acre, which is the average, it is sold on time. They receive a small payment in cash, and are paid five per cent interest on the balance. Taking ten dollars an acre as the price, at five per cent, that is fifty cents a year, they would realize out of the lands sold, and that land is in all the better parts of the country. I claim that if the lands were leased we would eventually realize a much larger amount of money. You would also be able to rent lands that you could not sell. People would rent the land for pasture and give a reasonable rent, whereas if you are selling the land at ten dollars an acre, I am inclined to think that you could rent the land on a twenty-five year lease, at two dollars an acre. I have had farmers tell me that it would pay them if they could get a lease for twenty-five years at two dollars an acre. By that means we could obtain a large rental for lands situated near the towns. We could also rent lands in the outlying districts, and more money would be paid into the treasury in that way, while the government would still own the land. Nobody will deny the statement, that if you hold lands for a certain time they will increase in value. We would be holding the lands and receiving five per cent; but the increase in the value of lands in the Northwest has been far more than five per cent. It would pay the Dominion govern-

ment, and it would pay the provincial government to borrow the money they wanted and retain the lands. The increase in value of lands in that country amounts to twenty per cent, and as time goes on it will further increase in value. Take the vast amount of property held in Montreal by a few proprietors. How did these landowners get it? They bought it in the early days and held on to it, and in some cases now the land is worth hundreds of millions. Take all the denominations which have bought property, churches, and so on. Some of these places have paid only five per cent interest to the church; but they held the property for years, and they are now selling it at very high figures. I claim that while we have these school lands in the western provinces we should try and hold a certain portion of it for the future, until we could realize a fair price for it. I know certain arguments will be used against the proposition. Some western men will say that if you leased the land there would be no way of collecting the rent. That is all nonsence. We collect the rent on the timber berths.

If it was a private individual to whom these rents would be payable, they would not be collected, but the government can collect them. The same system can be adopted by giving yearly leases. That is, if a man gets a 25 years lease of land, it should be renewable from year to year for that time, and he should be required to fulfil the conditions and pay rent or let his lease lapse. In that way, when a man fences in a piece of land he must keep it clean, as provided in the lease. It might not be a good thing to hold all the lands, but the government might consider the propriety of holding portions of the lands until they increase in value, and we can get something like what they are worth. If one-fourth of the school lands in Saskatchewan were held as I suggest for 30 or 40 years, they would provide funds enough to maintain the schools required for all time. What I want to prevent is the frittering away of these lands at low prices. I have had letters since I put this motion on the order paper asking to lease these lands at rates varying from 50 cents to $2 an acre. There is quite a feeling amongst the people in the west, who do a little thinking, that it is pretty nearly time we began to conserve some of our school lands until we can get better prices for them. I hope the government will give the matter some attention. In view of the statement of the right hon. leader of the House, I do not wish to press this motion.

Rt. Hon. Sir RICHARD CARTWRIGHT —As I observed to the hon. gentleman, I shall certainly bring his motion and remarks to the notice of the Department of the Interior, and I may be able to give him some information after they have had an opportunity of looking into the question.

Hon. Mr. De Veber moved the adjournment of the debate until the 13th inst.

The motion was agreed to.

FISHING RIGHTS OF RIPARIAN PROPRIETORS.

INQUIRY.

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

1. On the 13th October, 1896, the Supreme Court of Canada pronounced on certain question of law which had been submitted to it by order of His Excellency the Governor General in Council.

Among those questions, to the number of seventeen, were the following:—

5. Had riparian proprietors before confederation an exclusive right of fishing in non-navigable lakes, rivers, streams and waters, the beds of which had been granted to them by the Crown?

6. Has the Dominion parliament jurisdiction to authorize the giving by lease, license, or otherwise, to lessees, licensees, or other grantees, the right of fishing in such waters as mentioned in the last question, or any, and which of them?

7. Has the Dominion parliament exclusive jurisdiction to authorize the giving by lease, license or otherwise, to lessees, licensees, or other grantees, the right of fishing in such waters mentioned in the last question, or any, and which of them?

To these three questions it was answered as follows:—

To the 5th: Yes, by Judges Strong, Girouard, Gwynne, King; No, by Judge Taschereau.

To the 6th: No, by Judges Strong, Girouard, Taschereau, King; No, by Judge Gwynne.

To the 7th: No, by Judges Strong, Girouard, Taschereau, King; Yes, by Judge Gwynne

Three other questions were put to the tribunal of the Supreme Court of Canada as follows:—

8. Has the Dominion such jurisdiction as regards navigable or unnavigable waters, the beds and banks of which are assigned to the provinces respectively under the British North America Act, if any such are so assigned?

9. If the Dominion parliament has any jurisdiction as mentioned in the preceding three questions, has a provincial legislature jurisdiction for the purpose of provincial revenue or otherwise to require the Dominion lessee, licensee or other grantee to take out a provincial license also?

10. Had the Dominion parliament jurisdiction to pass section 4 of the Revised Statutes of Canada, chapter 95, intituled: 'An Act respecting Fisheries and Fishing,' or any other of the provisions of the said Act, or any and which of such several sections, or any and what parts thereof, respectively?

To these three questions it was answered as follows:—

To the 8th: No, by Judges Strong, Girouard, Taschereau and King; Yes, by Judge Gwynne.

To the 9th: No, by Judges Strong, Girouard, Taschereal and King; Yes, by Judge Gwynne.

To the 10th: Yes, by the full court.

2. These decisions of the Supreme Court of Canada were the subject of an appeal of the Judicial Committee of the Privy Council in England, and on the 26th May, 1898, final judgment was rendered by that high tribunal answering as follows each of the questions above mentioned:—

In answer to the 5th question: 'that the riparian proprietors are not parties to this litigation and it is not proper to pronounce any opinion as to the extent of their rights.'

In answer to the 6th, 7th and 8th questions: 'that under the British North American Act, 1867, the said Dominion parliament has exclusive authority to enact fishery regulations and restrictions and is empowered to deal with proprietary rights in fisheries so far as may be necessary for the purpose of such regulations and restrictions and that it has power to impose a license duty on fishing for purpose of taxation.'

In answer to the 9th and 15th questions: 'that under the British North America Act, 1867, a provincial legislature is not empowered to enact fishery regulations and restrictions either generally or unless and until the Dominion parliament sees fit to deal with the subject: that a provincial legislature is empowered to deal with fisheries in so far as they fall within description of "property and civil rights" or within the description of any other subject assigned to provincial legislatures; and that a provincial legislature may impose a license duty on fishing in order to raise a revenue for provincial purposes.'

In answer to 10th and 11th questions: 'that the Dominion parliament had not jurisdiction to pass section 4 of the Revised Statutes of Canada, chapter 95 intituled: "An Act respecting Fisheries and Fishing," in so far as the said section purports to authorize the grant of fishery leases conferring an exclusive right to fish in property belonging not to the Dominion but to the provinces and that the subsidiary provisions of the said last-mentioned Act, in so far as they are intended to enforce rights which the Dominion parliament was not empowered to confer are of no effect.'

3. On the third of March of the present year, the Hon. Mr. Landry put to the government the following questions which have elicited the answers hereafter given:—

1. Did the Judicial Committee of the Privy Council of His Majesty, in England, pronounce, in 1898, upon the question of the respective jurisdiction of the provincial legislatures and of the federal parliament in so far as concerns the property of rivers, lakes and harbours, and the rights of riparian proprietors?

2. What was, in its main features, the decision rendered?

3. According to this judgment, can exclusive rights of fishing be granted, either by this parliament or by the provincial legislatures in waters where the tide makes itself felt?

4. Has the Judicial Committee of the Privy Council declared that the federal parliament had no right at all to enact section 4 of chapter 95 of the Revised Statutes of Canada, 1886, in so far as that section allows the federal government to issue licenses for exclusive rights of fishing?

5. Has this section 4 of chapter 95 of the Revised Statutes of Canada, 1886, been repeated in the Revised Statutes of Canada now in force?

6. Does the government intend to give effect to the decision of the Judicial Committee of the Privy Council?

7. In what manner?

Rt. Hon. Sir Richard Cartwright—The replies of the department are as follows:—

1. Yes, except as to lakes and rights of riparian proprietors.

2. Refer to judgment reported in 1898 appeal cases, page 700.

3. This is a matter of opinion to be formed upon consideration of the judgment.

4. No.

5. Yes, but subject to the modification introduced by section 4 of the revised Act, R.S., 1906, chapter 45.

6 and 7. The law is being administered in accordance with the decision of the Judicial Committee.

And that he will inquire—

How can the fourth answer of the government be reconciled with the decisions of the Privy Council as given in reply to the tenth question which had been submitted to it?

Does the government refuse to give fishery licenses or permits to those who ask it for them to fish in the rivers where the tide makes itself felt?

If it refuses upon what does it base such a refusal?

Rt. Hon. Sir RICHARD CARTWRIGHT—On referring the matter to the Department of Justice, they reply only to his first question. I have not received an answer as yet from the Department of Marine and Fisheries, which is due, no doubt, to the unfortunate illness of Mr. Brodeur. The fourth inquiry is as follows:

How can the fourth answer of the government be reconciled with the decision of the Privy Council as given in reply to the tenth question which had been submitted to it?

To this the department say" this is not a question which the government should answer. Senator Landry put his question, No. 4, on 3rd instant, and it was properly answered in the negative as is manifest by reference to the judgment of the Judicial Committee. The exact words of the Judicial Committee are: 'It follows from what has been said that in so far as section 4 of the Revised Statutes of Canada, chapter 95, empowers the grant of fishery leases conferring an exclusive right to fish in property belonging not to the Dominion but to the provinces, it was not within the jurisdiction of the Dominion parliament to pass it.'

It is perfectly obvious that the committee did not decide that the federal parliament had no right at all to enact section 4, they merely decided that section 4 could not have effect as to property which did not belong to the Dominion. If Senator Landry cannot understand this, I do not see how it is possible to make it any plainer.

Hon. Mr. LANDRY—We will try.

Rt. Hon. Sir RICHARD CARTWRIGHT—I shall place the answer in his hands, and send his reply to the Department of Justice, whose officials do not seem to always understand what the hon. gentleman is driving at.

Hon. Mr. LANDRY—I suppose in the meantime we will have a reply from the other department.

Rt. Hon. Sir RICHARD CARTWRIGHT—I have asked for it, but have not yet received it.

Hon. Mr. LANDRY—I want to know if the government refuse to grant fisheries licenses, and if so on what ground. If I want a license to fish in rivers where the tide makes itself felt, why should a license be refused?

Rt. Hon. Sir RICHARD CARTWRIGHT—I put the question to the Department of Marine and Fisheries, and have not yet received a reply from them.

Hon. Mr. DANDURAND—I suppose this question refers more particularly to the trouble on the river Matane?

Sir RICHARD CARTWRIGHT.

BURRARD INLET TUNNEL AND BRIDGE COMPANY'S BILL.

THIRD READING.

Hon. Mr. DE VEBER moved the third reading of Bill (No. 118) an Act to incorporate the Burrard Inlet Tunnel and Bridge Company.

Hon. Mr. BEIQUE moved in amendment

That the said Bill be not now read a third time, but that clause 11 be amended by leaving out the following words after the word 'municipality' in line 42:—
'for the purpose of disposing of the surplus power or energy acquired or developed as provided for in this section.'

He said: These words are to be found in the proviso contained in clause 11, and which reads as follows:

Provided, however, the company shall not erect any poles or lines upon or along the highways, streets or other public places of any municipality for the purpose of disposing of the surplus power or energy acquired or developed as provided for in this section, nor carry on a lighting or power business within such municipality without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over the said highway, street or other public place, and upon terms to be agreed upon with such municipality.

It will be noticed that if these words were left in the proviso, it would enable the company to erect and maintain poles in highways, streets and other public places in any municipality, provided it was not for the purpose of disposing of the surplus power developed. It is against the policy of this parliament to grant any powers which would enable a company to interfere with the rights of ownership of municipalities.

Hon. Mr. DE VEBER—I have no objection whatever to the amendment.

The motion was agreed to, and the Bill as amended was read the third time, and passed.

THIRD READINGS.

Bill (No. 121) an Act to incorporate the Saskatchewan Central Railway Company.—Hon. Mr. Young.

Bill (YY) an Act for the relief of John Green.—Hon. Mr. Lougheed.

Bill (ZZ) an Act for the relief of James Thornton Brownridge.—Hon. Mr. McMullen.

SECOND READING.

Bill (AAA) An Act respecting the Brandon, Saskatchewan and Hudson Bay Railway Company.—Hon. Mr. Watson.

INCORPORATION OF RAILWAY COMPANIES BILL.

SECOND READING.

Hon. Mr. DAVIS moved the second reading of Bill (D) An Act to provide for the incorporation of railway companies. He said: This Bill has been before the House quite a length of time, and I understand some hon. gentlemen have criticised me for allowing the order to stand so long. I may explain that on several occasions I wanted to take it up, but there was always the Insurance Committee, or something of the kind that prevented me from doing so until now. I introduced this Bill last year, but at so late a stage of the session that it failed to get the consideration it deserved. The object of this Bill is to do away with what I consider an unnecessary waste of time in the two Railway Committees of parliament, and to adopt a simpler and more efficient method of granting railway charters than we have to-day. In other ways, the Bill embodies the best principles of railway legislation in the various states of the neighbouring union. We have been in the habit of granting charters to everybody that came along, until they cover the whole country. I know it is the case in my own province. It is crossed with projected railways until the map looks like a cobweb. Charters have been granted for railways which will never be built, and I doubt if the promoters ever expected that they would be. I do not see why the time of parliament should be taken up with work of that kind, when it can be done in a simpler manner by following the method set forth in my Bill. Last year I gave a statement of the number of charters that had been granted in the ten years preceding, and also a statement of the railways which have been built under those charters. It will not be amiss, perhaps, if I refresh the minds of hon. gentlemen with reference to that matter.

I hold in my hand the return of the House of Commons which was moved for by an hon. gentleman this session, giving the number of that class of charters granted since the year 1900, up to date, and in this estimate the Grand Trunk railway, the Canadian Northern railway and the Canadian Pacific railway are excluded. This refers to railways outside of these great lines. I have reduced it to a digest, because the report is too long to read or place in the 'Debates'

I find that in 1900 we granted eight charters, covering 2,670 miles of road. Out of that amount of mileage, 84 miles have been built. We have granted 21 extensions of time, and four of these charters have lapsed.

In 1901 we granted eleven charters, covering 2,977 miles of railway, and out of that mileage only nineteen miles have been built. We have given 13 extensions of time, and seven charters have lapsed. Only four of them have been kept alive, and in regard to two of them nothing was done.

In 1902 we granted twelve charters, covering 6,388 miles of road, and there was not a mile of them built. We have granted 15 extensions of time. And five of those charters have lapsed.

They were getting bolder all the time, and in 1903 we granted twenty-two charters, for 8,415 miles—they were getting a lot, and they would soon be getting up to the moon. There were 150 miles of that built, 21 extensions and six charters.

In 1904, fourteen charters, 3,803 miles; 50 miles built; 12 extensions and three lapses.

In 1905, fifteen charters, 2,365 miles; 15 miles have been built, and we granted nine extensions.

In 1906 we granted seventeen charters, covering 2,254 miles. On one charter they built one and one-fifth mile, and on another charter, the Quebec, Montreal and Southern, they did a good deal of work; they built 144 miles, and we have granted six extensions.

In 1907 we granted thirteen charters, 5,440 miles; nothing built at all, and we have granted two extensions of time.

In 1908, we granted four charters, covering 3,550 miles, and nothing was built at all. The total mileage chartered since 1900 was 37,862 miles. We have granted the right to chartermongers to build all that

mileage. Of that amount, 463 miles have been built; but that has been built by 13 out of 116 companies which were chartered; 421 miles of that were built by eight companies, and 42 miles of it were built by five companies; 26 charters lapsed, and there were 86 extensions of time given to 68 companies. That statement speaks for itself.

Last year, I find, on going to the Department of Railways and Canals, that we put through 68 charters, covering about 68,000 miles. This year we have granted 75 charters, covering I do not know how much country, but probably about 75,000 miles, and I do not think any one believes that those roads will ever be built. A few years ago, before we adopted the principle of granting charters to every one that came along there might have been an argument in favour of our practice because at that time we rejected a railway Bill occasionally. Now, we reject nothing. We grant every applicant a charter. If we adopt that principle, there should be a simpler and easier way of getting charters than we have at the present time. I propose to do away with all these difficulties, and I appeal to the hon. gentlemen who sit on the Railway Committee in this House, and who have sat on the Railway Committee in the other Chamber, if they will tell me what has been done by those committees in this year or last year. We simply do nothing at all. We have a model Bill, and we have a Railway Act, and we have to confine ourselves to the provisions of that Act, and we can give nothing that is not already provided for. Why, therefore, should the Railway Committee sit and listen to a lot of argument by people coming before them to get charters for nothing, when there is a simpler way of doing it? My Bill contains a provision for obtaining a charter, but the promoters have to put up a certain amount of money, and if they come to the conclusion to build a road to a certain point, they have to advertise that road and employ a competent engineer, or engineers to go over the work, and make a plan of the road and a profile of the country. They also have to deposit money that will pay damages that may accrue to anybody owning property in the country through which they are building. Under that provision, no company could obtain a charter without expending $250 a mile. If any company want to build a road, they would be prepared to advance that sum; but if any company wanted a charter merely for the purpose of selling it, they would not pay the money, because the risk would be too great. Applications for these extensions of time are a great nuisance in our Railway Committee meetings; not only the charter mongers, but the big railway companies are asking for extensions of time, and what does it mean? They file plans for a road through a piece of country for which they have a charter. The object of filing plans is very often to keep some other railroad from building the line. In other cases it is to induce people to settle in the country, so that the company will be enabled to sell their lands. These railroad corporations own large tracts of land in the west, and if they want to increase the price of the land they go to the Minister of Railways and file a plan, and immediately settlers rush in there with the expectation that they are going to get a railroad, and are left there for years and years raising grain that they are not able to get to the market. Under the system I propose, that will be all done away with. If the Canadian Pacific railway, the Canadian Northern railway, or the Grand Trunk Pacific wanted to build a branch line of road, they would have to send their engineers over there to prepare a plan which would show the character of the country and the cost of the road, and submit that to the Railway Commission or to the Minister of Railways, as the case might be, and he would be in a position to say whether they should be allowed a charter or not. If he thinks the road should be built, then he will give them what bonding powers he thinks they should have, and he is acting on something which he has before him. We now grant those powers without any knowledge of what we are doing. A man comes along, and says there is a charter to build a road in a certain place, and he wants bonding powers for so much a mile. He describes the country; that there are

rocks, and muskegs and mountains, and it is very difficult construction. But the committee are absolutely ignorant of the facts. They have no information before them, and they have to take the word of the promoter, and give him bonding powers to the extent of perhaps $40,000 per mile. Under this Bill, if a party goes to the Minister of Railways or Railway Commission, they take the matter up, and they see that a competent engineer has gone over the route, and if he reports that it would cost $40,000 a mile to build the road, the minister will give the company permission to bond it to that extent. When they bond the road, the Railway Commission has to take that into consideration. Promoters might induce people to put $40,000 a mile in bonds of a road that was costing perhaps only $14,000 or $15,000 a mile. When the money is invested, the investors expect to get interest upon it, and no commission would ever think of fixing a rate that would not pay interest on $40,000 a mile if that amount of money had been borrowed whether it was put in or not. It is up to parliament to see that the bonding powers of a railway company are not too high, and the only way to prevent it is by allowing some officer to deal with it on the certificate of the engineer as to the character of the road. This is a long Bill. I went through all the Railway Acts of the different states of the Union, and I extracted from them what I thought suited this country best, and embodied it in my Bill. I claim that it will do away with charter mongers, and it will relieve the members of the Senate and of the other House of useless work in the committees. In the next place, it will do away with lobbying, which I presume every gentleman in this House will agree with me is not a very good thing. Charters will be granted on their merits. Nobody will be going around button-holing senators and saying: 'Vote for my Bill.' The matter is settled on its merits. If the Bill does not commend itself to this House for any other reason, I submit it should, if it has the effect of doing away with the lobby during the session of parliament. Of course it will shorten the session by at least a month. The business of the country is increasing. Sometimes we are in session for six months. If seven millions of people have to keep the federal parliament in session for six months, when we have local legislatures dealing with propositions which do not come before us, what will it be later on as the business of the country increases? We would be able to do our business more quickly if the system I suggest were adopted. It will also end the extensions of time which have become a nuisance and I understand the Minister of Railways gave notice to some of the gentlemen that the time was fast approaching when extensions of time woud not be entertained. In this Bill there is a provision that if a company furnish the information required by law to the Minister of Railways, or to the Board of Railway Commissioners, as the case may be, that they have complied with the provisions of the law, they can go down to the Secretary of State and get their charter, and proceed with the work. In a new country, being sparsely settled, it is sometimes necessary to build a piece of railway promptly. The railway cannot be built until parliament meet; because the company have to obtain a charter. Under the system I propose, if it is found necessary that a railway should be built between sessions, all they have to do is to advertise and comply with the provisions of this measure, and they can obtain their charter here and proceed with the work. There are a number of provisions that should commend themselves to this House. I think the time will come when we must adopt such a system. Members will become tired of discussing matters which can be transacted just as well outside of this House as in it.

Hon. Mr. POIRIER—And it can be better done.

Hon. Mr. DAVIS—We can employ our time in better ways. The hon. gentleman from Middlesex had several committees appointed, and on several occasions he was unable to obtain a quorum. We could divide the time we save from attendance in the Railway Committees among those other committees.

Hon. Mr. ROSS—Hear, hear.

Hon. Mr. DAVIS—We spend time in the Railway Committee room that could be

more beneficially spent at some other committee. There was a suggestion as to a Committee on Militia and Defence. It was contended that a great deal of money had been spent by that department. That there was no check on it. I should like to see some of those gentlemen connected with it brought before the committee to show how the money is spent. If we would substitute that for the Railway Committee, I think we would be doing a good thing in the interests of the country. I know it is rather late to submit so important a Bill at the present time, but I introduced it last year, and I present it to the Senate now.

Hon. Mr. DAVID—Where would the parties opposing a charter be heard?

Hon. Mr. DAVIS—The Bill provides for all that. It provides that advertising shall be done more fully than at the present time, and that anybody who wants to be heard can be heard before the Minister of Railways or the Board of Railway Commissioners. I have inserted the words 'Board of Railway Commissioners' in the Bill; but some people think it should be the Minister of Railways. That could be changed.

Hon. Mr. POIRIER—Or either.

Hon. Mr. DAVIS—Or either, and they would come here and the minister would hear all the objections to the road if there were any? Just the same as filing the plans now. The Minister of Railways adopted that system and notifies the members affected by the filing of the route map and hears what is to be said, and it would save a great deal of time. I can assure my hon. friend that there is provision made for everything of that kind. In the first place, the Bill starts off with providing that any body of men who wish to be incorporated as a company to build a road will require to do certain things. The first thing is to show their bona fides by putting up a certain amount of money before they become organized, and the second is to put up a certain amount of money in the bank, where they cannot withdraw it, for the purpose of paying any damages which may accrue. At present any four or five gentlemen whose names may be Tom Jones, or Peter Brown, can apply to parliament for a charter to build 4,000 miles of road. We never inquire into their bona fides or anything else. We grant them a charter and the right to trample over peoples' property without considering whether they can pay for any damages that may accrue, or anything else. We give the power of expropriation to four or five gentlemen who, perhaps, could scarcely buy a wrestling jacket for a mosquito. The Bill covers every phase of the question, and I think, if adopted, it would be a good thing for the country.

Hon. Mr. DAVID—I move that the debate be adjourned until to-morrow.

The motion was agreed to.

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

THE SENATE.

THURSDAY, April 7, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings

NEW SENATOR.

WILLIAM ROCHE, of the city of Halifax.

TERMINAL ELEVATORS IN MANITOBA.

MOTION.

Hon. Mr. KIRCHHOFFER moved:

That an order of the Senate do issue for a copy of all correspondence or petitions received by the government of Manitoba grain growers in connection with terminal elevators, especially a letter, dated the 31st January, 1910.

The motion was agreed to.

THE IMMIGRATION OFFICE AT QUEBEC.

MOTION.

Mr. LANDRY moved:

That an order of this House do issue for the production of a copy of the attendance lists

of the employees of the immigration office at Quebec, from the 1st April, 1909, to this day, and also, for a copy of the pay-lists of the same employees during the same period.

The motion was agreed to.

ACCOMMODATION FOR IMMIGRANTS AT GROSSE ISLE.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue for the production of the requests or of the complaints made by the navigation companies for the past five years, on the subject of the insufficiency of the means of accommodation put at the disposal of the authorities of Grosse Isle for the benefit of the immigrants, obliged by the regulations to remain there.

The motion was agreed to.

RE-EMBARKATION OF IMMIGRANTS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Who, in the Immigration Department at Quebec, during the years, from 1905 to 1908, both inclusive, prepared all the reports concerning the office, and more especially the repatriation lists of the immigrants not accepted, the discharge lists of the immigrants at the Grosse Isle quarantine, and at the Quebec hospital. Who personally presided over the re-embarkation of the immigrants sent back to their own country?
2. In 1909, who did the work hereinabove mentioned?
3. If it was the immigration agent, did he do it alone, or did he cause himself to be aided by some employee?
4. By whom, and the name?
5. What are the names of the officers of the department who, during the season of navigation of 1909, were charged with the re-embarkation of immigrants who were forced to go back to their own country?

Rt. Hon. Sir RICHARD CARTWRIGHT —It will be necessary to write to Quebec to get the information. This has been done and as soon as the information is obtained it will be brought down.

Hon. Mr. LANDRY—Then it may stand until Tuesday.

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes.

The inquiry was allowed to stand.

TRANSPORTATION OF INTOXICATING LIQUORS BILL.

MOTION.

Hon. Sir RICHARD SCOTT:

I beg leave to move, seconded by Mr. Yeo:

That Bill (N). An Act to regulate the transportation of intoxicating liquors, as proposed to be amended in Committee of the Whole, be printed for the information of the Senate.

Hon. Mr. POWER—We have not before us any information to indicate how it is proposed to amend this Bill in the Committee of the Whole, and I do not see why the Senate should make an order for a matter it does not know anything about. The proper course is to wait until the Bill goes into the committee, and the amendments have been proposed. Then let the Bill as amended be reprinted.

Hon. Sir RICHARD SCOTT—The changes in the Bill are so numerous that it will be quite impossible for the House to understand them unless they happen to be looking at the copy before the chairman, and it was for the purpose of placing information before the House that I moved this motion. Here is the front page of the Bill, and hon. gentlemen will see the amount of it that has been struck out. I would like to know how any chairman could explain it to the committee. And what objection can there be to my proposition? Its sole object is that senators may know what the committee is doing when the amendments are proposed, so that they can discuss the Bill intelligently.

Hon. Mr. LANDRY—I think there is a very easy way of obtaining the information. Why does not the hon. gentleman present a new Bill?

Hon. Sir RICHARD SCOTT—I cannot do that.

Hon. Mr. LANDRY—Why not?

Hon. Sir RICHARD SCOTT—That would be very unreasonable.

Hon. Mr. LANDRY—He should submit a Bill on the lines he proposes to have this

Bill amended in Committee of the Whole, and we would then have the whole document before us.

Hon. Mr. ELLIS—Could the hon. gentleman submit the amendments on a separate piece of paper? The hon. gentleman knows what he is going to move, and is prepared to discuss these amendments; but we have not seen them. I think it would be better if these amendments were printed and submitted to the House.

Hon. Sir RICHARD SCOTT—I propose to have them printed and placed in the hands of members.

Hon. Mr. POWER—I think we should transact our business decently and in order, and according to the rules of the House. All that the hon. gentleman had to do was to place on paper a notice of the amendments he proposed to make, and have them printed in our minutes; but he has preferred to take another course, which I think is contrary to the practice of this House.

Hon. Sir RICHARD SCOTT—It would be absolutely impossible to adopt such a suggestion. That is the idea I had at first; but I found it of no value, and I took the other course, in order that the House might understand what the changes meant. I will have to postpone the committee stage.

Hon. Mr. LANDRY—I think it would be easy to bring that in as an amendment in this way, that all the words after the words so and so be struck out and replaced by the following, and in that way he would give effect to his amendment.

Hon. Sir MACKENZIE BOWELL—Why could the hon. gentleman not accomplish the object he has in view by giving notice that when the Bill goes into committee he will move such an amendment, and that the proposed amendment be printed in the proceedings of the day, and we shall all see it in the minutes to-morrow?

Hon. Sir RICHARD SCOTT—I endeavoured to carry that out; but I did not see that it was giving the House the information it desired, because it had not the connection with the context it went with, and therefore I have taken the other course.

Hon. Sir MACKENZIE BOWELL—The same result will be accomplished if my suggestion is adopted.

Hon. Mr. POWER—If the hon. gentleman will say he proposes that this Bill be amended, so as to read as follows, and then give his amendment; that is the whole thing, and he gets his Bill just as it is. As I understand it, he has his Bill in his hand with the necessary amendments made, and all he has to do is to give notice that when the Bill goes to committee this is the Bill which is to be passed.

Hon. Sir RICHARD SCOTT—If the House concurs in that view, I am willing to adopt the suggestion. My whole object is to get the information before us in some intelligible form, that members will comprehend; therefore I give notice that the following are the amendments proposed to be submitted to the House when the Bill goes into committee on Tuesday. They will go on the 'Minutes.'

BILL INTRODUCED.

Bill (FFF) An Act respecting the Guelph Junction Railway Company.—Hon. Mr. Gibson.

MONTREAL CENTRAL TERMINAL COMPANY'S BILL.

AMENDMENTS CONSIDERED.

The order of the day being called:

Consideration of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours on Bill (44), An Act respecting the Montreal Central Terminal Company.

Hon. Mr. LOUGHEED—Is it not the intention of the promoters of the Bill to withdraw it?

Hon. Mr. BEIQUE—The intention was expressed when this Bill came before the Senate prior to the adjournment. For my part I took exception to the Bill being withdrawn, because the amendments had been inserted with the consent of the promoters, and for the protection of the interests of the city of Montreal, as those interests had been protected in another Bill

similar to this which came before the committee on the same day. The promoters of this Bill having been parties to inserting this amendment in both Bills, now ask to withdraw their own Bill. That is hardly fair, and the request should not be granted. We have received communication from the president of the company, and on examining the exception which is taken to the amendments, especially the fact that this company being a terminal company, we find that the promoters of the Bill at the time the amendment was adopted did not realize the full bearing of the amendment. I must confess, on examining the matter more closely, there is something in that statement, but it could easily be met by the insertion of a couple of words in the amendment made by the committee. The amendment is as follows:

2. No part of the bridge or tunnel or approaches thereto situate in the city of Montreal and which the company is authorized to construct shall be used for the purpose of urban passenger service, or for the passage of pedestrians, vehicles, cars or carriages used for urban service, without the consent of the said city expressed by by-law and setting out the conditions of such consent.

By inserting the words ' by the company ' after the words 'shall be used,' I think the object would be better attained. What is feared by the promoters of the Bill is that if this amendment remains as it is, no company will be permitted to use the bridge without being deprived of passenger traffic to which it is entitled. For instance, if the Grand Trunk railway or the Canadian Pacific railway, or any railway company, which to-day has power to carry passengers from one part of the city of Montreal to another part in that city, this amendment might be interpreted as depriving them of the right to do that, thereby curtailing the operations of companies using the tunnel. It is to prevent that I am now suggesting that these words be inserted, so that the restriction will apply only to the company, and not to any of the companies entitled by their charters to provide an urban passenger service.

Hon. Mr. DANDURAND—The hon. gentleman might move concurrence in the report of the committee.

Hon. Mr. BEIQUE—That is what I intended to do. I now move that the amendment be concurred in.

Hon. Mr. THOMPSON—I understand that the promoters of the Bill, finding that the amendment will do the company an injustice, wish to withdraw it. I understood the hon. gentleman to say that he was particularly anxious the Senate should affirm the amendments made by the committee, because they were in the interests of the city of Montreal. If the city were asking for legislation on this subject, they might ask for amendments. In that case, the city would be paying the necessary fee for the legislation, and if the amendments were not satisfactory to the company, the city might refuse to withdraw the Bill. I do not quite appreciate the ground taken by the hon. gentleman, that because the amendments were made in the interest of Montreal, therefore the private company, who not only introduced the Bill, but paid all the expenses, should not be allowed to withdraw it, but that the city of Montreal should take advantage of the legislation at the expense of the company. The hon. gentleman suggests that he can further amend the amendments made by the Railway Committee, and he is willing to do so in order to protect the interests of the city of Montreal. In view of the claim of the president of the company, that the amendments are unjust to the company, any proposed amendment should be referred to the company in order that they may have some voice on the subject before the amendments are adopted.

Hon. Mr. DANDURAND—I have not heard to-day that any demand has been made by the company that the Bill be withdrawn.

Hon. Mr. ELLIS—I have a letter from the president of the company, dated the 6th instant, asking that the Bill be withdrawn. It is a most unusual thing to refuse permission when such a request is made. I do not know of any case where a company was not allowed to withdraw its Bill. I will read one paragraph from the letter of the president:

The company is not an ordinary railway company, but organized to furnish passenger and freight terminal facilities at Montreal for all companies reaching that city. The trains of at least ten railway companies will use the company's tracks and stations, and the amendment would prevent the suburban trains of any of these companies from doing so in the manner provided for. The effect of the passing of this amendment would be to take away from every railway company coming into Montreal rights which they now possess. Under these circumstances, I trust that the Senate will allow the Bill to be withdrawn.

Now my hon. friend proposes an amendment to the amendment.

Hon. Mr. DANDURAND—He says he will move that at the third reading.

Hon. Mr. ELLIS—I think the House should hesitate before passing a Bill which the company asks leave to withdraw.

Hon. Mr. DANDURAND—I think it is the hon. member from Ottawa who is responsible for the Bill before the House, and we have not heard any request from him to withdraw it; if he does not so move I shall register my vote against the Bill for this reason: I have not looked at the authorities to see what has been the practice in the past, but before it can be withdrawn there must be a demand formally made for permission to withdraw. It should follow that if there must be a demand, it is within the power of the House to refuse. This Bill came before the Railway Committee, together with another Bill affecting the underground traffic of the city of Montreal. The amendments which are now before us for consideration were the very amendments which had been suggested and were being discussed on the other Bill which had been under review at the preceding meeting. The amendments to this Bill were assented to, with the express concurrence of the representatives of the company that is now under discussion. It was assented to by a number of senators quite reluctantly, who did not feel like having the same clauses attached to the Bill that followed, and it was stated by two or three parties that the promoters of this present Bill consented to these amendments in order that they might be incorporated in the rival Bill. In the face of the statement that the promoters of this Bill accepted the amendments, all opposition ceased and the amendments were agreed to. The other Bill was likewise amended, and now, after assenting to these amendments in order to create a precedent which would avail against the next Bill, the promoters of this Bill demand that this Bill be withdrawn. This Bill passed last year. Some safeguards were placed in it for the protection of the city of Montreal. This year the committee have gone a step further, and furnished additional safeguards similar to those inserted in the other Bill at the same sitting. This is a case in which we should refuse to sanction the withdrawal of the Bill, and in which we should affirm the amendments adopted in the committee with the reservation that it may be amended at the third reading, or referred back to the committee to consider the amendments and the representations made by the president of the company in a letter which has been distributed among the members of the Senate. These are the facts as they stand. It is irregular to mention what has taken place in a committee, but I know that the amendments were passed there with the concurrence of the promoters of the Bill, and in spite of the protest of some members who did not like to see this precedent created. Now, when the other Bill has had to stand these same amendments, we are faced with a possible demand that this Bill be withdrawn. Under the circumstances, this being a special case, if there is no settled precedent or practice to guide us, I think these amendments should be adhered to.

Hon. Mr. LOUGHEED—My knowledge of the circumstances which led to the amendment being made in the Bill, and to which objection is taken, differs from that taken by my hon. friend. From what I can learn—and that coincides with the knowledge which I personally have—the amendment was unwittingly made. It was in a sense forced upon the promoters of the Bill without their being able to give a proper consideration, at the time we were sitting in committee, as to its bearing upon the entire Bill.

Hon. Mr. BEIQUE—The hon. gentleman will allow me to state without fear of con-

tradiction, that it was with full consent expressed by the promoters of the Bill, and of the two lawyers who were present, I think Mr. Parent being one of them, and Mr. Hogg the other.

Hon. Mr. LOUGHEED—I do not controvert that, but the promoters of a Bill may consent to an amendment being made, in fact they may all be present together with their counsel, without having the opportunity to properly consider the bearing of that amendment upon the context of the Bill, and that I understand was the position in which the promoters of the Bill were placed at the time the amendment was embodied in the measure. The argument advanced by my hon. friend who has just resumed his seat is certainly not an argument against the withdrawal of the Bill. His argument is that if a similar clause be inserted in another Bill that that clause is not of a salutory character provided another Bill be withdrawn. That is what it amounts to; but if the clause is desirable or desired on the part of the interests involved, namely the interests of Montreal in the second Bill, the second Bill stands. There is no intention, so far as I can ascertain, to withdraw the second Bill. Consequently, there is no connection between the two Bills. If it is good in the first case it is good in the second case.

Hon. Mr. DANDURAND—Yes, that is what I say.

Hon. Mr. LOUGHEED—And if it is good, then it applies to the second case entirely irrespective of the first case, so why the first Bill should remain to support the second I fail to understand.

Hon. Mr. POWER—The two Bills are promoted by rival parties.

Hon. Mr. LOUGHEED—If the legislation be desirable in the second Bill, that has nothing to do with the first Bill. It must stand as a separate case. Possibly the interests involved may be of an entirely different character. The amendment, although precisely similar, may have a different bearing on the second Bill on account of the object of one Bill being somewhat different from the object of the first Bill.

Hon. Mr. BEIQUE—Will the hon. gentleman permit me to ask him if he thinks it fair, they being rival companies, authorized to do the very same kind of work at the same place, to apply the same thing to both companies, and after it has been accepted by both companies, and after one of the Bills has actually passed both Houses, and been reported to this House as having been passed, to then allow the other company to withdraw their Bill, so that the safeguard which we would impose on both companies would apply only to one?

Hon. Mr. LOUGHEED—My hon. friend cannot be serious in his presentation of the case. He is overlooking entirely the essential feature of the Bill. If the legislation in itself be good, why take into consideration the first Bill? My hon. friend from DeSalaberry apparently takes the ground that the legislation embodied in the second Bill, entirely apart from its being essential to the interests of Montreal, but simply on the ground that it has been inserted in the first Bill, should also be incorporated in the second.

Hon. Mr. DANDURAND—Oh, no; he said that is was good legislation.

Hon. Mr. LOUGHEED—Then if it be good in itself, it surely should not be connected with the first Bill, because the first Bill it is now proposed to drop; consequently it is non-existent; it is as if it had never been.

Hon. Mr. DANDURAND—Oh, no.

Hon. Mr. LOUGHEED—The company cannot carry out the purposes of its undertaking.

Hon. Mr. DANDURAND—Is it still within the delay to begin construction.

Hon. Mr. LOUGHEED—Unless it gets the extension of time or additional legislation.

Hon. Mr. DANDURAND—It is just because the company is well within its two

years that it wants to free itself from the obligations comprised in those amendments.

Hon. Mr. LOUGHEED—Let me assume that argument is good; it is tantamount to saying that you interfere, so to speak, with vested rights to the extent of forcing on the company certain legislation regarding a Bill which they already have, regarding rights which they already have, and which they should assert under the legislation already existing on the statute-book. It seems to me to be tantamount furthermore to this: That if the company comes before parliament asking legislation in a matter not germane to the amendment which has been moved, that you engraft upon their legislation further legislation which would destroy the powers which they already have, which would seriously infringe their vested rights, and which possibly might disastrously affect the undertaking which they have in view. That is a principle which I think is not a wholesome one on which to base legislation. If we have given to companies rights and it is shown that those rights have not been subjected to abuse; if they are not the subject of a grievance or entrenching upon the public interest, there is no good reason why those rights should be taken from the company. I am unaware of any case that can be pointed to where we have refused the promoters of a Bill the right to withdraw at any stage before it has reached its final stage. Hon. gentlemen will find laid down in Bourinot at page 649, the right of promoters to withdraw Bills. Furthermore, it seems to me to be only reasonable that applicants who come to parliament for certain legislation, if they in their judgment during the various stages of the legislation consider it undesirable to proceed with the legislation which they have set in motion, certainly should have right to withdraw it in the event of their concluding to do so.

Hon. Mr. POWER—The hon. gentleman did not give the right citation. It is not on page 649.

Hon. Mr. LOUGHEED—Bourinot says that when an order for the second reading is moved the member may move that the order be discharged——

Hon. Mr. POWER—That is the second reading.

Hon. Mr. LOUGHEED—I do not think any importance can be attached to that. The reason that it is mentioned at the second reading is that the cases in point happen to arise at that stage of the Bill. Bourinot says:

> **Or if the motion has been made for the second reading, it must first, with the leave of the House, be withdrawn. It is irregular to go into the merits of the Bill on a motion that the second reading be postponed or discharged.**

I might say that these authorities are based, as far as I can observe for the moment, upon a rule laid down in the House of Lords, and so far as my knowledge is concerned, they cannot be controverted. I recall this matter being discussed some years ago very fully in the Senate as to the right of the promoter to withdraw a Bill, and I remember the sense of the House at that time was that the procedure which was laid down in parliamentary practice should be strictly adhered to, and, although there was a strong inclination on the part of hon. members that the House should hold possession of the Bill, yet it acceded to the desire of the applicants to have the Bill withdrawn, and it was withdrawn.

Hon. Mr. POWER—I think the House has a right to know what the promoter of the Bill has to say on the subject.

Hon. Mr. EDWARDS—I must say I know very little about the Bill. It was placed in my hands without any explanation whatever, so that I am totally ignorant of the local matters which arise so far as this Bill is concerned, except as I heard them discussed in committee. The same parties who placed the Bill in my hands, asked me to withdraw it. I suggested a withdrawal when my hon. friend reported the Bill before recess, and a request was made to have it stand over, so that it stood until to-day. As I understand, the amendment made in committee imposes certain penalties upon the pro-

moters of this Bill, and I suppose that they have found that they are undesirable. It is so said here. The statement was not made to me in that regard at all. I was asked simply to withdraw the Bill without any explanation whatever.

Hon. Mr. YOUNG—The hon. gentleman could only withdraw with leave of the House.

Hon. Mr. EDWARDS—These parties come here asking for an extension of time, and for some other conditions. They do not ask for the amendments that are suggested, and so far as my observation went they were being opposed; but finally, I understood that the solicitor who was there on behalf of the promoters, suggested that he would accept the amendment. It appears, however, that when he reported to his principals he took a different view. It does seem to me that the parties who have sought this legislation have suggested something entirely different from that which was asked for. They are the owners of a charter which is in existence, and that this opportunity should be taken to impose upon them something they do not desire, does not seem to me to be fair play, and in all fairness, I think the wishes of the promoters should be carried out, and the Bill withdrawn.

Hon. Mr. DAVID—I think we are having a discussion for no useful purpose. Nobody is in a position to say whether the company will not accept the amendments suggested by the hon. gentleman from De Salabery. Why not postpone the consideration of the Bill until Tuesday next, and give the company a chance to say whether they accept or not. It will be time enough for us to say then whether we consent to withdraw the Bill or not. The company may prefer to accept it as amended by the hon. gentleman from De Salaberry rather than to withdraw it.

Hon. Mr. EDWARDS—So far as that is concerned, surely they must have been cognizant of what had taken place, at the time I was asked to withdraw the Bill. However, if it is the desire of the Senate to have the matter postponed until Tuesday next, I have no objection.

Hon. Mr. POWER—Why spend any more time over it.

Hon. Mr. YOUNG—The question is in regard to adopting the report of the committee. It does not prevent a motion being made to withdraw the Bill a little later on The adoption of the report is a different matter altogether. You cannot withdraw the Bill on the motion for the adoption of the report.

Hon. Mr. POWER—Oh, yes. It is more difficult to withdraw after the adoption of the report.

Hon. Mr. EDWARDS—I now formally move for leave to withdraw.

Hon. Mr. DANDURAND—Give notice of an amendment.

Hon. Mr. POWER—My sympathies are altogether with the hon. gentleman from De Salaberry as to the substance of the case; but we have always to try and proceed according to the rules of parliamentary practice, and I propose to read a couple of passages from May on the subject. At page 687 of the last edition of May, I find the following:

> In passing private bills parliament still exercises its legislative functions, but its proceedings partake also of a judicial character. The persons, whose private interests are to be promoted appear as suitors for the bill; while those who apprehend injury are admitted as adverse parties in the suit. Many of the formalities of a court of justice are maintained; various conditions are required to be observed, and their observance to be strictly proved; and if the parties do not sustain the Bill in its progress.

This is the point which I wish to draw attention—

> By following every regulation and form prescribed, it is not forwarded by the House in which it is pending. If they abandon it, and no other parties undertake its support, the Bill is lost, however sensible the House may be of its value. The analogy which all these circumstances bear to the proceedings of a court of justice, is further supported by the payment of fees which is required of every party promoting or opposing a private Bill, or petitioning for or opposing any particular provision. It may be added that the solicitation of a Bill in parliament has been regarded, by courts of equity, so completely in the same light as an ordinary suit, that the promoters have been restrained, by injunction, from proceeding with a Bill, the object

of which was held to be to set aside a covenant.

Then there is this note on this page—

Compare 827 as to parties not proceeding with their Bills. In 1828, the Manchester and Salford Improvement Bill was abandoned, in committee, by its original promoters; when its opponents, having succeeded in introducing certain amendments, undertook to solicit its further progress. But in another case, the committee would not allow this course to be taken (Minutes, 1859, 84, Cork Butter Market Bill.) And, in 1873, the committee on the Kingstown Township Bill, after the commissioners, under their corporate seal, had withdrawn from its promotion, refused to allow them to proceed with it, as individual petitioners.

Hon. Sir Richard CARTWRIGHT—Do I understand my hon. friend, that the parties opposing has to pay fees ?

Hon. Mr. POWER—No, the parties promoting. At page 827 of May, the procedure is laid down as follows :

If parties acquaint the committee that they do not desire to proceed further with the Bill, this fact is reported to the House; and an order is then made that the Bill be withdrawn or, merely, that the report do lie upon the table. In 1902 a committee having thus reported that the parties did not intend to proceed with their Bill notice was given of a motion to recommit the Bill; but Mr. Speaker ruled that such a motion would be out of order, on the ground that a private Bill was the property of the promoters and that the House could not compel them to proceed with it against their wish.

My sympathies are with the amendment, but I think that the parliamentary rule is the other way. I may say that I recall a case which arose shortly after I came into the Senate, where a man applied for a Bill of divorce from his wife, and the Senate decided not to grant him a divorce, and the committee recommended that instead of a divorce Bill, a Bill practically in favour of the wife should be passed. The man who promoted the Bill was not allowed to withdraw, and the committee reported this other Bill, which was adopted. I thought that was bad practice at the time, and I think so still.

Hon. Mr. BEIQUE—I do not propose, as far as I am concerned, to insist unduly, but I must confess that I cannot appreciate what I have heard from the other side as bearing on the question. I quite understand that when a Bill is presented in committee that it is open to the promoter to proceed with the Bill or not; but that is not the case here. The Bill has been proceeded with by the committee, has been reported to the House, and it has become the property of this House, and, so, far, with the consent of the promoter. They say that the consent was given by error, and it is for this honourable House to appreciate the circumstances, and mete out justice to all parties. I would be very much surprised, when we have in our revised statutes reserved the right in granting any charter to retain it, amend it, and change it, as may be desired in future, any practice followed that may tend to curtail the power of parliament to consent or not, to the demand which is made, of withdrawing a Bill. It has been suggested that we were acting in the face of vested rights. I say no. If this company had actually commenced to construct the tunnel in question, it would be a matter of vested rights, but nothing in the way of construction has been done as yet. In fact, the main object of the present Bill was to obtain an extension of time to commence the work. They have now one year, and they desire to have an extension of two years, and when parliament finds, as the committee found, that when this charter was granted last year, this provision in the interest of the protection of the city should have been included. I submit that it is for this House to examine all the facts, and see whether the interests of the public are to be protected, and in protecting those interests to see that no injustice is being done to the promoters of the Bill.

Hon. Mr. DAVID—I think it would be in the interests of the company to postpone the consideration of the Bill till next week.

Hon. Mr. EDWARDS—Then I move the adjournment of the debate.

Hon. Mr. POWER—The hon. gentleman has spoken.

Hon. Mr. CLORAN—I would move that the debate be adjourned until Thursday next.

The motion was agreed to.

INTERCOLONIAL BRANCH LINES BILL.

IN COMMITTEE OF THE WHOLE.

The House resolved itself into Committee of the Whole House on Bill (No. 17) An Act to authorize the Government of Canada to acquire, by lease, lines of railway connecting with the government railways.

(In the Committee).

Rt. Hon. Sir RICHARD CARTWRIGHT—I desire to say that while I would be glad to have some discussion upon this measure, I do not propose to press it through to-day. We can take subclauses that are unopposed, and then consider some of the amendments that have been suggested; but the questions are of some importance, and I do not propose to carry the Bill through committee stage to-day. After a reasonable discussion, I propose the committee shall rise.

Hon. Mr. POWER—I do not propose to make any lengthened observations at this stage of the Bill. I said all I had any desire to say at another stage; but hon. gentlemen may possibly remember that in speaking against the second reading of this Bill I took the case of the Canada Eastern railway, which was the most promising of all the roads connected with the Intercolonial railway, and tried to show from data in the possession of the House that the taking over of that road had been an unprofitable speculation for the Dominion government. Some hon. gentlemen may possibly have thought that I exaggerated; but I hold in my hand a letter from Mr. Pottinger, for so many years the chief superintendent of government railways, and still one of the Railway Board, which I shall read to the House. It is addressed to the secretary of the Department of Railways and Canals, and is as follows :

INTERCOLONIAL RAILWAY OF CANADA
—PRINCE EDWARD ISLAND
RAILWAY.

Moncton, New Brunswick,
March 15, 1910.

Sir,—Replying to your telegram of the 12th instant asking information for the minister in regard to receipts, expenses, &c., of the Canada Eastern section of the Intercolonial, I send you herewith a statement that has been prepared by Mr. Shannon showing that the amount expended in the years 1905 and 1908 for the purchase of the Canada Eastern railway was $819,000. In the year 1906 an amount of $300,000 was paid in connection with the Fredericton and St. Mary's bridge, making a total of $1,119,000. The amounts expended on capital account in the years 1904-05 to 1908-09, inclusive, amount to $312,014.81. The statement shows the works on which these expenditures were made; they were almost all for improvements. The items for the strengthening of bridges are partly for improvements, as the wooden bridges with cedar foundations were replaced by steel bridges with concrete and masonry foundations.

The Blackville branch of the Canada Eastern railway, extending from Blackville to Indiantown, and forming the connection between the Canada Eastern railway and the Indiantown branch of the Intercolonial railway was repaired and improved at a cost of $116,641.61, which was charged to capital account during the years 1906-07 to 1908-09, inclusive. The total expenditure on capital account has therefore been $1,547,656.42.

I send you a statement from Mr. T. C. Burpee, showing that he estimates the amount required to put the Canada Eastern division into good condition at $319,000. This statement shows the items on which the estimated expenditure is to be made. Some of these items seem high.

In regard to the receipts and expenses, I inclose a statement showing the approximate expenses charged to revenue by years, from October, 1904, to March 31, 1909, and the total amount is $849,341.32.

A statement of the approximate gross earnings, by years, to March 31, 1909, is also inclosed. They amount to $627,738.03.

I am, Sir, your obedient servant,

D. POTTINGER.

Inclosure.

L. K. JONES, Esq., I.S.O.,
Secretary, Railways and Canals,
Ottawa, Ontario.

So hon. gentlemen will see that in the first place there has been already an expenditure on capital account of over $1,547,000, and that an additional expenditure will have to be made of $319,000.

Hon. Mr. THOMPSON—The expenditure on the line from Blackville was not on any line purchased by the Intercolonial railway.

Hon. Mr. POWER—If is one of the roads improved.

Hon. Mr. THOMPSON—But it was not acquired by the Intercolonial railway.

Hon. Mr. POWER—Adding the $319,000, which Mr. Burpee says will be necessary to put it in proper condition, to what has

already been expended, will give an expenditure on capital account of nearly $1,900,000. The gross revenue is $627,000, and the expenditure $849,000, that is $222,000 less than the working expenses. I am not going to read these statements; they are on the table and any one who wishes can see them, but I think it shows that the House cannot be too cautious in intrusting power to the government to take over these branch lines.

Hon. Mr. McSWEENEY—What is the date of the statement?

Hon. Mr. POWER—It comes down to the 31st March, 1909.

Hon. Mr. LOUGHEED—I was not present when this Bill was fully discussed, but when I saw the measure, my curiosity was aroused to know what explanation my right hon. friend would give as to why the government should take authority to purchase branch lines. I suppose it will be readily conceded that power is already vested in the government to purchase any of those lines which from time to time they may consider it wise to acquire. But it seems to me that the mischievous element of the Bill lies in this fact; an invitation is placed on the statute-book to the bankrupt or nearly bankrupt branch lines in the maritime provinces that the government is ready to acquire them and make them part and parcel of the Intercolonial railway system, on what grounds it may be considered wise by the owners of those roads and the government to adopt. I have not heard it successfully controverted in any public way that the Intercolonial railway system has been a financial disappointment from the time it was acquired down to the present, that it has been a system involving the Dominion in enormous expenses from year to year, and a burden which is becoming almost intolerable and a commentary upon the inability or incapability of the government to manage a public utility. Those who favour the acquisition of public utilities by the government should combine and make every possible effort to induce the Dominion government to get rid of the Intercolonial railway, or put it under independent management, because it is the most destructive commentary that can be pointed to on the management by the government of a public utility. Ever since confederation the Dominion has been squandering large sums of money year after year in the management of the Intercolonial railway. It seems to me that it is not to the advantage of hon. gentlemen coming from the maritime provinces to support the continuance of the present system of management of the government railways. Surely the very limited advantages which flow from the administration of the Intercolonial railway by the government cannot be a matter of very substantial profit to the people of the maritime provinces. Is it not a matter of very much greater consideration to them that the government railways should be properly managed and placed upon as sound a basis as the other great railway systems of this country? It is a matter of notoriety that the other railway systems operating in the maritime provinces, the large trunk lines, can be made to pay not only their running expenses but a fair profit from year to year. Why this system cannot be made to pay, practically paralleling those roads, is one of the most mysterious problems I have been called upon to solve in connection with the government of Canada. Are the people to tolerate for all time to come the enormous loss which we are suffering from year to year through the political management of the Intercolonial railway. Do the small advantages which flow from the administration of that road by the government compensate the people of the maritime provinces? An hon. gentleman a few days ago, in discussing this matter, advanced the rather unique proposition that the expense of this road was to be attributed to the people of the upper provinces, and that they must assume the responsibility for the loss. I venture to say, and I make this proposition feeling that it is based upon common sense and fact, that the people of the maritime provinces are suffering from the mismanagement of the Inter-

colonial railway under government administration than from any other industrial source, in life of the maritime provinces. If this road were under private management, the maritime provinces would be infinitely more developed than they are at present. Would it not be everything to the lower provinces, if some great railway company were administering that road, throwing all the vitality and business enterprise into its administration that is found to be thrown into the administration of railway systems in other parts of the Dominion? We owe more in the western provinces to the proper operation of our railway systems than to anything else which contributes to the development of our country. Would it not be the same if similar management prevailed on the Intercolonial railway? Therefore, I cannot possibly understand why the government, in view of the fact that we are yearly losing hundreds of thousands of dollars in the operation of this road, should continue this wasteful administration and intensify it by the acquisition of roads which up to the present time have proved unprofitable.

Hon. Mr. McSWEENEY—I should like to draw the hon. gentleman's attention to the fact that for ten months of the year ending March 31st, there is a net profit on the operation of the road of $662,000.

Hon. Mr. LOUGHEED—Let me point out to my hon. friend, that that is a surplus purely above running expenses. The road is not made chargeable with interest on capital, and most of the betterments of the road are made chargeable to capital account. If my hon. friend would compare the administration of that road with the administration of any of the other great railways of the country, he would find that the result shows an enormous deficit in the management of the Intercolonial railway, and when we speak of deficits we do not take into consideration that there is any interest chargeable on capital. If this were a private road, managed by a private corporation, what would my hon. friend say if the capital sunk in the building of that road for years had never realized a cent of interest?

Hon. Mr. McSWEENEY—I would draw the attention of the hon. gentleman to the canals which have never paid a dollar on their cost.

Hon. Mr. LOUGHEED—The hon. gentleman surely does not say that the Intercolonial railway should be placed on a par with the canals, and made a sink hole for all the capital that we have put into them? We have discussed the operation of the Intercolonial railway on a business basis. I should like to have heard from my right hon. friend some explanation as to why this disastrous administration of the Intercolonial should be intensified by acquiring branch roads which admittedly are not paying, and which would be a further drag on a system which has been in an incubus on the exchequer of this Dominion ?

Hon. Mr. McDONALD (British Columbia) —The letter which the hon. member from Halifax has read, is an eye-opener to the House. It shows that branch lines have been bought which are decayed and useless. They have had to be repaired at a heavy cost, and have not paid working expenses. In the face of all that, are we going to repeat the experience? We have the statement of a reliable man who knows all about the condition of those roads, that they have been repaired and improved at heavy expense, and have never yielded a revenue to cover the working expenses. When this Bill was before the House for the second reading, I asked the right hon. gentleman who had charge of it, if he could tell the House whether the suggestion to buy these lines came from the government or from the people who owned the railways. Have they offered the railways to the government, or did the government see that by acquiring those lines a profit was to be made, and they are necessary to the trade of the country. Did the suggestion come from the management of the Intercolonial railway? I should like an answer to that now.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am not aware that the branch lines owners have individually communicated with the government. As I understand, the suggestion came from the Department of Railways. My hon. friend beside me re-

minds me that at the instance of certain members of the House of Commons a request was made, and it was decided that certain officers of the government should investigate and report on these branch lines. I think that commission did report that some such power as is now asked for should be obtained from parliament.

Hon. Sir MACKENZIE BOWELL—What is the real cause that has led to the adoption of this policy? Are we to accept as the sole reason for acquiring these branch lines the reasons explained in the preamble of this Bill, which declares that these branch lines are to be feeders of the Intercolonial railway? If the information, which has been laid before the Senate, particularly the statement quoted by the hon. member from Halifax, is at all correct, instead of being feeders, I am rather inclined to think they will be suckers. Are there any other reasons which have induced the government to adopt this policy? It seems to me the policy has been forced upon the government in order to relieve those who have become involved in the construction of these lines, and for the purpose of making a raid upon the public revenues to repair and maintain them at a loss to the country, while the parties who own them, or the owners of the bonds have not the means to put them in proper condition. We know there are branch lines in the maritime provinces that have not been paying running expenses, that some have been abandoned, notwithstanding the fact that they have received large subsidies from the Dominion government. Is it proposed to take over these roads which have been abandoned because they would not cover the expense of management, to keep them in repair and in operation for a few people who use them, at the expense of every taxpayer in the Dominion? There can be but one reason for the policy which has been adopted, and that is to relieve those who have become involved in the construction of these roads and to acquire influence other than that which is legitimate in the maritime provinces. It has already been very clearly shown from the statistical records of other countries that government roads may be made at least to pay working expenses. In some cases they pay in addition some return on the investment. The success attending the management of the Australasian government railways is well known. Where they have been put under proper management, and freed from political influence such as has injured the Intercolonial railway—they have been made to pay working expenses, and contributed to the public revenue over and above the interest on the investment. Why should not Canada adopt a policy of that kind? It is quite clear why it has not been adopted. The government has not the courage to place this road under an independent commission, which would manage it on business principles. It has not the courage, because political influence has been brought to bear to such an extent on all governments since the road has been built, and until public men arise who have the courage to set at defiance the demand of political followers who are constantly urging them to do that which their consciences tell them should not be done, the Intercolonial railway will always be an incubus on the revenues of this country. I am rather surprised that my right hon. friend, the leader of this House, should be a party to an act of this kind, involving, as he well knows, a very large expenditure from which there will be no proper returns. I should like very much to see the right hon. gentleman on this side of the House and the Conservative government making such a proposition as this to him. I think I should hear his stentorian tones ringing through the Chamber loud enough to be heard from one end of this building to the other in condemnation of such a policy, unless he has marvellously changed since the days he was in opposition. I am sure if one could get at the inmost soul of the right hon. gentleman, he would find him not heartily in accord with this policy. The sooner an end is made of the extravagant, vicious expenditures which have been going on in connection with the Intercolonial railway for years and years, the better it will be for the country. My hon. friend from Moncton threw out the suggestion just now that during the last year there has been a surplus in the operation of the road, that is

since it has been under the management of a government commission. That was very effectively answered by the hon. member from Calgary. I can remind him of the fact that when the Conservative government came into power a number of years ago, and the road was placed under the control of Sir Charles Tupper, he presented to parliament a report showing a surplus, and there was a surplus for that year; but it was gained in the same manner, I fancy, that it has been gained during the last year. So long as the political influence which has been exerted in the past, and is now being exerted, to compel the government to assume the responsibility for these expenditures, so long will the revenues of the country be depleted in the management of that road. We had an instance of it at the last election. It is a fact on record that immediately after the elections some hundreds of men were dismissed from that road, not being required. Does the government think for a moment that the people of this country believe that just on the eve of an election it was necessary to put five or six hundred men on that road in order to keep it in repair, and immediately after the election was over their services were found to be unnecessary? That is the sort of thing that has attended the management of the Intercolonial railway. If we acquire these branches, the same result will follow that has been indicated by the hon. member from Halifax in connection with the eastern road. We shall have a lot of them taken over, put in order and maintained at the expense of the government. There are some short roads in the maritime provinces that are paying expenses, and a little more. It will be interesting to know whether the government will take those over. I have no doubt the gentlemen who are interested in those roads will be quite ready to dispose of them if they can get anything like the amount they have invested. We are running riot in connection with the expediture of public money, and the hundreds of millions in which we are involving the country will ultimately tell seriously upon the interests and welfare of Canada.

Rt. Hon. Sir RICHARD CARTWRIGHT —As I have already intimated, I have no desire to cut short the discussion of this important measure, and I do not propose to attempt to push it through to-day by any means. Every opportunity will be given hon. gentlemen to express their views. I would be disposed to regard this measure rather as a restrictive than a permissive measure. My hon. friend stated, and I think quite correctly, that the government had the power, if they saw fit, to purchase—and I presume by inference to lease—any of these roads as matters stand. He will observe that in this measure now before us, inferentially at least, that power is put under restrictions. In place of doing it as was done, practically speaking by an order in council in the case of the Canada Eastern, first of all the Board of Control, who are a reasonably independent body, not as fully independent as my hon. friend would desire, but still reasonably independent and not subject to the same pressure as the Minister of Railways might be expected to be subject to, have to examine and recommend. After that has been done, the Minister of Railways has to pass upon the proposition. After that is done, the matter has to be formally and specially submitted to parliament. These are safeguards to a reasonable extent that do not exist at the present moment? I think the practical result of the measure, if passed, will therefore be rather to restrict than to augment the powers the government at present possess. Because it is tolerably clear that any railroad which may be leased under the provisions of this Act will have to undergo a stricter scrutiny than was the case in the Canada Eastern, which my hon. friend has referred to. Therefore, the probabilities are that there will be less risk of any abuses arising if this Bill becomes law than if we pursue our present practice. I am afraid my hon. friend, the hon. gentleman from Hastings, may have to wait longer than he or I would find it convenient to wait, before he will see the displacement of the present government and the installation, shall I say of his friends, or some of his former colleagues on the benches in the lower

chamber; but however, that may be, while I——

Hon. Sir MACKENZIE BOWELL—Let us hope there are others.

Rt. Hon. Sir RICHARD CARTWRIGHT —Coming up?

Hon. Sir MACKENZIE BOWELL—Let us hope there are others besides those to whom the hon. gentleman refers.

Rt. Hon. Sir RICHARD CARTWRIGHT —I heartily, entirely and cordially agree with my hon. friend. I must admit candidly that no one of us, I think, on either side can feel that the results of the Intercolonial railway have been such as were hoped for when the project was undertaken. It is a very difficult problem, and the government ought, and will, and intend to make use of their best exertions to try and remedy the state of affairs that at present exist. They did take a step which has produced considerable good results, when they placed it under the control of a reasonably independent board of management, and from all I can find out, I think the administration of the railway has been very considerably improved under the management of those gentlemen, and that the political pull which, beyond all question, has been a source of mischief at times, has been very greatly diminished; that it can be altogether removed in this wicked world of ours is more than I dare promise. I do not want to prevent any other hon. gentleman from expressing their opinion; but unless other gentlemen wish specially to speak, I think I will move that the committee rise and report progress and ask leave to sit again, more especially as the important communication laid on the table and read by my hon. friend from Halifax should be fully before the House before we decide on the question.

Hon. Mr. THOMPSON—I should like to draw the attention of the House and of the hon. gentleman from Halifax to the fact that in the case of the Canada Eastern a very large amount of expenditure shown on the statement does not belong to the purchase of that branch; the only money spent on the Canada Eastern purchase is the $300,000 shown on the statement.

Hon. Mr. POWER—Excuse me.

Hon. Mr. THOMPSON—Only that amount expended since its purchase, making its cost lsss than $10,000 a mile for the railway. To-day we would authorize it to issue bonds to the extent of anywhere from $25,000 to $45,000 a mile for the purposes of the railway. The one million odd thousand which he read to the House, as shown in the statement is made up of $819,000 paid for the road, the $300,000 for the Fredericton bridge and other items. The Fredericton bridge was an institution which belonged to the government from its inception. It was built at the instance of some of our friends, and the money was furnished by the Dominion government, for which they were to pay four per cent. This $300,000 would have to be paid, whether the branch was purchased by the Intercolonial or not. Then we have an item of $116,000 on the Derby line to Blackville which really belonged to the Dominion government from the time of its inception. It was not part of the Canada Eastern. So that, in point of fact, all the moneys that have been expended since the purchase of the road amount to $312,000 instead of $1,700,000. The Canada Eastern, when it was bought, was not a played out railway. We had an equal number of trains running at the time it was passed over to the government as are running to-day, and the rates maintained on that road under private operation were less than are being now imposed by the Intercolonial railway, except on some classification of goods, and I may say just at this moment in respect of the Intercolonial, that while there have been no large enterprises developed under the present administration in marked distinction to what existed prior to the present government coming into power, it is not a pic-nic road, for the people down there as they pay a large amount of money towards sustaining and keeping up the railway service over the Intercolonial railway. By reference to the railway returns of this year, I find that the average amount of earnings over all the railways in Canada, amount to $6,000 a mile. The earnings on the Intercolonial railway, with 1,450 miles of road, amount

to $6,200 per mile. Therefore, somebody is paying considerably towards the keeping up of the Intercolonial in the maritime provinces. The Canadian Pacific railway earnings per mile amount to $7,307, the Grand Trunk $8,590, the Intercolonial to $6,200, and the Canadian Northern, if you take their mileage as given in the Railway Report, the amount of their total earnings is less than $5,000 a mile. I do not say that in the administration of the affairs of the road the upkeep is not costing too much; but I want to say that more money is earned per mile on the Intercolonial railway than is earned on the Canadian Northern railway.

Hon. Mr. CLORAN—Does the Post Office Department pay the railway for carrying the mail?

Hon. Mr. THOMPSON—I cannot answer for the moment.

Hon. Mr. CLORAN—If they do not, that diminishes the earnings of the road.

Hon. Sir MACKENZIE BOWELL—I can inform the hon. gentleman that the late government and the present government pay a certain amount for the carrying of the mail, and charge it to the earnings of the road.

Hon. Mr. THOMPSON—The statement I am making is that in the railway returns of the year, the number of miles are given of all the railways throughout Canada. I have divided the total earnings with the number of miles, and the average is as I have stated.

Hon. Mr. WOOD—I quite agree with what the right hon. leader of the House has said, that this Bill is rather restrictive in its character than otherwise.

Hon. Sir MACKENZIE BOWELL—Than other Bills.

Hon. Mr. WOOD—No, rather restrictive than permissive. The government certainly had all the powers which this Bill confers and has had them since the Intercolonial was built, and the only affect of this Bill can be, if they decide to acquire any of these roads, is to place certain restrictions on their action. I do not propose to say anything with regard to the general policy, as I understand that was discussed and settled on the second reading of the Bill, and what remarks I had to make on the subject I made at that time. I only wish at present to call the attention of the right hon. gentleman who has charge of the Bill to one of the clauses in section three, which provides that before any of these roads shall be taken over there must be a certificate from the chief engineer of the Department of Railways and Canals, that they are in good and safe condition for operation. While that appears at first sight to be a very desirable condition to impose, and while it was hardly to be expected that the government would take over any of those roads unless they were in a safe condition for operation, yet this appears to me to open a way for a class of transactions of which we have had a good many instances in the past, by which private individuals may profit at the expense of the government or of the railway companies, and I would like to point this out in the first place. Take the case of the Canada Eastern that has been referred to, and the large expenditures that have been made since it was acquired by the government. Supposing the condition had been imposed that those expenditures should have been made, and the road put in condition before it was taken over, I do not imagine the company would have been in a position to do it at all, and I think the same condition applies to the other branch roads of the Intercolonial railway, that if any branch line company were required to make large expenditures for the improvement of their road it would simply mean that it could not be taken over, because they would not be able to provide the funds to put it in very much better condition. So far as I am acquainted with their roads, they have at the present time exceeded their bonding powers as well as their ability to issue stock, and except what little surplus funds they have from the operation of the road, they are unable to make any improvements either in the road bed or in their rolling stock.

I should fear that if this clause were insisted upon, it would be opening the door for the intermediary to come between the company and the government to secure the taking over of these roads. Such a person, if he had any connection with some ruling power in the government, and had an assurance that a certain road would be taken over, might on the strength of that assurance be able to raise money to make the necessary improvements; but I venture to say that under such circumstances the rent fixed upon would have to be sufficient in addition to what the company would accept to pay the cost of these improvements and a good deal more. I think the provision is rather dangerous than otherwise, and if the government really intends taking over any of these roads, the proper way would be to negotiate with the companies themselves, and fix the price of rental which was to be paid according to the condition in which the road was found at the time it was taken over. I am calling the attention of the right hon. gentleman who has charge of the Bill to this point, and I trust, that as the committee stage has to be adjourned that he will give it consideration. In my opinion these words should be eliminated from the clause.

Hon. Mr. ROSS (Halifax)—I do not think the Intercolonial was ever in better condition that it is at present, or less susceptible to political influence. It is equipped with new heavy rails, powerful engines, as any one can see by the number of passengers that come over it on the arrival of every steamer in Halifax. As to placing the Intercolonial railway under an independent commission, it is a pity that that idea did not originate with my hon. friend from Belleville when he was premier of the Dominion, and when the road was in poor condition. I stated the other day, and I may repeat it again, that in taking over the branches, I hope the government will be extremely cautious to observe the condition those branches are in before they are accepted and taken over by the Intercolonial railway.

Hon. Mr. GIBSON—I should like to make an observation with regard to the remarks of my hon. friend from Westmorland. It is well known, at all events in the province of Ontario, that nearly all the railways built either by county or township subsidies were originally built by men who had an interest in the part of the country they lived in when they came to operate them, and when they found it necessary to exchange traffic with other counties they found themselves so handicapped with the cost of handling freight in small quantities that none of these roads paid; consequently they were taken over by the Grand Trunk railway or the Great Western or the Canadian Pacific railway or the Canadian Northern railway. This applies not only to Ontario but to Quebec. Take the Intercolonial railway entirely from under political influence and I venture to say there is not a gentleman in this House who would offer objections to branch lines being bought by the Intercolonial if it were a private corporation. The fear that my hon. friend has before his eyes is that some one connected with the powers that be might induce the government to accept a railway under alleged conditions that did not exist. I hope my hon. friend and all of us have confidence in the employees of the government of this country, and I am bound to say, after an experience of 40 years, that there is no higher class of men to-day in Canada than the railway civil engineers. Not one of these men, I am sure, would give a railway a certificate of a character that it did not deserve. If the Intercolonial railway is ever going to be of any service to the Dominion of Canada, we all know it cannot be so until it has feeders, and without these branch lines it cannot be a success.

Hon. Mr. POWER—The branches are there now.

Hon. Mr. GIBSON—Yes, they are feeders, but not to the same extent as if they belonged to the railway.

Hon. Mr. WOOD—Why?

Hon. Mr. GIBSON—Because each would be under different management. If you were to take the remuneration of the commissioners, double the amount and give it to one man, as the Canadian Pacific rail-

way does with Sir Thomas Shaughnessy, Mr. McNichol and Mr. White; as the Grand Trunk does with Mr. Hays, and as the Canadian Northern railway does with Mackenzie and Mann, there would be no deficit. The whole trouble is that it is under this hydra-headed management, and why? Simply because the people of Canada took advantage of the political situation to criticise the government, and the government is afraid to give any one man power to control the men who are under him—the power that the Grand Trunk and Canadian Pacific railway give their general managers, to say to this man go and he goeth and to another come, and he cometh. Remove the Intercolonial railway from such conditions, and give a man who is capable of managing it a salary of $50,000, hold him responsible, and we will not hear of political influence at all. I believe there has been political influence. I am glad the Hon. Senator Thompson has been able to show this afternoon that the Intercolonial railway, so far as its earning power is concerned, is no worse off than the Canadian Northern railway. It has not as high earning power as the Canadian Pacific railway or the Grand Trunk railway, but it must be borne in mind that the Canadian Northern railway, so to speak, is a new railway, and it has been adding new branches to its line, but were the Canadian Northern railway as long in existence as the Grand Trunk and the Canadian Pacific railway, I am satisfied that the earning power would be just as great per mile, and I will venture to say that under the same kind of management the Intercolonial railway will be found as economically managed and savings made, and political pull would be abolished and men would pay and have to pay the proper rates upon frieght and other service. Under these conditions, I think this Bill is a step in the right direction, and I hope every safeguard will be taken to see that the government is not made to pay more for these branch lines than they are worth. I am satisfied that no engineer with his reputation behind him and his honour in front of him would give such a report as would mislead the government or any individual who wanted to buy the branch lines. This is the first step the Intercolonial has made in the direction of having feeders which will be jointly managed by one central head. The whole trouble, as I have said, was that these branch lines were not competently or economically managed. They could not exchange traffic one with the other. These difficulties will be abolished; the roads will all be under one management, without having a general engineer or chief engineer on each branch line.

Hon. Mr. DANDURAND—I should like to say a few words on this measure, which perhaps I should have said on the second reading, but I was somewhat diffident about doing so, inasmuch as there is a statement in the preamble of the Bill, which I am not in a position to controvert. So long as the Intercolonial railway belongs to the government of Canada, and is managed by the government directly or indirectly, I am not able to deny, and I have not the necessary information to say to the House what is contained in this preamble: 'And whereas it is deemed that such traffic, development and increase can be facilitated and advanced by the acquisition, by the government of Canada, of lines of railway connecting with the government railways, as feeders thereto,' is a true statement of fact or not. Possibly so long as the railway remains under the government management, directley or indirectly, there may be something to be said in favour of leasing some of those branch lines. The question does not present itself in such a way as to militate in favour of my recording my vote against the policy contained in this Bill. I think I have already stated my own view to the Senate and it is in favour of getting rid of the Intercolonial railway by leasing it or selling it. I cannot understand how, when this country agrees to collect no interest on the hundred million dollars sunk on this road, that the tax-payers should allow themselves to be bled to spend more millions on this government railway. It is all very well to speak of surpluses. It is merely a question of book-keeping. There may be in the running expenses of the road and the ordinary receipts a balance in favour of the

railway; but this is not taking into account the million or two, or three, or four which yearly we are asked to spend on capital account. This is the reason why, after the long experience we have had of the administration of this road, I have come to the conclusion that it would be much better for all parties interested, those using the railway, and those not using it, outside of Quebec and the maritime provinces, that this railway should be put in private hands. These are my views, and so holding them, I am disposed to vote in favour of any amendment which will surround the purchase of these branch lines with all necessary safeguards.

Hon. Mr. DAVIS—Do the branch lines mentioned in the Bill come under the control of the Railway Commission? Are they chartered by the Dominion government?

Rt. Hon. Sir RICHARD CARTWRIGHT—The Intercolonial is not, but the branch lines I think are.

Hon. Mr. THOMPSON—They are not under the control of the Railway Commission.

Rt. Hon. Sir RICHARD CARTWRIGHT—That may be true of a part of them, but I think not of the whole of them.

Hon. Mr. WOOD—I think the branch lines are under the control of the Railway Commission.

Hon. Mr. CASGRAIN—Those which have federal charters are.

Hon. Mr. WOOD—I understand that all railways connecting with the Intercolonial are subject to the legislative jurisdiction of parliament, and, therefore, subject to the Railway Commission.

Hon. Mr. DAVIS—If those branch lines of railway are being operated by companies that are under no control, it appears to me that the people in the part of the country where they are being operated would feel that some change is necessary to have somebody control the rates and so on. The statement by the Hon. Senator Thompson that the Intercolonial has an earning power of over $6,000 a mile as compared with the earning power of $5,000 a mile on the Canadian Northern railway, is a revelation to me. The Canadian Northern railway at $5,000 a mile gives as good service as any road could give, pays all its expenses and the interest on its bonds. Here we have the Intercolonial, according to this statement, earning a thousand dollars more a mile, but paying no interest at all, and hardly paying expenses. So there is something radically wrong, and I would agree with the hon. member from Welland that it is pretty nearly time that the management of the road was so improved that its earnings would cover the expenditures. The present losing system has been in existence long enough.

Hon. Mr. MITCHELL—I am somewhat surprised to hear the leader of the government and the hon. member for Westmorland say that this is a Bill to tie the hands of the government so that they cannot take over these roads. I thought it was the other way. It is a well settled policy with all railway managers in this country that branch lines are as necessary for the main line as streams are to take sawlogs to the mill for the lumberman. If twenty or twenty-five years ago the government of that time had followed the railway policy pursued by the great railway companies of this country, and taken over branch lines, I do not think the Intercolonial railway would have been a sink-hole, but would have been a revenue producer for the country. I hope the Intercolonial railway will take over the branch lines the same as the great railway corporations are doing, not only in the interests of the main line itself, but in the interests of the people along those branch lines, who have to pay two rates to-day.

Hon. Sir MACKENZIE BOWELL—Will the leader of the House inform us if offers have not been made to the government of a tolerably large sum if they would give the management of the Intercolonial railway to certain railway companies? My reason for referring to that is, that if the road were placed under the same management as has been indicated by the hon. member for

Welland, it would pay. If private parties interested in railways are in a position to offer some half a million of money per annum, for leasing the road, surely under proper management the government could make it pay its way. Can my right hon. friend tell me if any such offer has been made, and if so, has it been considered?

Rt. Hon. Sir RICHARD CARTWRIGHT —No formal offer has been made to the government.

Hon. Sir MACKENZIE BOWELL—I should like to point out to the hon. member from Fredericton, that his remarks and the figures he quoted did not touch the point raised by the hon. member from Halifax. The statement made before the Senate shows that the earnings of the road do not cover the expenses of management and operation, and that every year there is a loss. Now, no matter what may have been the origin of the construction of that road, or what has occurred since, the vital point has not been touched. I admit the correctness of all the hon. gentleman has said in reference to the building of the road, the subsidies which were given for the bridge at Fredericton, and the other matters to which he alluded, but I should like to call attention to the fact that he did not touch the point raised by the hon. member from Halifax. While I am on my feet, permit me to say that the arguments and statements presented by the hon. member from Welland are the only reasons that have been given for acquiring the road. The same traffic however, that exists to-day exist if they were not branches of the Intercolonial railway; but there is some force in the argument that under one management the branch lines connected with the Intercolonial railway could be more cheaply operated. I do not see, however, how the traffic is to be increased by the Intercolonial railway absorbing them, any more than there would be under private management

The motion was agreed to.

Hon. Mr. YOUNG from the committee reported that they had made some progress and asked leave to sit again on Wednesday next.

SECOND READING.

Bill (BBB). An Act to incorporate the St. Lawrence and Ungava Railway Company.—Hon. Mr. Edwards.

BILL INTRODUCED.

Bill (GGG) An Act to incorporate the Buctouche Railway and Transportation Company.—Hon. Mr. Thompson.

The Senate adjourned until to-morrow at 2.45 p.m.

THE SENATE.

FRIDAY, April 8, 1910.

The SPEAKER took the Chair at 2.45 p.m.

Prayers and routine proceedings.

MR. L. M. FORTIER'S POSITION.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Is there in the Department of the Interior, in the immigration branch, an employee who answers to the name of L. M. Fortier?
2. What is the nature of his functions?
3. What is the amount of his yearly salary?
4. Is he obliged to know the French language?
5. In reality, does he speak it, as the name which he bears would seem at first sight to indicate?
6. If he knows the French language, why does he make a point of not using it in the answers which he gives to letters which are sent to him in French?
7. If he does not know the French language, why was he chosen last month to hold an inquiry in English in a matter where the complainant and the accused and the witnesses, all familiar with the French language, would not have been able to be understood without the help of an interpreter?
8. Is it because that in the whole Department of the Interior there is not one single employee with a sufficient knowledge of the French language to be able to preside over an inquiry held in French?

Rt. Hon. Sir RICHARD CARTWRIGHT —The replies furnished by the department are as follow:

1. Yes.
2. He is the chief clerk of the Immigration Branch.
3. $2,300.

4. No.
5. No.
6. See answer to 5.
7. All connected with the immigration service at Quebec are obliged to know English, 70 per cent of the immigration through that port being English speaking.
8. No.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the orders of the day are called, I would like to ask the hon. leader of the House to press upon the proper party for the production of a few returns for which I moved some months ago, one giving the contract entered into by the department and the Koenigan Company for the removal of the debris of the Quebec bridge, which I have not yet received, and another one for the copy of the complaints and inquiry made in the matter of the Quebec Rock City Tobacco Company.

Rt. Hon. Sir RICHARD CARTWRIGHT —Ifj the hon. gentleman will kindly send me a memo, I will bring it to the attention of the department.

THIRD READINGS.

Bill (UU) An Act respecting the Essex Terminal Railway Company.—Hon. Mr. McHugh.

Bill (No. 99) An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.—Hon. Mr. Bostock.

SUPPLY BILL.

SECOND AND THIRD READINGS.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 196) An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1910.

He said: The total amount involved in this Bill is $1,636,000, the details of which hon. gentlemen will see set forth in the schedule to the Act itself now in their hands. They are chiefly for the purpose of completing improvements at Port Arthur and Fort William, and dredging boats; also a considerable sum is required for the additional service of the post office.

Rt. Hon. Sir RICHARD CARTWRIGHT.

Hon. Sir MACKENZIE BOWELL—I am aware that we have no power to interfere with money Bills; still it has been usual, if there were any items which required explanation, to ask that the explanation be furnished. The hon. gentleman in this instance has given us the correct amount required for the public service in this supplementary estimate, but I would call his attention to the fact that he overlooked the amount that he asked for in the last. If he had taken the trouble to look at a portion of the estimates which we were asked to pass a short time ago, he will find the answer he gave me at that time was not quite correct. I presume it arose from the fact of his not having looked at the estimates which he was asking the Senate to approve. I put this question to him, 'What is the amount?' and the answer was twenty-one million,' and I said 'Is that all,' and the hon. gentleman said, 'That is all at present,' but if he refers to that estimate he will find that it amounted not only to twenty-one million, but to forty-three million. The only explanation that occurs to my mind is that if he had looked at the first part of the Bill he would have seen that the estimates were divided into three, and the total of the three would be $43,000,000, so that it was a very much larger amount than the hon. gentleman at that time informed the House we were asked to pass. I do not desire to be understood that I accuse him of making the statement with the intention of deceiving the House. No doubt it arose from the reasons I have advanced. The first part of it was the amount to which the right hon. gentleman referred, and he must have overlooked the fact that there were other portions which brought up the total to the sum I have mentioned. I find an item in the miscellaneous list for an amount required for seed grain. Are we to understand that there was seed grain for distribution in the Northwest Territories a year or two ago, when there was a failure, and that the sum exceeded by $42,000 the amount voted by parliament? Then item 386 provides a sum to enable the Department of the Interior to settle the claims of Jas. Richardson and Sons for loss on seed grain, to the amount of $4,480. Can the hon. gentleman tell us how the loss occurred?

Rt. Hon. Sir RICHARD CARTWRIGHT —As I understand from the Department of the Interior, who had this matter in charge, this sum is required to pay for an amount of seed grain that had been distributed to settlers in the Northwest—that is with regard to the $42,000. The exact details of the transaction with Richardson and Sons, I can only state from memory, but I believe they are something to this effect: the oats which they purchased were bought in England, and were allowed to be sent forward to St. John. There objection was taken to their quality; but for some reason, I do not understand why, instead of being allowed to sell them there, which could have been done without any loss, they were obliged to forward them on to Winnipeg to be formally inspected and refused. The oats, I believe, were good, but not quite up to quality. In that way a loss of $4,486 was incurred, which on consideration, the department thought it would be unfair to exact from these parties. That is why this item is put in, as far as my memory serves me. I did not expect to give a detailed account of all these estimates, inasmuch as we must pass them en bloc, and can only criticise them.

Hon. Sir MACKENZIE BOWELL—That is probably the explanation. When a bargain is made to purchase for the government, if there is a loss on the transaction, the purchaser ought to be recouped unless there is good reason for not doing so. I do not think I am exceeding the rights of a member of the Senate in asking these questions. Occasionally the Supply Bill has been passed in this House without comment, but I can remember occasions when I occupied the position which my right hon. friend fills to-day, being subjected to severe criticism, and obliged to answer many questions, and furnish explanations of different items in Supply Bills. I am not, therefore, exceeding the privileges of parliament, nor am I adopting any course which has not been pursued in the past.

Rt. Hon. Sir RICHARD CARTWRIGHT —The hon. gentleman has a right to put his questions.

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

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of the Bill presently.

Hon. Sir MACKENZIE BOWELL—I see an item of $30,000, working expenses, further amount required for Prince Edward Island railway. Have the expenses of running that road exceeded the estimates of last year by $30,000?

Rt. Hon. Sir RICHARD CARTWRIGHT —Apparently so. My hon. friend knows that that railway has both in the time of our predecessors, and in our own time, never been able to pay its operating expenses. The expenditure has always been very considerably in excess of the receipts.

Hon. Sir MACKENZIE BOWELL—I am aware of that fact.

Rt. Hon. Sir RICHARD CARTWRIGHT —I think the total loss is now $90,000.

Hon. Sir MACKENZIE BOWELL—This is further evidence of the results of government ownership and management of railways. Whether that deficit is due to the same causes as on the Intercolonial proper, I cannot say. Perhaps the hon. gentleman opposite, who is smiling at my remark, can tell us why there should be $30,000 voted in addition to the sum appropriated last year to cover the management of that road?

Hon. Mr. DANDURAND—Perhaps it is because of a lack of branches as feeders.

Hon. Sir MACKENZIE BOWELL—Thank you. Then we are to add to the expenses of the Intercolonial railway by acquiring branches?

Rt. Hon. Sir RICHARD CARTWRIGHT —No branches at present are proposed for the Prince Edward Island railway. I may relieve my hon. friend's mind on that subject.

The motion was agreed to, and the Bill was read a third time, and passed.

SECOND READINGS.

Bill (No. 106) An Act respecting the Canadian Northern Ontario Railway Company. – Hon. Mr. Jones.

Bill (No. 108) An Act to incorporate the Rainy River Radial Railway Company.—Hon. Mr. Watson.

Bill (No. 111) An Act respecting the Dominion Millers' Association.—Hon. Mr. McGregor.

Bill (No. 123) An Act respecting the Central Canada Manufacturers Mutual Fire Insurance Company.—Hon. Mr. Frost.

Bill (No. 124) An Act respecting the Eastern Canada Manufacturers Mutual Fire Insurance Company.—Hon. Mr. Frost.

Hon. Sir MACKENZIE BOWELL—I notice that the two Bills that we have just passed are practically the same in name. Does that mean that one is to confine its operations exclusively to Central Canada, and the other to Eastern Canada.

Hon. Mr. FROST—They are just two separate Bills.

Hon. Sir MACKENZIE BOWELL—I understand that; but they appear to be for the same purpose. Is one to confine its operations to Central Canada, and the other to Eastern Canada, and where are the divisions drawn?

Hon. Mr. FROST—The Bills are two separate Bills, one for Eastern Canada and the other for Central Canada.

Hon. Sir MACKENZIE BOWELL—I know that, but where are the divisions to be?

Hon. Mr. BELCOURT—It is merely in name; there are no divisions.

SECOND READINGS.

Bill (No. 128) An Act to incorporate the James Bay and Eastern Railway Company.—Hon. Mr. Casgrain.

Bill (No. 129) An Act to incorporate the Ontario and Ottawa Railway Company.—Hon. Mr. Jones.

Bill (No. 130) An Act respecting the Vancouver Island and Eastern Railway Company.—Hon. Mr. Bostock.

Bill (DDD) An Act respecting the Alberta and British Columbia Railway Company.—Hon. Mr. Lougheed.

Bill (EEE) An Act respecting the British Northwestern Fire Insurance Company.—Hon. Mr. Watson.

Bill (No. 150) An Act respecting the Restigouche Boom Company, and to change its name to 'The Restigouche Log Driving and Boom Company.'—Hon. Mr. Thompson.

CANADIAN NORTHERN RAILWAY COMPANY'S BILL.

SENATE RECEDES FROM ITS AMENDMENT.

The order of the day being called:

Consideration of the amendment made by the House of Commons to the amendment made by the Senate to (Bill 61), An Act respecting the Canadian Northern Railway Company.

Hon. Mr. DAVIS moved that the Senate recede from its amendment. He said: When this Bill came up yesterday, some hon. member asked for explanations. When the Bill was in committee, an amendment was made, which provided that the total issue of bonds on the railway should not exceed $25,000 a mile. The Senate did this, supposing that that was the extent of the bonding power. Clause 4 of the Bill regulates the bonding power, and the company is allowed not only the $25,000 a mile, but $5,000 a mile for terminals, and an increase of the amount the other side of the Rocky mountains. What the Commons did was merely to change that with respect to the issue of bonds.

The motion was agreed to.

BILLS ASSENTED TO.

The Senate adjourned during pleasure.

His Honour Mr. Justice Girouard, Deputy Governor General, being seated at the foot of the Throne.

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Comons and acquaint that House :

It is the Deputy Governor's desire that they attend him immediately in this House.

Who being come with their Speaker.

The Clerk of the Crown in Chancery read the titles of the Bills to be passed, and which duly received the Royal Assent :—

An Act respecting the Algoma Central and Hudson Bay Railway Company.

An Act respecting the Erie, London and Tilsonburg Railway Company.

An Act to incorporate the Weyburn Security Bank.

An Act respecting the Grand Trunk Railway Company of Canada.
An Act respecting the Montreal and Southern Counties Railway Company.
An Act respecting the Northern Empire Railway Company.
An Act respecting the Dominion Atlantic Railway Company.
An Act respecting the Calgary and Fernie Railway Company.
An Act to amend the Exchequer Court Act.
An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.
An Act to amend the Government Annuities Act, 1908.
An Act for the relief of Archibald Laurie.
An Act for the relief of Bernard Shea.
An Act for the relief of Clara Louise Holden.
An Act for the relief of James Albert Green.
An Act for the relief of Alexander Augustus Barthelmes.
An Act for the relief of Cecilia Marie Pringle.
An Act for the relief of Ada Ann Reed.
An Act to incorporate the Independent Order of Rechabites.
An Act respecting the Richelieu and Ontario Navigation Company.
An Act respecting the British North American Mining Company.
An Act to incorporate the Saskatchewan Central Railway Company.
An Act to incorporate the Pine Pass Railway Company.
An Act to incorporate the Ottawa, Montreal and Eastern Railway Company.
An Act respecting the Bay of Quinte Railway Company.
An Act to incorporate Catholic Episcopal Corporation of Timiskaming.
An Act for granting to His Majesty certain sums for the public service for the financial year ending the 31st March, 1910, to which I humbly request Your Honour's assent.

The Senate adjourned until Tuesday next at three p.m.

THE SENATE.

Tuesday, April 12, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

APPOINTMENT OF FRENCH CANADIAN SENATORS AND JUDGES.

INQUIRY.

Hon. Mr. MACDONALD (British Columbia) rose to direct the attention of the government to the following statement which appeared in the Ottawa 'Citizen' newspaper of the 19th March, 1910:

French Canadian Deputation to the Premier. Want More Senators and High Court Judges. 'Resolution of Recent Congress is Presented.'

"Senator Belcourt headed a deputation from the recent French Canadian Congress of Ontario, which waited upon Sir Wilfrid yesterday. Representation of the French people of the province in the Senate and on the High Court Bench was discussed, and the resolution adopted by the congress was presented.

"It was pointed out that the French population of Ontario exceeds 300,000, but they have only one senatorship. They contend that they should have another. On the High Court Bench there is no French-speaking judge, and it was argued that in both of these cases the French representation is disproportionate to that of other nationalities.

"The premier gave a sympathetic hearing to the delegation, but made no definite promise in his reply other than that the matter would be considered carefully."

And inquired if such a deputation as that named waited on the Honourable the Premier. If so, is it the intention of the Government to take into consideration the request of the deputation?

He said: The senator chiefly concerned in this matter is not present, and I am not quite certain whether the statement which appeared in the 'Citizen' which I copied in my resolution is correct or not; but I want to assure the House that I do not raise this question in any way hostile to creed or race, but purely on public grounds. It is a question which affects the Senate and judiciary of Ontario. Assuming this statement to be correct, the request made by the delegation headed by the senator from Ottawa, contravenes the British North America Act. That Act clearly sets forth what the composition of the Senate is to be for the old divisions, and there is no mention of any representation for creed or race. The senators are appointed for the whole country, irrespective of religion or race. If the hon. gentleman and his delegation to the premier the other day had asked for representatives to fill vacancies, there would be nothing to say in the matter; it would have been quite a legitimate request to have vacancies filled by representatives of the French Canadians and Catholics. But, supposing other denominations of Canada asked for similar privileges, would it not be a most deplorable case—each denomination demanding representation in this House and on the bench? If this hon. gentleman were here I would ask him what strength it would be to French Canadians, or what benefit to the Catholics

of Ontario if they had another senator in this House? Fortunately, no religious questions are discussed here. Such matters are entirely removed from this arena; so that I cannot see myself, if half of this House were composed of Roman Catholics. that it would be any special benefit to that denomination. So far as I can see, we have hitherto worked harmoniously together. I cannot see that any French Canadian gentleman in this House is under any disability or disadvantage. He is liked by his brother senators, and, as far as I can see, there is no disparagement of any kind, and why this delegation should ask for representation of that kind I cannot understand. I think the suggestion should be scouted by this House. Does a move of this kind lead to homogeneity of this House, or elevate public spirit? After the two peoples living together in harmony and peace for a hundred years is it not time that questions of race and religion died out? Let each work in their own sphere as they like, and not bring such matters prominently before public bodies like this. With regard to the bench of Ontario, and the appointment of a French Canadian judge to that position, if it be to fill a vacancy, there is no objection; but I take it that the very fact of asking for a judge of that religion and race is a reflection on the Anglo-Canadian judges of America. It is tantamount to saying that they have favourites; that they do not act in an impartial way, but rather unfairly towards the Roman Catholics in the province. Perhaps the hon. gentleman from Ottawa might know of some case of partiality. I never heard of any. The fact of asking for a judge of this race or creed would be a reflection on French Canadians themselves. It would be tantamount to saying that if they had a judge on the bench of their own nationality and religion he would favour them. That inference can fairly be drawn from the request of the delegation. Otherwise why ask for a judge of that nationality or creed?

Hon. Mr. BELCOURT—I have just this moment come into the House, and have not had the advantage of hearing what my hon. friend said in connection with the question on the order paper. I have been asking myself why the hon. gentleman brings this question before the Senate. What the Senate has to do with it at the present moment is something I fail to understand. The French Canadian Educational Congress for this province passed a resolution asking the government, when making appointments, to take into consideration the claims of the members of the bar of the province who belong to the French Canadian race to representation on the bench. Surely the hon. gentleman does not think that is not a legitimate ambition? I do not know whether he objects to that. If he does it will enable me better to know what I am expected to say.

Hon. Mr. MACDONALD (British Columbia)—No, I do not object to representation of any element of the population on the ground of race or creed. I object to the proposition of the hon. gentleman as unconstitutional. If he and his delegates did ask for a new senator, then they were proposing a contravention of the British North America Act, which provides the number of senators to be appointed for each province, without regard to creed or race. It is true the Governor General can appoint three or six senators, but one must be from Ontario, another from Quebec, and another from the maritime provinces. If the hon. gentleman asks simply for appointment of a senator to fill a vacancy, he takes away my argument except that I claim that all the denominations should have the same right to representation.

Hon. Mr. BELCOURT—I do not know what my hon. friend objects to.

Hon. Mr. MACDONALD (British Columbia)—I object to contravening the British North America Act.

Hon. Mr. BELCOURT—My hon. friend must see that there was nothing of that kind in the request. We simply asked the premier, when making appointments to the bench of this province, or filling a vacancy in the Senate for this province, that the claims of the French Canadians of Ontario, who number a least one-tenth of the population, should be considered. They were taken into consideration when the French Canadians were less than half the numbers they are to-day in Ontario, and it was thought proper to give them recog-

nition in the Senate. I am a living example of that principle. The hon. gentleman I had the honour to succeed in this House, Mr. Casgrain, was appointed in recognition of the presence of the French Canadian population in this province. He was appointed at a time when the French Canadian population was in Ontario about half what it is to-day. The French Canadians, acting on that principle, which was recognized by the preceding as well as the present governments thought that they might very well urge upon the premier, now that they are double in number, that their representation should be increased proportionately. That is all there is to it. We did not go to the premier and ask him to amend the British North America Act so as to get an additional senator for Ontario, nor did we ask him to create a new position on the bench of this province for the purpose of finding a position for a French Canadian judge.

Hon. Mr. MACDONALD (British Columbia)—I am very glad to hear it.

Hon. Mr. BELCOURT—We simply asked that when a vacancy occurs in the Senate, or on the bench of Ontario, the claims of French Canadians, who number 225,000 of the population of the province, shall be considered.

Hon. Mr. MACDONALD (British Columbia)—There is nothing in this article stating that.

Hon. Mr. BELCOURT—There is nothing indicating the contrary.

Hon. Mr. CLORAN—There is just one statement made by the hon. member from British Columbia which should not be allowed to go on record on the 'Debates' unchallenged. His statement is not one of fact, but one of assumption—I allude to the desire of the French Canadians to have a judge on the High Court bench. The hon. gentleman assumed that they wanted such representation because they would feel more at home, and would expect from such a judge a partial hearing. That statement must not be allowed to go forth unchallenged. The French Canadians of Ontario are not seeking representation on the High Court bench with any such object in view, because for the last hundred years they have given proof of their complete confidence in the judiciary of the country, without regard to creed or race. To-day, the judge of the Exchequer Court is a gentleman, who though a very able and excellent judge, does not understand one word of French. The French Canadians seek no partial judgments from their judges. They are quite willing to entrust their civil rights to the judiciary, and juries, whether French or English, so the supposition of the hon. gentleman is not based on fact. It is controverted by history and by the position that the French Canadian people have held in this Dominion. They never seek to override the rights of others, and when they ask for representation as a matter of right, they should not have their motives impugned. They are simply showing that the French Canadian people are progressive, and developing strength, and adding that strength on the right lines of toleration for all. They are not trying to subvert any constitution or principle in this matter; they are simply exercising the right of all citizens to seek representation, and I am prepared to say here that they have never abused it. On the contrary, we find tolerance in the French Canadian ranks when we do not find it in the English ranks. Take the last election in Montreal; they elected an Irish Catholic mayor. How many Irish Catholic mayors have been elected in Toronto? The French Canadians of Ontario are only seeking at the hands of our government a recognition of their intelligence and their worth in this country, and no senator has a right to question their motives in taking that course. The government cannot do better than take this matter into their serious consideration. Of course, we know that governments have to move slowly in such matters, and it may be some time before the French Canadians of Ontario will realize their aspirations.

Hon. Mr. DAVIS—I did not understand it was the intention of the congress which has been alluded to here to ask for an increase in the representation of the Senate from Ontario. I understood, as I read it, that the demand was, if a vacancy should occur, the French Canadians of Ontario should be given increased representation. I might draw attention to the fact that the

four great western provinces have only 15 representatives in this House as against 24 from Ontario. The hon. gentleman can, therefore, possess his soul with patience, because if it was the intention of the government to increase the representation from Ontario in the Senate, the western provinces would have a much better claim. Taking into consideration the fact that the western provinces are rapidly assuming increased importance, they are entitled to at least as large a representation in this House as the three maritime provinces. The west is producing the wealth which is building up the great cities of eastern Canada, and they should have larger representation in the Senate. I have heard remarks made here, and in the other House also, about the broad-mindedness of French Canadians in electing people of other nationalities; that spirit is not confined to the province of Quebec. In the part of the country I represent, the English speaking people of the city of Battleford elected a French Canadian, Mr. Champagne, although there are not a hundred French votes in the constituency. It all goes to show that there is a spirit of broad-mindedness in the western provinces, and I think also in certain parts of Ontario; and it is a good thing for the country that there is.

Hon. Mr. POIRIER—I submit that the question raised by my hon. friend from British Columbia, might have not been put, but since it is under discussion, I feel that I might go to the extent of endorsing in toto what my hon. friend from Ottawa has said. I happened to be present at that convention of the French Canadians of Ontario; in fact I was a little associated with it, and the impression I got from what I heard and saw, both in public and in private, is that a wholesome spirit prevails even here in Ontario, which is a little bit maligned, between the French and the English generally. Anything that we witness here which is jarring in its nature does not come from the majority, either English or French. What the French Canadians of Ontario ask for is legitimate, and before any audience in any English speaking community, what is legitimate is always harkened to with favour. The adage of British fair-play is not based upon non-realities, but it exists pretty well throughout the Dominion. I will answer my hon. friend from Victoria division, that it is not only in the province of Quebec you find liberality and generosity. My hon. friend from the west has just told us what happened in Battleford. That same spirit prevails in the maritime provinces, and I am glad here to give testimony to the English speaking majority of the maritime provinces in regard to their large spirit of generosity, and fair play towards the French, who happen to be in the minority. This little diversion is for the purpose of coming to this point: that what the French people of Ontario have been doing and asking, we, from the maritime provinces have done and asked, and our request was responded to favourably, just as we expected from our English compatriots. I might give myself as an example, though in my case the result has not been what it might have been. My appointment to the Senate is due to the fact that the English majority of New Brunswick desired that the French minority should be represented in this House, and Sir John Macdonaid, leader of the Conservative government at that time, a high-minded man—and it would be superfluous for me to pass a eulogy on him here—at once assented to the appointment, and although a very young man, and having no political or other attainment, I was appointed to the Senate. The other case is my friend from Nova Scotia. Three years ago, in an assembly very much similar to the one referred to by my hon. friend from Ottawa, a general assembly of the French Acadians of the martitime provinces, a resolution was passed that a petition be sent to the Liberal government asking that they who were the first pioneers of North America in the matter of colonization and evangelization of the Indians—they for one century owned Nova Scotia, and are now about 50,000 in population—be represented in the Senate. I myself had the honour of being secretary of that assembly. I was appointed to see the Liberal ministers, and the same spirit of generosity and fair-play that I found in Sir John Macdonald and his colleagues, we found in Sir Wilfrid Laurier and his colleagues, and our good friend from Digby

(Mr. Comeau) was appointed, he having won his spurs, having been minister in the local cabinet and possessing political experience. The result is that peace and good-will among citizens of all nationalities has been cemented in the maritime provinces. The community of good feeling that existed between the different nationalities has been increased, and to-day there is not in the whole Dominion of Canada a province or provinces where friendliness and cordiality between the French minority and the English majority exists in greater intensity; therefore let the government here accede to what is demanded by the French of Ontario, which the majority will not refuse them and that good spirit that exists, but perhaps not to the same extent as it does with us in the maritime provinces, will be increased in Ontario also. Why? Because the edifice of confederation will continue to be based upon justice and fair-play, and upon the spirit of good-will towards men.

Hon. Sir MACKENZIE BOWELL—I do not know that I should have risen had not allusion been made to one of the cities of Ontario as having been so exclusive in its appointment to and election to office by the people. Those who know anything of Canada are aware that Toronto stands relatively as a Protestant community as strong as Montreal is Roman Catholic, and it is too often the case that when questions of this kind arise (which I deprecate to the fullest possible extent) Toronto is alleged to be one of the most bigoted of the cities in this country, because it is Orange and Protestant. What are the facts? The hon. gentleman from Montreal stated that no one had been elected in that city except——

Hon. Mr. CLORAN—I beg pardon.

Hon. Sir MACKENZIE BOWELL— The hon. gentleman should not interrupt.

Hon. Mr. CLORAN—I rise to a point of order. My statement was that the city of Toronto never elected an English speaking Scotch or Irish Catholic. I never said 'no one.'

Hon. Sir MACKENZIE BOWELL—The hon. gentleman may not have intended it, but he said it. The hon. gentleman said no one of that religion.

Hon. Mr. CLORAN—I rise to a point of order. The hon. gentleman is putting words in my mouth which I never used, because I could not say so, knowing that Claude Macdonell, a Scotch Catholic, was elected in Toronto.

Hon. Sir MACKENZIE BOWELL—Has any hon. gentleman a right to make a correction and follow it up with a speech.

The SPEAKER—No.

Hon. Sir MACKENZIE BOWELL—Certainly not. I wish to point out that Toronto is not so bigoted as the hon. gentleman from Victoria division represents it to be. The late Mr. Dafoe, who was born in the city in which I live, was an alderman in the city for some time. He is of French descent and has occupied for the last seven or eight years the position of chairman of the Court of Revision, which is an important position in a city like Toronto, and at his funeral the other day, he had nearly all the notables of the city of Toronto, if I may so term them, paying respect to his memory. He was a Roman Catholic, Mr. Ward is an Irish Catholic, and he has been elected by that city over and over again to a position of controller, which is a well paid office, and in South Toronto they elect Mr. Claude Macdonell, formerly from Glengarry, but of Scotch descent and a Scotch Roman Catholic. The same constituency elects the Hon. Jas. Foy, who has been Attorney General for the province of Ontario, and is elected principally by the votes of those gentlemen who are characterized as being so bigoted in the recording of their vote, and the Orange vote is polled for him almost exclusively, not because he is a Roman Catholic, but because he occupies a prominent and honourable position in that city. I am glad to say that personally he is respected by every one who knows him, both for his probity as a gentleman, and for his political career. He was selected by a Protestant premier a member of the Conservative government. I could point out what has been the result in that city upon other occasions. It is only when questions of this kind are brought before the

people and attempts made to prejudice them against individuals on account of their nationality and religion that difficulties arise. I repeat, that every well-wisher of his country should deprecate the introduction of questions affecting a man's religion or his nationality in the matter of appointment to office. I know the difficulties I had when I had the honour of being at the head of the government, in the appointment of a judge in the city where my hon. friend resides. The appointment made by me was condemned. Why? In the first place, it was said the man was not fit for the position; in the second place he was an Irish Catholic. I laid down the principle that I knew no religion or race in the appointment to office, where I thought the man's talent and ability justified the appointment, and I am glad to know that after years of occupancy of the bench in Montreal he proved to be—I won't say the most brilliant—he was a brilliant man, but one of the most fair and honourable judges who ever sat on the bench in that city. His conduct on the bench justified the course I pursued; and I will add, that one of the most complimentary letters I received on the course I had taken in that matter in the government of which I was then the head, was from one of the most eminent Presbyterian clergymen in that city. I prize that letter more than any of the others I received, because he laid down this principle, that in the appointment to an office, no matter whether it was an inferior office or whether it was a seat on the bench, a man's qualification and character should be the standard that should guide the minister in the appointment, not because he worshipped at one altar or another. In my position I incurred the opposition of certain people not of my own political creed, because I laid down that principle and acted upon it, a principle that I propose to adhere to so long as my ordinary common sense will justify a course of that kind. This government appointed a French Canadian in the Northwest Territories to fill the place vacated by an English-speaking gentleman, the hon. member from Wolseley (Mr. Perley). I have not heard any opposition to the appointment of that gentleman. They selected him from another section of the Northwest Territories, and I presume that because he occupies a prominent position and is otherwise qualified, they thought it was a proper appointment. I object in toto to the appointment of any man to any office in the government solely on account of his religion or of his race. It should be sufficient for any government to know, before the appointment is made, that the man who is to receive the honour has the qualifications for the position, and that his character is such as to justify his appointment and the placing of him in the position, more particularly if it is a prominent position. I have recognized from forty years experience my own deficiency in respect to the French language. I have often thought that one of the greatest drawbacks to a man in public life, and occupying a prominent position, is the fact that he does not understand both languages. In a country like ours, where such a large number of people speak the French language, I think every man should understand French as well as English. I had no opportunity to acquire the language. When I grew up I might have learned to speak French if I had not been too lazy. The best evidence of that is the fact that I sent my own children to Quebec to be educated, that they might be better enabled to take any position that might be offered them in life. I regret exceedingly that in a country like ours, composed as it is of a homogeneous population of every race, that any public position should be claimed for any man simply because he happens to be of a particular race. That is not the sole qualification a man should have. When a vacancy occurs, if the present government think it proper to appoint a French Canadian in Ontario, providing he has the qualification that a man should have. there would be no fault found with such an appointment by the people of the province. Perhaps my hon. friend from Ottawa may think it is necessary to have another French Canadian to represent the French population of the western section of this country, because when the late Senator Casgrain was appointed he lived in Windsor, and in that section of Ontario, which is composed largely of the French Canadian race, the present representative having been taken from Ottawa, where I fancy the

French Canadians are very well represented already, perhaps he considers it to be an injustice to the people of the west that they did not receive from the present government what they should have given them when they opened the door for my hon. friend into the Senate. I can understand that. It is a kindly feeling to those of his own race, living in a county where he may think they are not properly represented in parliament. In the administration of the affairs of justice some French judges were selected in portions of western Ontario, where it was necessary to have judges who can speak that language, because a large portion of the population who settled there were of that race, and did not understand the English as well as their own language. For that reason French speaking judges were appointed to some of the lower courts. I have heard no objection to that. But I would like to ask again, whether there has been any case in the province of Ontario in which complaint could be urged against any of the judges as not administering the law in accordance with equity and justice, whether they were French speaking litigants or Roman Catholics. I merely rose because I was a little sensitive on hearing this constant cry against one of the cities of Ontario, when I know, Protestants as the population are, and to a large extent Orange, as they are, they never hesitate to do justice when a gentleman appears before them for election for municipal or public office. When it is a political appointment, if the candidate is of their political complexion, they do not stop to ascertain whether he goes to St. Michael's, St. George's the Church of England or St. Basil's, and if the hon. gentleman studies the history of that city, and ascertains the number of gentlemen who have been elected to the different offices, many of whom have passed from my mind just now, he will find they are not so illiberal as he has represented them to be.

Hon. Mr. CLORAN—They are against the Grits and have never elected a Grit.

Hon. Sir MACKENZIE BOWELL—In that they were right.

Hon. Mr. BELCOURT—I have no disposition to prolong the discussion, which is not very edifying.

Hon. Mr. ELLIS. The hon. gentleman has spoken twice.

Hon. Mr. BELCOURT—No. I have only spoken once. This discussion is neither edifying, nor is it pregnant with good results; but my justification for rising is because it has been intimated since I sat down that, in his remarks, my hon. friend from British Columbia seemed to be of the opinion that it was unseemly for a senator, and especially for myself, to have headed the deputation in question which waited upon the Premier of Canada, and if my hon. friend had in his mind something which has occurred to my mind since, I am prepared to agree with him that it would be unseemly. If my hon. friend had for one moment the idea that I, a member of the bar of this province, being of the particular nationality whose claims were being advocated, had any aspirations for an appointment to the bench of the province, then I admit that my being there would be unseemly; but I wish to completely disabuse my hon. friend's mind in that respect, and all I have to say on that score is that I am quite contented with my seat in this House, and have not any idea of any other judicial function but the one I am performing here. If I had entertained any aspirations of that kind for myself, I would have been one hundred miles away from the deputation which waited on the premier on that occasion. I was there for the purpose of urging the claims of the French Canadian members of the bar for recognition in appointments to the bench and their claims to additional representation in this House when the occasion would arise. My hon. friend from Hastings put a question which I think, after all, was directed to myself; he asked if any one should say where there had been any complaint made in the province concerning the administration of justice by reason of the fact that English speaking judges did not understand the French language.

Hon. Sir MACKENZIE BOWELL—I did not put the question to the hon. gentleman.

Hon. Mr. BELCOURT. The hon. gentleman put it generally. I am not prepared to say there has been any complaint of that kind. I do not think there have been.

But I think the hon. gentleman from Hastings will recognize that there are portions of this country where it is almost impossible for an English speaking judge to do complete justice in the cases that come before him unless he has some understanding of the French language. Where a judge sits in this province and witnesses give evidence in French because they do not speak English, their evidence must be interpreted. Any one who has had experience in the courts—and I speak advisedly, because I have had over 25 years experience in the matter—knows that it is utterly impossible for an interpreter to convey exactly the meaning of the witness. It is, therefore, only fair and right that the large population of French Canadians in this province should aspire to have a gentleman speaking their language appointed to the bench, so that in districts where people cannot speak English they would have the advantage of appearing before a judge who understands their language. What the congress urged on the premier was not only the appointment of a French Canadian to the bench, but that some judges who understand the French language should be appointed to meet the requirements to which I have referred. Since the hon. member for West Hastings has put the question to me, I may say this: I remember quite a number of years ago arguing a case at L'Orignal, before the late Chief Justice Armour, in which a number of French witnesses were heard who had to be interpreted. The result was, the trial was so protracted that the chief justice got very angry, and he suggested to me afterwards that on his return to Toronto he would advise the government that this county be annexed to Quebec. I said 'That is all right, but you would have to carry the principle further. You are going from here to Cornwall, and the chances are you will have witnesses before you there, who speak only Gaelic, and you might suggest that the county of Glengarry be annexed to Scotland.' I am only pointing out that after all there is more in these questions than appears on the surface. Far from advocating that a French Canadian be appointed to the bench simply because of his race, without regard to other qualifications, I assure the House that the French Canadians of this province, and especially those who attended the congress, had no such thought. It would be deplorable if the day ever arose in this country when any nationality should seek the appointment of one of their own people simply on the ground of nationality. If the French Canadians of Ontario should have no one of their own race fit to discharge the duties of a judge on the High Court Bench, they would be the first to recognize it, and would not look for any such appointment. The hon. member from West Hastings intimated that the French Canadians from Ontario had been badly treated in my appointment as successor to the late Mr. Casgrain, and that the western part of the province had not received a fair deal. I had nothing to do with it; I was offered the post and I accepted it, and I should be very sorry if the people of western Ontario thought they were not properly represented . But I think the hon. member has no mandate to voice their views in the matter. If there is any complaint, it should come from the French Canadians from west Ontario, and not from my hon. friend. I have not heard of any such complaint any more than there was from the French people of eastern Ontario when Mr. Casgrain represented in this House the whole French population in the province. If, however, my hon. friend thinks that there is ground for any such complaint, all he has to do is to join hands with me in my efforts to get a French Canadian appointed from west Ontario.

Rt. Hon. Sir RICHARD CARTWRIGHT—Possibly the House may desire to have an answer to this question some time or other. If they do not so desire, though I am sorry to interrupt so spirited a discussion, I will withdraw; but I am happy to inform the hon. gentleman who put the question that such a deputation as that named in the inquiry did wait on the premier, and further inform him that in this instance, as in all instances, any deputation of equal weight and worth that waits on the premier and government may rely upon it that such representations as they may choose to make will receive most careful

consideration. With respect to the other questions that have been raised, although I do not propose in the slightest degree to enter into a discussion as to the merits or demerits of appointments on racial or other grounds, I may say this: For seven and forty years I have had a considerable experience in the public affairs of Canada, and I willingly bear testimony to the fact that no people here or elsewhere have ever shown more consideration to those of a different nationality and race than the people of Quebec. No one thing attracted my attention more, when in 1863 I first took my seat in the parliament of the United Canada, than the fact that while in Lower Canada, although I think the proportion of English to French at that time could be scarcely more than one seventh or one eighth, if my memory serves me, one fourth of the entire representation was composed of Englishmen and Protestants elected very often by constituencies which were largely Catholic and French, and I would be glad to be able to conscientiously declare that in my own province of Ontario there was as little prejudice against Catholics as I found to exist in Quebec against Protestants.

REGULATIONS FOR THE CLOTHING OF THE CANADIAN MILITIA.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Has the Militia Council published, or caused to be published, a volume entitled "Regulations for the Clothing of the Canadian Militia, 1909, published under the authority of the Militia Council?"

2. Does a French version of such work exist? If not, why?

3a. Is it the intention of the Government to see that the French element in the Canadian Militia shares the same advantages as those accorded to the English element of this country; b, and in consequence is it going to order that the French version of the aforesaid work be immediately published for distribution?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers furnished by the department are:

1. Yes.

2. No. It is the intention to have the regulations printed in French as soon as possible.

3. (a) Yes.

(b) Answered by No. 2.

FISHING RIGHTS OF RIPARIAN PROPRIETORS.

INQUIRY.

Hon. Mr. LANDRY rose to call the attention of the government to the following facts:

I. On the third of March of the present year, the Honourable Mr. Landry put, amongst other questions to the government the following one, the fourth, which has elicited the answer hereafter given:

"4. Has the Judicial Committee of the Privy Council declared that the federal parliament had no right at all to enact section 4 of chapter 95 of the revised statutes of Canada 1886, in so far as that section allows the federal government to issue licenses for exclusive rights of fishing?

"Right Honourable Sir Richard Cartwright—The reply of the department is as follows:—No."

II. On the eighteenth day of July, 1898, over ten years ago, Her Majesty the Queen had rendered the following decision, as appears by the present extract of a minute in Council of Her Majesty's Privy Council

"AT THE COURT AT WINDSOR CASTLE

The 18th day of July, 1898.

Present.—The Queen's Most Excellent Majesty, Lord President, Mr. James A. Campbell; Mr. Goshen, Mr. James A. Lowther, Mr. Ritchie, Mr. Edmond Wodehouse, Sir George Taubman-Goldie, Sir Charles Scott.

Whereas, there was this day read at the board a report from the Judicial Committee of the Privy Council dated the 26th May, 1898 in the words following, viz.:—

"Your Majesty having been pleased by your General Order in Council of the 27th November, 1896, to refer unto this committee the matter of an appeal from the Supreme Court of Canada between the Attorneys-General for the provinces of Quebec and Nova Scotia, appellants, and the Attorney-General for the Dominion of Canada, respondent, (in the matter of certain questions referred to the Supreme Court of Canada by two Orders of His Excellency the Governor General of Canada in Council, approved on the 23rd February, 1894, and the 23rd February, 1895, respectively). Likewise a humble petition of the above named appellants setting forth that by order in the council approved on the 23rd February, 1894, and the 23rd February, 1895, respectively, the Governor General of Canada, pursuant to chapter 135 of the revised statutes of Canada as amended by section 4 of the Act of the Dominion of Canada (54 and 55 Vict. ch. 25) referred to the Supreme Court of Canada for hearing and consideration the following seventeen questions:—

1....2....3....4....5....6....7....8....9....

10. "Has the Dominion parliament jurisdiction to pass section 4 of the revised statutes of Canada, chapter 95 intituled: "An Act respecting fisheries and fishing" or any other of the provisions of the said Act or any and which of several sections or any and what parts thereof respectively?

"11. Had the Dominion jurisdiction to pass section 4 of the Revised Statutes of Canada, chapter 95 intituled: "An Act respecting Fish-

eries and Fishing" or any other of the provisions of the said Act so far as these respectively relate to fishing in waters the beds of which do not belong to the Dominion and are not Indian lands?

12....13....14....15....16....17....

"That the appellants were heard.

"The Lords of the committee in obedience to Your Majesty's said General Order of reference have taken the said humble petition and appeal into consideration and having heard counsel for the parties on both sides their Lordships do this day agree humbly to report to Your Majesty as their opinion that the judgment of the Supreme Court of Canada of the 13th October, 1896, ought to be discharged and that the following answer ought to be given to the said seventeen questions hereinbefore set forth, that is to say:—

1....2....3....4....5....

"6. In answer to the tenth, eleventh and twelfth questions:—That the Dominion parliament had not jurisdiction to pass section 4 of the Revised Statutes of Canada, chapter 95, intituled: "An Act respecting Fisheries and Fishing" in so far as the said section purports to authorize the grant of fishery leases conferring an exclusive right to fish in property belonging not to the Dominion but to the Provinces, and that the subsidiary provisions of the said last mentioned Act in so far as they are intended to enforce rights which the Dominion parliament was not empowered to confer, are of no effect.

7....8....

"And in case Your Majesty should be pleased to approve of this report, then their Lordships do direct that the parties are to bear their own costs of this appeal."

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

(Sgd.) J. H. HARRISON.

III. On the sixth day of April, Hon. Mr. Landry, comparing the answer given by the Department of Justice to his fourth question put to the government on the 3rd of March, with the judgments given by the Privy Council on the 18th of July, 1898, naturally asked:

How can the fourth answer of the government be reconciled with the decisions of the Privy Council as given in reply to the tenth question which had been submitted to it?

Such a question brought forward the following answer:

To this the department say this is not a question which the government should answer. Senator Landry put his question, No. 4, on 3rd instant, and it was properly answered in the negative as is manifest by reference to the judgment of the Judicial Committee. The exact words of the Judicial Committee are: 'It follows from what has been said that in so far as section 4 of the Revised Statutes of Canada, chapter 95, empowers the grant of fishery leases conferring an exclusive right to fish in property belonging not to the Dominion but to the provinces, it was not within the jurisdiction of the Dominion parliament to pass it.

It is perfectly obvious that the committee did not decide that the federal parliament had no right at all to enact section 4. They merely decided that section 4 could not have effect as to property which did not belong to the Dominion. If Senator Landry cannot understand this, I do not see how it is possible to make it any plainer.

And inquired—

Is it not perfectly obvious:

1. That the question put by the Hon. Mr. Landry in relation to section 4, chapter 45, of the Revised Statutes, 1886, was entirely based on the decision given by the Privy Council;

2. That the negative answer given by the Department of Justice to such a question can only be accounted for because the question itself was not well understood;

3. That at all events the answer given by the department to the question as put is an erroneous one, and that the final remark viz.: If Senator Landry cannot understand this, I do not see how it is possible to make it any plainer, is merely an impertinence of an employee;

4. That the same employee is under a false impression when he sets up what he calls the exact words of the Judicial Committee against those quoted by the Hon. Mr. Landry and which are taken verbatim from an official document, the report of the Judicial Committee of the Queen's Privy Council?

Is it not also perfectly obvious that before giving an answer to a question, such a question should be well understood and that before attempting to insinuate that certain quotations are false or incorrect, one must make sure that he is not falling himself into the error he tries to impute to others?

Is it not the intention of the government to see that the proper answer and the correct one be given to the question put by the Hon. Mr. Landry in relation to the decision given by the Judicial Committee of the Privy Council on the subject of the parliament's jurisdiction in the matter, and on the constitutionality, in specse of the 4th section of the 5th chapter of the Revised Statutes of Canada, 1886?

Rt. Hon. Sir RICHARD CARTWRIGHT —The Department of Justice, to whom I referred the matter, advise me as follows:

I have attentively considered Senator Landry's question, No. 12, printed in the Minutes of the Senate for Friday 8th April, with regard to the decision of the Judicial Committee in the fisheries case, and I do not see how it is possible to afford him any further information.

I think his questions may be properly answered by the statement that these questions call for expressions of opinion,

and do not relate to matters of fact, and cannot be usefully or in accordance with the practice answered by the government.

Hon. Mr. LANDRY—I do not know if it is a matter of opinion or a matter of fact, when the department puts in my mouth expressions that I never used. I took the trouble, in referring to a certain judgment rendered by the Privy Council, to quote verbatim all the words in the judgment itself in the case, and the Department of Justice says the true words are the following, setting aside the words I gave. Is that a matter of opinion or a matter of fact? When the Justice Department says: If Mr. Landry cannot understand it, they are very sorry, is that a matter of fact or a matter of opinion? If it is a matter of their own opinion, they have a right to give it, but I do not see why I have not an equal right to give mine. We should have equal, fair play.

Rt. Hon. Sir RICHARD CARTWRIGHT —You have equal rights I should say.

Hon. Mr. LANDRY—It is my opinion they will not give the correct answer.

THE CASE OF J. M. CROTEAU.

INQUIRY.

Hon. Mr. LANDRY inquired;

Does the Honourable the Minister of Trade and Commerce know, and can he say, whether a surveyor answering to the name of J. M. Croteau is employed in the office of the cullers of lumber at Quebec?

What is his special employment?

His salary?

Has this employee contracted the habit of drawing regularly at the end of each month the amount of his salary?

Is he paid, without any deduction whatever, the whole amount of his salary, or has the superintendent of cullers at Quebec given an order to deduct, and as a matter of fact has there been deducted, from the salary in question, the amount which the said Croteau would earn by the exercise of his profession to the detriment of the time which he owes to the employment in which he is occupied?

Is it the intention of the government, if it grants to this employee the liberty of serving two masters at one time, at least to see that the said employee does not levy a double charge on the money of the people.

Rt. Hon. Sir RICHARD CARTWRIGHT —The reply which is sent to me by the department is as follows:

I beg to state that J. M. Croteau is employed in the Cullers' office in Quebec as a specification clerk, at $750 per annum. I am informed by Thomas Harney, acting supervisor of cullers, that Mr. Croteau is also a provincial land surveyor, that he has been absent at various times for a few days at a time in the past two or three years, but that the office work has in no way suffered.

I beg to state that the work in the Cullers' office has been decreasing, no additions have been made to the staff, and few increases in salary have been given. At certain times in the year there is absolutely no work in the office at all. Some of the officers so employed on small salaries, for example Mr. Croteau, have been permitted to engage in outside work when the work of the office does not suffer.

Under section 20, chapter 24, Consolidated Revenue and Audit Act, officers receiving a salary of $1,000 or more are not permitted to hold any other office of profit. As Mr. Croteau's salary is only $750 he has been permitted to engage in other work so long as his duties in the Cullers' office are not neglected.

I am informed by the acting supervisor that Mr. Croteau has frequently worked both before and after the usual office hours when his work in the Cullers' office demanded.

Mr. Croteau, therefore, has been paid his usual monthly salary without any deductions.

BILLS INTRODUCED.

Bill (No. 126) An Act to correct a clerical error in the French Convention Act, 1908—Hon. Sir Richard Cartwright.

Bill (No. 151) An Act to provide for the adjudication of small claims arising in respect of operations of the government railway—Rt. Hon. Sir Richard Cartwright.

Bill (No. 182) An Act respecting the payment of bounties on lead contained in lead bearing ores mined in Canada, and to promote the production in Canada of zinc.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 188) An Act to amend the Act respecting the National Battlefields at Quebec—Rt. Hon. Sir Richard Cartwright.

Bill (No. 191) An Act to provide for further advances to the Harbour Commission-

ers at Montreal—Rt. Hon. Sir Richard Cartwright.

Bill (No. 193) An Act to amend the Meat and Canned Foods Act—Rt. Hon. Sir Richard Cartwright

IMMIGRATION BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 102), An Act respecting Immigration. He said: This Bill is mainly a consolidation of the existing Act, and the amendments thereto which have been made from time to time; but the main object of it is to give greater power to the department to deal with the cases of persons entering our country by misrepresentation or stealth, or possibly by force. Not sufficient provision was given for the re-arrest of parties under the old law apparently, and it would seem that they were practically able to set the department at defiance or to involve them in very tedious and troublesome prosecutions. They also desire to have some further power given them in the matter of deportation of undesirable immigrants, and to deal with the question of requiring the various steamship, and railway companies to provide for the return of undesirable imigrants to the countries from which they came. As the clauses are very numerous, amounting I think to very nearly 100 or more, I presume that the House would prefer to discuss them one by one in committee. And therefore without further delay I move that the Bill be now read a second time, and considered in committee a couple of days hence, if that meets the views of my hon. friends opposite.

Hon. Mr. MACDONALD (B.C.)—Some of the provisions of this Bill are very excellent and very salutory, about disarming immigrants—taking stilettos and other dangerous weapons from them. It would be most useful. A number of immigrants who carry those weapons with them, get into the country, and day after day we hear of stabbings and killings in Montreal. If the municipalities will take this matter up and pass by-laws and regulations to disarm immigrants, it would be a very excellent thing. The use of the stiletto and pistol is very objectionable. I should like to ask the hon. gentleman whether line 44 would include Italy?

Rt. Hon. Sir RICHARD CARTWRIGHT —That would include the entire southern portion of Italy. I am not sure whether it would include the whole, but I think line 44 would go somewhere through the Apenines, a little south of the Alps. What is my hon. friend's view? Did he want to establish a geographical line below which immigrants could be subject to a special kind of treatment?

Hon. Mr. MACDONALD (B.C.)—That is a very good idea.

Rt. Hon. Sir RICHARD CARTWRIGHT —That would include the entire southern portion of Italy. I am not sure whether immigrants from southern Europe have come into Canada; a vast proportion of our immigrants consist of people from northern Europe and from the States, and British Isles. The proportions in our favour are very largely in excess of that class of immigrants who come from the United States, and I think it will be found that the great bulk of immigrants who may be classed as undesirable are brought in for the purpose of working in gangs on railways and similar enterprises, and are not very likely to remain, I think, in great numbers as settlers here.

Hon. Mr. LOUGHEED—If it does not involve the right hon. gentleman in too much labour, I should like upon the committee stage being reached, that we should have data, which I fancy has already been prepared by the Department of the Interior, as to the number of immigrants who have been refused entry as well as the number of deportations, and to the causes which have led to the same; also the application of the old Act as to steamship companies being compelled to carry deported immigrants.

Rt. Hon. Sir RICHARD CARTWRIGHT —I will call their attention to the desirability of supplying that information.

Hon. Mr. LOUGHEED—I fancy a great number of returns have been brought down to the House of Commons touching those points; but I have not seen them myself, and it would be desirable to have them.

Rt. Hon. Sir RICHARD CARTWRIGHT —It is a most proper point to be inquired into in connection with the Immigration Act. I will likewise ask that one or more officials of the department, who are more or less conversant with this information, be in attendance.

Hon. Mr. LOUGHEED—The right hon. gentleman might give us some information as to the extent to which the bonus system is being carried on?

Rt. Hon. Sir RICHARD CARTWRIGHT —I think I can answer that off-hand. That system, to a great extent, has been discontinued, and if applied at all, is only applied in regard to domestic servants and agricultural labourers. It is not extended to any other classes. But my hon. friend will see that those matters, which should be given in detail, would be better given if I have a couple of the officers at my elbow to supply the information, and that I propose to have when this Bill is being considered. If it would not incommode my hon. friend, to send me a short memorandum of the particular points that he specially wants information upon, I shall make it my business to see that the department are advised and provide for it. I will have his remarks in the Debates, but perhaps he will like to explain them and put them in black and white for me.

Hon. Mr. LOUGHEED—Probably I will do so.

Hon. Mr. MACDONALD (B.C.)—I was going to allude to the examination of immigrants at the port of embarkation, which is an important thing. These unfortunates having sold out all their gear and furniture, pay their passage, cross the Atlantic and are turned back on account of disease, to go nowhere. It is a cruel thing. I do not know how it is to be remedied. But were I in England, a minister of the colonies there, I would not allow those men to land in England after coming back. If they are not fit to land in Canada, they are not fit to land in Great Britain, and they ought to be prohibited at the port of embarkation.

Rt. Hon. Sir RICHARD CARTWRIGHT —I entirely agree that that system causes great hardship; but it is imperatively necessary in the interests of Canada that undesirable immigrants should not be allowed or encouraged to come here, more particularly those who unfortunately may be diseased in mind or body. I know that the Department of the Interior, under whose control the business of immigration is, are anxious to enforce some such system of inspection as the hon. gentleman has alluded to, but what success they have had or what steps they have taken up to the present time, I am not able off-hand to state. That also is a subject on which the officers in the department must be prepared to give information, when the Senate is debating the measure in committee, and I will see that they are notified to do so.

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

TRANSPORTATION OF INTOXICATING LIQUORS BILL.

IN COMMITTEE OF THE WHOLE.

The House resolved itself into a Committee of the Whole on Bill (M) An Act to regulate the transportation of intoxicating liquors.

(In the committee.)

Hon. Sir RICHARD SCOTT—In the debate on the second reading of this Bill, attention was called to the fact that the Bill could only operate in one province of the Dominion, Prince Edward Island, and an hon. gentleman on the other side suggested that the Bill should be so drafted as to apply to that particular province. That seems to be the opinion of a number of hon. gentlemen. It has, therefore been recast. At page 684 of the 'Minutes of Proceedings', hon. members will find the Bill as proposed to be amended. Parts of the Bill have been struck out. As the Bill proceeds, I shall be glad to give any information on the subject.

On clause 1,

Whereas the province of Prince Edward Island did, in the year 1900, pass 'An Act prohibiting the sale of intoxicating liquors,' and in the year 1907 pass an Act to consolidate and amend the various Acts relating to the prohibition of intoxicating liquors; and in the year 1909 pass 'An Act to prohibit the soliciting of orders for intoxicating liquors,' and whereas the Legislative Assembly of the province did, in the month

of March, 1909, adopt a resolution declaring that it was essential to prohibit the importation for sale of any intoxicating liquor, except through the official vendors under the prohibition Acts, and except to any person for his personal or family use, and requesting that such restrictive legislation should be passed at Ottawa as will prevent the importation into the province of any intoxicating liquor, to the end that as regards the importation of intoxicating liquors, the province may be put in the same position as the counties in the Dominion of Canada which have adopted the Canada Temperance Act, especially having regard to chapter 71 amending the said Act. Which resolution was transmitted to the Privy Council in April, 1909. And whereas it seems only reasonable to give effect to the request of the said legislative assembly of the said province: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:—

1. No person shall, except as in this Act specially provided, by himself, his clerk or agent,—

(a) send, consign, ship, bring, carry, or cause to be sent, consigned, shipped, brought or carried, any intoxicating liquor to or into the province of Prince Edward Island in which the sale of intoxicating liquor for beverage purposes is prohibited by provincial statute; or

(b) deliver to any consignee or other person, or store, warehouse, or keep for delivery in said province aforesaid, any intoxicating liquor; or

(c) send, consign, ship, bring, carry, or cause to be sent, consigned, shipped, brought or carried to or into that province as aforesaid, any intoxicating liquor under any other name, or in packages bearing any other label than that of the liquor contained therein, or in packages not having the name of the liquor contained therein plainly labelled and marked on the outside; or

(d) deliver to any consignee or other person, or store, warehouse or keep for delivery in that province as aforesaid, any intoxicating liquor under any other name or in packages having any other label than that of the name of the liquor contained therein or in packages not having the name of the liquor therein contained plainly labelled and marked on the outside.

Provided always that nothing in this Act shall prohibit the vendors who are legally appointed by the provincial government from importing intoxicating liquors for medicinal, sacramental or mechanical purposes under the law or regulations now in force in the province. Provided also that the common carriers shall not be liable to the penalties for violation of this Act when carrying and conveying intoxicating liquors consigned to the vendors in the foregoing paragraph named, or to the persons importing intoxicating liquors for their personal or family use as defined and set forth in section 3 of this Act. Nor will common carriers be so liable when, in ignorance of the fact, they carry intoxicating liquors labelled and invoiced under a misleading description.

Provided further that common carriers, when carrying and conveying intoxicating liquors into the province of Prince Edward Island, shall be bound under the penalties named in this Act, forthwith to notify by letter the provincial secretary at Charlottetown of the arrival of the intoxicating liquor, giving the name and address of the consignor and consignee of the intoxicating liquor, and the place of delivery.

Hon. Sir RICHARD SCOTT—I move that section 1 of this proviso be adopted.

Hon. Mr. WOOD—Before that section is adopted, I should like to call attention to the provision with regard to common carriers. I referred to this matter on the second reading of the Bill, and I presume the clauses which have been inserted here, have been intended to meet the objection which I made to the Bill as it then stood. It appears to me that while this has no doubt been the intention, the manner in which this clause has been amended does not carry out that intent. This matter commences at the fourth line from the bottom at page 684, and reads as follows:

> Provided also that the common carriers shall not be liable to the penalties for violation of this Act when carrying and conveying intoxicating liquors consigned to the vendors in the foregoing paragraph named, or to the persons importing intoxicating liquors for their personal or family use as defined and set forth in section 3 of this Act. Nor will common carriers be so liable when, in ignorance of the fact, they carry intoxicating liquors labelled and invoiced under a misleading description.

In the first place, I would like to point out to the hon. gentleman that liquors which may be shipped in to Prince Edward Island after this law is passed, will, in most cases, at all events, have no label on them. The word 'invoice', I presume, has been used for the words 'bill of lading'. The common carriers never see the invoice of the goods which are shipped. They only have before them the packages and bills of lading. This clause, as it is worded, appears to me to be an attempt to compel the common carriers to act as a sort of constabulary force to prevent the violation of this Prince Edward Island statute. I do not see how the object can be accomplished in that way. By looking at the wording of this section a little more carefully I think the hon. gentleman will see that it is impracticable. Common carriers under this clause are permitted to carry intoxicating liquors, provided they are consigned to the vendors appointed by the law of the province. How are the com-

mon carriers to ascertain who the vendors in the province are? When a package of liquor is brought to an express company to be shipped to Prince Edward Island, how is the express officer to tell from anything on that package, or by the person who ships it, whether it is going to a person who is a legalized vendor, or to some other person? In the same way, how is he to tell if it is marked for John Jones, for instance, whether that man is a person who wants it for his own use, or whether he is importing it for sale? I do not see how it is possible for this responsibility to be placed upon the common carriers, and I do not see that the next clause which will relieve them from liability in case the goods are improperly labelled, meets this objection at all. That clause only relieves them from liability in case an improper label or direction or some improper marks have been placed upon the package containing the liquor. It does not relieve them from liability at all supposing, instead of taking liquor to a person, for family use, or to a legalized vendor, they happen to be taking it to some other person who was importing it for the purpose of sale. When my attention was called to it, I studied it and gave considerable attention to it, and the amendment of which I gave notice afterwards appears to me to be the only way in which the objection to the Bill can be met. I have certainly not heard anything suggested which appears to me to meet the case except that amendment, and that amendment is to relieve the persons who are engaged in the business of common carriers only. It does not relieve any one who takes a boat, for instance, and goes across the strait and brings in a cask of liquor knowing he is violating the law. It does relieve any one regularly engaged in the business as a common carrier taking liquors to Prince Edward Island. It appears to me also that so far as the view of the temperance people is concerned, this amendment should meet their views and accomplish the purpose they have in view. It only exempts common carriers, and the officers of justice in Prince Edward Island could very readily, by applying at the offices of the companies engaged in business as common carriers, say once a day or once a week, or more often if found necessary to do so, ascertain what is being brought into the island by persons engaged in that business. Under the Canada Temperance Act, these officers would have the full power to require companies to show their books and bills of lading, and they could ascertain from whom any bill of lading came, and who was the person shipped it, and who received it after it came to Prince Edward Island. So that the parties who would really make these shipments, knowing what the law is, and knowing they were violating it, could in that way be discovered and could be punished. I cannot see why the attempt should be made to make the common carriers liable for any breach of the law in this way. I may say that this corresponds very closely to the Act which was passed two or three years ago imposing the same penalties upon those who shipped liquors to counties where the Scott Act was in force. In New Brunswick, under the law, there have been three or four charges brought against parties who in discharge of their duties on the railway, or as express officers, happened to handle a case of liquor. So far as I am informed—and I think my information is correct—in none of the cases have the fines actually been imposed. In one case, the station master was called before the magistrate and was found guilty of having received some cases of liquor which came from the train and were put into the station. The magistrate decided that under the law he had been guilty of receiving liquor, and he was liable to the fine which the law imposed; but he was a man, I believe, of very high character in the community, and the magistrate said that it was such a glaring injustice that he would not impose a fine, and he did not. I understand that in another case, very similar, one of the officials of an express company had received some liquor at McAdam Junction without knowing it was really liquor. The boxes are handled from one freight train to another in a hurried manner, and the agent has no time to examine to see what they are until they reach their destination. This person had a complaint lodged before the

magistrate, and a fine was actually imposed; but public opinion was so strong against the imposing of a fine under the circumstances, as the person had no intention whatever of violating the law and did not know he was violating the law until after the work was done, that the fine was never collected. There was a third, and I think a fourth case. I do not remember the particulars of them; but I believe in none of the cases were the fines actually imposed. Public opinion resented any attempt to impose upon officials in those circumstances simply doing their duty, responsibility for violation of the law, by some one in another town shipping liquor into a Scott Act county. It appears to me that in the case of common carriers, it is a violation of every principle of justice to try and make them responsible for the conveyance of liquor into counties where the sale of liquor is prohibited; and, as I said before, the object of the law can be fully carried out without doing it. The object of the law appears to be to get at the men who knowingly and wilfully ship liquor into a Scott Act county, or into Prince Edward Island, where they have prohibition, and knows he is doing that in violation of the law. He should be punished, and the officers of the law in Prince Edward Island or in any Scott Act county, when they have the power to ascertain from the records of the railway company, or the express or steamboat companies, carrying on business as common carriers, who ship the goods, to whom they were consigned, and who received them, have no trouble in getting at the parties who were really guilty and having them punished. I do not see why this duty should be imposed upon the common carriers, and I do not think that even if this law is passed that it will be operative at all. I doubt if you will find any magistrate whose sense of justice will not lead him to the conclusion that it is an unfair duty to impose upon persons of this kind, and he will not inflict a fine. I wish the amendment of which I gave notice should be submitted for the latter part of this clause, commencing at the second proviso, the fourth line from the bottom of page 684—that the words that are in the clauses be struck out and the words in my resolution substituted.

Hon. Sir RICHARD SCOTT—The circumstances attending the moving of that amendment I think will make it clear to the House that it is now a matter of public notoriety in the province of Prince Edward Island that it is contrary to the law as it stands to-day to aid in carrying liquor into counties where its use is prohibited. The circumstances in Prince Edward Island are so public that all the transportation companies and common carriers are perfectly aware of the law, and to say that they shall be exempt from it will make this legislation of ours absolutely useless. Prince Edward Island has been under absolute prohibition for ten years. The Act has been amended year after year to make it as effective as possible. They found that they could not reach the common carriers and parties who were deluging the island with liquor, and so they applied to parliament for power to deal with common carriers who take liquor into the province without the consent of the people. I have added another proviso, which ought to cover the point mentioned. It is as follows:

Provided further that common carriers, when carrying and conveying intoxicating liquors into the province of Prince Edward Island, shall be bound under the penalties named in this Act, forthwith to notify by letter the provincial secretary at Charlottetown of the arrival of the intoxicating liquor, giving he name and address of the consignor and consignee of the intoxicating liquor, and the place of delivery.

If they observe that they will be absolutely free from any prosecution; without it, parliament would deliberately give them the opportunity of sending liquor in without any check.

Hon. Mr. WOOD—How does that giving of the notice free them?

Hon. Sir RICHARD SCOTT—The notice of the company will.

Hon. Mr. WOOD—How does that relieve them?

Hon. Sir RICHARD SCOTT—No court would inflict the penalty on them if they

conformed to that proviso. They surely cannot place themselves above the law of the land.

Hon. Mr. WOOD—That surely is not the law.

Hon. Sir RICHARD SCOTT—The proviso is part of it.

Hon. Mr. WOOD—But the imposing of the penalty does not depend on that.

Hon. Sir RICHARD SCOTT—No one would prosecute them if they intimated at once by a letter to the Provincial Secretary that a consignment of liquor has been sent, say to John Brown at Summerside, or some other place. That would show that they were entirely innocent of any intention to violate the law. It is a matter of public notoriety to all the express agents, railway companies and transportation lines doing business with Prince Edward Island that the province is under absolute prohibition, and it would be monstrous to say that they should be free from the observance of the law. At present the law is being broken constantly, because there is no way of enforcing it against them. That proviso is there for the very purpose. If they act frankly and fairly, notifying the Provincial Secretary that a consignment has been sent to some particular person, it protects them, and that is the end of it. The Intercolonial railway have already given instructions to their officials. I have here a letter from Mr. Graham, in which he says:

> You can rest assured that this department is prepared to do everything possible to see that no violation of the law is assisted by the railways or their employees.

The Intercolonial railway is the principal common carrier in the maritime provinces.

Hon. Mr. LOUGHEED—Will my hon. friend explain how they are to prosecute the Intercolonial railway?

Hon. Sir RICHARD SCOTT—Voluntarily they have consented to this. The minister's attention was called to the fact that there were violations by the Intercolonial railway, and he replied that if the culprits were named to him he would prevent it, and he wound up with the statement I have read.

Hon. Mr. LOUGHEED—Does my hon. friend think that we can place the same reliance on this assurance that we place on other assurances given on behalf of the Intercolonial railway?

Hon. Sir RICHARD SCOTT—You can quite see that unless the transportation companies refuse to accept liquor except it is consigned to officials, they can defeat this law day after day. The Bill will be absolutely useless if you modify it any more than I have done. I have endeavoured to meet the point as far as possible, and it would be extraordinary to maintain that a common carrier should not take notice of the statute law of the country. They have had it in every other case, and why not in this case, particularly as their attention has been called to it. Surely the House will not refuse to the people of Prince Edward Island the request they make to be protected from the outside. They have made liberal exceptions. There are officials well known to every one at Charlottetown, at Summerside, and other points, to whom shipments of liquor can be made for medicinal, sacramental, and mechanical purposes, and also for providing individuals who are entitled to receive up to five gallons, if they so choose. So that every possible latitude has been given to meet all the objections that might prevail in the minds of hon. gentlemen who are opposed to the principle of prohibitory legislation. Nothing could be done with a greater desire to meet the views of those who dissent from the principle laid down; but if the peoples' wishes are to be at all respected or met, you cannot cut down the amendments I have suggested any further than they are at present, because the Bill would be absolutely useless if the transportation companies could send in liquor day after day. Therefore, I must ask the House, if they are willing to meet the demands of Prince Edward Island, more particularly as this Chamber has already extended the right to the counties that are under the Canada Temperance Act. We have recognized the principle of this legislation for over thirty years, that parties are not at

liberty to send liquor into localities where prohibition prevails. Under the Canada Temperance Act, that provision was clearly laid down, and therefore this is no innovation in our legislation. Here is a case where it is very easy to carry out the principle, much more so than in the case of a county. Here is an island where, as we all know, the transportation lines are limited, the regular steamers running from the mainland to Summerside, and occasionally to Charlottetown. Unless the House is prepared to accept the Bill as it is drawn, it would be absolutely useless to the people of Prince Edward Island.

Hon. Mr. WOOD. The hon. gentleman did not appear to me to touch at all on the point which I raised, that is the impracticability of the transportation companies obtaining the knowledge necessary for them to comply with this Act. Paragraph 3 allows a person to ship quantities of liquor not exceeding five gallons to any person in the island for family use. Suppose some one in St. John or Halifax does so, and marks it for family use, still the transportation company would be subject to a fine if that was paid for on the island. The company would also be subject to a fine if the person to whom that liquor was shipped had within a term of five years been convicted of a violation of a Dominion or provincial statute regarding the sale of liquor? I should like the hon. gentleman to explain how the transportation company could ascertain, when taking that liquor to the island, whether the person to whom it was consigned had paid for it before, or was going to pay for it afterwards, and how they could ascertain whether that person had violated the Act within five years?

Hon. Sir RICHARD SCOTT. They would have no right, under the law, to take in liquor unless they knew it was consigned to the official entitled to receive it.

Hon. Mr. LOUGHEED. That is not the case under the Act.

Hon. Mr. WOOD. That is not the case at all.

Hon. Mr. LOUGHEED. They have a right to carry liquor on behalf of persons entitled to receive it, and those persons are not necessarily officials. The officials of Prince Edward Island may be the general consumers of liquor; but it does not follow that other people have not the same rights.

Hon. Sir RICHARD SCOTT. The transportation companies can always guard themselves by consigning it to an official, or by giving the notice provided for in the second proviso. I am willing to add to that, that it will exempt them from any penalty under the Act by complying with the second proviso. They will be exempt from any penalty imposed under the Act.

Hon. Mr. LOUGHEED. In connection with that, will my hon. friend give a reply to this question: Provided a consignment be made by a common carrier, and the common carrier is not aware of the nature of that consignment—

Hon. Sir RICHARD SCOTT. They are not liable, if it is shipped under a false label.

Hon. M. LOUGHEED. Provided it is consigned to say John Jones.

Hon. Sir RICHARD SCOTT. If it is not brought to their attention that it is liquor, I do not consider that under this clause they would be liable; but I am quite prepared to adopt the suggestion to relieve them if they give the notice to the provincial secretary of the shipment of liquor.

Hon. Mr. LOUGHEED—How can they give notice if they are in ignorance of the contents of the package? That is the difficulty which presents itself to my mind.

Hon. Sir RICHARD SCOTT—Unless it is marked as liquor they would be in ignorance of it.

Hon. Mr. CLORAN—This law is a peculiar one in many respects. It interferes with trade, and with the way a man should do his business. It forces a man to pay for goods before they are delivered. Is parliament prepared to pass legislation of that kind? What right has any association to disturb trade relations between different provinces and with foreign countries? What right has parliament to force

Mr. Brown of Summerside to pay for goods not delivered? Yet we are going to put that condition into this Bill, and give a few officials in Prince Edward Island the right to subvert all our trade. This Bill also asks parliament to consecrate another principle, a principle to my mind which should never be tolerated in a civilized community. It proposes to turn all our great transportation companies into a pack of spies and informers. What right has the parliament of Canada to make the officials of the Grand Trunk railway or the Intercolonial railway a nest of spies and informers, and to interfere with the privacy of a citizen, even though he does live in Prince Edward Island? Under this law, every one in Prince Edward Island is entitled to import five gallons of liquor for family use. Now, suppose out of the hundred thousand people in the island there are ten thousand who send abroad for their liquor, what right has parliament to reveal the privacy of their way of living? You want to force navigation companies and railroads to become spotters on the men who would send for a case of liquor. You want them to inform the Solicitor General at Charlottetown that a certain person in the back concessions have ordered a case of claret, or a quart of highwines. The thing is absurd, and should not be tolerated by an intelligent body of men. This goes to show, as the hon. member from Halifax stated in his very able speech on this matter, how far people will venture to insist on others doing as they do themselves, subverting all laws. I say that this provision is not fair or honourable to the transportation companies, because very often these companies carry goods not knowing, and not being supposed to know what the cases contain. How often we find gifts at Christmas and other feast days, sent to friends in the shape of a case of champagne or other liquor. Now, are you going to force the company to divulge the name of the man who sends a gift of that kind to a relative? Are you going to force the publication of his name in official documents? Are you going to compel the companies to submit to government inspection that there is a case of champagne lying in the warehouse at the disposal of any citizen? We are told that common carriers must not violate the law. Then I say, make the law so that it will be respected. Do not make laws that run counter to the needs of a large number of people, including many who contend that they are prohibitionists. How many men are there in this House to-day whose cellars are not well stocked with wines and liquors? Many of those who advocate a measure of this kind use intoxicating liquors. Are they prepared to indulge in these delicacies while refusing them to others? It is well known to every one here, that many of the most ardent advocates of prohibition are themselves, without violating any law, divine or civil, indulging in wine, or Scotch whisky themselves, while they are trying by their votes here to prevent other people from having some little luxuries of the same kind. I hold that this provision is ineffective. How are you going to prosecute foreign companies, United States railways and foreign vessels? Are you going to force foreigners to give to the Solicitor General at Charlottetown a list of all the goods they have on board which contain intoxicating liquor? The thing is absurd on the face of it. You cannot enforce this measure. The permission given to each individual to have at least five gallons of liquor is an absurd provision. Five gallons of what? The man may import five gallons of beer, in which there might not be a quart of alcohol all told. Another man would import five gallons of alcohol over proof. Now, what is going to happen to that man with his five gallons of over proof? He is not able to drink it in that form; he must dilute or adulterate it, and that alcohol will take three gallons to one, with the result that he will come under the penalty prescribed in this Bill for keeping in his possession more than five gallons of liquor. So that under this Bill you give a man a right to import five gallons of liquor; but if he adds water to it he becomes a criminal, and is liable to arrest. We all know that every person cannot afford to import five gallons of liquor at one time.

The average bank clerk receiving $40 to $75 a month, or the ordinary working man being paid from $10 to $15 dollars a week, and small merchants who have a revenue

of one or two thousand a year, are not able to purchase five gallons at a time, and the result is that you will force them to send their orders to Halifax, Montreal, Portland or Boston for a bottle at a time. They are not able to buy much more than that. The poor man is just as much entitled to his glass of ale or wine as his wealthy neighbour who pretends he does not take it, and has his cellar stocked with it. You deprive the man who is wealthy—and it is no crime to be wealthy—from putting into his cellar what he should be allowed to put in, five gallons of claret, which will not last long in a French family, where the natural beverage at dinner and supper is claret. What would five gallons amount to? He would be entitled to have his port wine, sherry, rum in his cellar—to have all the liquors which are manufactured. We take that privilege away from him, and men who are able to use liquor and do not abuse it, will not be able to bring in anything but five gallons. Is that not an absurd position to place these families in? Then I refer to the social clubs purposely, because this law is practically directed—and I know whereof I speak—against one of the few social clubs which exist at Charlottetown, where lawyers, bankers and merchants congregate in the afternoon and evening, it is their home. Many of them are old bachelors, and many have no other place to go except to the club, as we all do in other parts of the civilized world. If this Bill become law, that club will not be allowed to have one drop of ale, claret or wine in the institution. Is that fair? Is parliament prepared to say to men of standing in the community: 'You shall not have any liquor in your social club'? You cannot put before the people public action which is in contradiction of a private action. If you want to insist on the people of Prince Edward Island doing this thing, then do it yourself before you cast a vote to this effect. That is the proper attitude to take as far as frankness and fair play are concerned. You are making a distinction in favour of the wealthy man against the poor man. We know that when an order is given for foreign goods—they will be practically foreign—it is cheaper to buy a large rather than a small quantity. We know that claret, port and sherry can be purchased by the cask, and the longer you keep it in your cellar the better it becomes. Why force the poor man to send to Portland, Halifax or Boston for half a dozen ale, because he cannot buy it on the Island, and then have his name published all over the country that he has sent for half a dozen bottles of intoxicating liquor? I cannot see the legitimacy or effectiveness of this Bill. I can see much that is unfair and weak in it, that we should not ask the courts to interpret and apply. I think the amendment of the hon. senator from Westmorland is much more to the point, less offensive and more effective than the provision in the Bill.

Hon. Mr. BEIQUE—There is a reference made in the preamble as printed in the minutes to a resolution carried by the legislative assembly in the month of March, 1909. Have we a copy of this resolution, or can we have it?

Hon. Sir RICHARD SCOTT—I read it, I will send and get it.

Hon. Mr. BEIQUE—Is it printed in the Debates?

Hon. Sir RICHARD SCOTT—I think it is.

Hon. Mr. BEIQUE—I should like to ask the hon. member, is the Scott Act not in force in Prince Edward Island?

Hon. Sir RICHARD SCOTT—The Canada Temperance Act is not.

Hon. Mr. BEIQUE—Would it not be better to make the provisions of the Canada Temperance Act applicable to Prince Edward Island so long as the Prohibition Act will be in force, instead of adopting an exceptional law. I must say that I cannot appreciate the advisability of proceeding, by sectional laws, applicable merely to one part of the country, and dependent entirely upon the existence of a local law. Suppose we pass this Bill making it a criminal offence to do all these things, and in a month or two months, the Provincial Act is repealed.

Hon. Sir RICHARD SCOTT—Then it drops.

Hon. Mr. BEIQUE—Is that a position parliament should expose itself to? It seems to me parliament should legislate, as far as the criminal law is concerned, because it is a criminal act in a sense, it should legislate for all time, not only for a portion of the time. If it is a crime to drink in Prince Edward Island, it is a crime in Ontario, and if it is not a crime in other provinces it is not a crime there. If they are not satisfied with the Canada Temperance Act, it is open to them to make stringent provision by a provincial Act, to prohibit, to confiscate, to do what they like, but we are here legislating for the purpose of making it a criminal offence to export or ship liquor to any part of Prince Edward Island when it is not an offence to do the same thing in any other province of Canada. I am most favourable, as far as I am personally concerned, to anything that tends towards temperance; on the other hand we must not adopt a Bill which will be thrown out in the other House, for very good reasons, or a Bill which cannot commend itself to the good judgment of the House.

Hon. Sir RICHARD SCOTT—My hon. friend took exception to the Bill and said it would create confusion, and then, at his suggestion, and the suggestion of my hon. friends opposite, it was drafted to apply to Prince Edward Island, and in order to meet the objection of the hon. gentleman from Moncton, I propose to add to the second proviso the provision that if the transportation company gave the official notice to which I refer, that they should be exempted from all penalties, to make it absolutely clear. Hon. gentlemen talk about trade and commerce. This Bill has no reference to trade and commerce.

Hon. Mr. LOUGHEED—It is only in that way we can legislate. It is by reason of that we legislate.

Hon. Sir RICHARD SCOTT—This is under the criminal law. Then with reference to its applying to a particular province, why only this session we passed an Act relative to ore. It applied only to one province, and then we whittled it down until it applied only to a particular part of the province, which the Governor in Council may chose to name. There are abundance of precedents. I could give innumerable instances; therefore, that objection does not exist, and it is legislation only in reference to a subject matter on which public opinion is so decided that this legislation should be enacted. There is a constant attempt to check the liquor traffic. In Newfoundland, where we would least expect it, they have passed a law limiting licenses, and there is another provision, 'No liquor shall be sent C.O.D. into any local option county.' Since we have discussed this question, it appears from the record of Ontario that no less than 200 licenses have been cut off, local option being carried in a number of municipalities.

Hon. Mr. CLORAN—With what result?

Hon. Sir RICHARD SCOTT—The number of licenses in force was about 6,000, and to-day it is less than 2,000—an evidence of the necessity of crippling the trade.

Hon. Mr. POWER—The trade is crippled.

Hon. Sir RICHARD SCOTT—Because it is arbitrarily cut off. In Megantic, prohibition has carried unanimously. There is only one dissenting voice. There had been six before. If one wanted evidence of public opinion, take the 'Globe' of last Saturday, referring to a fearful death that occurred a few days before. The 'Globe' said:

> That instance reported in the 'Globe' yesterday is only one out of the almost daily list of murders and suicides and other crimes of violence charged up against the drink habit and the barroom. Every newspaper that reports the day's events, even in Canada, bears witness to the ruin wrought by the liquor traffic.

Showing that you are not to deal with this traffic as you deal with any other.

Hon. Mr. CLORAN—The hon. gentleman has quoted figures in regard to the diminution of licenses in the province of Ontario. I put the question to him, with what results? There were two results. When they had six thousand licenses the province was receiving nearly three-quarters of a milion revenue; to-day they are only receiving two hundred and fifty thousand of a revenue, and there is more liquor consumed in Ontario than there

ever was. There were 18,000,000 gallons of beer alone manufactured last year.

Hon. Sir RICHARD SCOTT—I will read another extract for the benefit of the House.

Hon. Mr. McMULLEN—The hon. gentleman is making an extended speech.

Hon. Sir RICHARD SCOTT—I move that the committee rise, and report progress, and ask leave to sit again.

Hon. Mr. COFFEY, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

Hon. Sir RICHARD SCOTT—To be the first order after 3rd readings.

Hon. Mr. LOUGHEED—No.

Hon. Sir MACKENZIE BOWELL—It should take its place.

GUELPH JUNCTION RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. GIBSON moved the second reading of Bill (FFF) an Act respecting the Guelph Junction Railway Company.—Hon. Mr. Gibson.

Hon. Sir MACKENZIE BOWELL—I should like to ask if the hon. gentleman has considered its provisions, and if he is prepared to explain the reason why this extraordinary Bill should be presented to parliament? If the Bill was really entitled an Act respecting the Guelph Junction Railway Company, and the confiscation of private property at the instance of the corporation at its own price, which they put on the rights——

Hon. Mr. GIBSON—All I can say is that I quite agree with everything the hon. gentleman has said, and it is a reason why it should be sent to the committee. I believe there are parties who have just claims against this company, and I think the Bill should be referred to committee when all parties can be heard. I believe there has been an attempt to confiscate certain interests.

Hon. Mr. CLORAN.

Hon. Sir MACKENZIE BOWELL—In allowing the second reading to go, we affirm the principle of the Bill, unless it is distinctly understood that members who do not agree to the principle are not to be held to it.

Hon. Mr. YOUNG—The House is not bound to the principle of a private Bill by adopting the second reading.

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

SECOND READINGS.

Bill (GGG) An Act to incorporate the Buctouche Railway and Transportation Company.—Hon. Mr. Thompson.

Bill (No. 52) An Act to incorporate the Nelson River Railway Company.—Hon. Mr. Watson.

Bill (No. 98) an Act respecting the Trust and Loan Company of Canada.—Hon. Mr. Scott.

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

THE SENATE.

WEDNESDAY, April 13, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ORGANIZATION OF NAVAL MARINE.

INQUIRY.

Hon. Mr. CHOQUETTE inquired:

Who is the person specially charged with the preliminary organization of the naval marine, in view of the passing of the Naval Bill? What is his rank? Has he already had in England the command of a battleship? Has he lost it? If so, for what reason?

Rt. Hon. Sir RICHARD CARTWRIGHT—The answer to the hon. gentleman's question is:

Pending the passage of the Naval Bill no definite organization has been made of a naval staff. The Bill has been prepared by the regular staff of the Depart-

ment of Marine and Fisheries with the assistance of three officers who were lent by the admiralty to the Canadian government; these three officers are: Commander James D. D. Stewart, Lieutenant Richard M. T. Stephens and Staff Paymaster Percy J. Ling. None of these officers has ever commanded a battleship.

CLASSIFICATION OF WORK ON NATIONAL TRANSCONTINENTAL RAILWAY.

INQUIRY.

Hon. Mr. CHOQUETTE inquired:

1. Has the person named Francis, who was formerly resident engineer on the part of the National Transcontinental railway passing through the county of Bellechasse, had any difficulties with the government or with the contractor Davis, or with the sub-contractors Murdock or Murdock & Brothers, with regard to the classification of the works at that place, or in the neighbourhood of the place called Armagh? If so, what has been the result thereof?
2. Does the government find that it has lost directly or indirectly, any money by its manner of classification of the work?
3. Had the contractor Davis or the Grand Trunk Pacific Railway Company laid any complaint against that engineer, with the government or with the Transcontinental Railway Commission? If so, what have been the consequences thereof?
4. Was Mr. Charlton, engineer of the division, mixed up in this affair? If so, what complaints have been laid against him by the persons mentioned above?
5. What has been the result of these complaints?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers to the hon. gentleman's questions are as follow:

1. (a) No difficulties with the government. (b) The government has no information as to difficulties with contractors or sub-contractors.
2. No.
3. No.
4. Answered by 1 and 3.

ACCOUNTS OF C. E. A. TASCHEREAU.

MOTION.

Hon. Mr. CHOQUETTE moved:

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

1. How much Mr. C. E. A. Taschereau, of Quebec, notary, received during the last five years from the government or from the Transcontinental Commission for professional services, disbursements, travelling expenses, &c., and the amount of his account to the government or to the said commission which have not yet been paid?
2. Was the said Mr. Taschereau employed only in the city of Quebec, or also in other counties of that district, and, if so, what counties?
3. If he has been employed in other counties, were there not in these counties notaries capable of acting for the government or the Transcontinental Commission?
4. And if there were notaries in those places why were they not employed?

Rt. Hon. Sir RICHARD CARTWRIGHT —There is no objection to the motion.

Hon. Mr. DANDURAND—I am under the impression that this question has been already put fully once or twice by the hon. senator from Stadacona.

Hon. Mr. LANDRY—I put that question some years ago; but I suppose the party has not been lost in oblivion yet. Perhaps there are some more additions to that.

The motion was agreed to.

A QUESTION OF PRIVILEGE.

Hon. Mr. CLORAN—Before the orders of the day are called, I wish to rise to a question of privilege, and it is a personal matter. I have been in this House seven years, and I have never yet been obliged to raise a question of this kind. I have one thing which I hold dear in life, and that is my character for fairness, fair-play and truthfulness. I find by the records of this honourable House, and by subsidiary efforts through the public press, that the position I took on the question which was raised by the hon. senator from British Columbia has been misrepresented and not fully reported in the public press. I am not going to charge the reporters with any dereliction of duty in the matter. I rose yesterday to take exception to the statement made by the hon. member from British Columbia (Hon. Mr. Macdonald) and to take issue with him on it. The statement he had made was one that did not appeal to my sense of fairness and justice. The statement was this: while he was discussing the propriety of the senator from Ottawa going with a delegation of representative French Canadians from the province of Ontario to the government.

seeking fair representation in this honourable House, and on the bench of this province, one of his statements was as follows:

> The fact of asking for a judge of this race or creed would be a reflection on French Canadians themselves. It would be tantamount to saying that if they had a judge on the bench of their own nationality and religion he would favour them. That inference can fairly be drawn from the request of the delegation. Otherwise why ask for a judge of that nationality or creed?

That was the declaration made by the hon. gentleman, and seeing that no member in this honourable House took exception to that statement, I thought it my duty to point out that the French Canadian people asked for no such concession with a view to receiving partial treatment from the bench, or more than their fair representation in the Senate. In the course of my argument, I stated that the French Canadian people were very generous, and as an instance of that quoted the fact that last winter the French Canadians, by a vote of four to one, elected an Irish Catholic mayor of Montreal, and by way of illustration to show that there was more tolerance in the French ranks than in the English ranks, and to fortify my argument, asked when Toronto had ever elected an Irish Catholic Mayor. That is all I said. What do I find in the official report of this House? Notwithstanding my contradiction on the spot, I find that the ex-Prime Minister (Hon. Sir Mackenzie Bowell), a man who holds a high position in the esteem and confidence of this country, stated that I had said no Catholic was ever elected in Toronto, and when I gave him my humble denial he insisted on saying I had said so. Here are his words:

> What are the facts? The hon. gentleman from Montreal stated that no one had been elected in that city except——
>
> Hon. Mr. CLORAN. I beg pardon.
>
> Hon. Sir MACENZIE BOWELL. The hon. gentleman should not interrupt.
>
> Hon. Mr. CLORAN. I rise to a point of order. My statement was that the city of Toronto never elected an English speaking Scotch or Irish Catholic. I never said 'no one.'
>
> Hon. Sir MACKENZIE BOWELL. The hon. gentleman may not have intended it, but he said it. The hon. gentleman said no one of that religion.
>
> Hon. Mr. CLORAN. I rise to a point of order. The hon. gentleman is putting words in my mouth which I never used, because I could not say so, knowing that Claude Macdonell, a Scotch Catholic, was elected in Toronto.
>
> Hon. Sir MACKENZIE BOWELL. Has any hon. gentleman a right to make a correction and follow it up with a speech.
>
> The SPEAKER. No, certainly not.

I received a flat denial from the hon. gentleman in regard to the statement I had made a few minutes before, and of which I was perfectly certain. I am not going to accuse the hon. gentleman of having intentionally wronged me. I understand very often he cannot hear; but once he got my denial he should have accepted it, and having failed to do so it was the duty of the hon. Speaker to compel him to accept it, but the hon. Speaker did not do so. Now if that is going to be a precedent in discussions of this House, I should like to know where we are going to end. This is a question of privilege that ought to be decided. The hon. member from Hastings has put into my mouth words that I would not condescend to utter. Although I fight for the rights of my people and my own rights, I am most considerate of the rights of others. I never try to deny to another what I want for myself. That has been my stand in public life for the past thirty years, and it is my stand today, and I want the hon. member from Hastings to understand that he cannot put words in my mouth which are a travesty on my past record, and a contradiction of my sentiments. I would also submit to his hon. the Speaker that when his attention is called to a flagrant breach of the rules of the House, he should compel the offender, no matter what his age or position, to respect the rules of parliament in regard to even its humblest members. I am here on the strength of my own capacity and fairness in dealing with all classes. I do not want my word challenged in this House unless it can be shown that I am in error, and I will not permit it as long as God gives me power to protest against it. When I rose yesterday to address the House it was not for the purpose of vaunting the generosity of the French Canadian people. Why, it is written on every telegraph post on every road in this country; but I rose to protest against the insinuation, unfounded, unmerited and dishonour-

able, that the French Canadian people wanted a judge of their own nationality so as to get partiality from the bench.

An Hon. MEMBER—Who said that?

Hon. Mr. CLORAN—The hon. member from British Columbia.

Hon. Mr. MACDONALD (British Columbia)—No.

Hon. Mr. CLORAN—The hon. gentleman says 'no.' I will read again what he did say:

> The fact of asking for a judge of this race or creed would be a reflection on French Canadians themselves. It would be tantamount to saying that if they had a judge on the bench of their own nationality and religion he would favour them. That inference can fairly be drawn from the request of the delegation. Otherwise why ask for a judge of that nationality or creed?

Hon. Mr. LOUGHEED—May I rise to a question of privilege? My hon. friend has no right to contravert the inferences which another member may draw. A certain act having taken place, that is not a question of privilege. My hon. friend from Victoria division is answering the argument of the hon. gentleman from British Columbia. If he has a question of privilege as to what he himself said, it is another thing.

Hon. Mr. DANDURAND—I think he is travelling beyond his question of privilege. I think he has covered the point and should not go beyond that.

Hon. Mr. CLORAN—I have covered it as far as this House is concerned, and I have another point. I have a point regarding the honourable House in regard to its debates, in regard to the want of decision on the part of the Chair in regard to the persistent assertions of an hon. gentleman against the word of another, which should not be tolerated.

Hon. Mr. LOUGHEED—That is not a question of privilege. If my hon. friend from Victoria division desired to set himself right, he should have done it yesterday. He cannot do it to-day. I submit that point to the Speaker. He is too late at the present time.

Hon. Mr. CLORAN—I sympathise with the hon. leader of the opposition. Yesterday I insisted on what I am saying now; but I was given a flat contradiction, and the Chair did not decide on it. I have the official report of parliament in my hand, and is the hon. leader of the opposition going to prevent an hon. gentleman from justifying his attitude and safeguarding his character in the matter?

Hon. Mr. LOUGHEED—I press the point of order. I am fully assured that my hon. friend's character will not suffer in the slightest degree.

Hon. Mr. CLORAN—I do not depend on the hon. gentleman for an assertion of that kind.

Hon. Mr. SPEAKER—I understood the hon. gentleman when he rose to raise a question referring to the debates published here or elsewhere with reference to the statement he made yesterday, about which a question was raised when another hon. gentleman was speaking. I understood the hon. gentleman to say, as he is reported here at page 550: 'How many Irish Catholic Mayors have been elected in Toronto'?

Hon. Mr. CLORAN—I asked has there ever been one.

The SPEAKER—I understood the hon. gentleman to say, as is reported here: 'How many', and I understood the hon. gentleman to put it as an interrogatory, as is often used in language to convey the idea that none have been. The hon. gentleman may have been misunderstood by me, but that was my understanding. Subsequently, the Hon. Sir Mackenzie Bowell reverted to what the hon. gentleman said in the following language:

> Those who know anything of Canada are aware that Toronto stands relatively as a Protestant community as strong as Montreal is Roman Catholic, and it is too often the case that when questions of this kind arise (which I deprecate to the fullest possible extent) Toronto is alleged to be one of the most bigoted of the cities in this country, because it is Orange and Protestant. What are the facts? The hon. gentleman from Montreal stated that no one had been elected in that city except——

Hon. Mr. CLORAN. I beg pardon.

Hon. Sir MACKENZIE BOWELL. The hon. gentleman should not interrupt.

Hon. Mr. CLORAN. I rise to a point of order. My statement was that the city of Toronto never elected an English speaking Scotch or Irish Catholic. I never said 'no one.'

Hon. Sir MACKENZIE BOWELL. The hon. gentleman may not have intended it, but he said it. The hon. gentleman said no one of that religion.

Hon. Mr. CLORAN. I rise to a point of order. The hon. gentleman is putting words in my mouth which I never used, because I could not say so, knowing that Claude Macdonell, a Scotch Catholic, was elected in Toronto.

Hon. Sir MACKENZIE BOWELL. Has any hon. gentleman a right to make a correction and follow it up with a speech.

The SPEAKER. No. Certainly not.

That is all I said. I was not called upon to make any further review. The question of order was raised, as I understood, by the statement made by the hon. gentleman from Hastings objecting to a correction being made, and as my understanding of it was that it was really making a correction in what he said, under those circumstances I do not see where I was called upon to give any ruling. The debate was not stopped. No question was pressed. If it had been, I should have given the ruling as I gave it now—that the point of order was not well taken.

Hon. Mr. CLORAN—I submit to that decision and hope it will be borne in mind in the future.

Hon. Mr. MACDONALD (British Columbia)—I would raise another point of order. Is it in order to traverse the debates of a previous day?

Hon. Sir MACKENZIE BOWELL—We have no right to do that.

The SPEAKER—No. But I apprehend if any hon. gentleman perceives that he has been misreported in the debates which are to be published, he has a right to make a correction.

Hon. Sir MACKENZIE BOWELL—But no right to discuss the whole question.

Hon. Mr. CLORAN—I am in hearty consonance with the Chair. I asked for the correction yesterday and did not get it, and I hope the hon. gentleman from Belleville (Hon. Sir Mackenzie Bowell) will make the correction in his speech, and withdraw the statements he made yesterday, which are now in print in the 'Debates' of the Senate. I now desire to refer to what has been done by the official press reporter in regard to this matter. It is the first time in my experience that I have ever found fault with the press reports or criticisms. I have been used to it for the past thirty years. I have a thick skin and can stand it all. I have been put down as a dynamiter and a fiend, and as the murderer of Hackett, and had to lose two elections on account of that accusation, when I was four thousand miles away on the college benches of Paris. That is only an illustration—your Orange friends accusing me of being the murderer of Hackett in 1878. They never vote for a Grit. The hon. gentleman says they vote for Catholics. They do when they are Tories.

Hon. Sir MACKENZIE BOWELL—Who told the hon. gentleman that?

Hon. Mr. CLORAN—Clarke Wallace told me that.

The SPEAKER—This is entirely out of order.

Hon. Mr. CLORAN—If the hon. gentleman interrupts me, he will get his answer right from the back. I am not going to challenge the honesty or the competency of the press reporter of this Senate; but he simply sent the press one or two sentences from my remarks which made my position ridiculcus, and I have a right to protest, as he is the paid official of this honourable body. The reporter sent six lines and a half of the remarks I made yesterday, and they were simply bearing on the tolerant qualities of the French Canadian. As I said before, that was not my object when I rose to answer the hon. Senator from British Columbia. It was to destroy the assumption and the insinuation against an honourable people. That is why I rose, and that point was not published. The reporter in this House, according to his own production, was delinquent in his duty, and I want him to understand that in the few words he sent to the press he misrepresented my position.

Hon. Mr. LOUGHEED—I rise to another question of order. That is not a question of privilege. There is a method of correcting any mistakes in the reports.

Hon. Mr. CLORAN—If the reporter had simply given the essence of what was said instead of giving the incidental illustrations, I would have been satisfied; however, I am satisfied as it is now. Imperfect reports do not affect me. I call attention to the fact that our reporter very often—I do not say out of dishonesty or ill-will—misleads the public in regard to the utterances of hon. gentlemen in this Chamber.

Hon. Sir MACKENZIE BOWELL—I have no desire to follow the hon. gentleman in the harrangue in which he has indulged. Had it not been for the impetuosity of his own character and the constant habit of interrupting hon. gentlemen when they are speaking, the probabilities are that all this difficulty would not have arisen. I was about pointing out at the time, what I understood him to say, when he instanced one exception of the election of a Catholic in the case of the election of Claude Macdonnell as Mayor of Toronto; but before I had time to finish the sentence he interrupted me and stated what I distinctly understood him to say at the time, and what I believed at the time he said. I turned around to him this way, and told him he did not know what he was talking about.

Hon. Mr. CLORAN—The hon. gentleman did not say that. It is not reported.

Hon. Sir MACKENZIE BOWELL—I know it is not reported, but it is what I said to him, and I said it plainly enough, 'There he is at it again. He cannot hold his tongue for a minute.' What I said to him was, when he made that broad statement in reference to the city of Toronto, that he did not know what he was talking about, His answer to me was, 'Yes, I do,' and then he went on with the statement. What I understood him to say at the time, and what I still believe he did say, was in speaking of the city of Toronto, that no Catholic, or any one of that persuasion, had been elected by the people.

Hon. Mr. CLORAN—I never said so. I rise to a point of order. This is insisting on the statement he made yesterday. I would ask him to withdraw the statement.

Hon. Sir MACKENZIE BOWELL—I withdraw nothing. Understand that.

Hon. Mr. CLORAN—I will contradict the hon. gentleman every time he says so.

Hon. Sir MACKENZIE BOWELL—I was about to make an explanation of what I understood him to say, and in making the explanation the hon. gentleman was constantly interrupting: 'I did not, I did not.'

Hon. Mr. CLORAN—There is no such record.

Hon. Sir MACKENZIE BOWELL—I should like to draw the attention of the House to this, that that is all I intended to say, and I am quite sure that if the hon. gentleman had not made the interruption at the time, the probabilities are that there would have been no particular misunderstanding between him and myself. During his speech, he characterized the statement made by the hon. gentleman from British Columbia as being dishonourable. I should like to know if that is in accordance with the rules of this House? He has used other strong language with reference to remarks made by that hon. gentleman. He had the right to draw any inference he thought proper from the action of French Canadians who appeared before Sir Wilfrid. That is a privilege every one has. Those inferences may not be correct; but if you misunderstand an hon. gentleman when he speaks, it is not dishonourable to give your own interpretation. I do not desire to occupy the time of this House any further. There is one thing I feel sure of, that from my long public career, I am not afraid of anything the hon. gentleman may say about me will have any effect in the country.

Hon. Mr. CLORAN—That is all right.

Hon. Mr. MACDONALD (B.C.)—As the arch offender, I am not going to waste words in replying to the unparliamentary, out of order, and intemperate address of the hon. gentleman from Victoria division.

Hon. Mr. POIRIER—I have just one word to say——

The SPEAKER—I think the discussion has proceeded far enough.

DELAYED RETURNS.

Hon. Mr. LANDRY—I would ask the right hon. leader of the House if we could obtain one or two returns which have not yet been furnished? There was one short return moved for on the 21st January last, the contract between the government and Mr. Koenig, the contractor who was to remove the debris of the Quebec bridge. I think it is time we should get it if parliament intends to prorogue this year. The other document is an order of this House for the production of all the correspondence that took place between the Quebec Rock City Tobacco Company and the government on the occasion of certain seizures made during the last five years.

Rt. Hon. Sir RICHARD CARTWRIGHT —I will make inquiry about that.

BILLS INTRODUCED.

Bill (No. 185) An Act respecting the Commission for the Conservation of Natural Resources.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 195) An Act respecting the currency.—Rt. Hon. Sir Richard Cartwright.

THIRD READING.

Bill (A) An Act to incorporate the Retail Merchants Association of Canada.—Mr. McHugh.

INCREASED ACCOMMODATION IN PARLIAMENT BUILDING.

DEBATE CONCLUDED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Honourable Mr. Costigan: That in the opinion of the Senate the question of increased accommodation for the parliamentary library should be considered, with a view to providing a new chamber for the House of Commons, and additional committee rooms for the Senate.

Hon. Mr. McMULLEN—When I moved the adjournment of the debate, I did so for the purpose of getting on with the business of the day rather than to make a speech on the subject. However, I avail myself of the opportunity to throw out a few hints in connection with this question. There is no doubt our parliamentary representation is already large, and if it is to increase with the development of the country, more accommodation will be needed. At present, for a population of about seven millions, we have something like 220 members in the House of Commons. Should the population increase to ten millions, we must have 333 members in the Commons, and with 20 millions, which it is likely to reach before many years, under our present system we would have 666 members.

Hon. Mr. DANDURAND—We could reduce the number.

Hon. Mr. McMULLEN—Not without recasting the Confederation Act.

Rt. Hon. Sir RICHARD CARTWRIGHT —The hon. gentleman does not take into account the growth of the province of Quebec.

Hon. Mr. McMULLEN—The representation in parliament is based upon the population of Quebec, that province having always 65 members. That number divided into the population of the province gives about 23,000, as the unit of representation.

Hon. Mr. DANDURAND—The representation of Quebec can be reduced from 65.

Hon. Mr. McMULLEN—Only by recasting the Confederation Act.

Hon. Mr. DANDURAND—Under the Act.

Hon. Mr. McMULLEN—Then we had better get the consent of the province of Quebec to do it right away, because the present representation is altogether too numerous, cumbrous, and expensive for the Dominion under present conditions. We have 24 senators in this House from Quebec. The state of New York, with a population greater than that of the entire Dominion, and with wealth equal to, if not larger than the wealth of the Dominion, is repre-

sented at Washington by two senators. Ontario has 24 senators, while Illinois, including the city of Chicago, a wealthy state, with a large population is represented at Washington by two senators. Every other state in the union has but two senators. Texas, with a population of over three millions, and a territory, over a thousand miles long, and eight hundred miles wide, is represented at Washington by two senators. It is clear, therefore, that our system of representation in both Houses of parliament is too expensive. Compare the cost of representation in the United States with that of Canada. The entire cost in the United States, including mileage, President's salary and every item that justly comes under the head of money paid to representatives, amounts to about five cents per head of the entire population of the republic, while in Canada the cost of representation is a little more than 14 cents a head. How long will the people of Canada stand this condition of things? Will they consent to increase the number of members in both Houses, and construct additional buildings to find room for them, or will they insist upon a substantial reduction of the number of representatives in both Houses? I think the government should take up the question, and if a reduction can be made let it be done at once, and relieve the people of an unnecessary burden. At confederation, there was a combination of both Grits and Tories, so that no particular party is responsible for the system of representation adopted then; but it was clearly too expensive. No doubt, they looked forward to Canada having a large population by this time, possibly four times the number we have. We have not increased as rapidly as we desired; but we have reached such a point of expense connected with legislation that it becomes the duty of the government to see if some method cannot be devised to reduce the number of representatives rather than increase the accommodation here for a larger number. I hope some prominent man will take hold of this whole question and educate the people to look for a reduction of the number of their representatives.

Hon. Mr. COSTIGAN—I am willing to withdraw the resolution. My object when giving notice of this motion was not to interfere with the rights of the House of Commons. Some hon. gentlemen have expressed the opinion that it might give them umbrage to move it here. I felt it my duty to bring this matter up, to call attention to the fact that the extensive improvements suggested may be made economically.

Hon. Mr. DANDURAND—When I said that the British North America Act could be altered in the way I suggested, I had in mind section 52, where reference is made to the possibility of increasing the number of members. I had the impression that this applied also to decreasing the representation. I see that it only refers to an increase.

Hon. Mr. CLORAN—It is well that that fact should be emphasized.

Hon. Mr. DANDURAND—My recollection was that our figure of 65 representatives for Quebec was not a fixed one, and could be altered by maintaining the same ratio; but I find it does not apply to a decrease.

Hon. Mr. LANDRY—Section 51 settles the matter. It provides that 'Quebec shall have the fixed number of 65.'

The motion was withdrawn.

ACQUISITION OF BRANCH LINES OF GOVERNMENT RAILWAYS.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (No. 17) An Act to authorize the government of Canada to acquire, by lease, lines of railway connecting with the government railways.

(In the Committee).

On clause three,

Hon. Mr. McMULLEN moved that the clause be amended by adding the following words to clause 3, after the word 'lease':

'And the rental to be paid therefor shall in no case exceed one-third of the gross earnings of the line so taken over, and the accounts of such line or lines are kept separate from the accounts of the Intercolonial, so that they will appear by themselves in the Minister of Railways' annual report.'

He said: The official return shows that of the earnings of all the railways in Canada, 72 per cent was required for running expenses. Only about 28 per cent was reserved for the payment of dividends, interest, &c. Now this amount provides that the government shall not pay more than one third of the gross earnings of any such branch lines in the way of rents. That is a reasonable provision to make. I would much prefer to have the law as it stands now than legislate in the direction of placing this matter in the hands of the Railway Construction Board, and the chief engineer. Both are largely under the control of the government, and would have to do what they were ordered to do by the government. We do not want any minister placed in the position when he comes before parliament, that he can throw the responsibility of anything being done in connection with taking over those lines on the Railway Construction Board, or on the chief engineer. They are not in either House of parliament to answer questions. My amendment proposes that no matter what the Railway Construction Board or chief engineer may recommend, at least two-thirds of the gross earnings shall be kept for the payment of rental, whatever the earnings of the line may be.

Hon. Mr. LOUGHEED—At what point will the hon. gentleman determine what the amount of the lease shall be? At the time of taking over the road, or will it be the gross earnings distributed over a period of so many years previous to taking over the line?

Hon. Mr. McMULLEN—During all the existence of the lease, the government shall not pay more than one-third of the gross earnings in the way of rents. The amendment would limit them to that.

Hon. Mr. LOUGHEED—Do I understand it will be a shifting rent from year to year, as may be determined by the gross earnings?

Hon. Mr. McMULLEN—Yes.

Hon. Mr. DERBYSHIRE—Is this amendment accepted by the government?

The amendment was agreed to, and the clause as amended was adopted.

Mr. POWER moved that the following be added to the Bill as clause 4:

4. No such lease shall be ratified by parliament, unless a return has been laid before both Houses for at least one month showing:—

(a) The cost of the road proposed to be leased together with the amount of stock subscribed and all moneys received from sale of bonds or by way of bonuses or otherwise.

(b) Present equipment of road together with the average rate of freight and charges for passengers on the same and a statement showing approximately how above rates compare with those charged on the Intercolonial railway.

(c) Present condition of the road and the estimate of outlay required to put it in good running order.

(d) Total receipts and expenditures for three years last past.

(e) List of shareholders and bondholders.

(f) Other creditors of the road.

(g) Estimate of future receipts and expenditures in the event of the road being leased by the Intercolonial railway.

Such return to be signed and certified to by the chief engineer and traffic manager of the Intercolonial railway and the deputy minister.

He said: It seems to me that is information that the government and parliament ought to have before entering into a lease. I trust that it will meet with the approval of the right hon. gentleman who has charge of the Bill.

Rt. Hon. Sir RICHARD CARTWRIGHT I have looked carefully over my hon. friend's amendments, and I am bound to say that the information he asks for is information which, no doubt, the government would require to obtain themselves before recommending such a lease. At the same time, if the opinion of the Senate is in favour of the amendments, I shall not object to them though I would not undertake to guarantee that in another place, they may not be overhauled, and possibly modified. I think, in a general way, the hon. gentleman is fairly justified in asking that the information my hon. friend mentions should be furnished. Therefore, if the Senate approves of the amendment, I shall not interpose any objections.

The amendment was agreed to.

Hon. Mr. POWER moved the following as subsection 2 of clause 4:

Such lease should in no case exceed a term of twenty-one years.

He said: Sometimes those leases are entered into for 99 years. A lease of 99 years is practically a purchase, and if the government find their bargain to be a bad one, they are bound to it in perpetuity. Twenty-one years is a reasonably long time, and I do not think the country should be bound for a longer term than that.

Hon. Mr. CLORAN—If the government should lease a road for 21 years there is not the slightest doubt they will spend money on it to put it in good running order, and at the expiration of the lease the company would have the right to take over the road when it is in perfect order. Is the hon. gentleman prepared to allow that condition of things?

Rt. Hon. Sir RICHARD CARTWRIGHT—I would say to my hon. friend that it would be a question which would have to be decided by the terms of the lease, and I have no doubt that the Minister of Railways, whoever he may be, would take care that the interests of the country were guarded if it became necessary to spend a considerable sum of money. The hon. gentleman will see that under the main provisions of the Bill, which were passed in clause three, a road is not to be taken over unless it is certified to be in good running order, and in good condition; it is presumable, therefore, unless in very exceptional cases, that no considerable sum should be required to be expended.

Hon. Mr. FORGET—There is another point the hon. gentleman forgets. In 21 years, if the country continues to grow at the rate it has been growing, this road will be very valuable, and the government will have developed a business for the people, and at the end of 21 years the company may take the road back. I think it is a very bad amendment.

Hon. Mr. LOUGHEED—Is there anything to preclude the government, even should there be a limitation of the lease, from expropriating the road at any time?

Rt. Hon. Sir RICHARD CARTWRIGHT—I think not.

Hon. Mr. CLORAN—That would cost a very large sum.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think the government has a right to expropriate a road, just as the company has a right to expropriate the ground on which it is built.

Hon. Mr. POWER—There is a great deal of force in what has been said by the hon. gentleman from Victoria division, and the hon. gentleman from Sorel division, and in the face of two gentlemen of such business capacity as they undoubtedly are, I do not presume to set up my humble opinion; and with the concurrence of the committee I propose to amend this motion by adding to it 'With the option of renewal.'

Hon. Mr. CLORAN—On the same basis.

Hon. Mr. MITCHELL—The option of renewal on the same terms.

Hon. Mr. POWER—Very well, on the same terms.

Hon. Mr. CLORAN—At the end of 21 years, the government will have the right to expropriate. There is no doubt about that. They have the right, but the expropriation expense to-day would be very much less than it will be in 21 years hence.

Rt. Hon. Sir RICHARD CARTWRIGHT—That is as might be.

Hon. Mr. CLORAN—As the hon. gentlemen from Sorel (Hon. Mr. Forget) pointed out, this country will not be at a standstill, and in twenty-one years these leased roads will probably be worth three times as much as they are to-day.

Rt. Hon. Sir RICHARD CARTWRIGHT—I hope so, but experience has not shown that.

Hon. Mr. McGREGOR—Surely the chief engineer and traffic manager and deputy minister will provide all those safeguards in any contract they make. I do not think there is any danger.

Hon. Mr. CLORAN—It is just as well not to run any risks.

Hon. Mr. LOUGHEED—I think the suggestions as to the renewal are ill-advised. It is not likely that an option for renewal will be entertained on the same terms, and that possibly might destroy the effect

of it. My hon. friend might put it in this way: 'With the option of renewal or renewals'. It is for the parties themselves, without being bound by the terms of renewal, to consider the matter.

Hon. Mr. ROSS (Middlesex)—The words 'on the same terms' should not be in the motion.

Hon. Mr. POWER—If those words are not inserted. It seems to me there is a risk that the owners of the road would contend at the expiration of 21 years that their rental should be increased by perhaps 100 per cent.

Rt. Hon. Sir RICHARD CARTWRIGHT—I would point out that this lease is, in the nature of the case, on a sliding scale. It is proposed to pay 30 or 33 per cent, as the case may be, of the gross receipts.

Hon. Mr. POWER—It is not to be more than that?

Rt. Hon. Sir RICHARD CARTWRIGHT—But it would be made undoubtedly on the proportion of the gross receipts. If, therefore, the road became much more valuable than it is at present, the lease would increase in value in proportion. The amount to be paid to the owners of the road would be very considerably increased if the gross receipts are increased.

Hon. Mr. POWER—That would be a case of unearned increment. The owners would not have done anything to increase the value, and I think the public should have the benefit of it.

Hon. Mr. MITCHELL—Why put in the amendment restricting it to the twenty-one years, if the hon. gentleman's contention is right? Why not have a long term?

Hon. Mr. FORGET—I suppose the government is guaranteeing the bonds, and leasing the road at 33 per cent of the gross earnings. The hon. minister says the lease will be made on the basis of the gross earnings; but the government must also be responsible for the bonds already issued on that road. The road has not been built for nothing. What are the obligations of the road to-day? We should know what they are.

Rt. Hon. Sir RICHARD CARTWRIGHT—There is no particular road mentioned. If the motion passes as amended by the hon. gentleman from Halifax, all that information will be given in detail under the certificate of the board and deputy minister, and chief engineer, and it will be before parliament for a reasonable space of time, so that they can decide in each individual case.

Hon. Mr. POWER—I do not suppose the lease will provide that the government are to pay 33⅓ per cent of the gross earnings. What I suppose will be done is this: It will be the duty of the government, under the amendment of the hon. gentleman from Wellington, to ascertain what the gross earnings of the road were in the year before it was taken over, and the government then agree to pay a sum equal to one-third of that.

Rt. Hon. Sir RICHARD CARTWRIGHT—No, I do not think so.

Hon. Mr. CASGRAIN—The gross earnings of the road are not a criterion to go by. Should the operating expenses equal the gross earnings, what then?

Hon. Mr. CLORAN—So much the worse for the government.

Hon. Mr. CASGRAIN—Will the government still pay one-third?

Rt. Hon. Sir RICHARD CARTWRIGHT—In no case is it to exceed 33 per cent of the gross receipts. It might be as much less as you please.

Hon. Mr. CASGRAIN—If this Bill is passed now, and the government buy branch lines in the future, they will have their hands tied; they can only buy them on that condition.

Rt. Hon. Sir RICHARD CARTWRIGHT—They could not pay more than 33 per cent of the gross receipts in any case.

Hon. Mr. LOUGHEED—We are rather anticipating a discussion of the next clause

of my hon. friend's amendment, but in connection with this point, may I ask my right hon. friend is it the intention of the government simply to operate the road, or is it their intention to assume the bonded indebtedness of the road and to pay the interest out of the gross earnings? If there be only a lease—and we construe that strictly—then I apprehend the government does not intend to enter upon any assumption of the liabilities of the road, but simply to operate and maintain the road; or is it the intention that this lease should be of a more comprehensive character, and that the government should assume all the obligations of the road, paying the interest upon the bonds, and likewise the other obligations already contracted?

Rt. Hon. Sir RICHARD CARTWRIGHT—I do not so understand; what I understand is, that the government would take over the road, agreeing to pay a certain proportion of the gross receipts to whoever might be entitled to receive it, primarily to the bondholders, no doubt. After the bondholders were satisfied, if there were any surplus, it would go to the stockholders, but the government, as I understand the motion before us and I understand from the Minister of Railways, do not undertake to make themselves responsible for the bonds.

Hon. Mr. FORGET—that is right.

Rt. Hon. Sir RICHARD CARTWRIGHT—They take over the road, operate the road, and undertake to pay whatever may be agreed upon between them and the owners of the road, a certain proportion of the gross receipts. That is all they undertake to pay. Out of them the bondholders, or any other parties having primary claims, should be satisfied. The balance should go to the stockholders, I presume.

Hon. Mr. LOUGHEED—It would be necessary possibly to go somewhat further. The present company for instance, would be primarily entitled to the rentals which the government propose to pay for the road, the government relying upon the company to pay its bonded indebtedness. But, let us assume that the company should make default, or that the company should not pay this rental over to the bond-holders, possibly the bond-holders might have to take proceedings and get possession of the road, and thus cut out the lease; but I presume the government would protect itself against any conditions of that kind arising.

Rt. Hon. Sir RICHARD CARTWRIGHT—The government will, undoubtedly, have that case, because all they would undertake would be to pay a certain proportion of the gross receipts, and if it was not sufficient to satisfy the bond-holders, and the bond-holders took possession of the road, the lease would fail.

Hon. Mr. LOUGHEED—But in the meantime the government have made very heavy expenditure on the road.

Rt. Hon. Sir RICHARD CARTWRIGHT—The government will undoubtedly, have to protect themselves against that in the terms of the lease; but we can hardly, I think, go the length—I doubt whether it would possibly be accepted—of specifying that we shall define all the terms of these leases, which, of necessity, will vary very greatly according to the conditions of the road, and a number of other circumstances that would easily present themselves to the mind of my hon. friend or any hon. gentleman connected with railways. I think the government must reserve a certain discretion, and the country must trust them to make reasonable provision for these contingencies. If the measure is to be before the House of Commons, and this House for a reasonable time, with the information required by my hon. friend, I think pretty considerable precautions have been taken, all that could reasonably be expected, against any mistake or error in dealing with such a matter. The lease that is to be granted must be laid before both Houses of parliament for a reasonable time. That is part of the provision in the original Bill, I think, and if not in the original Bill, it is certainly provided in the amendment.

Hon. Mr. BEIQUE—We must bear in mind that even if we adopt all these amendments, parliament will not be bound;

that when the matter is taken into consideration it will be entirely open to parliament to remove all these conditions and restrictions. I was going to say that the adoption of these amendments would merely prevent the officials mentioned in the Bill from considering and reporting a lease on any other terms than those mentioned in this amendment and in the Bill. To that extent I approve of the principle as laid down in the amendments; but I would suggest to the hon. gentleman from Halifax to drop paragraph two of this amendment, providing that such lease should in no case exceed the terms of 21 years, with the option of renewal on the same terms. I think it might be inadvisable to adopt any restriction of that kind. It might be in the public interest, when the lease is made, that it be made for a much longer term, and I would leave it free to the officials who are to consider the terms of the Bill to report to parliament as to what terms they consider should be adopted as to the time for which the lease should be in operation.

Hon. Mr. FORGET—I quite agree with the hon. gentleman from De Salaberry (Hon. Mr. Beique). If the lease is made for a rental at the rate of 33 per cent of the gross earnings, the government is pretty safe, and I do not think it requires a provision in regard to the term of 21 years, for this reason: that it will cost sixty or seventy per cent of the earnings to operate the road. That is generally a fair rate. If it costs the government 70 per cent they would lose 3 per cent, so that it would not be a very bad loss, and I think by spending money on it they could operate it for between 55 and 60 per cent, and then the government would make money by it. It is only a matter of economical operation, and making a lease of 21 years is not of much importance, to my mind. The government can never lose any money, even if it is leased for ninety-nine years.

Hon. Mr. WOOD—I think this particular part of the hon. gentleman's amendment should be dropped, and that is very apparent from the discussion which has taken place to-day. No fixed rule can possibly be adopted with regard to the length of the term with which a lease should be made, if these branch lines are taken over. No general rule can possibly be adopted. In such case the particular circumstances must be taken into consideration, the nature of the road, the character of the traffic and the length of the road, and a variety of considerations. I therefore see no use whatever in a restriction of this kind on the action of the government. They will have to determine those points, and they will all be subject to the ratification of parliament.

Hon. Mr. CLORAN—I should like to submit a suggestion. We lease these roads for 21, 50 or 99 years on a certain basis of percentage, 33 per cent. Why not have in this Bill a provision that the government, at any time after the lease is signed and the road rented, will have the right to purchase that road?

Hon. Mr. LOUGHEED—They have that right now.

Hon. Mr. CLORAN—Yes, and they have the right, even without the Bill, to lease it; but the government is coming here with a Bill authorizing them expressly to lease the road. I suggest that in the provisions of the lease there shall be one giving the government the right to purchase at any time. They have all the powers which are asked by this Bill. The government is going to pay 33 per cent on the gross earnings. Supposing the government finds it is going to be a paying road, a valuable property, and that the acquisition of it by purchase will be to the interest of Canada and of the people; why not authorize them in this Bill to purchase the road, just as we are authorizing them to lease? They have a right now without this Bill to lease, but for some reason or other, we are asked to give them superfluous authority in this Bill. I do not think there would be any objection to inserting in the Bill a provision that the government should have a right to purchase as well as lease the road. If we are going to pay 33 per cent on the gross earnings, it might happen that the road will pay, and the result will be that five or ten years after the government have operated it, it would be a

paying proposition, and 33 per cent is pretty good interest. I quite agree with the hon. gentleman from Sorel (Hon. Mr. Forget) that it takes anywhere from 55 to 70 per cent to run a railroad; but supposing the government find they can run it for less than 65 per cent, 33 per cent will be too much to pay, because 33 per cent is a big rental.

Hon. Mr. FORGET—But the hon. gentleman does not know what the fixed charges are.

Hon. Mr. CLORAN—I say 33 per cent is too much. Take a road 20 or 25 miles long, it takes $100,000 a year to run it. There is a revenue of $100,000. The road is worth $500,000. Then 33 per cent on an investment of that kind is very good revenue for the party that owns the road, and if the government at any time found that the road was going to be a paying investment, they will want to purchase it. All I ask —and it is subject to the opinion of the leader of the government—is to have a provision inserted providing that they can purchase it at any time if the government consider it in the interest of the country.

Hon. Mr. MITCHELL—I do not think the government could justify themselves in leasing a road for 21 years with no right to have it for a longer period. They would not be justified in spending money, knowing they would have to relinquish the road if the parties who owned it wanted it back at the end of the lease. Therefore, I am against the amendment.

Hon. Mr. CLORAN—Purchase the road if it is good.

Hon. Mr. ROSS (Halifax)—I should like to ask the leader of the government whether it is the intention that the present proprietors of these roads should put them in good order themselves as to the roadbed, plant, and everything of that kind?

Rt. Hon. Sir RICHARD CARTWRIGHT —If my hon. friend will look at clause three he will see it is provided that the road must be in good running order and condition.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. gentleman what the particular meaning is in reference to restriction of the lease for 21 years. That would put the government in the position that, at the expiration of 21 years, if they found the road did not pay, they could throw it back on the hands of the original owners, and if it did pay, the rental would have to be increased on the same basis as one-third. So that if the road was put in good repair, and at the end of 21 years the increase of traffic was such as to make the earnings double or treble what they are to-day, in the renewal of the lease, the original owner would demand an increase of the rental in proportion to the earnings. I think that would be the effect of such legislation. So that if the road was not paying, it would be an advantage to the country that the lease should terminate. If it should pay more than it does now, it would be to the advantage of the country to continue the lease. That seems to be a principle of equity; at the same time it is a question whether it is advisable to restrict the lease to so short a period, particularly when the government will have to go to the expense of putting all these roads in repair.

Rt. Hon. Sir RICHARD CARTWRIGHT —If my hon. friend will look at clause 3, he will find that it is made a condition precedent.

Hon. Sir MACKENZIE BOWELL—If the provisions of clause 3 are followed to the letter, it must be put in a good state of repair before the road is leased. After a few moments reflection, I think I would approve of the dropping of that clause altogether, particularly as the hon. gentleman has succeeded in making some admirable suggestions in regard to accomplishing the best results.

Hon. Mr. DANDURAND—It would not necessarily imply that there would be a change in the terms of the lease or the price paid, if parliament adopted the principle of limiting the lease to 21 years with the right of renewal. All would depend upon the terms of the contract itself.

Hon. Sir MACKENZIE BOWELL—That is true; but it goes farther and says a like

renewal on the same terms. What does the expression 'same terms' mean except the price you are paying for the lease?

Hon. Mr. POWER—When I wrote the words: 'On the same terms', I meant that the lease was to be renewed on the same terms. I have a good deal of hesitation in differing from hon. gentlemen who have had a good deal more experience in railway business than I have had; but I must admit I am not yet convinced that this amendment is not one in the right direction. If it turns out as the hon. member from Hastings (Hon. Sir Mackenzie Bowell) has put it, after the expiration of 21 years that this road is not a paying concern, why should the country be obliged to continue to pay the rental for 99 years? While hon. gentlemen may say the business of the country will increase, it must be borne in mind with respect to some of these roads which are liable to be leased under this measure, that shorter and better roads between their terminal points may be constructed and to a very considerable extent put these branch lines out of business. Then you will have the government with these roads on their hands practically in perpetuity. I do not think that is a wise or judicious course to adopt. With respect to the terms of the leases, notwithstanding the view taken by the right hon. leader of the House, I think that the reasonable thing would be for the government to ascertain in advance about what sum they would be justified in paying for a lease of this road, not to say that they would pay 33 per cent of the gross receipts.

Rt. Hon. Sir RICHARD CARTWRIGHT—The amendment said: 'Not exceeding'.

Hon. Mr. POWER—When you say: 'Not exceeding' that is liable to mean that that is what the figure is to be. When you put into a statute that the government may pay a sum not exceeding so much, it generally means they pay that sum. The natural and business thing is for the government, upon the reports of their engineers, and upon absorbing the information set forth in the amendment just adopted, to fix a certain sum per year, and the renewal of the lease on the same terms means a renewal at the same rental.

Hon. Mr. FORGET—The government will be quite able to protect themselves by not allowing other people to build parallel lines. They would be jealous enough of the public interest not to allow other people to destroy their line.

Hon. Mr. THOMPSON—The argument of the last half hour is that we are making leases of certain roads; that we are entering into all the articles of agreement. It was suggested by one hon. gentleman that it was opening the door and offering an inducement to the government to lease these second-hand roads. Another hon. gentleman, from another county in New Brunswick, said it was driving nails into the door, and putting more restrictions upon the possibility of these branch lines being accepted. From the amendments which have been suggested and made, one would be led to suppose that we were practically closing a contract. Under this Bill, however, every lease must come before parliament, and the hon. gentlemen who are making suggestions today will have to consider such leases and make their propositions all over again. We are not fixing anything to-day; we cannot fix anything. We cannot say how long or how short a time the leases may extend. When the proposition of the government comes before the Senate, we shall have to deal with it, and can refer to what the Bill says; but each lease has to be determined by parliament. I do not think we can act to-day for the parliament of next year or future years. I cannot see that the amendments that have been proposed will control the government.

Hon. Mr. BEIQUE—I agree with a good deal that has been said by the hon. gentleman from Fredericton (Mr. Thompson). It is all very well to adopt the first part of the amendment suggested by the hon. gentleman from Halifax (Hon. Mr. Power) namely that a return shall be laid before both Houses showing certain particulars; but as far as subclause 2 is concerned, we

are not entering into the making of a contract, and it is altogether premature, and for my part I should be strongly against any action of that kind. I purpose going further and asking that the amendment which was adopted a few minutes ago at the suggestion of the hon. gentleman from Wellington (Hon. Mr. McMullen) be reconsidered.

Hon. Mr. LOUGHEED—Let us dispose of this first. While I was at first in sympathy with the proposal to limit the lease of a branch road to 21 years, I do not view it favourably on second consideration, and after hearing what has been said by hon. gentlemen who are opposed to such a provision. It seems to me that no modern railway system would entertain seriously taking over a branch line and making that branch line part of its system, involving a considerable amount of capital in betterments, if it were limited to a term of 21 years. We have to consider this policy, namely, that it is the intention of the railway system to absorb these branch lines, and ultimately make them part of the entire system. We can only justify this Bill on that basis. If the Intercolonial railway is to be made a modern and up-to-date railway system, it must absorb the small feeders which to-day are tributary to it; and the only way that can be successfully done will be by putting that system of absorption upon a business basis. If the Intercolonial railway is to operate those branches successfully, it must expend practically the same amount of money upon them as it would upon the main line. It must throw all its business energy and enterprise into building up business on the branch lines that it would on the main line. It must regard one as being equally as important as the other. If it is to be an experiment, limited as we suggest to 21 years to see how it would work out, it will be a disadvantage to the people of the maritime provinces and equally a disadvantage to the Intercolonial railway. If we are to have a proper system of transportation, and have that road on a business like basis, the same policy must be adopted with regard to it as has been adopted by the great trunk lines of this country, namely the Canadian Pacific railway and Grand Trunk railway. I can scarcely conceive of either of those systems taking over branch lines under limitations and restrictions such as we are now discussing, namely for a tentative period, to ascertain what the result would be. If those roads were absorbing feeders of this character——

Hon. Mr. POWER—They would not absorb them.

Hon. Mr. LOUGHEED—They would absorb them in couse of time—at least I would so regard it; and from my observation of the operation of those large systems, when they take over branch lines on lease, it is with the ultimate object of absorbing them and making them part of the system. There are a great many things to be done in addition to improving the road bed, and putting on better rolling stock. There are industries to be encouraged along the line, and natural resources to be developed. A multitude of things must be considered in the building up of business of this character, and it is in the interest of all concerned that if the government is going to take over these branch lines they shall take them over on a business basis with the intention of making them pay and developing the interests in that part of the country traversed by the line.

Rt. Hon. Sir RICHARD CARTWRIGHT—I mentioned before that these matters are subject, of course, to revision. It seems to be the general sense of the House that the provisions suggested by the hon. member for Halifax (Hon. Mr. Power) in the first amendment contain information which the House ought to have. That amendment has been carried. As respects these later ones, perhaps my hon. friend will allow them, under the circumstances, to stand over. They can be taken up at the third reading.

Hon. Mr. POWER—I was going to say I propose to drop No. 3 altogether, and No. 2 can stand over; but with respect to the amendment No. 4, I think it ought to be adopted.

The motion was declared lost.

On subclause 4.

Hon. Mr. POWER—I ask this clause to be adopted in an amended form. I move it in the following words:

Interest on any outlay incurred in putting the road into condition shall be deducted from the gross rental.

If the gross rental is to be one-third of the gross receipts, then the interest on the outlay which the government have to make to put the road in condition should certainly be deducted.

Hon. Mr. DANDURAND—Proportionately.

Hon. Mr. POWER—The interest should be deducted.

Hon. Mr. FORGET—Interest at what rate?

Hon. Mr. POWER—Whatever the current rate is—whatever the government have to pay.

Hon. Mr. LOUGHEED—How will the principal expended for betterments on the road be repayable?

Rt. Hon. Sir RICHARD CARTWRIGHT—Of course these amendments are subject to consideration, but I take it, in any case where the government find it necessary to expend sums in putting the road in order, the principal as well the the interest will have to be repaid if the lease is terminated. That they would put in such a provision seems natural. I would look upon the suggestion of my hon. friend as in the nature of what is familiarly known as a 'bottomry' bond. That takes precedence of all other charges. If it is found necessary for the safety of a ship, or the proper working of a railway, that an additional sum should be expended, that becomes a first lien and charge, and it is reasonable that something of the kind should be done—speaking off-hand.

Hon. Mr. LOUGHEED—The question is what about the principal?

Rt. Hon. Sir RICHARD CARTWRIGHT—As to both, it seems to me that that would be a reasonable proposition. You will observe, however, the bond-holders would have to consent to the lease before any lease could be made, if they had a heavy claim on the road. An essential provision in this is, that the road shall be put in good condition before the government lease it, and any further sum that might be spent would be self-evidently for the improvement of the whole road. The bond-holders would be in no worse position than the parties who own a ship, and who, when a bottomry bond is put on, necessarily become inferior to the holders of the bonds.

Hon. Mr. CLORAN—The amendment says that the interest on any outlay shall be chargeable to rental account. Would it be fair, under all circumstances, to charge that interest to the rental account? We will take as an average that it requires 65 cents on the dollar a mile to run the road. Now that is an outlay for incidental expenses which are paid out of the 65 per cent. Why should we charge that against the rental? I admit that the interest on an outlay springing from capital should be charged against the rental, but interest on an expenditure for ordinary operation would not be fair. The outlay might be for ties, and that cannot be charged to capital account, and the same with other things. I do not think it would be fair to deduct from the amount of rent, interest on money spent for ordinary every-day purposes. Where the government would be obliged to invest money on capital account, then I say charge interest on that against the revenue. It would be only a fair proposition.

Hon. Mr. WOOD—I think the amendment would have the effect of preventing the government leasing any branch lines. Whether that is the intention of the mover or not, I am not aware. Under the provision in the Bill, the government cannot lease any one of these lines until the company itself has put it in good working order. Now, surely if the period of the lease is to be limited, the company would require the government at the end of that period to return the road in as good condition as it was when they received it. Any outlay in the meantime must be merely for the maintenance of the road in good con-

dition. There is this point which is perhaps worth noticing: there is no doubt that when the government leases one of these roads, and undertakes its operation, it will find demands for a great many improvements which would not be made if the road were operated by the company. The majority of these demands will be for improvements of a character which will add nothing whatever to the earning power of the road, but may be simply for the convenience of some persons who have sufficient influence to induce the government to make them. Any one who has had experience with the Intercolonial railway under government control knows that large sums of money are expended in this way every year. I cannot conceive that any company would lease its road to the government and give them unlimited power to make improvements whether necessary or not, or whether the effect of them would be to increase the revenue or not, and then allow the interest on the cost of those improvements to be charged against the rent.

Hon. Mr. CASGRAIN—They might be more than the rent.

Hon. Mr. WOOD—In many cases no doubt that would be the result. Take for instance the Canada Eastern; the amount expended already for improvements since the government took it over exceeds the original purchase of the read.

Hon. Mr. THOMPSON—That statement is hardly correct. The amount of expenditure on the Canada Eastern is $300,000. The other expenditure was on the Indian Town branch and on the government railway bridge: that was not part of the system, and belonged to the government prior to the purchase of that road.

Hon. Mr. WOOD—The hon. gentleman may be right to a certain extent in that.

Hon. Mr. THOMPSON—Absolutely right.

Hon. Mr. WOOD—Perhaps if the money spent on what was originally the Canada Eastern is considered, the amount would not exceed the original purchase; but I understand some large additional expenditures are in contemplation, and if I am correctly informed, there are to be expensive improvements and operations on the road this year. I venture to say that when these are completed, he will find my original statement to be quite correct, that the money spent on improvements exceeds the amount of the original purchase.

Hon. Mr. THOMPSON—When they are made.

Hon. Mr. WOOD—If we are to learn anything from the experience in connection with that road so far as I can ascertain, and I think the returns will verify the statement, although I have not them here with me at this moment, these large improvements have not had the effect of increasing the earning power of the road; and the large expenditures which are contemplated, so far as my information goes, will not give any additional traffic to the road but will merely serve a little better the accommodation of the people of the town of Chatham. I should like to direct the attention of the government, and the mover of the amendment to those points. I am satisfied, if an amendment of that kind is carried, it will preclude the possibility of the government entering into a lease with any of the branch lines.

Hon. Mr. POWER—The dread that the adoption of this amendment would prevent the making of any of the leases would not hinder me from desiring the passing it. My feeling with respect to this matter—I think it is only fair to myself to explain—is largely this: In the first place I do not think the country should rush into injudicious investments any more than individuals and business corporations should do so. But, apart from that altogether, my feeling is that the Intercolonial railway will never benefit the part of the country through which it runs as it ought to do until it is put in the hands of a business corporation. The road has been in existence now, a portion of it, forty years, and it has not built up the district through which it passes, or its terminal points, in the same way that a road conducted by a vigorous company would do. What I hope is that before

very long some arrangement may be made under which at any rate the greater portion of the Intercolonial railway will pass under the control of some business corporation who will, as business corporations always do, make it their object to build up the business of the road. I feel that if leases are entered into under this measure, the existence of those leases may tend very seriously to prevent any business company from acquiring the main line by lease. I should not like to see it sold; but I should like to see the greater portion of it leased to a vigorous business corporation.

Hon. Mr. LANDRY—Does the hon. gentleman consider the Northern Transcontinental railway as a feeder to the Intercolonial railway?

Hon. Mr. McSWEENEY—I should like to direct the attention of the hon. member from Halifax to this Bill. The latter part of clause three provides:

> Provided that no such lease shall have any force or effect nor shall any such connecting railway be entered upon or operated on behalf of the government of Canada until the said managing board, and the said chief engineer shall have approved the terms and conditions of such lease having regard to the beneficial results therefrom to the government railways, and until the parliament of Canada has first ratified such lease.

So I think we have wasted about two hours talking buncombe.

The amendment was declared lost.

Hon. Mr. BEIQUE moved that the amendment moved by the Hon. Senator McMullen and adopted be reconsidered. He said: We are entering upon a subject upon which we have no information whatever. There are many railways whose running expenses take all the gross receipts.

Hon. Mr. FORGET—The Intercolonial railway for instance.

Hon. Mr. BEIQUE—In naming 33 per cent of the gross receipts as the proper rental we are inviting the fixing of that amount. It is very well to provide for obtaining information, but this is not the time for us—we have not the information—to adopt anything tending to fix the amount of the rental.

Hon. Mr. McMULLEN—My amendment does not at all fix the amount of rental at one-third. It says it shall not exceed one-third of the gross earnings. I find that almost all the lines that have been taken over by the Grand Trunk railway and the Canadian Pacific railway, such as the Guelph Junction and others I could name, have been taken over on the basis of two-thirds of the gross earnings being reserved for working expenses, and one-third for the rental.

The motion was agreed to.

Hon. Mr. BEIQUE moved that the amendment be struck out. He said: I repeat it would be taken as an expression of parliament that 33 per cent of the gross earnings would not be an exorbitant price. It would be inviting the fixing of that amount as the rental, and I say we have no information whatever to pass upon a question of that kind.

Hon. Mr. FORGET—Say 33 per cent of the net earnings.

Hon. Mr. LOUGHEED—May I ask the hon. member from Halifax how he arrives at the basis of ten per cent as gross receipts?

Hon. Mr. POWER—I drop that.

Hon. Mr. LOUGHEED—I suggest to my hon. friend, it is a very opportune time to revive that portion of his amendment which he dropped. If my hon. friend has information on that point, I am sure the Chamber would like to have it.

Hon. Mr. CASGRAIN—The very best roads in the country running through districts that furnish a great deal of traffic, do not show more than 33 per cent net earnings. That is a very good return. If these branch lines which would be acquired by the government were producing anything like that the owners would not think of selling them to the government or entering into a contract to lease them to the government. It is only because these branch lines cannot do a profitable business by themselves, that they would be willing to sell. Each of these branch lines has to keep a complete staff of its own. If a road were receiving $300,-

000, the rental would be $100,000. I think that the amendment should be struck out.

The motion was agreed to.

Hon. Mr. YOUNG, from the committee, reported the Bill with amendments, which were concurred in.

SECOND READING.

Bill (No. 132) An Act to amend the Gas Inspection Act.—Rt. Hon. Sir Richard Cartwright.

ROYAL MILITARY COLLEGE ACT AMENDMENT BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 180) An Act to amend the Royal Military College Act.

He said: The object of this Bill is to alter the existing law, which limits the amount which may be paid in salaries to the total sum of $30,000. The present Bill would raise the sum to $60,000. The grounds on which that is asked are the grounds that in the first place the college has extended and has increased very considerably in size since the last time this Act was amended in 1905, and moreover the sum of $30,000 was heretofore interpreted as applying solely to the salaries of the superior staff and military staff, quite exclusive of the commandant's staff and various professors. The amount now proposed is intended to cover the whole staff, both superior, civil and military, including the commandant of the subordinate staff, among whom would be included firemen, electricians and so on. This amendment removes the restriction on the salary of the commandant. The Governor in Council has given power to fix the salary of that officer. That is recommended, because it is found that in order to obtain an officer of the qualifications and status requisite to fill the important office of commandant, we may have to pay a little more. In the present instance, we have had to do that, because the officer who is now in that position, is required to be an officer who has passed the staff college in England with a first-class certificate, and the pay that we would heretofore have given him is less than he would receive in any office in the British army where such a person is required. As in other cases, it has been found necessary to increase the number of professors. I may state that the number of students applying is many times greater now than when this college came into our hands in 1896. The number of students, if I remember right, had then fallen to something like 20 or 30, but is now about 100.

Hon. Mr. LOUGHEED—What is the salary of the present commandant?

Rt. Hon. Sir RICHARD CARTWRIGHT—I think it is fixed at something like $3,600.

Hon. Mr. LOUGHEED—Is it proposed to increase that?

Rt. Hon. Sir RICHARD CARTWRIGHT—It may be, if necessary. We will get him on the cheapest terms we can; but I think my hon. friend will agree with me that a few hundred dollars is neither here nor there in obtaining the services of a first-class man for such a position.

Hon. Mr. LOUGHEED—Who is the present commandant?

Rt. Hon. Sir RICHARD CARTWRIGHT—Col. Crow, I think, is the gentleman. He is a British officer in the active service.

Hon. Mr. LOUGHEED—Is it proposed to also increase the salaries of others of the staff?

Rt. Hon. Sir RICHARD CARTWRIGHT—Some few of them will be increased. The salaries of the professors are very small. Some only $100 a month, and it is not found possible to secure the services of good men at that figure.

Hon. Mr. LOUGHEED—They are provided with residence, &c.

Rt. Hon. Sir RICHARD CARTWRIGHT—No; in the case of a good many they are not supplied with residences. In the case

of the higher grades in the military service, houses have been provided, or an allowance made, as the case may be, but a very large number of the professors do not receive allowances for houses, and it is better that they should obtain a salary than receive these allowances. I may say, the total amount now paid, all told, is about $54,000, so that the maximum increase would be only $6,000 on the sum actually paid.

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

DISPOSAL OF PUBLIC LANDS BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 181) An Act to authorize the sale or other disposal of certain public lands, and the acquisition of certain other lands in or in the vicinity of the cities of Toronto and Winnipeg, respectively.

He said: I may state the object of the Bill as follows. They find in Winnipeg—and I believe the same thing applies to Toronto—that the rifle ranges are too short for the arms that are now in use. As every hon. gentleman knows, the range of military arms has been increased in the last few years, and somewhat longer and wider ranges are required than heretofore. They believe that the best thing that could be done would be to take power and sell the ranges both at Toronto and Winnipeg, and purchase other sites, which can be done for a very moderate sum. I believe that no loss will be sustained; that on the contrary a considerable profit will be made, owing to the rise in the value of land in Winnipeg and Toronto.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman tell us how far away the Baby farm is from the limits of Toronto?

Rt. Hon. Sir RICHARD CARTWRIGHT—It is said not to be a suitable locality for the proposed barracks and for the range, and the department desire to sell it and purchase another and larger property, better situated as a site for the barracks, out of the proceeds. I cannot tell the hon. gentleman, but I think it is quite close.

Hon. Mr. LOUGHEED—I would suggest to my right hon. friend that the government should be compelled in fact to dispose of those properties by public auction. Take for instance the Baby farm, very close to a large city, as evidently is the other property in the municipality of Assiniboia; these properties are extremely valuable, and it seems to me that in the public interest, they should be put up at auction rather than resorting to tender.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think that is the intention of the Department of Militia. I will mention the fact to the Minister of Militia, who is very desirous for obvious reasons, of getting as large sums as he can from these properties, to be used in the construction of barracks, and I think when the matter comes before us again I will be in a position to give satisfactory assurances to my hon. friend.

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

GLASS WARE FOR MILK TESTS BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 184) An Act to provide for the testing of glassware used in connection with milk tests. He said: Perhaps my hon. friend will allow me to put this through without giving minute explanations, which I am afraid it would be difficult for me to do.

Hon. Mr. DERBYSHIRE—Possibly I can give explanations.

Rt. Hon. Sir RICHARD CARTWRIGHT—I would hesitate about giving explanations, except under the supervision of the hon. gentleman from Brockville. I understand the object of this measure is to take pains to see that glass used in testing milk and cream be properly tested. Considerable frauds have been committed in certain cases from the use of glass which professed to afford a sufficient test, and was erroneously marked. I have here a statement that the Dairy Commissioner has received test buckets bearing a 50 per cent scale, which showed

an inaccuracy of 10 per cent, and dairymen in various parts of the country have asked that the legislation be passed. They also state that the verification is simple enough, and that the cost will be but trifling.

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

CUSTOMS AND FISHERIES PROTECTION ACT AMENDMENT BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 138) An Act to amend the Customs and Fisheries Protection Act. He said: I understand this Bill is chiefly intended to supply an omission in the Customs Act. The statutes provide in the case of a seizure of goods, or a ship, that penalties may be recovered in the Exchequer or Admiralty Court, or any Superior Court in the province, and that there has been a great deal of difficulty in enforcing the forfeiture and penalties when actions have been instituted in the provincial courts. The Bill proposes to remedy that defect by adding as a subsec- shall be regulated by the practice and provision that in so far as there are no general rules made by the Superior Court of any province, the practice and procedure shall be regulated by the practice and procedure at the time being in force at the Exchequer Court. It was pretty fully discussed in the House of Commons, and appears to be a reasonable precaution in the interests of the government. Of course, if further information is desired, it could be obtained in the committee stage.

Hon. Sir MACKENZIE BOWELL—This amendment simply compels the trial in the different courts to be regulated by the practice and procedure at the time in the Exchequer Court. It does not compel the cases to be taken to the Exchequer Court?

Rt. Hon. Sir RICHARD CARTWRIGHT —No, I should say not.

Hon. Sir MACKENZIE BOWELL—I think it is a great mistake that the department has not gone to that full extent. It might be a little difficult in working it out, but I am under the impression that the decision of that court would be more in accordance with the law and in accordance with what was intended. Hon. gentlemen know that in cases of seizure tried in the different provinces in the local courts of the magistrates, the decisions that have been given would stagger any one having a proper sense of right or wrong. Experience has taught those who have had to administer that law, that the most flagrant cases of violation of the law, even to the extent of attempting to bribe the officers to become parties to smuggling transactions, have been dismissed on the merest technicalities in the different courts by the police magistrates. As an illustration of what I mean, in the province of Ontario, in one of the principal cities, an attempt was made to bribe the officer to enter into an arrangement by which they were to divide the profits arising from smuggling. The officer resisted the temptation, and made complaint to the department. The case was brought before the police magistrate, and the decision was, as the officer had not taken the bribe, therefore, there was no sin committed to any extent; but the law provided under the Act that a penalty should be imposed for attempting to bribe, not exceeding a certain amount, and imprisonment not exceeding a certain length of time. The magistrate sentenced the man to a 25 cent penalty and to go to jail for five or ten minutes.

Rt. Hon. Sir RICHARD CARTWRIGHT Was he an officer appointed by either government or simply a Justice of the Peace?

Hon. Sir MACKENZIE BOWELL—He was the police magistrate of the city.

Rt. Hon. Sir RICHARD CARTWRIGHT —I should say the government to whom he was responsible should have sent him about his business.

Hon. Sir MACKENZIE BOWELL—Yes, I am simply giving a case in point, which would justify the sending of these cases to the Exchequer Court; but there would be this difficulty in deciding cases of smuggling or the seizure of a vessel: the more rapidly a decision could be come to, the more it would be in the interest of those who had been charged with infraction of the law.

I have given you an illustration of how the difficulties present themselves to a minister in carrying out these laws. In the province of Nova Scotia a smuggler was caught smuggling liquor from a tug man who had been employed to bring in liquor from St. Pierre. He brought it in and landed it, and when the prosecution of the merchant who had employed the tug owner took place, the tug owner went into the box and told the whole truth. The grand jury brought in a bill condemning the government for not prosecuting the tug owner.

Rt. Hon. Sir RICHARD CARTWRIGHT I am afraid the public mind is in a state of confusion, owing to the fact that a great many people regard the customs and tariff regulations as partaking of iniquity.

Hon. Sir MACKENZIE BOWELL—I quite agree with the hon. gentleman.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am not in a position to argue the point with my hon. friend, whose experience as well as my own would tell him that offences against the revenue are looked upon as small affairs, but I shall call the attention of the Minister of Customs to the matter. I am simply requested to lay this Bill before the Senate. I presume he has no objection to the Bill.

Hon. Sir MACKENZIE BOWELL—No, I would only suggest that it does not go far enough. The idea held more or less by people in reference to the imposition of customs duties and license matters is just as he intimated; but we are dealing with the law as it stands on the statute-book, and not with the theory he has laid down.

Rt. Hon. Sir RICHARD CARTWRIGHT We will take this as a small measure of improvement.

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

It being six o'clock, the Speaker left the chair.

After Recess.

Hon. Sir MACKENZIE BOWELL—I should like to call attention to the fact that by the rule of the House we are forty minutes behind time. The rule is that when the Senate sits in the evening it meets at 7.30; it is now ten minutes after eight. It is understood by mutual consent when the House rises at six o'clock that we adjourn to meet at eight o'clock, but some of us have been here for forty minutes.

Hon. Mr. DANDURAND—The rule has been, to my knowledge, constantly honoured in the breach. When the rules were revised, I suggested that seven thirty should be made eight, because it had always been the hour at which we met when the House sat in the evenings, but the time honoured practice of violating that rule seemed to be so pleasant to all, that we left 7.30 as the nominal hour of meeting.

Hon. Sir MACKENZIE BOWELL—There could be no misunderstanding, because this is the first time this session that we have met after six o'clock. I know that the ununderstanding is, so far as meeting in the afternoon is concerned, that while the rule is that we meet at three, by mutual agreement, we meet at fifteen minutes after three. But there has been no such understanding about the evening meetings.

Hon. Mr. DANDURAND—I am not speaking of the present session. I am speaking of the constant practice in all the years I have been here.

SECOND READING.

Bill (SS) An Act to incorporate the Federation of Chambers of Commerce of the province of Quebec.—Hon. Mr. Cloran.

TRANSPORTATION OF INTOXICATING LIQUORS BILL.

ORDER OF THE DAY POSTPONED.

The order of the day being called:

House again in Committee of the Whole on (Bill M) An Act to regulate the transportation of Intoxicating Liquors.—Hon. Sir Richard Scott.

Hon. Mr. CLORAN—In the absence of the hon. senator, I would ask the representative of the government if he would have any objection to refer this Bill to the Department of Justice on the ground of constitutionality.

The SPEAKER—That would not be fair.

Hon. Mr. ROBERTSON—I move that the order of the day be discharged.

The SPEAKER—The hon. member from Ottawa left the House with a distinct understanding that this Bill was to be left over until to-morrow, and it would not be fair to take any other step in his absence.

Hon. Mr. DANDURAND—The hon. gentleman is not moving—simply asking a question. I would ask him to renew it to-morrow?

Hon. Mr. CLORAN—In regard to this matter, I may state that the same courtesy that I am prepared to extend to the hon. promoter of this Bill was not extended to an hon. gentleman who was absent the other day, the hon. gentleman from Rothesay (Hon. Mr. Domville). The pledge of the hon. leader of this House was given that no contentious measures would be taken up in the absence of senators just before the holidays. Advantage was taken on a Friday afternoon, when a senator was absent, and the promoter of this Bill went on with it. I want to call the attention of the House to the fact that a pledge was given by the right hon. leader of this House and by the hon. gentleman who was promoter of the Bill. Now, in deference to the explanation given by the hon. speaker, and out of courtesy to this House, I am prepared to let the order stand, giving him a lesson in courtesy.

Hon. Mr. DANDURAND—I do not know if the imputation of discourtesy applies to the right hon. Minister of Trade and Commerce or to the hon. member from Ottawa. I suppose he refers to the promoter of the Bill.

Hon. Mr. CLORAN—Yes.

Hon. Mr. DANDURAND—I will draw the attention of the hon. gentleman to the fact that the statement that was made by the right hon. Minister of Trade and Commerce did not apply specifically or specially to this Bill, but generally to contentious Bills, and this statement of the right hon. gentleman may have escaped the attention of the hon. senator from Ottawa.

Hon. Mr. CLORAN—I certainly did not cast any reflection on the right hon. leader of the House.

Hon. Sir MACKENZIE BOWELL—I move that order (No. 15) be discharged and that it be placed on the order paper for to-morrow.

Hon. Mr. CLORAN—Before the motion is put, I may point out that this Bill is a very contentious one, and I am fully aware of the declaration made by the right hon. leader of this House that to-night no contentious measure should be taken up. To impart force to that declaration, I am prepared to abide by it, and all hon. gentlemen who are opposed to this measure are equally prepared to do so. I have only to express regret that the promoter of the Bill did not exercise the same amount of courtesy towards those opposed to another Bill when the right hon. gentleman the leader of the House said the Bill would not be taken up, and it was taken up in the absence of the hon. gentleman from Rothesay (Mr. Domville).

The motion was agreed to.

PIONEER LOAN COMPANY BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. GIBSON moved concurrence in the amendments made by the Standing Committee on Banking and Commerce to (Bill XX) An Act to incorporate the Pioneers Loan Company.

Hon. Mr. LOUGHEED—Can my hon. friend say what the amendments are?

Hon. Mr. GIBSON—The amendments are in compliance with the policy of the Department of Insurance to make the measure comply with the general Act, and with the other loan companies, to have a continuity of the policy, and with regard to similar legislation of the different provinces.

Hon. Mr. BEIQUE—The Bill, as referred to the committee, sought to allow the company to commence operations with

$300,000 subscribed, and $80,000 paid up. This was increased by the amendment to $500,000 subscribed and $100,000 paid up. There were several other amendments which are to be found in the minutes.

Hon. Mr. WATSON—I was not present when this Bill was passed in committee, although my name was attached to it. The promoters object to the fact that the committee have seen fit to increase the amount of stock to $500,000 and they think it is rather strange that the committee should have decided on that, because I understand that under the provision of the general Act, $300,000 was considered sufficient for a joint stock company. But they have seen fit to make it $500,000. I do not suppose there is any use of suggesting changes. The committee decided that by a large vote, and if the company have serious objections, they can appear before the House of Commons Committee and have changes made there. I presume if they succeed, there will not be any objection to accepting them here.

Hon. Mr. GIBSON—I may explain that when the company adopted the plan of doing a banking business in addition to a loan business, the capital was increased to correspond with the provisions of the General Companies Act. The part relating to the ordinary loan transactions was the same as in any other company's charter; but when they adopted the banking part of it, that large amount was insisted upon. Whatever success they may have in the House of Commons, the opinion was almost unanimous in the committee here that the amount should be increased.

The motion was agreed to.

SECOND READINGS.

Bill (No. 20) An Act to prevent the introduction or spreading of insects, pests, and diseases destructive to vegetation.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 125) An Act to amend the Land Titles Act.—Rt. Hon. Sir Richard Cartwright.

THE HOUR OF MEETING.

Hon. Mr. POWER (acting Speaker)—Before the House adjourns I would like to say a word of explanation with respect to the hour at which the House met this evening. The hon. gentleman who is leading the House to-night is perfectly correct as to what has been the uniform practice, although the rule says that we meet at half past seven, the uniform practice has been to meet at eight. I was here prepared to take the Chair at eight o'clock sharp. It has always been the practice to wait until fifteen members are in the House before the Speaker took the chair, and I took the Chair this evening almost immediately after fifteen members were here. I think that explanation is due to the House.

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

THE SENATE.

THURSDAY, April 14, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PUBLICATION OF LAWS AND REGULATIONS IN THE CANADA GAZETTE.

MOTION.

Hon. Mr. LANDRY moved:

That in the opinion of this House the most elementary justice and respect for the constitution demand that every time laws, regulations, orders in council, or any document concerning the public in general, are published in English in the 'Canada Gazette', that journal, which is the official organ of the country, ought equally and simultaneously to contain the publication in the French language of the same laws, regulations, orders in council, or documents concerning the public in general.

He said: The object of my motion is obvious, and must commend itself to the consideration of this House. Some of the laws passed during the session come into force the day of the proclamation, or, at the latest, two months after the prorogation of parliament. When a law goes into force the day it is sanctioned, it is published in the 'Canada Gazette.' The law is for the whole country, and I am sure that every member of this House must feel that it is only just when such a law is promulgated in the

'Canada Gazette,' it should appear in both languages, so as to afford an equal opportunity to all to become cognizant of such law. The same thing applies to orders in council or regulations which affect the people generally. I do not ask for the publication in the two languages, where it is otherwise. Where an order in council or regulation affects only some province or provinces in which French is not an official language, I do not ask for its publication in French. Where it affects the community in general, however, I think the publication in both languages is necessary. This resolution affirms the right of the public to have orders in council and regulations which affect the people generally published in both languages.

Rt. Hon. Sir RICHARD CARTWRIGHT —I may say in reply to the hon. gentleman, that technically I have no doubt he is correct, and that it is the desire of the government, as far as possible, to give all the information that he asks for in both languages; but it is sometimes exceedingly difficult to comply literally with the terms of such a declaration as this. A considerable number of documents are occasionally presented which require to be published immediately, and each would be very considerably delayed if it was always found necessary to translate them and publish them in French. I can say to the hon. gentleman that I will not oppose the motion. As far as practicable the request he has made will be complied with.

Hon. Mr. ELLIS—I should like to point out to the hon. gentleman that he is continually complaining of the delay that occurs on account of documents not being printed in the French language; and now he is going to delay the publication of English documents, and he is therefore not consistent. I do not dispute the general proposition he lays down; but if the effect will be to delay the publication of the English documents, I appeal to my hon. friend's good sense that he should not press the motion.

Hon. Mr. LANDRY—I think I should press the motion for the reason given by my hon. friend; but if great inconvenience is going to occur on any particular occasion, I might drop the words 'and simultaneously'; that would meet the objections raised by my hon. friend. I do not desire that the French documents should be published before the English documents are issued. I am willing that the French version should appear in the following number. I will drop the words 'and simultaneously.'

The motion, as amended, was agreed to.

FISHING LICENSES IN TIDAL WATERS.

MOTION.

Hon. Mr. LANDRY inquired:

Does the government refuse to give fishing licenses or permits to those who ask for them to fish in the rivers where the tide makes itself felt?

If it refuses, upon what does it base such a refusal?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answer is: It does not, in waters where it is administering the license system, if the conditions will warrant the fishing privileges applied for.

That reply answers both my hon. friend's questions.

THIRD READING.

Bill (XX) An Act to incorporate the Pioneers Loan Company.—Hon. Mr. Watson.

MONTREAL CENTRAL TERMINAL COMPANY BILL.

ORDER OF THE DAY POSTPONED.

The order of the day being called:

Resuming the adjourned debate on the motion for the consideration of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours, to (Bill 44) An Act respecting the Montreal Central Terminal Company.

Hon. Mr. CLORAN—I adjourned the debate on this Bill the other day to accommodate the hon. gentleman from Russell, who had exhausted his right to move the adjournment, and I do not see the hon. member in the Chamber now.

Hon. Mr. LANDRY—He left the House a moment ago, because he had an appointment with Mr. Sifton, and he asked me to request that this order be withdrawn.

Hon. Mr. WATSON—No.

Hon. Mr. LANDRY—Let it stand until Tuesday next.

Hon. Mr. WATSON—Better take it up to-morrow and put it through.

Hon. Mr. FORGET—I understand the hon. gentleman from De Salaberry is opposed to the Bill, and he will not be here to-morrow.

Hon. Mr. WATSON—If he is not here to-morrow, we can postpone it again.

The order stands until to-morrow.

CRIMINAL CODE AMENDMENT BILL.

ORDER POSTPONED.

The order of the day being called:

Second reading of Bill (CCC) An Act to amend the Criminal Code.—Hon. Mr. Belcourt.

Hon. Mr. DERBYSHIRE moved that the order of the day be discharged, and that it be placed on the orders for Tuesday next.

Hon. Mr. CLORAN—Why has the hon. gentleman moved to postpone this order? Has Mr. Belcourt asked for it?

Hon. Mr. DERBYSHIRE—No, but he is not here.

Hon. Mr. CLORAN—I do not think this order should be postponed. It should meet a sudden death. There is not a labour union in the Dominion that is not opposed to this Bill. I do not see why it should remain on the order paper, keeping all the labour organizations in hot water. They have passed resolutions throughout the Dominion on the subject, and they are very strongly against it. Of course, if it is to oblige the hon. senator, I shall not object to the postponement, but I would be in favour of having this Bill settled at once. I have quite a number of documents here protesting against it as being a very insidious measure. It is a very small Bill, only adding one word to a section of the criminal law; but it brings every labour union under the criminal Act.

Hon. Mr. MACDONALD (British Columbia)—And rightly.

Hon. Mr. CLORAN—Others may want it, but others do not. However, under the circumstances, I do not object to its standing over.

The motion was agreed to.

FRENCH CONVENTION ACT BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 126) An Act to correct a clerical error in the French Convention Act, 1908.

He said: This Bill is simply to correct a clerical error by substituting the word 'twenty-six' for twenty-three' in the English version of the French convention.

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

Rt. Hon. Sir RICHARD CARTWRIGHT—If the House does not object, I shall move that the Bill be read the second time at length at the table.

Hon. Mr. POWER—The Bill has already been read the second time, and I do not see how it can be read the second time at length at the table.

Rt. Hon. Sir RICHARD CARTWRIGHT—If the hon. gentleman objects I shall not press it.

SMALL CLAIMS AGAINST GOVERNMENT RAILWAYS BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 151) An Act to provide for the adjudication of small claims arising in respect of the operation of the government railways. He said: It has been found that considerable inconvenience and unnecessary expense has been caused to diverse claimants and suitors, against the Intercolonial railway, especially by reason of the provision of the present law, under which, I understand, they must go before the Exchequer Court. It is proposed by this Bill that in all claims under $200, or thereabouts, they may be heard in courts having jurisdiction to that extent, with power to appear in the usual way.

Hon. Mr. LOUGHEED—Can my right hon. friend say if there are many suits of the character mentioned in this Bill?

Rt. Hon. Sir RICHARD CARTWRIGHT —A considerable number, I understand, have accrued from time to time. I presume it would be largely cases concerning the destruction of animals on the Intercolonial railway. I am told that in certain regions the price of cows has been largely increased by reason of the operation of the railway.

Hon. Mr. LOUGHEED—Through being crossed by locomotive ?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes.

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

PROMOTION OF ZINC PRODUCTION BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 182) An Act respecting the payment of bounties on lead contained in lead-bearing ores mined in Canada, and to promote the production of zinc.

He said: The House is probably aware that there is at present a bounty granted on the production of lead in British Columbia. That is for a certain limited amount, and it expires within some two or three years, if I remember right. The various parties who are interested in the matter have petitioned the government that a certain portion of this, to an amount not exceeding $50,000 shall be set apart for the purpose of making experiments in seeing how the production of zinc can be effected at a reasonable rate. No additions will be made to the burdens of the public by it, inasmuch as a part of the existing lead bounty will be diverted to this purpose and apparently all interests concur in desiring that this should be done.

Hon. Mr. LOUGHEED—Is it the intention to continue the same bounties and amount as hitherto?

Rt. Hon. Sir RICHARD CARTWRIGHT —The bounties are limited to a certain amount, and expire in three years.

Hon. Mr LOUGHEED—Are the amounts the same as formerly?

Rt. Hon. Sir RICHARD CARTWRIGHT —This does not affect the amount at all. It simply diverts a certain portion of the bounty now at the disposal of the lead producers to the production of zinc. Probably my hon. friend is aware that zinc and lead occur in the same mines, and have given a good deal of trouble in their treatment.

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

NATIONAL BATTLEFIELDS AT QUEBEC ACT AMENDMENT BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 188) An Act to amend the Act respecting the National Battlefields at Quebec.

He said: This Bill has been found necessary in consequence of the powers granted to the National Battlefields Commission proving inadequate. They have power, as I understand, to apply the expropriation clause of the Railway Act, but the Department of Justice consider that it would be better to refer them to the ordinary expropriation, and they have proposed, therefore, this measure for the purpose of enabling them to expropriate the lands in the ordinary way. That, I am informed, is the purpose of this Bill.

Hon. Mr. LOUGHEED—Can my right hon. friend say whether expropriation has been invoked in any case yet, and also what amount of land has been acquired up to the present time in connection with this project?

Rt. Hon. Sir RICHARD CARTWRIGHT —I am not aware of the extent or the amount that has been acquired. As a rule, anything that has been acquired up to date has been acquired by private bargain between the parties.

Hon. Mr. CHOQUETTE—Yes.

Rt. Hon. Sir RICHARD CARTWRIGHT —Of course any information my hon. friend desires on that point I shall be happy to obtain for him and give to him when the House deals with the Bill in Committee of the Whole.

Hon. Mr. MACDONALD (British Columbia)—Have the rights of Sir Charles Ross been extinguished?

Rt. Hon. Sir RICHARD CARTWRIGHT—I will be happy to reply to my hon friend as I have disposed of this matter. The memorandum from the Department of Justice goes on to state that the expropriation provisions of the Railway Act were found unworkable, and they ask for legislation subject to the provision of the government expropriation Act, whereby the lands will be expropriated by fyling a plan and description signed by the chairman and secretary of the commission, the amount to be assessed upon information fyled by the Attorney General of Canada, in the absence of an agreement in the Exchequer Court. Those are the provisions which are inserted in this Bill. It would appear that no harm could arise through this change, since by section 10 of the original Act no land or removable property can be purchased or acquired by the commission except with the previous authority of parliament; and no expenditure could be made on it until it has been approved by parliament.

Hon Mr. CHOQUETTE—The chairman of the commission, Sir Geo. Garneau, told me the object of the Bill was to enable them to proceed under the Expropriation Act, instead of the Railway Act, because it would be done more quickly and would be less expensive.

Hon. Mr. MACDONALD—I should like to know if, in acquiring those battlefields, the rights of Sir Charles Ross have been extinguished?

Rt. Hon. Sir RICHARD CARTWRIGHT—I could not answer that point, but I can obtain the information if needs be. I suppose that has reference to the rifle factory, the small arms factory which is erected in the vicinity of the Plains of Abraham.

Hon. Mr. CHOQUETTE—They have a lease for 99 years, I think.

Hon. Sir MACKENZIE BOWELL—Did I understand the right hon. gentleman to say that no steps have been taken to acquire the land that was given, I think, or allotted, to the Rifle Company by Sir Charles Ross?

Rt. Hon. Sir RICHARD CARTWRIGHT—I do not think any land was given, but that a lease was made of the land on which the factory has been erected. Very likely my hon. friend opposite, who resides in Quebec, knows the details of that and could furnish the information.

Hon. Mr. CHOQUETTE—Yes, I think it is only a nominal lease for 99 years.

Hon. Sir MACKENZIE BOWELL—The property has been built upon?

Hon. Mr. CHOQUETTE—Yes, and a large amount of money spent.

Hon. Mr. DANDURAND—There are two large buildngs, which it would cost a lot of money to remove, the jail of the district and the Ross Rifle Company building. The jail belongs to the provincial government, and could be removed by them, and the Ross Rifle Company's factory has been erected under a lease from the federal government. I think the plans which have been prepared by the commission leave those two buildings there for the present. If providence ever willed that these buildings be burned down, I suppose we could then secure those lands for the increase of the battlefield grounds.

Hon. Mr. LANDRY—I suppose we might have a battle between the hon. member from Victoria division and the hon. gentleman from Halifax to settle the question.

Rt. Hon. Sir RICHARD CARTWRIGHT—I hope my hon. friend is not suggesting that in the public interest.

Hon. Mr. DANDURAND—Oh, no.

Hon. Mr. CHOQUETTE—I understand there is no question of tearing down the buildings and buying the land. I do not think the commission require the land for the battlefield. The Ross factory may disappear if the government expropriated it, and, perhaps, before long, in Quebec, we shall not require any jail.

Rt. Hon. Sir RICHARD CARTWRIGHT—When that happy period comes, perhaps we will cease to celebrate battlefields of

any kind. I forget what the description in Revelation is, but I think it is that there are to be no more battles, that lions are to lie down with the lambs, and there is to be no more war. I will obtain the information for hon. gentlemen when the House is in committee. I have confined myself to the legal aspect of the question, and to the desirability of substituting the ordinary expropriation procedure for the powers granted under the Railway Act, to which I presume there is no objection.

Hon. Mr. LANDRY—Who is now the secretary of the Battlefields Commission in Quebec?

Rt. Hon. Sir RICHARD CARTWRIGHT —Those details have not been supplied me.

Hon. Mr. LANDRY—There is a battle waging at this time.

Hon. Mr. CHOQUETTE—There is no secretary appointed.

Rt. Hon. Sir RICHARD CARTWRIGHT —The chairman is Sir George Garneau, and I think Mr. Courtney, the late Deputy Minister of Finance, is treasurer.

Hon. Mr. CHOQUETTE—A temporary secretary was appointed. His services have been dispensed with, and there is no secretary now; but I was informed that later on they were going to appoint a permanent secretary.

Hon. Mr. LANDRY—I understand that Sir George Drummond was one of the commissioners Has he been replaced?

Rt. Hon. Sir RICHARD CARTWRIGHT —I cannot say who has taken the place of Sir George Drummond. My hon friend to my right (Hon. Mr. Dandurand) thinks the vacancy has not been filled.

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

MONTREAL HARBOUR COMMISSIONERS BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 191) An Act to provide for further advances to the Harbour Commissioners of Montreal.

He said: This Bill provides for the raising of six million dollars on the terms set forth, for the purpose of carrying out certain improvements in the harbour of Montreal. These improvements are of a very extensive character, and will be spread over several years. I do not at all expect that any very large proportion of the money will be immediately wanted; but it is, of course, desirable that the commissioners shall have the power to raise what is required, so as not to have occasion to come to parliament every year to obtain an estimate for the exact amount. The full details are set forth in the Bill itself.

Hon. Mr. LOUGHEED—Can my right hon. friend say to what extent this loan has been paid over to the Harbour Commissioners?

Rt. Hon. Sir RICHARD CARTWRIGHT —I think none of this has been paid over.

Hon. Mr. LOUGHEED—This is the loan which we authorized last session, or the session before?

Rt. Hon. Sir RICHARD CARTWRIGHT —This is an additional sum, I understand. Although the government has not yet consented to these improvements, they are on a very extensive scale, and will probably ultimately be carried out, and will require a great deal more than six million dollars. I may observe that the interest has always been punctually paid by the commissioners to the government, and so far the work may be regarded as a good live asset.

Hon. Mr. LOUGHEED—Can my right hon. friend say what the entire debt of the Harbour Commission to this government amounts to?

Rt. Hon. Sir RICHARD CARTWRIGHT —It is stated in full up to the 31st March, 1909, in the Public Accounts. I do not think the accounts have been made up for the year just passed; but if my hon. friend would add a million and a half to the sum he will find in the public accounts now in our hands, I think he will get a pretty exact statement of the present debt.

Hon. Mr. LOUGHEED—How does that million and a half arise? Is that an additional loan?

Rt. Hon. Sir RICHARD CARTWRIGHT —That arises because they have been carrying out considerable improvements during the past year. They had a certain sum at their disposal, and that, I believe, is not quite, but very nearly expended in various improvements which they have carried out up to the 31st March, of this year. This six million is for the future improvements.

Hon. Mr. LOUGHEED—When this Bill goes into committee, possibly my right hon. friend will be able to tell us how the Harbour Commissioners intend repaying this money. Is there any sinking fund established?

Rt. Hon. Sir RICHARD CARTWRIGHT —Out of the tolls which they will levy. I do not think they have established any sinking fund. The interest is paid from the tolls collected from the shippers, and parties using the accommodation provided by the Harbour Commissioners.

Hon. Mr. CASGRAIN—Harbour dues.

Hon. Mr. LOUGHEED—Those dues in no way contribute towards the retirement of the principal.

Hon. Mr. CASGRAIN—No.

Rt. Hon. Sir RICHARD CARTWRIGHT —No, they are merely calculated to provide for the interest.

Hon. Mr. CHOQUETTE—I quite understand that the right hon. gentleman may not have all the information at hand to-day; but I would beg of him, when we go into committee, to have all this information as to the exact amount due to-day by the commissioners, and the amount of interest, if they have ever paid interest.

Hon. Mr. CASGRAIN—They have always paid interest.

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes.

Hon. Mr. CHOQUETTE—Because I intend to make a comparison between Montreal harbour and Quebec harbour in order to see which is better. On Tuesday I shall take the liberty of asking a few questions of the right hon. leader of the House.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am informed by the Finance Department that the interest on the debt has always been punctually paid up to date by the Montreal Harbour Commission.

Hon. Mr. FORGET—And how about Quebec?

Rt. Hon. Sir RICHARD CARTWRIGHT —I will have to ask my hon. friend to give notice of that question.

Hon. Mr. LOUGHEED—Do I understand the hon. gentleman from Quebec to disapprove of the precedent set by the Montreal Harbour Commissioners in paying off their debt?

Hon. Mr. CHOQUETTE—I had a discussion with two gentlemen with regard to the question, and one of them was willing to bet that Montreal never paid the interest.

Hon. Mr. FORGET—Was he a Quebec man?

Hon. Mr. CHOQUETTE—No.

Rt. Hon. Sir RICHARD CARTWRIGHT —The Finance Department advise me that the interest has been paid on the debt due by the Harbour Commission.

Hon. Mr. CLORAN—Yes.

Hon. Sir MACKENZIE BOWELL—I do not see anything in the Bill relating to the interest.

Rt. Hon. Sir RICHARD CARTWRIGHT —Three and a half per cent.

Hon. Mr. CHOQUETTE—A debt may be paid by remittance, or in some other way.

Rt. Hon. Sir RICHARD CARTWRIGHT —I think that the moneys that have been voted for the improvement of Montreal harbour have been duly expended, and that the interest has been paid out of the tolls; but I shall obtain further information for the Senate.

Hon. Sir MACKENZIE BOWELL—If we keep on loaning large sums of money to improve the harbour of the city of Mon-

treal, we will load it down with such a debt that the dues would have to be immeasurably increased to pay interest, or sinking fund to pay the capital? I notice that when that question was asked, my hon. friend said the capital had not been considered. The sixth clause of this Bill provides that the interest and capital shall be paid out of the receipts from the harbour dues after the improvements are completed. I should like to know the total amount of indebtedness after the six million has been advanced. We ought to be very cautious in regard to the amount of dues that are imposed at that port, because if they are made too high it will drive commerce to ports in the United States. It has been a complaint in the past, as hon. gentlemen well know, that harbour and pilot dues on the St. Lawrence have been so much greater than they are in some of the United States ports that commerce has been diverted to the south rather than to the St. Lawrence. That is one point where great caution, to my mind, should be taken in incurring that debt. I recognize, and I think every person in Canada recognizes, the importance to the trade of the Dominion of the harbour of Quebec and also that of Montreal. The difference in the past has been to the advantage of Montreal, which has always paid its interest, and all its indebtedness, while Quebec, to my recollection, has not paid anything, although a very large amount of money has been expended there, and it will be a question for the government to consider whether Montreal, being the principal port in this Dominion for goods coming from Europe for consumpttion in the interior of the country, should not relieve Montreal harbour of a certain proportion of its indebtedness, so that the commission may be enabled to establish such rates of harbour dues as would not drive from that port any commerce, no matter whence it came.

Rt. Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend, that that point has engaged the attention of the government, and I know has engaged the attention of the commission. The last time I had occasion to discuss that matter, the commissioners expressed a very proper desire to keep the dues down to such a point as would not hamper the commerce of Montreal. The hon. gentleman will know that the shipping coming into Montreal, and the exports and imports of Montreal have increased enormously within the last few years, and the same rates of toll have prevailed and they consequently yield a much larger revenue. It may be—and the point is well worth considering—that the very extensive improvements that the commissioners contemplate may bring about such a state of things as the hon. gentleman has hinted at, when the dues necessary to be imposed for the purpose of providing the interest on the large sum borrowed, might hamper the trade of the port. That point, of course, the government and the Harbour Commissioners will have to bear in mind. Up to the present date, I think I am justified in saying that no damage has arisen to the port of Montreal. My hon. friend beside me (Hon. Mr. Dandurand) who is more familiar with the details of the port than I am, could perhaps give more information on the point; but I think I am correct in saying that up to date no injury has ensued.

Hon. Mr. DANDURAND—The only increased charge has been caused by the better accommodation given to the steamships. I know that when they were being built, some steamship companies were somewhat fearful of the increased charge that it would represent, inasmuch as they would have to bear it; but I know that not later than this spring some of the companies were complaining very much that they were given some of the old sheds, and they were very desirous of paying the large fee to get the better accommodation.

Hon. Mr. CASGRAIN—I might add that a source of revenue, and a new source, for the Harbour Commissioners of Montreal, arises from the fact that they have taken possession of all the railway lines within the harbour limits. It is quite an item. They have their own locomotives and the right of way costs them nothing. Some of those rails have been laid by the railway companies.

Hon. Sir MACKENZIE BOWELL—They have paid for them?

Hon. Mr. CASGRAIN—Those rails were laid there by the railway companies under an agreement by which the Harbour Commissioners could use them when they liked, and they kept the right of way themselves. The Harbour Commissioners derive quite a revenue by handling all that enormous traffic, delivering trains to the Canadian Pacific railway and to the Grand Trunk railway, and some even to the Canadian Northern. That is proving a profitable business and will tend to reduce the dues in the near future.

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

MEAT AND CANNED FOODS ACT AMENDMENT BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 193) An Act to amend the Meat and Canned Foods Act. He said: This Bill contains a number of somewhat minute changes in a variety of sections, which I shall be very happy to explain in detail in committee, but which would hardly be of much interest to the House to go through now. They cover quite a number of folio pages. The chief object is to make it a little clearer than at present that the department has the power granted by parliament under the existing Meat and Canned Foods Act. So many sections are involved, I can hardly select any one that is of importance by itself, except possibly the fact that it gives a little more power to inspect the books, shipping bills, bills of lading, or other papers in respect to exports. If hon. gentlemen have no objection, I shall move the second reading, and we can discuss the details in committee.

Hon. Mr. LOUGHEED—While there is no objection whatever to moving the second reading, it seems to me the department is not keeping up with the progress of legislation in the United States. Hon. gentlemen have had their attention directed to the disclosures which have taken place in that country as to the storage of food products in warehouses, in excessive quantities, and for extremely long periods of time, in some cases exceeding three years. It seems to me the department should have gone further than they have gone in this Bill, and have placed on the statute-book legislation quite as advanced as that adopted by our neighbours to the south of us. Attention is being called in the United States every day to the necessity of having full and adequate inspection of cold storage warehouses. I would suggest to my right hon. friend that before this Bill goes into committee, the attention of the department should be directed to the fact, and that they should keep, as far as possible, pace with the legislation of the United States on the subject.

Rt. Hon. Sir RICHARD CARTWRIGHT—I am not in a position to give the reasons why the department have not thought it expedient to go further than they have gone in the present Bill. As a rule, I think, that department is quite willing to introduce as much legislation as the House will swallow at one time. Generally speaking the complaint, down below at any rate, has not been that the Department of Agriculture introduced too little legislation or have said too little about it, but rather the reverse. Possibly they may have been deterred by the strictures which have been made by my hon. friends in another place from going further than this at present. I think we should accept what we get, and I have no doubt when the Minister of Agriculture sees, as doubtless he will, and as I shall take care he shall, see my hon. friend's criticism, he will lay it to heart and very likely give us a Bill of one hundred clauses next year.

Hon. Mr. LOUGHEED—The principle of that department seems to be 'small mercies but numerous.'

Rt. Hon. Sir RICHARD CARTWRIGHT—The principle of the department is to move cautiously and steadily in the direction that public opinion desires. I do not think there is quite the same necessity here for those stringent measures which are being adopted in the United States. I do not think any legislation in that direction has yet come in force. There

are Bills before the legislative bodies in the state of New York, and two or three other states, but I rather think that they have been laid over for further consideration, especially those dealing with the length of time that articles should continue in cold storage.

Hon. Mr. LOUGHEED—The United States government have seriously taken up the subject.

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes, the question is one of importance.

Hon. Mr. LOUGHEED—I noticed lately, a report of its official expert in which a recommendation is made to that government that there is no necessity for keeping goods in cold storage for a longer period than nine months at most. That, of course, is in contradistinction to the period of three years and more for which large quantities of goods have been stored in those warehouses.

Rt. Hon. Sir RICHARD CARTWRIGHT —I do not think such cases have occurred yet in Canada. It would be well to prevent them.

Hon. Mr. LOUGHEED—The difficulty that confronts us is, that we have no machinery for a proper inspection of goods in cold storage warehouses. There is no comprehensive machinery by which such an investigation has been made in the United States can be made here.

Rt. Hon. Sir RICHARD CARTWRIGHT —I rather think, in the case of those cold storage warehouses that have been assisted by the government, we possess the power of inspection. Probably my hon. friend may remember that the Minister of Agriculture took authority to advance money for the erection of cold storage warehouses, and in the leases or agreements made with those parties, he reserved to himself considerable powers of inspection. However, I shall inquire into that matter, and call his attention to my hon. friend's remarks as to the desirability of taking precautions against goods of a perishable nature being stored too long. In the United States, there is no doubt it has become a serious and positive abuse. Food has deteriorated very considerably owing to the length of time it had been stored. The system of cold storage is of comparatively recent growth with us; and I do not think similar abuses have as yet developed themselves here.

Hon. Sir RICHARD SCOTT—The difference between the policy of the United States and that of Canada is this, that the Department of Agriculture here only take cognizance of goods put up for export, entirely ignoring the advantage of inspection of goods consumed in Canada. I think that is a mistake. It is not fair to the Canadian consumer. You may go to a warehouse and buy a barrel of apples graded No. 1, and find, when you open them, that they are No. 2 or No. 3. The department takes no cognizance of goods sold in Canada. Its jurisdiction is supposed to be limited to goods intended for export, and we have not the same advantage of following up fraud by prosecution. Inferior apples are now sold in Canada and the poorer canned stuff, whatever it may be, whether meat or any other article, is given to the Canadian consumer. There is no inspection of that. You buy it, and when you find yourself defrauded you are told by the department you can undertake the prosecution yourself. That is not reasonable or fair. The department have all the machinery at hand, and can follow up such cases. To say that a Canadian should be obliged to go from here to London or Liverpool to prosecute, is to deny justice. The department itself should look as closely after the interests of the Canadians as it looks after the interests of consumers abroad.

Hon. Mr. CLORAN—It may be pointed out that there is machinery already in existence for the inspection of cold storage warehouses. Under our system, the boards of health and health inspectors have a right to go into every store within their jurisdiction, and make an examination of all goods. A case happened the other day where the food inspector went to inspect a small cold storage warehouse. The proprietor would not allow him in and barred the door. The officer went before a magistrate of the municipality, and got an order

from the court to force this man to open his cold storage, and if he would not open it to empower him to break it open. The result was, the inspector examined the goods in that cold storage warehouse and confiscated and destroyed nearly everything in it. So there is already in existence, if the public only knew it, under the boards of health, the power to appoint a food inspector who may, under the law, go into all places and inspect food and confiscate it if it is not found in good condition.

Hon. Sir MACKENZIE BOWELL — To what extent is the principle of inspection to be abolished? I notice that by the second subsection, which repeals everything in section 3 of the Act, it is intended to abolish some inspection that now obtains. I know that some difficulty has arisen in the administration of the inspection laws. The question arises as to how far the Dominion government has the power to impose inspection upon the foods that are consumed within any one province. The present law of inspection applies to all meats and other things that are prepared for export. Meats brought from the west have to be inspected and labelled before they are exported; but other meats imported from the west for consumption locally are not inspected. That I have noticed has been the complaint of some butchers in the city where I live. The explanation given of that is that the local governments only have power to enact laws for the inspection of foods going into consumption. The boards of health, as has been indicated by the hon. gentleman from Victoria division, (Hon. Mr. Cloran) have power to inspect foods, and if the provinces would enact laws to compel the inspection of foods, as they are now inspected by Dominion authority, when they are intended to be exported, we would secure proper food for consumption by the people. In committee we can ascertain the extent to which these repealing clauses go, but until that information is secured you can scarcely understand the extent of the changes in the Act.

Rt. Hon. Sir RICHARD CARTWRIGHT —The details can be dealt with much more effectively in committee for that reason.

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

Hon. Mr. CLORAN.

IMMIGRATION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No 102) An Act respecting Immigration.

(In the Committee.)

On subclause (d) of clause 2.

(d) 'domicile' means the place in which a person has his present home, or in which he resides, or to which he returns as his place of present permanent abode, and not for a mere special or temporary purpose. Canadian domicile is acquired for the purposes of this Act by a person having his domicile for at least three years in Canada after having been landed therein within the meaning of this Act: Provided that the time spent by a person in any penitentiary, gaol, reformatory, prison or asylum for the insane in Canada shall not be counted in the three-year period of residence in Canada which is necessary in order to acquire Canadian domicile. Canadian domicile is lost, for the purposes of this Act, by a person voluntarily residing out of Canada, not for a mere special or temporary purpose, but with the present intention of making his permanent home out of Canada unless and until something which is unexpected, or the happening of which is uncertain, shall occur to induce him to return to Canada;

Hon. Mr. LOUGHEED—Must this residence in Canada be continuous? I notice in line 25 it says: 'By a person having his domicile for at least three years in Canada, after having been landed therein within the meaning of this Act'.

Rt. Hon. Sir RICHARD CARTWRIGHT —I understand that is three years continuous residence.

Hon. Mr. LOUGHEED—Should not that be expressed? For instance the courts have held that though a man was absent in a foreign country, his domicile remained undisturbed. I can conceive of a case of an immigrant landing in Canada making this his domicile, though he may be absent in a foreign country for a great part of the three years, and yet claim that Canada is his domicile. It seems to me the residence should be continuous.

Rt. Hon. Sir RICHARD CARTWRIGHT —I think that is provided for in the clause.

Hon. Mr. LOUGHEED—The case I mentioned would not come within this classi-

fication, and in fact this would seem to infer that an immigrant arriving in Canada and leaving his family in Canada might go to a foreign country, treating Canada as his home, though he might be absent for a large portion of the three years. The word 'continuous' should be used.

Rt. Hon. Sir RICHARD CARTWRIGHT —Would not that bar any man from obtaining the benefit of this Act if he were called away for a few months?

Hon. Mr. LOUGHEED—That condition might possibly arise, and yet such a case as I have mentioned may give trouble in the interpretation of the Act, namely that of a person being absent in a foreign country and yet having his domicile in Canada. I direct attention to it, but I am not prepared to suggest how it should be overcome.

Rt. Hon. Sir RICHARD CARTWRIGHT —I will have a note taken of it, and call the attention of the Minister of the Interior to that point.

Hon. Mr. LOUGHEED—This question of domicile is a very contentious one in the courts, and inasmuch as we are making elaborate provisions for the deportation of people from the country, it had better be defined.

Hon. Mr. POWER—It would be an inconvenient thing to say that a person who might leave Canada for a short time should forfeit his domicile. The legal meaning of domicile is a place where a person has his family, and where he habitually resides, and what he calls his home. The right hon. gentleman in charge of the Bill, with a view of facilitating the progress of the measure through the committee, might call attention to the changes which this Bill proposes to make in the existing law. There is no particular object in discussing at length provisions which have been in force for years.

Hon. Mr. LOUGHEED—I disagree to a considerable extent with my hon. friend. The Act is being consolidated with a view to improving former conditions. The Immigration Act is largely an experiment, at least the provisions of it that we regard as most salutary, are evolved from conditions which arise under its administration. My hon. friend cannot be serious in asking this House to accept the old Act without criticism. If the old Act were not to be subject to criticism, there would be no reason to have this Bill.

Rt. Hon. Sir RICHARD CARTWRIGHT —The object of this Bill is largely to prevent the introduction of undesirable citizens, and to give the government increased facilities for dealing with the deportation of such persons. The desire, of course, to encourage immigration, would be the desire also to encourage immigration of a good quality, and quality is often more important than quantity. Heretofore, as everybody knows, repeated attempts have been made by a number of well meaning societies and official bodies in the old country, particularly, who send a very doubtful class of immigrants to Canada. This Bill is largely designed to give the Department of the Interior power to deal with such attempts, and especially with these classes of persons, who are on the face of it, undesirable parties to encourage to settle here. That is the main object which underlies the whole Bill.

Hon. Mr. LOUGHEED—I should like my right hon. friend to consider that question of domicile.

Rt. Hon. Sir RICHARD CARTWRIGHT —I will. I am taking a note of those matters for that express purpose.

Hon. Mr. LOUGHEED—It is one of the fundamental principles of this Bill. If a man has established his domicile for three years in Canada, I understand he cannot be deported. We want it clearly defined that his domicile is substantial and not technical.

Rt. Hon. Sir RICHARD CARTWRIGHT —If I understand my hon. friend, he thinks that it would not be an infraction of the three years residence if the immigrant were absent for a few months. If he were continuously absent, that would be another matter.

Hon. Sir MACKENZIE BOWELL—In that case, should it not be provided for?

Rt. Hon. Sir RICHARD CARTWRIGHT—That is the point of which I have taken note; and I shall call the attention of the department to it.

Hon. Sir MACKENZIE BOWELL—When you provide for a continuous residence, that might make provision for a man taking two or three months' holidays in a foreign country or going outside the country to transact business.

Rt. Hon. Sir RICHARD CARTWRIGHT—We shall endeavour to see that it is made right.

The subclause was adopted.

On subclause (ii):—

'A British subject who has Canadian domicile'.

Hon. Sir MACKENZIE BOWELL—A question has often been raised that if a person born in Canada should go to another country and become naturalized there, and then return to Canada, he would still be a British subject; but under this clause he would not. I know that question has been repeatedly raised in election contests, where objections have been taken to a man voting on the ground that he had left the country and taken the oath of allegiance in the United States. After his return to Canada, he has claimed the right of a British subject, and the courts have decided that he was not.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think the courts have held that once a British subject, always a British subject.

Hon. Mr. DANDURAND—That was so up to 1870, when the law was changed by the imperial parliament.

Hon. Sir MACKENZIE BOWELL—The imperial government has taken a different view of it and recognized the fact that a British subject becoming a United States subject is no longer a British subject.

Hon. Mr. WATSON—I think that until about 1885, it was generally conceded that once a British subject always a British subject.

Hon. Mr. DANDURAND—1870.

Hon. Mr. WATSON—No, later than that. The Election Act was changed, and a provision was made that any person who was a subject of a foreign country could not qualify as a voter in Canada.

Hon. Sir MACKENZIE BOWELL—How far does that annul the principle?

Hon. Mr. WATSON—I do not know.

Hon. Sir MACKENZIE BOWELL—This says 'a person born in Canada who has not become an alien.' If he had become an alien and returned, that would not relieve him of the alienship.

Hon. Mr. WATSON—I do not think so.

Hon. Mr. KERR—Are we not getting away to the discussion of another matter altogether? It does not appear to me that we are going to make or unmake British subjects by this Act, except for the purpose of the Immigration Act, to deal with undesirable immigrants. The law as to aliens and British subjects generally would not be affected by this Bill. It is for the purposes of immigration, I understand.

Hon. Mr. LOUGHEED—I may say to my hon. friends who have been discussing this clause, that if they look at section 12 of the Naturalization Act, they will find a full answer. That section provides that any British subject who has left the country and become naturalized in a foreign state shall not be deemed within Canada to be a British subject, and shall be regarded as an alien, and there are further provisions as to his repatriation.

Rt. Hon. Sir RICHARD CARTWRIGHT—These clauses are just a repetition of the provisions of the existing Act.

Hon. Mr. DERBYSHIRE—Down to No. 3.

On paragraph 5 of subsection (g),

(g) 'immigrant' means a person who enters Canada with the intention of acquiring Canadian domicile, and for the purposes of this Act every person entering Canada shall be presumed to be an immigrant unless belonging

to one of the following classes of persons, hereinafter called 'non-immigrant classes':—

v. Students entering Canada for the purpose of attendance, and while in actual attendance, at any university or college authorized by statute or charter to confer degrees; or at any high school or collegiate institute recognized as such for the purpose of this Act by the Minister.

Hon. Mr. LOUGHEED—Can my hon. friend say whether paragraph 5 of (g) includes Asiatics—students entering Canada?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes, it would; students, Chinese, Japanese and otherwise.

The clause was agreed to.

On clause 3, paragraph (b),

3. No immigrant, passenger, or other person, unless he is a Canadian citizen or has Canadian domicile, shall be permitted to land in Canada, or in case of having landed in or entered Canada shall be permitted to remain therein, who belongs to any of the following classes, hereinafter called "prohibited classes"

(b) Persons afflicted with any loathsome disease, or with a disease which is contagious or infectious, or which may become dangerous to the public health, whether such person intend to settle in Canada or only to pass through Canada in transit to some other country: Provided that if such disease is one which is curable within a reasonably short time, such persons may, subject to the regulation in that behalf, if any, be permitted to remain on board ship if hospital facilities do not exist on shore, or to leave ship for medical treatment.

Hon. Mr. LOUGHEED—Referring to paragraph (b) of clause 3, to what extent is discretion exercised by the department as to the admission of persons suffering from an incurable disease? I know it is a provision already embodied in the Act, but may I ask what hospital facilties exist, for instance on board ship, as mentioned here, or what hospital facilties are furnished on shore to permit of medical treatment being extended to people afflicted with incurable diseases?

Rt. Hon. Sir RICHARD CARTWRIGHT —If my hon. friend will turn to clause 34, he will find it fully dealt with in that clause.

Hon. Mr. LOUGHEED—It is not so much a matter of statutory enactment as administration of the Act. I should like to know whether the department has taken the necessary steps to afford every facility to treat cases of that kind?

Rt. Hon. Sir RICHARD CARTWRIGHT —The department has taken the necessary steps; but the increased amount of immigration has rendered it difficult. Very considerable sums of money are spent in erecting places of detention for just such passengers as may be suspected of being undesirable, or subject to the disabilities contained in this clause, and, I think, everywhere these facilities or accommodations are being enlarged.

Hon. Mr. LOUGHEED—Are the steamship companies compelled to furnish hospital accommodation of the kind alluded to? To what extent will the department or the government impose upon steamship companies the necessity for furnishing the facilities?

Rt. Hon. Sir RICHARD CARTWRIGHT —It would be to a large extent a matter of administration. Very considerable sums, as my hon. friend will see, on looking at the estimates and the various supplementary estimates which are being brought down, are taken for the express purpose of providing for such contingencies as he refers to, and I think they will be sufficient.

Hon. Mr. LOUGHEED—Should not those facilities be provided by the steamship companies? They profit considerably by this class of trade. They are bonused either directly or indirectly by the government in the carrying of those immigrants, and it seems to me the most adequate provision should be made, and regulations also, so as to enforce upon steamship companies the furnishing of facilities anticipated by this Act.

Rt. Hon. Sir RICHARD CARTWRIGHT —As we proceed my hon. friend will see that these things are pretty well looked after. When we get to the special provisions as to passengers, I think he will find the precautions he speaks of are provided for.

Hon. Mr. POWER—Before the clause passes, I would like to draw attention to paragraph A, because it is a subject we discussed once before in the House. Paragraph A provides that idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous, are actually excluded.

Suppose the case of a family of eight or nine persons, and it happens that one of the children is feeble-minded, it does seem to me to be rather a cruel thing—

Rt. Hon. Sir RICHARD CARTWRIGHT —Clause 4 gives the minister discretion in special cases to grant a permit.

Hon. Mr. POWER—I was going to suggest that there does not seem to me to be any reason why feeble-minded persons or epileptics should not be put in the same category as those who are deaf or blind. If the hon. gentleman will look at the latter part of paragraph C, he will find as to immigrants that are dumb or blind that the government has to be satisfied that they are not likely to become a public charge, or that they belong to a family accompanying them or already in Canada, and who give security to the minister against such immigrants becoming a public charge. It seems to me that provision would be quite sufficient in the case of feeble-minded persons and epileptics, as well as in the case of deaf and dumb.

Rt. Hon. Sir RICHARD CARTWRIGHT —I would think the discretion should be left with the department. I do not feel that it is desirable for us for humanitarian reasons to encourage that class. Under the special conditions they may be let through. We will do what we can to bring the healthy class into this country; but we must do what we can to exclude persons of doubtful character.

Hon. Mr. LANDRY—What about the blind and dumb?

Rt. Hon. Sir RICHARD CARTWRIGHT —There are exceptional cases in which they may be admitted to the country.

Hon. Mr. LOUGHEED—There is what would appear to be a very considerable amount of inhumanity in the proper administration of this Act, but it is absolutely necessary that the most positive restrictions should be placed upon the admission of undesirable immigrants coming into Canada. But to avoid much of what might be termed inhumanity, it seems to me that instead of examining these immigrants at the point of debarkation, they should be examined at the point of embarkation. I fail to see why the government should not provide the necessary machinery to make a thorough examination of all immigrants bound for Canada at the various shipping ports in Europe. It would prevent much of the difficulty of a harrowing kind which presents itself to our mind when those immigrants land in Canada. It is certainly a case of severe hardship upon a family when they are permitted to embark for Canada, apparently under the supervision of our own officers at European ports, and in steamships subsidized by the Canadian government and then be prohibited from landing upon our shores immediately they reach a Canadian port. I directed the attention of the Senate to this matter when this Act was before us for consideration before, and up to the present time I have never received any satisfactory information upon the subject.

Rt. Hon. Sir RICHARD CARTWRIGHT —I agree that it is very desirable that those cases of hardship should be avoided as far as possible, and one of the objects in the provision of this Act is to compel the railroad and steamship companies who bring immigrants here to exercise, of their own motion, a much stricter inspection than they have hitherto done. Much heavier penalties have been imposed upon them than heretofore. As to examination at the various ports, not being Canadian ports, that is a question of administration, which, while it deserves the consideration of the department, I am not prepared to give assurances about at present. All I can do is to call the attention of the department, as I shall, to the point taken by my hon. friend, because I feel that he is correct in saying that it is a very serious hardship that parties of this kind should be brought at expense from one side of the Atlantic to the other, and then, perhaps, deported after they had sacrificed nearly everything they had in the world to get here. I would be glad to see some such system as he speaks of put in force, if it can be done; but there are some practical difficulties in the way, I am afraid.

Hon. Mr. LOUGHEED—Are they of an international character? Do foreign governments, from whose countries our immi-

grants come, prevent our officers, or the representatives of our country from taking such steps as would be necessary to carry out the proper examination?

Rt. Hon. Sir RICHARD CARTWRIGHT —To some extent. I think we may be able to overcome it; but no doubt the difficulty to which my hon. friend alludes exists to some extent.

Hon. Mr. POWER—Since I spoke a few moments ago, the hon. gentleman from Killarney has handed me the existing Act on the subject, and I find the provision that I suggest already exists.

Section 2 of the Act reads—

"No immigrant shall be permitted to land in Canada who is feeble minded or an idiot or epileptic, or who is insane, or who has had an attack of insanity within five years, nor shall any immigrant be so landed who is deaf or dumb, or blind, or infirm, unless he belongs to a family accompanying him, or already in Canada, and who gives security satisfactory to the minister, and in conformity with the regulations in that behalf, if any, for his permanent support, if admitted into Canada.

I think it is a very unnecessary and improper thing to alter that law.

Rt. Hon. Sir RICHARD CARTWRIGHT —That is substantially what is enacted here.

Hon. Mr. WILSON—The remarks of the hon. leader of the opposition show the absolute necessity that people coming from any country to Canada should be carefully examined, and it should be known whether they are in a healthy condition.

We can understand the reports published from day to day of the cruelty that is perpetrated, not perhaps so much by our own country as by the United States, and where they are about to be examined. The immigrant is separated from the other members of the family and is taken away. The torture of the family so separated takes place. This could be avoided if the suggestion of the hon. leader of the opposition could be put into effect. There should be a thorough investigation of the immigrants coming here, at the point of embarkation as well as after arriving in this country. Then again, we find that if the immigrant is diseased, and is prevented from landing from the boat on arrival at a Canadian port, who has to bear the expense? It is not the transportation company. If he is taken off the vessel he is placed in the hospital. Has provision been made as to how he should be treated, and who is to bear the cost?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes, that is provided for. All those things are very fully dealt with.

Hon. Mr. WILSON—We should see that the patient is in a proper condition of health when he embarks; but we know from experience that immigrants are allowed to embark, who are not in a healthy condition. We also know that they stay here after they arrive, when they are, some of them incurable. Who is to be the proper judge? Who is to say whether they are curable or incurable? It is supposed to be the officer at the landing, and therefore I think this is a very important clause in the Bill, and should be carefully considered before being enacted.

Rt. Hon. Sir RICHARD CARTWRIGHT —If the hon. gentleman will read the Bill through he will see that a very great number of these points have been considered by the department and provided for.

On clause 14:

14. Such boards of inquiry shall have authority to determine whether an immigrant, passenger or other person seeking to enter Canada or detained for any cause under this Act, shall be allowed to enter or remain in Canada, or shall be rejected and deported.

Hon. Mr. LOUGHEED—Can the hon. minister say to what extent these boards of inquiry are to be constituted? Are they to be found at all points of embarkation?

Rt. Hon. Sir RICHARD CARTWRIGHT —This is copied from United States practice I think we have power of appointment; but up to the present time it has not been found necessary to do so. It is believed, however, that they would be useful in many cases.

Hon. Mr. LOUGHEED—It is proposed to appoint a permanent board at all important points?

Rt. Hon. Sir RICHARD CARTWRIGHT —At the chief points. This is designed to deal with the immigration from Europe, and it is at the seaports that these boards of inquiry will be found necessary. It would be quite out of the question, with a frontier of 3,000 miles, to endeavour to have boards at all places in the country.

Hon. Mr. LOUGHEED—I should like to know what are the arrangements between the two governments—that is the government of Canada, and that of the United States—as to those officers charged with making inquiry into the entry of immigrants into both countries. There has appeared in the public press very recently a number of very aggravated cases, in which officers of the United States Department of Immigration have interfered with Canadian citizens, have for instance exercised their authority upon Canadian territory in demanding information, insisting upon information, and in preventing our own citizens from crossing the international boundary, and I have noticed in the press within the last couple of days two cases of hardship resulting from United States immigration officials preventing members of Canadian families joining the head of the household on the United States side. I presume some arrangement exists between the kindred departments of both as to the enforcement of the immigration laws at the international boundary line?

Rt. Hon. Sir RICHARD CARTWRIGHT —There have been certain exchanges of courtesy between the two governments; but they refer more particularly to the presence of Canadian or United States officers at the ports of landing. The incidents my hon. friend has referred to—that is the arbitrary interference with travellers—were not by persons who are responsible to the Immigration Department, but by subordinates. That matter is the subject of correspondence between the Canadian and United States authorities. To do the United States authorities justice, I believe they have in a great many cases disapproved of the action of their officers, and have issued instructions that they should be very much more careful in the future. Some of these officers have been most insolent, and tyrannical in the exercise of the duties entrusted to them. That is a thing likely to happen at any time. All that can be done is to make representations to the chief officials at Washington, whenever such cases occur. We have always found the chief officers of the United States courteous, and desirous of enforcing the law with as little hardship as possible, but some of their subordinates have gone far in excess of their instructions.

Hon. Mr. LOUGHEED—Does the United States government allow the Canadian officials to exert practically the same powers on the other side of the line as the United States officers exert on this side?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes.

Hon. Mr. LOUGHEED—With better results, I hope.

Rt. Hon. Sir RICHARD CARTWRIGHT —I hope so. If an official of our government acted in the way some United States officials are reported to have done, his official head would be severed from his official body.

On clause 21,

21. Pending the decision of the Minister, the appellant and those dependent upon him shall be kept in custody at an immigrant station, unless released under bond as provided for in section 33 of this Act.

Hon. Mr. LOUGHEED—The term 'custody,' is used there, and I have noticed many press reports of late as to the inadequate provisions made for holding immigrants within the various places of custody prepared for that purpose. It seems to me that fairly comfortable provision should be made for keeping immigrants in custody. I have noticed in the press, and I presume that the reports would have come from reliable sources—that very great cases of hardship have arisen where women with tender children have been practically imprisoned in some small room, without any of the necessities of life being furnished them. I do not know whether there is any truth in that or not, but this is a matter to which the attention of the government should be specially directed, and where adequate provision should be made for such cases.

Rt. Hon. Sir RICHARD CARTWRIGHT —The hon. gentleman is quite right. The attention of the government has been directed to it. The department is taking measures, and spending considerable amounts for the express purpose of remedying these inconveniences, and if he will turn to subclause (3) of clause 31 he will see that we are providing that the government may, in certain cases, impose upon transportation companies the duty of providing and maintaining suitable buildings for the examination and detention of passengers. That is a new provision.

The clause was adopted.

On clause 27,

27. Before any passengers are permitted to leave a vessel in Canada the immigration officer in charge, or any officer directed by him, may go on board and inspect such vessel, and examine and take extracts from the manifest of passengers, and from the bill of health.
2. The master shall permit any examination of passengers required under this Act to be made on board his vessel whenever so directed by the immigration officer in charge.

Hon. Mr. LOUGHEED—The master of the ship apparently furnishes a Bill of health which is accepted by our government. What obligation is imposed upon the master of the ship as to the professional standing of the medical officers? We know that on many ships the standing of the medical officers is not the highest possible.

Rt. Hon. Sir RICHARD CARTWRIGHT —The only provision we have is taken from the British Shipping Act, which requires, I believe, that vessels carrying passengers shall have what they call a duly qualified medical officer; but what 'duly qualified' means, I have considerable difficulty in explaining. Prima facie, the graduate of any known medical school would be accepted, and, as a rule, the leading companies do not employ medical officers unless they are graduates of some well known school.

Hon. Mr. LOUGHEED—Have we any provision for requiring that they shall have a certain standing before accepting their certificates? That would be within our power.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am not sure. I think our powers are limited. I do not think we can interfere with those who comply with the British Shipping Act.

Hon. Mr. LOUGHEED—I quite agree with my hon. friend; but you could refuse to accept the certificate which they might issue, because we make that qualification ourselves.

Rt. Hon. Sir RICHARD CARTWRIGHT —Would we be justified in refusing the certificate of a medical officer reported under the British Shipping Act to be duly qualified?

Hon. Mr. LOUGHEED—I may be wrong about that. I am not prepared to suggest any improvement on it.

Rt. Hon. Sir RICHARD CARTWRIGHT —There are two things which can be done, and would be done under this amended Act. In the first place, if the department sees its way to appoint a sufficient number of examining officers at the chief ports of departure on the other side of the Atlantic, I think they can do that and carry out the suggestion of my hon. friend, to cause all the immigrants to be examined by a medical officer of our own, which perhaps, would be the best way.

Hon. Sir MACKENZIE BOWELL—The practice is to employ young men who have just passed through a college education, and obtained their certificates. They are duly qualified to practice. I do not think you will find a single ship sailing from Canada which has not a duly qualified medical man on board.

Rt. Hon. Sir RICHARD CARTWRIGHT —I would not go that length, but the majority are undoubtedly provided with medical officers of that class. A strict examination made by officers of our own, presumably qualified medical officers, at the port of departure, coupled with the other provisions which are here, in virtue of which the various steamship lines and railways are being held responsible under heavy penalties for bringing in such parties, will I think pretty well weed out the undesirables.

Hon. Mr. WILSON—As a rule, vessels engage some medical man who has just pass-

ed his examination. He may, or may not be well qualified, but I think the latter part of this clause will cover that difficulty —'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'. Therefore, if the medical man is not an efficient one, and has proven himself not to be, the department has a right to say that a further examination be made of the cases brought before them.

Hon. Mr. LOUGHEED—I notice a subsequent provision, by which the certificate can be readily checked.

The clause was adopted.

On clause 29,

29. The immigration officer in charge, after satisfying himself that the requirements of this Act, and of any order in council, proclamation or regulation made thereunder, have been carried out, shall grant written permission to the master of the vessel to allow the passengers to leave the vessel.

Hon. Mr. CHOQUETTE—I wish to call the attention of the leader of the House to a case which arose in Quebec last fall, and which would come under this clause, though I do not see any provision to cover such a case. It was brought to my attention by the agent of one of the steamships which carried immigrants to Quebec. There was sickness on board the ship on its arriving at the quarantine station at Grosse Isle, Those who were sick were kept at the hospital there, and the doctor gave a discharge to the other immigrants, fourteen in all. They were bound for the United States. When they arrived at Quebec, they had their discharge from the doctor at Grosse Isle, but the United States doctor informed the officers of the department at Quebec that if they sent those people on to the United States, they would be stopped at the border, because while they might not be sick themselves, they had been in contact with sick people and ought to have been kept at Grosse Isle for fourteen days. He said: 'You must send them to the hospital in Quebec'. The officer at Quebec said: 'We have nothing to do with that; those immigrants have been discharged and have their certificates.' The officer gave written permission to the master of the vessel to let them leave the vessel, and they were on the wharf. They telegraphed to Dr. Montizambert, the head of the department at Ottawa, who answered back that they were no longer under their care, because they had been discharged from Grosse Isle. Then they telegraphed to the Minister of the Interior, who said: 'We have nothing to do with them; inquire of the Department of Agriculture or send them back to Grosse Isle.' They were refused to be sent back to Grosse Isle, so those fourteen people were left on the streets of Quebec. Nobody would receive them since the United States doctor had refused to let them enter the United States, because they might be sick. They were left like tramps, under the charge of the municipality. The agent of the White Star line got a colonist car from the Canadian Pacific railway and put them in it, and took care of them for four or five days, and at last the United States doctor conceded the right to let them pass the border. When a memorandum was sent to me by the agent of the company, I saw both of the ministers in Ottawa here. Mr. Fisher said: 'See Mr. Oliver.' I saw Mr. Oliver, and he said: 'I think Mr. Fisher ought to attend to that.' However, I left a memorandum asking that a provision be inserted in this Bill to prevent a recurrence of the incident. When the representatives of the department at Quebec refused to take those people, they were left on the streets and could have been arrested as tramps and subjected to penalties. If they had been really sick with small-pox or something of that kind, what would have been the effect upon the Quebec population? Therefore, I draw the attention of the government to that case. I have looked through the Bill and do not find any provision which would prevent such a case happening to-morrow. I should like to have a clause added to this Bill to the following effect; supposing after immigrants leave a vessel a difficulty or difference should arise between the doctors, or trouble should arise at the frontier, let the parties be sent back to Grosse Isle and not thrown as a charge on the city of Quebec. Something was said in papers on the other side about the treatment of those people at

Quebec. It was not the fault of the city. The railway companies were told by the United States doctor: 'If you put them on your trains, I will telegraph and prevent them being admitted into the United States, and instead of having them in Quebec, they will be left on the border.' There should be some provision to meet such cases. They should either be sent back to Grosse Isle, which is only 35 miles below Quebec, pending an agreement between the doctors, or something else should be done. Mr. Oliver told me he understood the situation and he would do something, but I find nothing in this Bill to meet such an emergency, and I call the attention of the leader of the House to this fact.

Rt. Hon. Sir RICHARD CARTWRIGHT—If I followed the hon. gentleman correctly, what he complains of is due to the fact that certain immigrants going to the United States, chose to come via Quebec, and that the United States official refused to give them a clean bill of health.

Hon. Mr. CHOQUETTE—They got a clean bill of health from the officers at Grosse Isle.

Rt. Hon. Sir RICHARD CARTWRIGHT—We cannot control the action of the United States official.

Hon. Mr. CHOQUETTE—But you could send those people back to Grosse Isle if they could not go to the United States.

Rt. Hon. Sir RICHARD CARTWRIGHT—That is a matter for the department.

Hon. Mr. CHOQUETTE—The Minister of Agriculture or the Minister of the Interior ought to intervene and send them back to Grosse Isle, as if they were really sick and under the charge of the steamship company that brought them out, but they should not be left in the city of Quebec. You might compel the company to take them on to their destination, if the railway companies refused positively to take them on their train. In Ottawa nobody would intervene. After a few days' negotiation with the United States doctor he allowed them to proceed. If they had really been sick with small-pox or some disease of that kind the public health might have suffered.

Hon. Mr. WILSON—I do not see that my hon. friend should insist upon the government making further provision than they have already in the Bill. It is evident the United States government interfered. The government of Canada had made all necessary provision and employed officers in whom they had confidence. If the officer at Grosse Isle gives a certificate for passengers to leave quarantine that ought to be sufficient. If the officer is deficient, there is a means by which a further examination might be made. It would be a mistake if any clause were added here to make the government responsible

Hon. Mr. GIBSON—I should like to call the attention of the committee to a case which came under my observation, and which was not affected by any act of the United States government. A trader in the city of Hamilton, an Englishman, by his industry gathered enough money to build himself a little home, and afterwards enough to send for his wife and children. When they arrived at the city of Quebec, it was found that one of the children had ring-worm. I do not know whether that is a contagious disease; but the family were held in quarantine on account of this child having ring-worm. I was in Quebec and got a telegram from the St. George's Society of Hamilton to relieve these people, because there was a Bill against them amounting to $50 or $60. I saw Mr. Price of the city of Quebec, who assisted me in the matter, and I left him the money to clear these people or they would have been sent back that afternoon on one of the Canadian Pacific railway boats. Now either the Canadian Pacific Railway Company or the Canadian government were responsible for detaining these people, because there was no need to hold the mother and two children because of that case of ring-worm. The woman telegraphed to her husband that unless she and the children were relieved she would go mad. The man had expended all his money to bring them

out, and had not enough to pay the claim against them at Quebec. That is a case where the Canadian government should not have imposed that charge upon the immigrants. Some provision should be made whereby immigrants coming to Canada to settle should not be subject to a hard and fast rule, and held in quarantine for such a small cause. If it had not been that the secretary of the St. George's Society knew I was going to Quebec to meet my family, and wired me to pay whatever claim there was against these immigrants, I do not know what would have happened. An incident of that kind does more harm to our country than we dream of. I went first to one officer and then to another in Quebec, and I am sorry to say discovered that there was really nobody at the head of affairs to determine whether these people should be relieved or not.

Rt. Hon. Sir RICHARD CARTWRIGHT —If the hon. gentleman looks at subclause 2, of clause 34, he will see that provision is made for any such case that may arise in the future.

Hon. Mr. GIBSON—I have simply given my own experience in the city of Quebec. I hold to-day, as I held then, that the government had no right to allow its officers to hold that family. They should have been sent on to Hamilton, where any charge against them could have been collected. If they had not been detained, the expenses would not have been so great, and it seemed a cruel thing on the part of the government of Canada to hold these people a week, simply because one of the children had a disease to which all children are more or less subject.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am not certain as to whether my hon. friend is correctly informed as to the contagious nature of ring-worm. I am told it is contagious. However, the clause to which I have referred will meet the hardship in similar cases.

Hon. Mr. CHOQUETTE—I should like to know if there is anything in the Bill to prevent a recurrence of cases such as the one I have described?

Hon. Mr. GIBSON

Rt. Hon. Sir RICHARD CARTWRIGHT —I doubt it. If parties go to the United States through Canada, they are subject to the regulations laid down by the United States government.

Hon. Mr. CHOQUETTE—Could you not provide that if a company brings immigrants for other places than Canada, and anything should prevent them going on to their destination, the company will be held responsible, or the officers at Quebec will have power to send them back to Grosse Isle at the expense of the company?

Rt. Hon. Sir RICHARD CARTWRIGHT —That can be done.

Hon. Sir MACKENZIE BOWELL—If immigrants come by the St. Lawrence, intending to go to the United States, they must be subject to the United States regulations; but the difficulty in this case is that after the family had passed Grosse Isle, and had taken all the steps necessary to allow them to stay in Canada, the United States official said: 'You cannot cross the border.' The difficulty is, what is to become of those immigrants, particularly if they have no money?

Rt. Hon. Sir RICHARD CARTWRIGHT —It is no doubt a hardship.

Hon. Sir MACKENZIE BOWELL—Take the case brought before the Senate by the hon. gentleman from Welland, where the people had not the money to pay the additional expense imposed upon them? The government should take power to deal with such cases.

Rt. Hon. Sir RICHARD CARTWRIGHT —They are taking power to deal with such cases.

Hon. Mr. POWER—When these difficulties take place, the steamship company should be obliged to take charge of them.

Rt. Hon. Sir RICHARD CARTWRIGHT —The Bill contains provisions to deal with such cases.

Hon. Mr. POWER—Why were not these powers exercised?

Rt. Hon. Sir RICHARD CARTWRIGHT —Because this clause did not exist at

the time. I move that the committee rise and report progress, and ask leave to sit again.

The motion was agreed to.

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

THE SENATE.

FRIDAY, April 15, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (No. 129) An Act to incorporate the Ontario and Ottawa Railway Company.—Hon. Mr. Jones.

Bill (No. 106) An Act respecting the Canadian Northern Ontario Railway Company.—Hon. Mr. Jones.

Bill (DDD) An Act respecting the Alberta and British Columbia Railway Company.—Hon. Mr. Lougheed.

Bill (AAA) An Act respecting the Brandon, Saskatchewan and Hudson Bay Railway Company.—Hon. Mr. Watson.

Bill (GGG) An Act to incorporate the Buctouche Railway and Transportation Company.—Hon. Mr. Thompson.

Bill (No. 111) An Act respecting the Dominion Millers' Association.—Hon. Mr. McGregor.

CONSERVATION OF NATURAL RESOURCES BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 185) An Act respecting the Commission for the Conservation of Natural Resources.

He said: I would say to my hon. friends opposite that if convenient I would like to give these measures a stage. If there is any one of them they think would require a long debate as a matter of principle, of course it will stand over; but, as I think I will be able to explain any objections that may come up, no injury can be done by giving them a stage, and in one or two cases where it is probably desirable that parties should be heard, I propose to refer the Bills to a standing committee of this House, and a good deal of time would be saved to us if this Bill received a stage to-day. This particular measure we have in hand contains a few trifling alterations for the purpose of enabling the Commission on Conservation to carry on their business with more expedition, and to shift from place to place. There is a provision in it under which the gentlemen who form it are allowed their expenses, but no fee is paid them, I understand, for their services. They will simply be allowed what expenses they may be put to in attending committee. Of course we can go over the details in committee.

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

CURRENCY BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 195) An Act respecting Currency. He said: The object of this Bill is chiefly to enable the government to provide gold coins which will be more easily used, on this continent at any rate, than the English sovereign. It will be desirable that our gold coin should represent five dollars, which suits our currency better than the English sovereign whose statutory value, as hon. gentlemen know, is four dollars and eighty-six cents and a fraction. I have pretty voluminous explanations from the Department of Finance with respect to their calculations, with which I do not propose to trouble the House at this stage.

Hon. Mr. LOUGHEED—How will those coins circulate in Great Britain? Will they circulate at their par value?

Rt. Hon. Sir RICHARD CARTWRIGHT—I think they will circulate just exactly as the United States half eagle does in Great Britain. The United States half eagle, as I understand, although as a matter of course very few of them are in circulation, are

taken by the Bank of England at the value of five dollars, a little more than the sovereign, which is $4.86.

Hon. Mr. LOUGHEED—Will there be any understanding between the Bank of England and our Department of Finance as to the value of the coin?

Rt. Hon. Sir RICHARD CARTWRIGHT—Undoubtedly there will. My hon. friend is aware that this is a branch of the Royal Mint. The officers are appointed by the British government under certain stipulations made with our government, but they are really officers of the British government rather than of the Dominion government.

Hon. Mr. LOUGHEED—Still I suppose in no sense will the profit of the mint go to the government of Great Britain?

Rt. Hon. Sir RICHARD CARTWRIGHT—Oh no, the profit of the business, if there is any, will come to us; but I do not anticipate there will be much profit from the coinage of gold. It differs from the coinage of silver.

Hon. Mr. MACDONALD (British Columbia)—I believe the Australian sovereign passes the same as the English sovereign now in England. At one time there was a discount, but it is not so now.

Rt. Hon. Sir RICHARD CARTWRIGHT—My hon. friend, of course, is aware that in Australia, as I think was the case in California, gold enters considerably into the circulation; but as everybody knows in Canada, where we have paper money of very small denomination, going down to one dollar, gold will never enter into the circulation to any appreciable extent. It may be, and no doubt will be, used by the banks and the government themselves, in their specie reserves; but I do not think there is the slightest chance of a considerable amount coming into circulation.

Hon. Mr. LOUGHEED—What will be the smallest coin in gold?

Rt. Hon. Sir RICHARD CARTWRIGHT—Of that I am not absolutely certain; but I can find out. I think the intention is not to have anything smaller than five dollars.

Rt. Hon. Sir RICHARD CARTWRIGHT

Hon. Mr. CASGRAIN—Two dollars and a half.

Rt. Hon. Sir RICHARD CARTWRIGHT—Power is taken, but I do not think that power will be used. Those very small gold pieces are not found to be convenient. If they were ever in circulation, a man might pay them out readily enough for a six penny bit. I have known such things to happen—after dinner.

Hon. Sir MACKENZIE BOWELL—Do I understand that the gold coin to be issued here by the Canadian government is to be of the same value as the gold coin of the United States?

Rt. Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Sir MACKENZIE BOWELL—And not that of the English sovereign?

Rt. Hon. Sir RICHARD CARTWRIGHT—Yes, our five dollar piece would be equivalent to the United States half eagle.

Hon. Sir MACKENZIE BOWELL—Has the government considered the result which might follow from the issue of a gold coin in Canada of the precise value of the coin in the United States? When gold is valuable, and is the medium of exchange between banks and those who are dealing with brokers, it very often occurs that they demand from the government a sum equal to the government paper issued, and called in in return therefor, particularly when they want to use it for speculative purposes in the United States. If the Canadian gold is not of the same value precisely as the five dollar gold piece in the United States, difficulties would present themselves in securing gold here to speculate with in the New York market; but if it be precisely the same value, it would enable them to use it in the Exchange. I will give an illustration of what I mean, and hon. members will understand it better. At one time, during the absence of Sir Leonard Tilly, I was acting for him in the Finance Department, and gold was of very great value at that moment in the United States. Hundreds of thousands of dollars of Canadian bank

bills were presented for redemption in gold by the banks in different parts of the country. To such an extent was that carried on, that the reserve was becoming depleted, and after conversation with the then Deputy Minister of Finance, Mr. Courtney, we decided to cable to England to send out a sufficient quantity of gold to meet the demands which were then being made. But the moment the banks were offered the English sovereign in exchange for the Canadian bank bills, they said, 'Oh, we do not want that.' We cannot use that in the United States, because it is not equivalent to the United States five dollar bill.' I then put the question to Mr. Courtney, 'Is it a legal tender under our law,' and he said it was. And I said, 'Give them nothing else.' The result was that the run on the exchequer stopped at once. When I noticed in the debate in the Commons, as I understood it, the issue of Canadian gold currency in Canada was to be principally in coins of the same value as that of the United States, I thought probably the bankers, when they wanted a large amount of gold, would demand Canadian gold, which they could use in the New York market in the same manner as they used the American gold. Whether that question came under consideration of the Finance Minister, I am not aware. Perhaps my hon. friend the leader of the House could tell us?

Rt. Hon. Sir RICHARD CARTWRIGHT—As I understand, one of the objects of this Currency Act is to provide a uniform standard of value, which may enable us to exchange our gold coin freely with the gold coin in the United States. If that is not attained in the Act, I think it would be desirable it should be attained; but I understand that it is. When we go into committee I shall be in a position to state exactly what the facts are. I have somewhat voluminous memoranda here, so voluminous that I think it would be hardly worth while inflicting it on the House at this time.

Hon. Mr. FORGET—Have gold coins been made in the Mint since it was opened?

Rt. Hon. Sir RICHARD CARTWRIGHT—I do not think anything has been coined yet.

Hon. Mr. FORGET—Except as souvenirs?

Rt. Hon. Sir RICHARD CARTWRIGHT—Except as souvenirs.

Hon. Mr. FORGET—Does the hon. gentleman know the amount?

Rt. Hon. Sir RICHARD CARTWRIGHT—No, but I can find out.

Hon. Mr. FORGET—Because I had inquiries from Europe to obtain some coins, and I wrote to the Mint and they told me that they had not coined any. The coins are in demand as a matter of curiosity more than anything else.

Rt. Hon. Sir RICHARD CARTWRIGHT—Very few gold coins are likely to go into circulation among the people. A certain amount of them will be held by our banks, and a certain amount will be held by the government itself for a part of the specie reserve; but other than that the gold will probably only to a very limited extent indeed, go into circulation. Everybody will see the convenience of our having a gold coin of the same value as the gold coin of the United States.

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

INCREASE TO SENATE EMPLOYEES.

The SPEAKER—I desire to submit to the House a recommendation by the Clerk, which I should have submitted some days ago, but for the fact that I desired to show it to two or three members. It reads as follows:

Clerk's Office, Ottawa, April 15, 1910.

The Honourable J. K. Kerr,
Speaker of the Senate.

Sir:—

I have the honour to report, should the Senate desire to give to the members of the staff the yearly increase of salary which may be granted to them under section 37 of chapter 15, statutes of 1908, that I know of no one who should be deprived of it by reason of misconduct or neglect of duty.

In the case of Arthur Hinds, clerk in the law office and stenographer? I desire to commend the cheerful readiness with which he

has answered the many calls made upon him by the different branches of the staff for his services, and the exceptionally thorough manner with which he has discharged the various duties assigned to him. This statement is made with a view of securing for him a further increase of $50, referred to in subsection 3 of said section 37.

I have the honour to be,
Sir,
Your obedient servant,
(Sgd.) Samuel E. St. O. Chapleau,
Clerk of the Senate.

I hereby recommend that the increase of salary referred to in the above report be paid to the staff of the Senate.

(Sgd.) J. K. KERR,
Speaker of the Senate.

I would say by way of explanation, if I might be allowed to do so, that this would have been presented earlier, but the Clerk was under the impression that the action of the Act was automatic, and that it went into operation without any recommendation being required from him. His attention being called to it, he made the recommendation, and if the Senate sees it way to deal with it to-day it would facilitate matters, as the salaries begin to be paid to-morrow.

Hon. Mr. LOUGHEED—Personally I think that this recommendation should stand until the report of the Standing Committee on Internal Economy and Contingent Accounts comes before us on Tuesday next. There is involved in that report the consideration of the payment of salaries to many of the messengers, and minor officers or servants of the House.

The SPEAKER—This does not interfere with anything in that report.

Hon. Mr. LOUGHEED—It does not deal with that class of servants?

Hon. Mr. THOMPSON—No.

Hon. Mr. LOUGHEED—I think this report should stand until the other is dealt with.

Hon. Mr. POWER—I think the hon. leader of the opposition is under some misapprehension. This is simply a recommendation that the officers of the House, as to whose status there is no question, shall receive their monthly pay. This is pay-day, and if we postpone action until next Tuesday it is possible that some members of the staff would be put to inconvenience, and the report of the committee, which has been on the table for some time, does not in any way touch the subject matter of this recommendation. In fact, it is so long ago since that report was presented, that I do not distinctly remember what it contains; but it does not contain any recommendation with respect to certain servants whose increases were not granted last session, and those servants should get their month's pay as well as other employees; therefore, I was hoping that the committee would soon have another meeting so as to present some report in connection with the very important matter to which the hon. leader of the opposition has referred. I think we ought next week to try and meet and be in a position to submit to the House some recommendation with respect to the cases of certain members of the staff to whom the committee and the House last year recommended increases, which increases they did not get; but I think it would be a great pity that all our employees should be put to some inconvenience now without any particular object, because this report, which is to come up on Tuesday, does not deal directly with the increases.

Hon. Mr. THOMPSON—I quite agree with the hon. gentleman from Halifax, that the report now presented does not touch the question involved in the matters that were dealt with by the Committee on Internal Economy, and which report will be considered on Tuesday next. There were provisions of the Civil Service Act made applicable to certain members of the staff, and there were increases allowed in the several divisions that were adopted, which had to have the approval of the Governor in Council, and that is covered in the report made to-day. It has been reported that they know no reason why the increases that are provided under the Act should not be paid to the staff of the Senate, and unless some member of the Senate here knows any particular reason why this matter should be investigated before being approved of, I cannot see why we should not accept the recommendation. Reports of this nature should be handed

in earlier, so that they might be dealt with by the committee, which practically stands as a Finance Committee for the management of all the financial questions involved in the parliamentary work of the Senate. Bourinot says matters of expenditure have always been referred to that committee to make some recommendation under which the Governor in Council might act. It would seem, perhaps, a little harsh if by reason of any mistake in regard to our understanding of the Act, that this report had not reached the Senate earlier, so as not to inconvenience the staff of the Senate. Under these circumstances, I cannot see that the report of the committee is involved in the recommendation. I cannot see why we cannot accept the report to-day.

Hon. Mr. POWER—I have the honour to move that rule 24a be suspended, that this memorandum be taken into consideration at once.

Hon. Mr. LOUGHEED—I will not object to the suspension of the rules. I must say my sympathies would be in the direction of taking that objection were this report, which has been before the House I think for the last six weeks or more, not in prospect of being dealt with on Tuesday next. I have a great deal of sympathy with men who have been looking forward since last session to getting the increase of salary indicated in this report. I am not disposed to raise any question as to the adoption of the report.

The motion was agreed to.

Hon. Mr. POWER moved that the change recommended in the memorandum submitted be authorized.

Hon. Sir MACKENZIE BOWELL—May I ask if this report includes the payment to certain employees of money that was voted to them last session, but which has been withheld from them?

Hon. Mr. THOMPSON—This report does not deal with that feature of it at all. It only deals with the annual increases.

The motion was agreed to.

FRENCH CONVENTION ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (126) An Act to correct a clerical error in the French Convention Act, 1908.

(In the Committee.)

Hon. Mr. LOUGHEED—I hope this is not the mistake which proved so alarming to the United States authorities?

Rt. Hon. Sir RICHARD CARTWRIGHT—I do not know what proved alarming to them; but ultimately they seemed to have swallowed a good deal.

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

INDIAN ACT AMENDMENT BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 141) An Act to amend the Indian Act.

He said: This is a Bill to enable the department to deal with trespassers, and to provide for the sale of lands in a more satisfactory fashion. Further explanations I can give when we get into committee.

Hon. Mr. LOUGHEED—That is more satisfactory than recent transactions on St. Peter's reserve.

Rt. Hon. Sir RICHARD CARTWRIGHT—I am not aware that there was anything unsatisfactory in that instance.

Hon. Mr. LOUGHEED—Not to the purchasers.

Rt. Hon. Sir RICHARD CARTWRIGHT—As I understand, the House of Commons, by a large majority, declared that they were satisfied. The object of the Bill is to protect the Indians.

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

SECOND READING.

Bill (No. 186) An Act to amend the Irrigation Act.—Rt. Hon. Sir Richard Cartwright.

MILITIA PENSIONS ACT AMENDMENT BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 194) An Act to amend the Militia Pension Act. He said: This Bill is to enable officers who have had periods of service in the ordinary militia force, and in other ways, to count those towards their pensions. The details are given pretty fully in the Bill itself.

Hon. Sir MACKENZIE BOWELL—I understand that the reason for departing from the principle laid down for pensions is to enable the Minister of Militia to utilize experienced men who are found in positions where they could not receive a pension until they had served twenty years. That is, if they accepted the offer made to them. This Bill will enable the department to take the best men who are not able to serve the twenty years, and who might not accept the position unless the time they had already served is counted for pension.

Rt. Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman is correct.

Hon. Sir MACKENZIE BOWELL—I think it is a good provision.

Rt. Hon. Sir RICHARD CARTWRIGHT—It will facilitate the transferring of officers from the militia to our permanent force.

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

TELEGRAPH AND TELEPHONE RATES BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved that Bill (No. 104) An Act to control the rates and facilities of Ocean Cable Companies, and to amend the Railway Act with respect to Telegraphs and Telephones and the jurisdiction of the Board of Railway Commissioners be read the second time.

He said: The principle involved here is one of considerable importance no doubt; but what I purpose doing with this measure, and the one to amend the Telegraphs Act, is to refer them to the Committee of Railways. A number of hon. gentlemen in this House, some of whom are not present to-day, have pressed upon me, and I believe a petition has been addressed to this House, the desirability of allowing parties interested to be heard before one of our committees before the Senate finally decides upon this Bill. Ordinarily, this being a government Bill, I should have hesitated to do it; but under all the circumstances, and in view of the representations made, I think it would be a fair and reasonable thing that these two Bills should go to our Committee on Railways, so that parties who think they have any grievance may present their case for a hearing there. Therefore, if the House consents, I will, when those two Bills are read, move that they be referred to the Committee on Railways, Telegraphs and Harbours afterwards. I am desirous of doing it this afternoon for the reason that the officers of the committee may give notice to interested parties that they will be heard, and I would submit also that in yielding to the wishes of my hon. friends who have asked for this, that a report of the committee should be brought forward with all convenient speed. Of course, the Bill has passed the Lower House, and there will be time enough to consider it; but I wish it to be understood, and it is on that condition that I agree to this reference, that all reasonable expedition shall be used on behalf of the parties concerned.

Hon. Mr. LOUGHEED—Can my hon. friend say to what extent, if any, we now control cable rates?

Rt. Hon. Sir RICHARD CARTWRIGHT—I do not think we control them at all as matters stand. This is introducing a new principle, the principle of putting these rates under the control of the Board of

Railway Commissioners, and, of course, being a new principle, as I say, I would not press it, only for the fact that at this late stage of the session, if it does go before the Committee on Railways, Telegraphs and Harbours, I am desirous of having it done at once.

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

Rt. Hon. Sir RICHARD CARTWRIGHT moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. WILSON—This is a very peculiar motion. We have had Bills referred to standing committees when they should have been considered in Committees of the Whole House. I do not think it a reasonable thing to send this Bill to a special committee. In the Commons, the parties had an opportunity of carefully considering the details of this Bill. Why did the companies neglect to appear before the committee there?

Rt. Hon. Sir RICHARD CARTWRIGHT —The companies had no opportunity of appearing in the Commons.

Hon. Mr. WILSON—They had an opportunity of going before the committee there.

Rt. Hon. Sir RICHARD CARTWRIGHT —No, they had no opportunity.

Hon. Mr. WILSON—It was a Committee of the Whole House. The Bill is a government measure, and originated in the House of Commons. It passed through a Committee of the Whole there, and outsiders had no opportunities of making representations there.

Hon. Mr. WILSON—Why did not the companies make some representations there?

Rt. Hon. Sir RICHARD CARTWRIGHT —They could not appear there. They could not appear before a Committee of the Whole House.

Hon. Mr. WILSON—If the companies are so deeply interested, why did they not appear there?

Rt. Hon. Sir RICHARD CARTWRIGHT —Is the hon. gentleman not aware that a company cannot appear before a Committee of the Whole House?

Hon. Mr. WILSON—I understand that perfectly well, but I want to know why, if the Bill is so important, it was neglected in the House of Commons?

Rt. Hon. Sir RICHARD CARTWRIGHT —It was not neglected.

Hon. Mr. WILSON—I suppose it will be another case of referring a Bill to a standing committee, and when it is reported back it will be read without discussion, and passed, as happened in the case of the Insurance Bill. I feel that the House will not have an opportunity of really considering this unless members belong to or attend the meetings of the Railway Committee. What I object to is that these Bills are not referred to a Committee of the Whole House for consideration in addition to being sent to a Standing Committee. I have complained of that frequently. Many of those Bills get through the House without due consideration after they have been reported from the Standing Committees. I am not reflecting on the special committees. They do their work well; but members who do not belong to those committees have no opportunity of knowing what is being done at their meetings. However, I withdraw my opposition to this Bill going to a special committee. I hope, if we live to see another session, we will be given an opportunity of seeing all public Bills here, as in the House of Commons, considered by a Committee of the Whole.

Hon. Mr. ROCHE—I think that the proposal made is a very reasonable one, and I gladly support it. There is a popular prejudice that the rates charged by the cable companies are excessive. That supposition is a very superficial one, not arising at all from knowledge of the amount of business done, or the amount expended. I have the advantage, it may be, of having on one side of me the Halifax cable plant of the Mackay-Bennett system, and on the other hand the cable plant and steamers of the Anglo-American

Cable Company. I am quite familiar with the very great expense these companies are at upon recovery expeditions, and the maintenance of a large plant for the recovery of cables when lost. I am told that the dividends paid by these companies are from four to six per cent, which is not an extravagant remuneration for the large amount of capital involved, and for the very great expenditure and risk to which these companies have to submit. Therefore, I think it would be reasonable, in view of that popular prejudice which more or less pervades the minds of commercial people, and also of parliamentarians, that the cable companies should have permission to appear before the committee and state the off-set to that popular prejudice, and that would be by allowing an investigation into the receipts and expendtures of the cable companies to see if the public are charged excessive rates.

The motion was agreed to.

TELEGRAPHS ACT AMENDMENT BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (105), An Act to amend the Telegraphs Act. He said for the same reason, and with the same intent I move the second reading of this Bill.

Hon. Mr. LOUGHEED—Has any question arisen as to the authority or jurisdiction of the Railway Board over the telegraph and telephone companies?

Rt. Hon. Sir RICHARD CARTWRIGHT —I think there has been some.

Hon. Mr. LOUGHEED—My attention has been directed recently to an investigation into the rates by that board, before which the telegraph companies of the Dominion have appeared.

Rt. Hon. Sir RICHARD CARTWRIGHT —I cannot lay my hands on the memorandum with respect to it.

Hon. Mr. LOUGHEED—Perhaps some doubts have arisen.

Rt. Hon. Sir RICHARD CARTWRIGHT —I think some doubts have arisen.

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

IMMIGRATION BILL.

IN COMMITTEE OF THE WHOLE.

The House resumed in Committee of the Whole consideration of Bill (No. 102) An Act respecting Immigration.

(In the committee.)

Rt. Hon. Sir RICHARD CARTWRIGHT —As the attendance to-day is not large, if any hon. gentleman is not satisfied with the explanations I make on any clause, I will let it stand; but I think the chief clauses which are likely to cause discussion have been passed.

On clause 31:

31. Regulations made by the Governor in Council under this Act may provide that the obligations of transportation companies bringing immigrants and passengers into Canada by land shall be similar to those imposed by this Act on masters and owners of vessels bringing immigrants and passengers to Canada, including the furnishing of names and descriptions of such immigrants and passengers.

2. Such regulations may also provide that officers under this Act shall have the power to hold and detain railway trains, cars and other vehicles entering Canada until examination of immigrants and passengers has been made as required by this Act; and may provide penalties for non-compliance with such regulations by transportation companies, or any official or employee thereof.

3. Such regulations may also impose a duty upon transportation companies to provide, equip and maintain suitable buildings for the examination and detention of passengers for any purpose under this Act at such ports of entry or border stations as may be designated by the minister; and may provide penalties for non-compliance by transportation companies with such regulations: Provided that no transportation company shall be made liable for the safe-keeping of any person who is in custody of an officer for any cause under this Act, unless such person is on a vessel, railway train or other vehicle belonging to or operated or controlled by such company.

Hon. Mr. LOUGHEED—This imposes upon transportation companies the obligation to build immigration sheds and provide facilities for immigrants. Is this new?

Rt. Hon. Sir RICHARD CARTWRIGHT —That is new. No. 1 is an old provision.

but the others are new. The whole object is to put the transportation companies decidedly on their metal, and make them careful how they bring in undesirable persons.

Hon. Mr. LOUGHEED—It seems to me that subclause 3 gives the government rather arbitrary powers so far as imposing upon transportation companies the obligation to maintain suitable buildings for the examination and detention of passengers and so on. That is to say, the government is practically throwing upon the transportation companies the duties or burdens which heretofore fell upon the government in administering the Act. I am not prepared to say it is not a salutary provision. I should like to know to what extent the government intends to insist upon the carrying out of an obligation of this character involving a very considerable expenditure, I should say, upon the transportation companies.

Rt. Hon. Sir RICHARD CARTWRIGHT —That is true; but I may say in the first place that the government propose to incur very heavy expenditures themselves, and the hon. gentleman knows that the transportation companies are not inclined to allow themselves to be fleeced, without remonstrance.

Hon. Mr. LOUGHEED—I have no great solicitude for the transportation companies; they usually look after themselves, but I desire to know to what extent this new policy had been discussed with the transportation companies. Has there been any discussion between them as to the extent to which this policy would be carried out?

Rt. Hon. Sir RICHARD CARTWRIGHT —On the other side of the border, the United States government have similar regulations, and the transportation companies there have to conform to them. We are merely putting our companies on the same footing as the United States companies.

Hon. Mr. POWER—I understand from the minister in charge, that they have buildings of this kind on the other side of the border?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes.

Hon. Mr. POWER—We all know that in the case of large cities, in Canada, the United States government have officers who examine the luggage of passengers going into the United States, and also conduct the necessary medical examination in Canada; so that it is not necessary that there shall be any building inside the United States border for the purpose of conducting that examination, and it occurred to me it might be possible to arrange with the United States authorities so that in cases where they have those buildings the Canadian officers might be allowed to make the necessary examination there, without compelling the transportation companies to erect expensive buildings.

Rt. Hon. Sir RICHARD CARTWRIGHT —I understand from the officials of the department that there is an exchange of courtesy between the officers covering such points; but my hon. friend can easily see that that is better done by understanding than by regulations.

The clause was adopted.

On clause 33:

33. Every passenger or other person seeking to land in Canada shall first appear before an immigration officer, and shall be forthwith examined as required under this Act, either on shipboard or on train or at some other place designated for the purpose.

2. Every passenger or other person seeking to land in Canada shall answer truly all questions put to him by any officer when examined under the authority of this Act.

3. Every passenger or other person so examined shall be immediately landed unless the examining officer has reason to believe that the landing of such passenger or other person would be contrary to any provision of this Act.

4. Every passenger or other person, as to whose right to land the examining officer has any doubt, shall be detained for further examination by the officer in charge, or by the board of inquiry, and such examination shall be forthwith conducted separate and apart from the public and upon the conclusion thereof such passenger or other person shall be either immediately landed or shall be rejected and kept in custody pending his deportation.

5. An order for deportation by a board of inquiry or officer in charge may be made in the form B in the schedule to this Act, and a copy of the said order shall forthwith be delivered to such passenger or other person, and a copy of the said order shall at the same time be served upon the master or owner of the ship or upon the local agent or other official of the transportation company by which such person was brought to Canada; and such person shall thereupon be deported by such company subject to any appeal which may have been entered on his behalf under section 19 of this Act.

6. Every person who enters Canada except at a port of entry shall forthwith report such entry to the nearest immigration officer and present himself for examination as provided by this section.

7. Any person who enters Canada except at a port of entry may be arrested and detained by any officer for examination as provided under this section; and if found not to be a Canadian citizen, or not to have Canadian domicile, such entry shall in itself be sufficient cause for deportation whenever so ordered by a board of inquiry or officer in charge subject to any appeal which may have been entered under section 19 of this Act.

8. Any transportation company or person knowingly and wilfully landing, or assisting to land or attempting to land in Canada, any prohibited immigrant or 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.

9. Any transportation company or person interfering with an immigration officer in the performance of his duty under this Act, or knowingly and wilfully assisting in the escape of any person detained by an officer, or at an immigrant station, for any purpose under this Act, or giving false information to an officer, whereby such officer is induced to land or permit the landing of any person in Canada who otherwise would be refused landing for any cause under this Act or would be detained for examination, shall be guilty of an offence, and shall be liable to a fine of not more than five hundred dollars and not less than twenty dollars for each such offence.

10. Every person who enters Canada as a tourist or traveller or other non-immigrant, but who ceases to be such and remains in Canada, shall forthwith report such facts to the nearest immigration officer and shall present himself before an officer for examination under this Act, and in default of so doing he shall be liable to a fine of not more than one hundred dollars and shall also be liable to deportation by order of a board of inquiry or officer acting as such.

11. Pending the final disposition of the case of any person detained or taken into custody for any cause under this Act he may be released under a bond, which bond may be in the form F in the schedule to this Act, with security approved by the officer in charge, or may be released upon deposit of money with the officer in charge in lieu of a bond, and to an amount approved by such officer; upon condition that such person shall appear before a board of inquiry or officer acting as such at any port of entry named by the officer in charge, and at such time as shall be named for examination in regard to the cause or complaint on account of which he has been detained or taken into custody.

12. If such person fail to appear for examination at such time and place named, or shall fail to keep and observe every other condition under which he is so released, then such bond shall be enforced and collected, and the proceeds thereof, or the money deposited in lieu of a bond, as the case may have been, shall be paid into the hands of the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada; and such person may be taken into custody therewith and deported by order of a board of inquiry or officer acting as such.

Hon. Mr. LOUGHEED—That seems to be rather a high-handed power for the government to take and exercise, particularly as to passengers. A distinction must be drawn between passengers and immigrants. There is an interpretation under paragraph (j) of the interpretation clause, stating what a passenger shall mean. Surely it is not seriously intended that a passenger who is a person travelling through Canada, should first appear before an immigration officer and undergo an examination whether on ship board or on train, or at some other place designated for that purpose.

Rt. Hon. Sir RICHARD CARTWRIGHT—If my hon. friend will look at clause 32 he will see that this word would cover 33. Clause 32 reads:

32. Subject to any regulations made under the preceding section, the superintendent of immigration, under the direction or with the approval of the minister, shall prescribe regulations for the entry, inspection and medical examination of immigrants and passengers along the border of Canada so as not to unnecessary delay, impede or annoy passengers in ordinary travel.

The minister has a discretionary power in all these matters, and it is expressly provided that the regulations shall be carried out so as not to annoy or delay passengers.

Hon. Mr. LOUGHEED—Paragraph (j) of the interpretation clause says a passenger is not a person coming under the class required to submit himself to all the procedure of the Act. It seems to me that a term other than passenger should

be used. I refer to the first clause of section 33, which reads as follows:

Every passenger or other person seeking to land in Canada shall first appear before an immigrant officer.

Hon. Mr. POWER—Supposing a person comes from Buffalo to Toronto?

Hon. Mr. LOUGHEED—There are passengers and passengers.

Subclause (j) of the Interpretation Act reads:

(j) 'passenger' means a person lawfully on board any ship, vessel, railway train, vehicle or other contrivance for travel, or transport, and also includes any person riding, walking or otherwise travelling across any international bridge or highway; but shall not be held to include the master or other person in control or command of such vessel, ship, railway train, vehicle, bridge, highway or other contrivance for travel or transport, or any member of the crew or staff thereof; or military or naval forces and their families who are carried at the expense of the government of the United Kingdom, or the government of any British Dominion or colony: Provided that any member of the crew of a ship or of the staff of a railway train or other contrivance for travel or transport who deserts or is discharged in Canada from his ship or railway train or other contrivance for travel or transport shall thereupon be considered a passenger within the meaning of this Act.

A person living within Canada is a passenger under this Act.

Rt. Hon. Sir RICHARD CARTWRIGHT—The minister may be trusted to have sufficient good sense not to put it in force unnecessarily. There may be cases in which it is desirable he should be armed with the power, but he should be chary in exercising it.

Hon. Mr. LOUGHEED—I quite appreciate that; but we must not forget that many men clothed with a little brief authority and sent to a place to carry out a regulation, act like automatons and exercise no judgment, and think that they are there to arbitrarily carry out the provisions of the Act. Therefore, in framing the Act, we should take every precaution to prevent any misconception as to its meaning.

Hon. Mr. POWER—I doubt the wisdom of entrusting powers to the government and their officers, which are very likely to be abused. I take it for granted that what we are doing is assimilating the Canadian to the United States law. Every few days we read in the papers of most arbitrary and objectionable conduct by the United States officers in regard to respectable passengers going from Canada to the United States. Our officers may be better and more considerate than those of the United States; but they are not all considerate, and I think this enactment is very liable to great abuse. Is the minister in a position to say that any serious difficulty has arisen in the past because passengers have not been subjected to that treatment?

Rt. Hon. Sir RICHARD CARTWRIGHT—I do not think that has occurred; but I am advised by the officers of the department that as respects the action of the United States officials, seventeen cases have been brought before their notice recently in which the actions of the United States officers were complained of, and over which the newspapers have made a great row, and in every one of those cases the complaints were found to be grossly exaggerated.

Hon. Sir MACKENZIE BOWELL—Some officers on the border are very particular in that respect. Last year, when I was returning from St. Paul, an officer in uniform asked me if I was going to Canada. I said: "Yes." He asked: "How long are you going to remain there?" I said: "As long as I live." He said: "Have you lived there before?" I said: "For about seventy-five years." He said: "Do you intend to remain there?" I said: "Yes; would you like to know my name"? and he did not say whether he would or not, and I handed him my card and he smiled very politely and walked off. There is a case where a very officious officer might put one to annoyance. I answered him very civilly, and he said I might go.

Rt. Hon. Sir RICHARD CARTWRIGHT Was he an Orangeman?

Hon. Sir MACKENZIE BOWELL—I did not try him. I did not give him the grip nor give him the sign. I shall act upon the suggestion next time, and will ascertain whether the official is an Orangeman

or a Freemason. Perhaps I would get along better if he were a Freemason, because he would not allow any prejudices he might have against the other order to influence him. I was somewhat gratified that he was so carefully looking after the interests of the country to keep suspicious people out.

Rt. Hon. Sir RICHARD CARTWRIGHT—Any regulations we may make might be abused by indiscreet or foolish persons on a frontier like ours; but the department have asked to be invested with these very considerable powers, and I have heard very little complaint. I think my hon. friends have heard very little complaint of any Canadian officials exercising undue severity on passengers coming into Canada. I think the complaints have been all the other way as against the United States officials.

Hon. Mr. WATSON—Not altogether the other way. I remember a case under my own notice during last summer, when I was down in northern Dakota. I might say that in going down from Canada into Dakota, on the Soo line, a United States official boarded the train at Estevan and went through the train, canvassing every person on the train, asking where they were going and what means they had. He canvassed all the passengers going to the United States side. When some 250 miles south of the boundary line, a matter was called to my attention. They knew I was a Canadian, and they called my attention to the case of an old lady who had made an attempt to visit her two sons, who were farming in Alberta. She had been there before, and she had gone down home, to meet the other members of her family in North Dakota, and was going back to her son's in Alberta. She had her ticket bought right through to destination, and had some $20 on her person, but the Canadian officer at Portal turned her back, and would not let her enter Canada, and she had to return to her people in Dakota.

Hon. Mr. LOUGHEED—On what grounds?

Hon. Mr. WATSON—Simply because she was an old woman, that was all. That officer came to the conclusion that she might be a burden on the Canadian taxpayer. It was really a case of hardship. I do not think there was any reason to reject her, from a medical point of view. She looked to me to be a hale, hearty old German lady; but there was no question that she was turned back, having $20 on her person to pay expenses, and a ticket to destination. That should not take place again, and I thought it well to mention the incident.

Rt. Hon. Sir RICHARD CARTWRIGHT—I am very glad my hon. friend mentioned it, because I entirely agree with him that if abuses of that kind are found to occur, the powers granted to these officials will have to be restricted. I hope and believe that these cases are of very rare occurrence.

Hon. Mr. WATSON—I would just like to say, in justification, that placing those severe restrictions on our statute-book will probably be the means of making our United States cousins let up on their restrictions. I have known, in my own country, one case in which a gentleman wished to leave our rigorous climate and go to California a few years ago. He was troubled with rheumatism. He was worth some $12,000 or $15,000 in his own right. He was healthy, except that he was troubled with rheumatism. He wanted to go to California for the winter. It happened I was in Winnipeg at the time. There was a party made up, and he was going along with them, on the tourist train, and, on account of suffering from rheumatism, he was laid out in his berth before the train left Winnipeg. A young United States officer came along, and told them they would have to take that man out of the car. His daughter, who was a trained nurse, was going with him to spend the winter in California; but he was ordered out of the car. Knowing me, the daughter came to me and said, 'What shall I do? The doctor says he will never get past the boundary,' and I said, 'I am inclined to think he will.' I saw that officer's superior and finally, after using some pretty strong language towards that gentleman, speaking of it as a case that might be heard of in Ottawa and Washington, if the gentleman was interfered with, he condescended to send a telegram to the boundary line, to let this man pass, I paying for the telegram. That was very harsh treatment. A

number of our people go south to a warmer climate in winter time, and I consider this officious interference at the boundary line is barbarous treatment. There was no question of this man's ability to pay. Another gentleman and I went to the United States officer who sent the wire, and said that if they wanted a bond of ten thousand dollars that this man would pay his way, and not become a burden on the country, we would cheerfully furnish such a bond, and he was allowed to pass. Such things should not occur in a civilized country. The treatment is inhuman and harsh, and it is possible that if our Canadian officers enforce pretty rigid regulations, they will be able to force the United States officers to come to some reasonable understanding, and allow passengers such as I have described, to pass.

Rt. Hon. Sir RICHARD CARTWRIGHT —In a great number of cases, the action of the United States officers has been exaggerated and misrepresented; but there have been cases beyond all question in which they have behaved abominably. There is a case that is attracting a great deal of attention in the United States, of a gentleman of a well known English family, a wealthy man and the son of a scientific gentleman, who has been consigned to durance vile in an asylum, and whose wife and family have been obliged to take refuge in a place for second class passengers in a steamer. I may say that representations have been made, and are being made through the British Ambassador at Washington, calling the attention of the government there very strongly to the conduct of some of their officials in interfering with passengers.

Hon. Mr. LOUGHEED—In this connection, may I suggest to my right hon. friend who has charge of the Bill, that the sections from 25 down to 33 should be modified, so as to indicate the class of passenger that may be subjected to an inspection of the kind described. Reverting to section 25 it reads:

> 25. It shall be the duty of every transportation company bringing passengers or other persons to Canada by vessel to prevent such passenger or other persons leaving such vessel in Canada at any time or place other than as designated by the immigration officer in charge, and the failure of any such company to comply with such duty shall be an offence against this Act and shall be punished by a fine of not more than five hundred dollars and not less than twenty dollars, in respect of each such passenger or person and every passenger or other person so landed may be arrested and detained for examination as contemplated under section 33 of this Act.

This subjects them to all restrictions. It is surely not the intention of the government to surround tourists who are merely passing through the country with all the onerous restrictions mentioned in the Act.

Rt. Hon. Sir RICHARD CARTWRIGHT —Oh, it is not.

Hon Mr. LOUGHEED—It seems to me the interpretation clause should be amended to indicate the class of passengers who will be subjected to those restrictions. The class of passenger liable should be an objectionable person coming to Canada, practically an undesirable immigrant. May I mention in connection with the courts of inquiry it is proposed to establish, that there should be an amendment to provide that counsel should have the right to appear before that court of inquiry on behalf of the immigrant.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am told they have the right.

Hon. Mr. LOUGHEED—I do not see it in this Bill. The great majority of those who will appear before a court of inquiry, or may be detained for investigation, will be foreigners. They may not even have the advantage of an interpreter. They may be possessed of means. Every opportunity should be given them to present their case before the board of inquiry.

Rt. Hon. Sir RICHARD CARTWRIGHT —If my hon. friend will look at clause 15, he will see that such immigrant, passenger or other person shall have the right to be represented by counsel.

Hon. Mr. LOUGHEED—It is a question in my mind whether that deals with the same class of cases as is described in clause 33. If it does I am satisfied.

Rt. Hon. Sir RICHARD CARTWRIGHT —I will point out again that the question

involved in this is a very difficult one. I will give an illustration. One would suppose that we might safely admit first-class passengers of all descriptions without subjecting them to restrictions. Yet it has been found in practice that very objectionable persons, gamblers, and persons of loose character, have frequently availed themselves of their spoils, to come forward as first-class passengers. You cannot lay down hard and fast rules as to the class of passengers who may be subjected to this examination.

Hon. Mr. LOUGHEED—You might say every passenger to whom suspicion may attach.

Rt. Hon. Sir RICHARD CARTWRIGHT—It does say that. If my hon. friend will look at clause three, he will see that it is intended to cover such immigrants.

Hon. Mr. LOUGHEED—That may qualify it.

Hon. Sir MACKENZIE BOWELL—Clause 32 gives the minister power to make any regulations he may consider necessary with regard to the entrance of passengers of all classes. If they issue regulations explaining what the interpretation of 'passenger' is, that will cover the case to which my hon. friend refers.

Rt. Hon. Sir RICHARD CARTWRIGHT—I do not mean to deny that the regulations we pass here may be abused, but we must trust to the discretion of the department to a large extent in dealing with these questions.

Hon. Mr. CLORAN—Where persons have a right to enter, and are improperly treated. have they any recourse? Take the case mentioned by the hon. gentleman from Marquette (Hon. Mr. Watson). If it was known that by a telegram to an officer of the department in charge of such matters she could have the case properly dealt with, say within two or three hours it would be better. Under the present system, she had to go back three or four hunrded miles. The public should know to whom complaints shall be addressed.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think clause 19 covers that.

Hon. Mr. CLORAN—It should be known that a complaint could be made by telegraph to some officer competent to deal with such matters.

Rt. Hon. Sir RICHARD CARTWRIGHT—The telegram should be sent to the Superintendent of Immigration.

Hon. Mr. CLORAN—He is not always here. There should be officers such as large companies have.

Rt. Hon. Sir RICHARD CARTWRIGHT—I have had complaints against big companies that have taken me weeks and sometimes months to get redressed. I will call attention to the criticisms of my hon. friends, but I must again repeat that you are giving the department power to prevent undesirables coming into Canada, and you will have to give them pretty large discretionary powers. There is no getting around that. It may be quite true that in certain individual cases, hardships will arise.

Hon. Mr. CLORAN—You should have a court of appeal.

Rt. Hon. Sir RICHARD CARTWRIGHT—That is provided for.

Hon. Mr. CLORAN—I mean on the spot.

Rt. Hon. Sir RICHARD CARTWRIGHT—With such a frontier as ours, that is not an easy matter. Our press and public men will exercise a strict scrutiny over cases such as those mentioned. I may state for the information of the House, that the moment the Minister of the Interior heard of the case in question, he caused an investigation to be made. In the case mentioned by the hon. gentleman from Welland (Hon. Mr. Gibson) I am told that the charge per day by each of the parties detained was fifty cents, and in the case of the child that had ringworm, it was seventy-five cents.

Hon. Mr. LOUGHEED—By whom are those charges made—by the government or by the transportation company? Under what law or regulation are those charges made, and imposed on an immigrant?

Rt. Hon. Sir RICHARD CARTWRIGHT—Everybody knows that doctors differ as

to what is contagious, and what is not. This ringworm was considered by some medical men a serious case of contagious disease. I take it for granted that some cases might be serious, and others trifling.

Hon. Mr. LOUGHEED—The most objectionable feature of the case was the fact that the transportation company threatened the family with deportation if the amount was not paid. That was a threat which should not have been made, and which could not have been enforced legally.

Rt. Hon. Sir RICHARD CARTWRIGHT —That will be stopped, I am informed.

Hon. Mr. LOUGHEED—The transportation company should not be in a position to take immigrants by the throat and threaten them with deportation.

Rt. Hon. Sir RICHARD CARTWRIGHT —That is fully guarded against in clause 44.

The clause was agreed to.

On subclause 6.

6. Every person who enters Canada except at a port of entry shall forthwith report such entry to the nearest immigration officer and present himself for examination as provided by this section.

Hon. Mr. WILSON—Cases may arise under this which would be a hardship. We have certain lake ports where there are no immigration officers, and there is no one to look after parties coming in. If you have no officer or medical man there to examine the immigrant, what are you to do? Have him arrested on account of the department not supplying an officer to perform the duty? Where an immigrant crosses Lake Erie, Lake Ontario or Lake Huron, would you compel him at once to report himself to some officer?

Rt. Hon. Sir RICHARD CARTWRIGHT —My hon. friend is arguing a matter which has been provided for in subclause 8. If you give the department power to keep out undesirables, you may make up your mind there will be cases of hardship.

Hon. Mr. WILSON—The point I raise is the case of an immigrant coming from the United States, and entering a port where there is no officer. Will you compel him at once to seek out some officer to whom to report?

Rt. Hon. Sir RICHARD CARTWRIGHT —Undoubtedy.

Hon. Mr. WILSON—It may be that subclause 8 will cover that point. There ought to be some officer at each of these lake ports, and the officer ought to have a medical gentleman to examine persons entering that way to ascertain whether they intend to remain in the country, and whether they are undesirables. If you use arbitrary means you will create a good deal of friction along the border. The minister might consider the propriety of authorizing the collector of customs, or somebody at the port, where immigrants from the United States enter, to examine them.

Hon. Mr. POWER—I wish to direct the attention of the right hon. minister in charge of this Bill to the fact that this clause does not professedly deal with immigrants. If he will look at the beginning he will see that it says:

33. Every passenger or other person seeking to land in Canada shall first appear before an immigration officer, and shall be forthwith examined as required under this Act, either on shipboard or on train or at some other place designated for that purpose.

Now, I can readily understand that might be a desirable provision in the case of an immigrant; but where our boundary is coterminous with the United States for something like 3,000 miles, it just comes to this, that if subclause 6 were rigidly interpreted and enforced, it would mean that a man strolling into the state of Vermont from Canada could not return without reporting to the immigration agent.

Rt. Hon. Sir RICHARD CARTWRIGHT —It is possible that incidents of that kind might occur; but if you do not give that power how is the Act to be enforced?

Hon. Mr. POWER—If this provision were limited to immigrants, I would not object.

Subclause adopted.

On clause 37:

37. Regulations made by the Governor in Council under this Act may provide as a condition to permission to land in Canada that immigrants and tourists shall possess in their own right money to a prescribed minimum amount, which amount may vary according to the race, occupation or destination of such immigrant or tourist, and otherwise according to the circumstances; and may also provide that all persons coming to Canada directly or indirectly from countries which issue passports or penal certificates to persons leaving such countries shall produce such passports or penal certificates on demand of the immigration officer in charge before being allowed to land in Canada.

Hon. Mr. LOUGHEED—Might I refer my hon. friend to paragraph 'h' of clause 3, which provides:

(h) Immigrants to whom money has been given or loaned by any charitable organization for the purpose of enabling them to qualify for landing in Canada under this Act, or 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.

So long as an immigrant possesses all the other qualifications required by the Act, should it make any difference where he secured his financial assistance? Of course, I can appreciate the undesirability of challenging immigrants being sent to Canada, yet the standard fixed by our Act is so restrictive it seems to me we might possibly with profit dispense with making inquiry as to where the money comes from so long as the immigrant possesses the other qualifications.

Rt. Hon. Sir RICHARD CARTWRIGHT—As I understand, the minister has reserved very considerable discretionary power as to the admission of immigrants. The officers of the department inform me that the particular class meant by this section, have proved very undesirable immigrants. There are exceptions no doubt. Every now and then valuable immigrants may come in that way, but the vast majority of them are not people that we would like to see in Canada.

Hon. Mr. LOUGHEED—I quite appreciate the force of what my right hon. friend has said, but as there are so many deserving persons who may secure assistance from philanthropic organizations, which would not be termed charity organizations, it seems to me there should be more latitude as to the admission of those people than is permitted by subclause (h) which I have quoted. It would appear that the assistance must be obtained at the point of departure. Take for instance the case of a deserving immigrant arriving here who may unwittingly have received assistance in the direction alluded to; the minister should exercise discretion on this side so as to relieve him of this obligation, and permit him to land.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think he has that under another clause.

Hon. Mr. LOUGHEED—Under this clause, which purports to deal with it, he has not.

Rt. Hon. Sir RICHARD CARTWRIGHT—He has very large discretion, and will exercise it in all such cases. I admit—there is no possible use in denying it—that in putting up those barriers for the purpose of excluding persons we do not want, we may exclude some people who would be valuable citizens. That is unfortunate, but my hon. friend knows, and I think the experience of everybody who has looked carefully into the class of immigrants heretofore sent to Canada, particularly by guardians of the poor in England, and people of that kind, is that they send us the refuse, and not the best of their population.

Hon. Mr. LOUGHEED—I want to see a high standard maintained, and yet I want to see the regulations divested of their appearance of being inhuman.

Rt. Hon. Sir RICHARD CARTWRIGHT—Can my hon. friend suggest any other

way than granting considerable discretionary power to the minister and his officers?

Hon. Mr. LOUGHEED—No, I am quite willing that the discretion shall be wide so far as the minister is concerned.

Rt. Hon. Sir RICHARD CARTWRIGHT—If it appears there is not sufficient discretionary power. I think the minister would be glad to accept suggestions in that line. I shall bring it to his attention. Every now and then a valuable settler may be excluded by a too rigorous adherence to this regulation. Still, the balance of advantage is in favour of keeping a pretty high standard. From all the information that has come to the department, the class of immigrants coming to Canada from Europe has been immensely improved within the last year or two. We are getting a very much better class of people, with very considerable capital, and people of a higher type.

On clause 40,

40. Whenever any person, other than a Canadian citizen, within three years after landing in Canada has been convicted of a criminal offence in Canada, or has become a prostitute or an inmate of a house of ill-fame, or by common repute has become a procurer or pimp or person living on the avails of prostitution, or has become a professional beggar or a public charge, or an inmate of a penitentiary, gaol, reformatory, prison, hospital, insane asylum or public charitable institution, or enters or remains in Canada contrary to any provision of this Act, it shall be the duty of any officer cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the minister or superintendent of immigration, giving full particulars.

Hon. Mr. POWER—It seems to me the time is a little long—three years. The immigrant might have fallen into evil ways after coming to Canada, and I do not see why he should be deported in that case. I think two years quite sufficient.

Rt. Hon. Sir RICHARD CARTWRIGHT—Two years was the limit in the old law.

Hon. Mr. POWER—It was quite long enough.

Rt. Hon. Sir RICHARD CARTWRIGHT—The United States government, after full consideration, advised the adoption of such a provision. They found two years a very short time.

Hon. Mr. LOUGHEED—Has the hon. gentleman been able to obtain the statistics as to the deportations which have taken place, and the causes?

Rt. Hon. Sir RICHARD CARTWRIGHT—In 1907, there were 4,573 inspected, and 1,172 rejected. In 1908, 2,554 were inspected and 500 rejected. In the eleven months of the present year—that is the year just terminated, 1,346 were rejected.

Hon. Mr. LOUGHEED—Are those deportations made at the expense of the steamship companies that brought them to Canada?

Rt. Hon. Sir RICHARD CARTWRIGHT—At the expense of the company, I believe.

Hon. Mr. LOUGHEED—Will those statistics show the causes approximately that led to the deportation?

Rt. Hon. Sir RICHARD CARTWRIGHT—That refers to parties who were rejected. The hon. gentleman asks also who were deported. We deported in 1907, 8,825, and in 1908-9, 1,748 were deported. In the eleven months of the last year, 599 were deported. I have not a statement of the causes.

Hon. Mr. LOUGHEED—Have there been any deported under the two years' criminal clause?

Rt. Hon. Sir RICHARD CARTWRIGHT—I am informed that a considerable number have been deported under it.

Hon. Mr. THOMPSON—Were any rejected on account of lack of funds?

Rt. Hon. Sir RICHARD CARTWRIGHT—Partly for lack of funds, partly on account of physical infirmity and risk of their becoming a public charge on the community, and partly for the other reasons on which parties are rejected.

The clause was adopted.

On clause 51,

51. The master of every vessel embarking outbound passengers from any seaport of Canada shall, on the return voyage of such vessel to Canada, deliver to the immigration officer in charge a manifest in form prescrib-

ed by the regulations in that behalf giving the names of all such passengers on board such vessel, or booked to sail by such vessel, and stating in every case whether they are British subjects or aliens, and their sex, nationality and port of destination.

2. If the master of any vessel refuses or omits to deliver such manifest of outbound passengers he shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars for every passenger with regard to whom he has refused or wilfully neglected to give the required information and clearance of such vessel may be refused until such manifest has been delivered to the immigration officer in charge: Provided, however, that the master of any vessel plying between seaports of Canada and adjacent or neighbouring seaports in Newfoundland or the United States may, by written permission of the minister or superintendent of immigration given to such master or to the transportation company of which he is an employee, be exempted from the requirements of this section.

Hon. Mr. LOUGHEED—What is the object of that?

Rt. Hon. Sir RICHARD CARTWRIGHT—It is information as to the number of people that leave Canada.

Hon. Mr. LOUGHEED—Does it apply to railway transportation companies as well as steamship companies?

Rt. Hon. Sir RICHARD CARTWRIGHT—It would cover railway companies.

Hon. Mr. LOUGHEED—If the intent is to obtain statistics as to the number of people leaving Canada, it would be more desirable to secure these statistics from railway companies rather than steamship companies. More go out in that way than the other.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think the customs officers do obtain such information from the railway companies. This refers particularly to the Asiatic immigration.

The clause was adopted.

On clause 55,

55. Every person who causes or procures the publication or circulation, by advertisement or otherwise, in a country outside of Canada, of false representations as to the opportunities for employment in Canada, or as to the state of the labour market in Canada, intended or adapted to encourage or induce, or to deter or prevent, the immigration into Canada of persons resident in such outside country, or who does anything in Canada for the purpose of causing or procuring the communication to any resident of such country of any such representations which are thereafter so published, circulated or communicated, shall be guilty of an offence against this Act, and liable on summary conviction before two justices of the peace, to a fine of not more than five hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

Hon. Mr. LOUGHEED—How is 55 enforced where the representation is made outside of the country? Is the application of that clause within Canada or without Canada?

Rt. Hon. Sir RICHARD CARTWRIGHT—We would have no jurisdiction outside of Canada. I speak with some hesitancy; but I think if evidence were presented to show that false returns had been made, under which parties came to Canada, and we could catch the parties in Canada, we could punish them.

The clause was adopted.

On clause 59,

59. If any vessel from any port or place outside of Canada comes within the limits of Canada having on board, or having had on board, at any time, during her voyage—

(a) any greater number of passengers than one adult passenger for every fifteen clear superficial feet on each deck of such vessel appropriated to the use of such passengers and occupied by stores or other goods, not being the personal luggage of such passengers, or,

(b) a greater number of persons, including the master and crew and the cabin passengers, if any, than one for every two tons of the tonnage of such vessel, calculated in the manner used for ascertaining the tonnage of British ships,

the master of such vessel shall be liable to a fine not exceeding twenty dollars, and not less than ten dollars for each passenger or person constituting such excess.

2. For the purpose of this section, each person of or above the age of fourteen years shall be deemed an adult, and two persons above the age of one year and under the age of fourteen years shall be reckoned and taken as one adult.

Hon. Mr. LOUGHEED—To what extent is there an inspection or examination of passengers with a view to ascertaining whether the requirements of the Act are observed?

Rt. Hon. Sir RICHARD CARTWRIGHT—The present practice is that the master shall certify to these particulars on the back of his manifest.

Hon. Mr. LOUGHEED—No Canadian officer is charged with that duty?

Rt. Hon. Sir RICHARD CARTWRIGHT—There is not at present any special officer charged with it.

The clause was adopted.

On subclause 3 of clause 59,

3. If there shall be a bar or other place for the sale of intoxicating liquors on any such vessel in the quarters assigned to third-class or steerage passengers, or to which third-class or steerage passengers are permitted to have access at any time during the voyage of such vessel to Canada, the master of such vessel shall be guilty of an offence against this Act and shall be liable to a fine not exceeding five hundred dollars and not less than fifty dollars; and any officer or member of the crew of such vessel who sells or gives intoxicating liquor to any third-class or steerage passenger, during the voyage of such vessel to Canada, without the consent of the master or ship surgeon or other qualified medical practitioner on board thereof, shall be guilty of an offence against this Act and shall be liable to a fine not exceeding fifty dollars and not less than ten dollars for every such offence.

Hon. Mr. LOUGHEED—How would the government enforce that?

Rt. Hon. Sir RICHARD CARTWRIGHT—The master would be liable.

Hon. Mr. LOUGHEED—My hon. friend from Ottawa (Hon. Sir Richard Scott) should direct his good offices towards this. I am prompted to ask why this restriction should apply to third-class or steerage passengers. Are they so much more demoralized than the first or second-class that the distinction should be made?

Rt. Hon. Sir RICHARD CARTWRIGHT—I would be loath to pass on the degrees of morality of the different classes of passengers. But on these vessels there is a large number of third-class passengers, far exceeding the first and second-class, and cases have come to the department where orgies have occurred and serious riots, which are not at all likely to occur amongst first or second-class passengers.

Hon. Mr. ROCHE—May I ask if the parliament of Canada has jurisdiction on the high seas?

Hon. Mr. POWER—No.

Rt. Hon. Sir RICHARD CARTWRIGHT—I do not suppose it has; but when the vessel reached Canada if evidence was produced that members of the crew had sold liquor to these passengers, then our courts could take cognizance of it once they got within the three mile limit.

The subclause was adopted.

On clause 66,

66. The Governor in Council may make such regulations and impose such penalties as are deemed expedient to safeguard the interests of immigrants seeking employment from any companies, firms, or persons carrying on the business of intelligence offices or employment or labour agencies at any place in Canada.

Hon. Mr. LOUGHEED—To what extent does the department supervise the employment agencies? Many of them are of a very questionable character. There is scarcely a fairly large city in the west where those employment agencies are not abusing their privileges in extracting money, without giving any value, from unsuspecting immigrants?

Rt. Hon. Sir RICHARD CARTWRIGHT Those provisions are new, intending to deal as far as they can with such evils.

Hon. Mr. LOUGHEED—It seems to me it would not be unreasonable for the government to exact a license from the parties who conduct employment agencies of this character, particularly agencies looking to give employment to immigrants; and it is only in that way, it seems to me, that you can bring the necessary pressure to bear upon the proper conduct of such an office. I would suggest that the government should not permit an employment agency to be carried on, except as under license and bond.

Rt. Hon. Sir RICHARD CARTWRIGHT—I have no doubt the Minister of the Interior will take that into serious consideration. I am aware that abuses of this character have prevailed.

The clause was adopted.

On clause 67.

67. The superintendent of immigration may issue to agents of transportation companies, forwarding and transfer companies, hotels and boarding houses, a license authorizing

such persons to exercise the vocation of immigrant runners, or of soliciting the patronage of immigrants for their respective companies, hotels or boarding houses, or of booking passengers. Such license shall be in the form prescribed by the superintendent of immigration, and may at any time be cancelled by him under the direction or with the consent of the minister.

Hon. Mr. POWER—If the license were found to be desirable in one case it might be in another. In line 5, it is provided a license shall be obtained. It should be in the plural.

The clause was adopted.

On clause 69.

69. Every person licensed under this Act as an immigrant runner, or person acting on behalf of any transportation company, or forwarding or transfer company, or hotel or boarding house, and every person in his employ, who sells to any immigrant a ticket or order for the passage of such immigrant, or for the conveyance of his luggage, at a higher rate than that for which it could be purchased directly from the company or person undertaking such conveyance, and every person who purchases any such ticket from an immigrant for less than its value, or gives in exchange for it one of less value, shall be guilty of an offence against this Act, and the license of such person shall be cancelled.

Hon. Mr. LOUGHEED—How do they keep check on this?

Rt. Hon. Sir RICHARD CARTWRIGHT—I suppose if the department discovered that the agent had been disposing of a ticket at a higher rate than the regular one, they would take proceedings and punish the party.

The clause was adopted.

Rt. Hon. Sir RICHARD CARTWRIGHT—There are some two or three amendments suggested by the department, which I propose to place on our minutes for consideration, and we can take them up at the third reading.

Hon. Mr. ELLIS from the committee reported the Bill without amendment.

BILLS INTRODUCED.

Bill (No. 79) an Act respecting the Hamilton, Waterloo and Guelph Railway Company.—Hon. Mr. Gibson.

Bill (No. 116) an Act to incorporate the Toronto Eastern Railway Company.—Hon. Mr. Ross (Middlesex).

Bill (HHH) an Act to incorporate the Alberta, Peace River and Eastern Railway Company.

The Senate adjourned to Tuesday next at Three o'clock.

THE SENATE.

TUESDAY, April 19, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

VACANT SENATORSHIP.

Hon. Mr. LOUGHEED—Before the orders of the day are called, may I ask my right hon. friend what the intention of the government is as to filling at an early day the vacancy created in Bedford through the death of the Hon. Senator Baker? I notice that the press has persistently insisted upon filling that vacancy by the appointment of the Hon Mr. Fisher, Minister of Agriculture, and my experience has been that where the press has persistently repeated a rumor of this kind it has some foundation of truth. It seems to me unfortunate that parliament cannot secure information of this character at as early a period as the press of the country. I might say in this connection that we should certainly hail the advent of Mr. Fisher to this Senate with a great deal of satisfaction, inasmuch as he would carry with him the portfolio of agriculture. I think it goes without saying that the importance of this Senate and its influence in the country have usually been in the ratio of the government representation on the floor of this Chamber. While I appreciate the strength of the representation individually at the present time upon the floor of the Senate, yet for many years, in fact almost without interruption from confederation, down to a comparatively recent date, we have had in the Senate as many as three, and not less than two ministers, until the advent of the present government. May I ask if he can take us into his confidence and inform the Senate what truth there is in the report in this morning's 'Gazette'

as to the probable early appointment of the Hon. Mr. Fisher to this House?

Rt. Hon. Sir RICHARD CARTWRIGHT —I would advise my hon. friend not to repose implicit confidence in any newspaper reports, whether friendly or unfriendly; and in particular, I advise him not to repose confidence in the statements made by an opposition newspaper as to the intentions of the government. Due consideration will be given to the remarks he has made as to the importance of strengthening our hands in the Senate, and strengthening the Senate. For my own part, it would give me great pleasure to have a colleague in the government joined with me in carrying on the work of this Chamber. There is much force in what my hon. friend has said with regard to precedents, and the fact that for a very long time the Senate had always two members of the government here; but as to the other matters, I am afraid I must ask my hon. friend to continue his soul in patience. I shall inform him as soon as possible when the government have time to consider the important question he has raised.

Hon. Mr. LOUGHEED—When I saw the statement in the 'Gazette,' I thought there must be something in it.

Rt. Hon. Sir RICHARD CARTWRIGHT —The 'Canada Gazette' would be good authority, but not the Montreal 'Gazette.'

THIRD READINGS.

Bill (No. 52) An Act to incorporate the Nelson River Railway Company.—Hon. Mr. Watson.

Bill (No. 130) An Act respecting the Vancouver Island and Eastern Railway Company.—Hon. Mr. Bostock.

Bill (No. 108) An Act to incorporate the Rainy River Radial Railway Company.—Hon. Mr. Watson.

LAND TITLES AMENDMENT BILL.

THIRD READING POSTPONED.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 125) An Act to amend the Land Titles Act.

Hon. Mr. LOUGHEED—May I direct my right hon. friend's attention to what seems to be an inconsistency in the Bill, which should be amended. It is intended to amend chapter 110 of the Revised Statutes. That Act makes provision that in each of the unorganized districts in the Northwest Territories, the Governor in Council shall in the district determine where the office shall be to be called the Land Titles Office. This Bill proposes to name the place where that office shall be, namely the city of Ottawa. It is quite manifest that Ottawa is not in the unorganized districts. It seems to me that section 20 should have been further amended, so as to dispense with the provision fixing the office in an unorganized district.

Rt. Hon. Sir RICHARD CARTWRIGHT —The hon. gentleman means that a portion of section 110 should be repealed.

Hon. Mr. LOUGHEED—That is chapter 110, section 20. Part of section 20 should be repealed, because it is manifest that if the city of Ottawa is to be the place of registration, it is not in the district.

Rt. Hon. Sir RICHARD CARTWRIGHT —As my hon. friend has brought the point up, I will let the third reading stand and mention it to the Department of the Interior.

Hon. Mr. LOUGHEED—If my right hon. friend will look at the section, he will see that it is quite clear the one provision is repugnant to the other.

Rt. Hon. Sir RICHARD CARTWRIGHT —The hon. gentleman's suggestion is that a clause be added repealing a portion of section 20.

Hon. Mr. LOUGHEED—My contention is that the words 'in the district' should be stricken out. The city of Ottawa cannot possibly be in the unorganized district.

Rt. Hon. Sir RICHARD CARTWRIGHT —No, certainly not.

Hon. Mr. LOUGHEED—And yet we leave the expression 'in the district' in the Bill.

Rt. Hon. Sir RICHARD CARTWRIGHT —The hon. gentleman means that it should read, 'until a more convenient and suitable place can be selected.'

Hon. Mr. LOUGHEED—The Act reads 'for each registration district there shall be at such place in the district as the Governor in Council determines, an office to be called the Land Titles Office.' In this Bill we say: 'Provided that such place may be the city of Ottawa.' Therefore the words 'in the district' should be stricken out.

Rt. Hon. Sir RICHARD CARTWRIGHT —We shall let it stand. I move that the order of the day be discharged, and that the third reading of the Bill be placed on the orders of the day for to-morrow.

The motion was agreed to.

TRANSPORTATION OF INTOXICATING LIQUORS BILL.

DROPPED.

The House resumed in Committee of the Whole consideration of Bill (M) An Act to regulate the transportation of intoxicatng liquors.

(In the Committee).

Hon. Mr. ROSS (Middlesex)—Before the Bill proceeds further, I would like to offer one or two observations in the line previously offered before the Bill took its second reading. It is a very important Bill. I think the feeling of every member of the Senate is that the liquor traffic should be kept under reasonable restriction, and that if it were necessary to make prohibition effective in Prince Edward Island, that we should offer any reasonable assistance within our power. Before proceeding that far, however, I think the Senate should inquire if Prince Edward Island, through its own legislature, has done all that lies within its power to do constitutionally. I read on a previous occasion the judgment of the Privy Council, in which it was held that, under certain circumstances, a province can pass a prohibitory liquor law. For a long time it was understood the prohibition could only be enacted by the Dominion parliament. Later, the province of Manitoba assumed the responsibility of passing a provincial law enacting prohibition. An appeal was taken against the action of that legislature, and the Privy Council held that the province had the right, as a province, to pass a prohibitory liquor law. Previous to the action of the provincial legislature of Prince Edward Island that province was under what is known as the Scott Act, or the Canada Temperance Act. The legislature felt that it could pass for its own people a law more suited to its own purposes than the Scott Act, and, consequently took the action embodied in the Act now in force. So it is quite clear that the province has a right to prohibit within the province, and to the people of the province, the sale of intoxicating liquors. A larger question, however, was raised in the early history of the discussion before the Privy Council, and that was whether a province had the right to prohibit the manufacture and importation of intoxicating liquors. Both questions were argued before the Privy Council. The question which was asked will be found in appeal cases of 1896, page 365, and was as follows:

> Has a provincial legislature jurisdiction to prohibit the manufacture of intoxicating liquors within the province?

That is going a great length, and to go that far would interfere very much with the rights of the Dominion. The answer to that was:

> In the absence of conflicting legislation by the parliament of Canada, their lordships are of the opinion that the provincial legislature have jurisdiction to that effect, if it were shown that the manufacture was carried on under such circumstances and conditions as to make its prohibition merely a local matter in the province.

So that the judgment, although somewhat tentative in its form, indicates that there are circumstances under which a province might pass a law prohibiting the manufacture of intoxicating liquors within the province. The other question was:

> Has the provincial legislature jurisdiction to prohibit the importation of liquors into the province?

Their lordships answered this question in the negative, and here it is somewhat modified. It appeared to them that the

exercise by the provincial legislatures of such jurisdiction—that is to prohibit the importation of liquors—taken in the wide and general terms in which it is expressed, would probably trench upon the exclusive authority of the Dominion parliament; but then they go on to say:

> It is not impossible that the vice of intemperance may prevail in particular localities within a province to such an extent as to constitute the cure by restricting or prohibiting the sale of liquor, a matter of merely local or private nature, and therefore falling prima facie within No. 16 of section 92. In that state of matters it is conceded that the parliament of Canada could not imperatively enact a prohibitory law adapted and confined to the requirements of localities within the province where prohibition was urgently needed.

That was the judgment of the Privy Council in 1896, when the Manitoba Act was argued before the Privy Council. The judges made this observation, which is confirmatory of the view already referred to, and it was this. The Privy Council held that there might be circumstances in which a provincial legislature might have jurisdiction to prohibit the manufacture within the province, and the importation of intoxicating liquors into the province. That was given in 1902, and is the latest judgment of the Judicial Committee of the Privy Council. From that I would argue, and I think I may do so with propriety, that the legislature of Prince Edward Island is within its constitutional right in passing a law prohibiting absolutely the importation of intoxicating liquors into the island. If the legislature take that step, it would be merely to supplement the legislation already passed prohibiting the sale of intoxicating liquors within the island, and if it took that step I think it would be quite unnecessary—at least as far as I can understand the matter—for the legislature to apply to this House for such a Bill as my hon. friend from Ottawa proposes, or for any legislation at all. If they took to themselves the power of prohibiting the importation, then the landing of intoxicating liquors on the island, from any source whatever, would be contrary to law, and would be like the introduction into the province of goods that were forbidden by the law to be imported. Liquors would be in precisely the same position as impure or obscene literature, for they could not be landed, or, if landed, they would be liable to be seized and confiscated. That is the position the people of Prince Edward Island would be in if they exercised their full constitutional power. I am in perfect sympathy with the movement of our hon. friend to prevent the importation of intoxicating liquors into the island by the means which he proposes, because so far as my private feelings are concerned my sympathy is with those who wish to get rid of the liquor traffic. But when my hon. friend's Bill is passed, here is the position—while he will prevent the landing or consignment of liquors from the mainland to the island, the Bill does not go far enough to prevent the importation of liquors into the island from foreign countries. If the legislature of Prince Edward Island went the full length of their constitutional right, then liquors would be prohibited from being imported into the island from any country in the world. That is the position I should like to see them in. I think they should put themselves in that position at the earliest possible moment, but, pending that, there is another position which the people of the island could very well take; they might reasonably go as far as we have gone in the province of Ontario. Nearly half the province of Ontario is under local option. There has been a great deal of difficulty in enforcing the law, particularly in the mining camps of Northern Ontario, and in 1909 very drastic legislation was passed which was practically supplementary to the legislation which had been in force in Ontario for many years, to prevent the importation of liquor—I use the word in its widest sense --to the regions north of us, commonly known as the Cobalt mining district. The province of Ontario is not so easily protected against the conveyance of intoxicating liquors from one point to another as is the province of Prince Edward Island, but what was the course taken? I will read you subsection 133a of section 32 of the License Act:

> Where an officer, policeman, constable, or inspector finds liquor in transit or in course

of delivery upon the premises of any railway company, or at any wharf, railway station, express office, warehouse, or other place, and believes that such liquor is to be sold or kept for sale in contravention of this Act, he may forthwith seize and remove the same.

The Act of the province of Ontario does not deal with the consignor; it pounces upon the goods, because they are contraband, being delivered at a warehouse or in transit by a railway, or at an express office, or railway station in the district where the sale of intoxicating liquors is prohibited. There is a precedent for you. Subsection 2 goes further:

Any officer, policeman, constable, or inspector, if he believes that liquor intended for sale or to be kept for sale in violation of this Act is contained in any vehicle on a public highway or elsewhere, or is concealed upon the lands of any person, may enter and search such vehicle, and may enter upon and search such lands, and seize and remove any liquor found there and the vessels in which the liquor is kept.

I read in the papers the other day that eleven hundred bottles of liquor had been taken from people in the Elk Lake district, a district under prohibition. There the Act is very strictly enforced. Now, if Prince Edward Island passed a law to that effect, and said that if liquor is landed at Charlottetown, Summerside, Georgetown, or any other port in Prince Edward Island, it comes immediately within the grasp of the license inspector, whom they have authority under law to appoint. It is contraband goods, just the same as obscene literature would be under the Customs Act. It could be seized, and confiscated. What is the process in Ontario when contraband liquor is seized? The inspector makes an affidavit before the justice of the peace, that he has seized certain liquor. If it is for private consumption, the consignee or owner appears before him, and an investigation is held as to whether that liquor had any right to be there. If it was intended for the use of the owner himself, it is released; if it was intended for sale, it is confiscated. That is a very simple law which Prince Edward Island might take advantage of. It is only a year and a half old, and is more conclusive than any other word in the statute-book, so far as a measure can be designed to overcome difficulties. How do we deal with customs? We do not deal with the common carrier or the consignor. When goods are landed at a port, the customs officer takes charge. If the goods are contraband, he forfeits them. The legislature of Prince Edward Island might pass a law giving inspectors a right to examine any package landed on the Island, with power to seize it if it was found to be intoxicating liquor, and find out whether the person who imported it did so for his own use under the law. If the liquor is imported to be sold again, he should have power to destroy or otherwise dispose of it, and let the proceeds go to the provincial treasury. I mention this that my hon. friend and the people of Prince Edward Island may see that there is a very effective remedy for the evils of which they complain without seeking legislation from parliament. Now, do not let it be understood that I object to legislation from parliament if there is no other remedy. I go on the theory that every province should act up to its constitutional limits before asking aid from parliament. But if Prince Edward Island should say to us, 'We are not able under our own laws to entirely overcome the evil which we are fighting against; we want your assistance,' I for one, should I have a place in this Senate, will be most happy to give them all the assistance in my power. The Canada Temperance Act of 1878 applies to New Brunswick and Nova Scotia, and I understand that a Bill which is being passed through the Legislature of Nova Scotia makes very stringent provisions for preventing the smuggling or transportation of liquor into prohibited districts, just as the province of Ontario has done in the statute which I have read. There is another clause in the Bill of my hon. friend to which I want to call his attention, and that is the limit which he proposes upon the quantity of liquors that may be imported into the island. That is briefly stated as the five-gallon clause. Whatever may happen to the rest of the Bill—and I may say frankly I am prepared to support it, if in my judgment the Senate think nothing better can be

done—as I understand the Act of Prince Edward Island, to pass such legislation here would be entirely beyond our jurisdiction. I read in section 37 of the Prince Edward Island Act the following:

> While this Act is intended to prohibit, and shall prohibit, transactions in liquor, which take place wholly within the province of Prince Edward Island, except as otherwise specially provided by this Act, and restrict the consumption of liquor within the limits of the province of Prince Edward Island, it shall not affect and is not intended to affect bona fide transactions in liquor between a person in the province of Prince Edward Island and a person in another province, or in a foreign country, and the provisions of this Act shall be construed accordingly.

Now, as I understand it, by the Act of Prince Edward Island, it is not proposed to interfere with the importation of liquor into the island, either as to quantity or quality. Here it is proposed to force upon the people of Prince Edward Island liquors to the extent of five gallons Under the Act, as I have read it, they may import any quantity they please, five gallons, five barrels, or five hogsheads. There is no restriction as to quantity. That is the law of the local legislature. Have we any right to say to the people who pass that Act they must not receive more than five gallons? We are perhaps improving their legislation as a matter of fact, but have we a right to improve it? Have we a right to amend an Act of the local legislature in a matter which is entirely within their jurisdiction? Have we a right to amend their liquor Act any more than we would have a right to amend their school or municipal Acts? Even if an amendment is to improve their Act, I do not think we have a right to do so. If we attempted such a thing in the case of the province of Ontario, there would be a cry about provincial rights that would be heard to the very sky, and justly so. The legislature has a right to do wrong if it chooses. I think the legislature of Prince Edward Island was entirely wrong in enacting such a clause as that. What Prince Edward Island should have done was at least to remain silent on the subject of importation; but when it closed the door of every tavern and hotel in the province, it threw the door wide open as to importations from all parts of the world. That is a weakness in their Act. Would they be advised by us to repeal that clause? I understand that in a certain sense the clause was enacted as part of the Bill, through fear that if the importation of intoxicating liquors should be prohibited, the Act would be ultra vires. I know that was the history of similar clauses in the legislation of Manitoba, and our Ontario Prohibitory Act of 1902. We had a similar clause for a similar reason, but with the judgment of the Privy council in our hands, we have now more light on the subject. If I were advising the legislature of Prince Edward Island, I would say, repeal section 37 of your Act, and take to yourselves the right of prohibiting intoxicating liquors, or, if you do not do that, copy the legislation of the province of Ontario, and instruct your officers to seize contraband liquor on the ground, and make such use of it afterwards as circumstances warrant. If you do that, you get rid of the common carrier difficulty. As I said a moment ago, when we are dealing with customs duties we do not ask the owner of a ship or any common carrier, 'Have you contraband goods on board?' We allow the goods to be landed, and the moment they are landed on Canadian soil they are in the possession of Canadian government officers. The Canadian government deals with the corpus. It never asks any question of the carrier. The officer may ask the owner of a trunk, 'Have you any contraband goods?' and though the owner says with a smiling face, 'I have none,' the officer may search and find some in the trunk. Does he pursue the company that carried the trunk? Not at all. He says to the owner of the trunk: 'The goods are in your possession. They are dutiable. I will punish you for having landed them, and if you do not pay the duty I will confiscate them.' He deals with the article itself. Even if the legislature of the island does not take this line, let me suggest other means. Goods are landed on the island by vessels, any of which are subsidized by the Dominion government. They might very well ask the Dominion government to say to the owners of these vessels: 'You are under prohibition, so long as you are subsidized by the government of Canada against conveying to the province of Prince Edward Island contra-

band liquors. If you are found violating this, you shall pay the penalty.' I think we have that right; or we could say to the customs officers in Prince Edward Island, 'The island is under a prohibitory liquor law; examine every package of goods landed on the island. If intoxicating liquors are found in them, hold them, subject to the order of some clerk competent to deal with the matter.' These are two lines that might be taken. If, however, such amendments are made to the Bill now before us as would simplify the matter for the common carriers, it might get over some of those difficulties.

But my argument is, first, that I think Prince Edward Island should take action herself, either to prohibit the importation of intoxicating liquors, or, second, to adopt the law of the province of Ontario. Then, if having done so she finds it impossible to make prohibition effective, and comes to the parliament of Canada, if the parliament of Canada sees that the need is an urgent one—and I think in that case it would be, then I think legislation should be given to assist her, and I should be most happy to assist in the passing of such legislation. If my hon. friend, however, thinks the matter is so urgent that it ought to be proceeded with now, he is within the judgment of the Senate, and the Senate will have to take its own course. The only regret I have in speaking as I have done is, first, that I appear to be not in harmony with the view of my hon. friend who has done so much for temperance and prohibition, and whose wish in the matter ought to perhaps be responded to readily, by almost everybody; and, secondly, that for the time being it may be that such assistance is not rendered as is necessary to make the liquor law in the province effective. My feelings are entirely one way, and my judgment very largely the other; and it is perhaps on mature discussion in the Senate that one will see the course he ought to take. I have laid down, as I understand, the constitutional law, and I think the sound view, and, on the whole I think better results in the long run will be obtained if we hesitate a little while before proceeding the length which it is proposed to go by the present Bill.

Hon. Mr. BEIQUE—When I spoke before, I suggested to the hon. gentleman in charge of the Bill that his best course might be to apply the Temperance Act to the whole province of Prince Edward Island, and that he would obtain a good result. I further asked him whether we should have access to the resolution to which reference is made in the Bill as amended, the resolution which was passed by the legislature of Prince Edward Island. It will be found in the Debates of the Senate at page 275. I was glad to find on reference to that resolution that it is exactly in accord with the resolution that I moved. The only demand made by the legislature is not that a Bill of this kind should be passed for the province, but that the Temperance Act might be made applicable to the province of Prince Edward Island by reason of a Provincial Act having prohibited the sale of intoxicating liquors. The resolution was cited by the hon. gentleman as being taken from the Journals of the Legislative Assembly of Prince Edward Island for the year 1909, page 85, and the motion read as follows:

On motion of the Hon. Mr. Cox, seconded by Hon. Mr. Laird—

Whereas, the province of Prince Edward Island has adopted the Prohibition Act, 1909, and amendments thereto, in all parts of the said province;

And whereas, it is desirable to prohibit the importation for sale of any intoxicating liquor, except through the official vendors under such prohibition Act, and except to any person or persons for his or their personal or family use:

Be it therefore resolved, that this legislature memorialize the Dominion government to pass such restrictive legislation in the traffic in intoxicating liquors as will prevent the importation into this province of any intoxicating liquor as aforesaid, to the end that, as regards the importation and exportation of such intoxicating liquors, this province may be put in the same position as counties in the Dominion of Canada which have adopted the Canada Temperance Act, and especially having regard to 'An Act to amend the Canada Temperance Act,' assented to on July 20, 1908, 7-8 Edward VII., chap. 71, paragraphs (c) and (d) of subsection 1.

And the question being proposed thereon. It was carried in the affirmative.

And the hon. gentleman after reciting the resolution says:

It does not appear that it was subject to any vote. It was carried unanimously. This House having enacted the law at the instance of Nova Scotia, there should be no hesitation in applying the principles laid down in that Act to other parts of Canada which desire this protection.

I repeat the suggestion, that the better way to attain the object, and to meet the emphatic desire of the legislators of Prince Edward Island would be to amend section 117 of the Canada Temperance Act by adding a few words to it. Section 117 reads:

From the day on which this part of the Act comes into force and takes effect in any county or city, and so forth.

Then he should add the words:

Or any provincial Act prohibiting the sale of intoxicating liquors in any province comes into force and takes effect and continues to be in force.

That would undoubtedly attain his object, and the law would be uniform.

Hon. Mr. CLORAN—I foresaw that this Bill would considerably divide public opinion in this House and throughout the country. The feeling against the Bill is not based on any desire to see intemperance prevail throughout the province of Prince Edward Island. On the contrary, I think the opinion which is marshalled against this Bill is as strongly in favour of temperance, as the opinion in favour of the Bill, because one must not run away with the idea when a man says he is a prohibitionist that he is a true friend of temperance. Very often in the past, experience has proved that to be a fallacy. The best friends of temperance are not prohibitionists, and especially the extreme ones, those who wish to invoke the criminal law to enforce their peculiar ideas in regard to the use of intoxicating liquor. I desire to say, after the very lucid speech made by the hon. gentleman from Middlesex, that this House cannot very well proceed further with this Bill. It has been opposed, up to the present, very largely on sentimental grounds, and largely in view of the fact that crimes are created by this Bill to come under the Criminal Code, which are very ordinary acts in the every day life of man, and I am heartily in sympathy with the principle laid down by the right hon. leader of the House last year, and this year by the hon. Minister of Justice, that it is not the duty of parliament, and it certainly is not its obligation, to create crimes and make every little individual act of domestic or private life a crime to be dealt with by whom? By people incapable of judging. To be denounced by whom? By the first individual that comes along, the first tramp, the first silly person, the first person who has a fad. It is our duty to study this law and understand it, because I say this Bill in itself is the ordinary law; but the sting of it is in the two schedules. The sting lies in the fact that parliament gives to any tramp, as well as to an honest citizen, the right to denounce his fellow man. According to this Bill, any man without responsibility in the community, without any stake in the province, can go before an ordinary police magistrate, or justice of the peace, make an affidavit that according to the best of his belief, that such a person, has over five gallons of liquor in his house, and under this Bill, the magistrate is thereupon obliged to grant him a warrant of search and arrest. The magistrate is further obliged to grant him all the aid the constabulary force of the municipality can put at his disposal, to go into your house, my house, or your neighbour's house, and to find out really if there is five gallons and a half of liquor on the premises. We talk about the tyranny of the Russian laws, but this is the most tyrannical expression of legislation that I have ever come across. It puts no limit to the action of the man who has a spite against you.

Have hon. gentlemen read this Bill? I was obliged to state a couple of weeks ago to a very high and important authority in the Department of Justice, that I did not think there were ten gentlemen in this hon. House who had read the law and studied its effects, and I know whereof I speak. Now that is not fair to Canada; it is not fair to Prince Edward Island, yet we are asked to place this tryannical provision in our Criminal Code. That is speaking from the criminal side. It is a weighty argument for those who love liberty and freedom of action that the Creator has giv-

en to man. It is true the prohibitionists say: 'We will take away the corpus delicti; we will take away the substance, so that you cannot become intemperate'. What right has the prohibitioners to do what the Creator does not do? If there is any merit in being temperate, it is in exercising your free will to take or not to take, and the same with all other virtues, and where you take from men the opportunity of offending against the law, that man has no credit either in this life or the next for his temperate habits. Parliament, like individuals, is subverting Divine law in thus seeking to administer the affairs of human life. I will admit that opportunities are provided for the perpetration of crime, whether it be murder, theft or intemperance; but we are not called upon by any reason, or by any necessity of the situation to put into our criminal law such clauses as are contained in this Bill, and I know whereof I speak, when I say that men high in the administration of justice in this country tremble at putting such provisions into the Criminal Code. They say that they should not be inserted in the Code. That is as far as the sentimental and criminal sides are concerned. To-day we have had a lucid explanation of the constitutional side of the subject, and I have felt right along, with the hon. senator from Middlesex (Mr. Ross) in regard to this matter that we are overstepping our power, and are forcing upon the island provisions that the people did not ask for and they did not insert in their own provincial laws. Under these circumstances, why should we go on with this Bill? If I were in order—and I think the right hon. leader of the government would not hesitate to accept the proposition—I would move that this Bill be submitted to the Minister of Justice and to the deputy heads of that department for careful scrutiny and careful weighing of its provisions from a constitutional point of view, and from a criminal point of view. I do not think the hon. leader of the House would say that that would be an unwise step. We are all friends of temperance, some rigidly and some virtuously. I would move, seconded by the hon. Mr. Derbyshire, that before proceeding with this Bill it be submitted to the Department of Justice for examination and report thereon, but I find that the procedure of this honourable House compels the motion which I have made to be offered in the Senate, and that the committee is unable to deal with it at the present moment. Therefore, I move seconded by the Hon. Mr. Derbyshire that the committee rise, report progress and ask leave to sit again.

Hon. Sir RICHARD SCOTT—The course adopted by certain hon. gentlemen who profess to be friendly to this Bill is not new to me. At any time that I have had legislation of a similar character before this Chamber, I have been met with the opinions of gentlemen who considered that another way was more desirable and ought to be adopted. I explained fully, when the Bill was placed in my hand, that it was given to me by a deputation representing the people of Prince Edward Island. I stated at the time that I did not consider that I had any power whatever to interfere with the Bill. There were clauses in it—particularly the five gallon clause—that did not coincide with my judgment; therefore it does not come with very good grace now to be told that the Bill ought to be drafted on other lines. Prince Edward Island probably has had more experience in legislation relating to the temperance question than any other part of the Dominion. It must be at least thirty-two years ago since they first adopted parts of the Canada Temperance Act. The contestation of the Act originally took place in the maritime provinces. The battle ground on which the constitution was fought, originated in the lower provinces, and I reverted to that fact in my opening remarks. It is to be presumed that the lawyers who had been engaged in the preparation of the Bill in those provinces should have given the constitutional question the fullest consideration, and in presenting the Bill to the Senate, I am simply obeying the will of the people of Prince Edward Island. They wanted it in this form. They thought it was the only method in which it could be obtained. It is quite true they wanted the provisions of the Act of 1908. That particular Act was passed without a vote in this Chamber. It referred, however, only

to sections of this country which were under the Canada Temperance Act, and they desired some of the conditions and some of the provisions in that Act to apply to Prince Edward Island. They believe that this Bill would meet the wishes they had expressed. I understood further, that it had been submitted to the Department of Justice. I never verified that, but they assured me that they had seen some of the officials of the department, and I assumed therefore that it had met with their approval. Probably I ought to have verified that, and I had intended doing so; but from time to time other engagements prevented my doing so. I think, therefore, it is scarcely fair to the people of Prince Edward Island to be met at the outset now with the statement: Oh, we will pass this, but we will pass it in some other shape, and at some other time'. That is not what they want. They want this Bill; it is what they ask for. This applies to Prince Edward Island, exactly the provisions this Chamber passed in 1908 as applicable to all counties under the Canada Temperance Act. That is a very simple proposition. That is the fact. The Act of 1908 did not meet with the opposition which is given to this Act. It was passed nem con, and all the people of Prince Edward Island I think had a right to say: 'If you have passed that Act, and we have unanimously asked to have the terms of that Act apply to Prince Edward Island', it seems to me only reasonable their wishes should be met. Now, if that is the opinion in the maritime provinces of the true way of meeting this proposition, I would just call attention to the fact that a day or two ago a Bill was carried in the Nova Scotia legislature applying the prohibitory law to all parts of Nova Scotia except Halifax and Cape Breton, and excepting those particular counties that are at this time under the Canada Temperance Act. It prohibits transportation companies or common carriers from carrying liquor from one part of the province, not under the Canada Temperance Act, to parts of the province that have either adopted the Canada Temperance Act or would be under the Act the legislature are now passing in Nova Scotia, because I see by the papers of yesterday that the Bill has passed the second reading already. It is a government measure, and, therefore, presumably will pass. The same principle that applies in this legislation applies in that The Nova Scotia Temperance Act provides that any common carrier, express company, or other carrier who carries, or who accepts packages containing liquor delivered for carriage by or on behalf of any person and not labelled as provided for in this part 1, and the manager or agent of any common carrier, express company, and so forth, shall be liable to a fine of $50. Section 24 of the Act reads:

> No person shall by himself, his clerk, servant or agent, send or cause to be sent, or bring or cause to be brought from any place in this province where part 1 of this Act is not in force, liquor, to any person in any municipality where part 1 of this Act is in force other than to a vendor appointed under part 1 of this Act, or a legally qualified physician, chemist or druggist, &c.

Applying just the same principle in the province that we are applying outside. I hope, therefore, that the people of the island will have their application entertained by this Chamber. They have considered this constitutional question, and are under the belief that this is the only channel by which they can prevent the introduction of intoxicating liquors into the province. As you all know, the facilities for bringing liquors into an island are very much greater than those for bringing them into a place without a water front. The five-gallon provision was, I presume, introduced for the purpose of removing any personal opposition to the measure, believing that the wishes of a private individual should not be contraverted by an Act of parliament. It is their own request. As I have said, the Act came to me from official sources, and I was asked to have it passed in the shape in which it was presented to us. The chief opposition I have found here has been in reference to the common carrier; that it was interfering with him, because, in the ordinary course of his business, he might carry liquor, without knowingly or intentionally doing so. In order to meet that objection, I propose submitting an amendment to the amendment moved by the hon. gentleman from Westmorland, as follows:

That the following stipulation be added at the end of the third proviso after the word 'delivery'—and such notification shall exempt and release the common carrier from the penalties contained in this Act, and provided further; nor will the common carrier be so liable for any breach of this Act then committed unknowingly and unintentionally.

That entirely relieves the common carrier of any liability unless he is acting in concert with the person who is sending in liquor; of course, if he is doing it designedly, there should be no desire to shield him. On the contrary, the House should feel that if the common carrier knows that prohibition prevails in Prince Edward Island, he ought at least to recognize that there is such a law; but I have gone further than that; I have provided that if he carries the liquor unknowingly and unintentionally, he shall not be subject to any liability whatever. So, I entirely remove the objection of the hon. gentleman from Westmorland (Hon. Mr. Wood) to the common carrier, who might, in the course of trade, carry liquor. I do not propose to add any more to my remarks, although I have a good deal of material in my hands. I ask the committee to allow this amendment to be substituted for the amendment proposed by the hon. gentleman from Westmorland.

Hon. Mr. DOMVILLE—We have heard a great deal on this question—a great deal has been said on the antediluvian or theatrical side, on the side which is not practical. I heard my hon. friend, for whom I have a great deal of respect, talk of the people of Prince Edward Island as though they had to be saved. I claim that they are as good and temperate as we are. Why put upon the wall that the province of Prince Edward Island is an immoral or intemperate part of the Dominion, and we have got to save those people? It might be very well, before attempting that, to save ourselves. What is going to happen to this country when it is relieved of our presence by the efflux of time? Is there any saviour to turn up and tell the country what it must do? The whole thing is rubbish. My hon. friend mentioned that the Nova Scotia government were bringing in an Act dealing with this matter, but a member of the legislature said the people would be disgusted with the whole thing, and it would end the matter. If the people would be disgusted, it shows there must be no moral force behind it. Such legislation is not necessary. There is a wave of temperance going through this country that everybody must save somebody else. Everybody in the parish I come from wants to save the other man—they are all at it. They do not seem to think it necessary to save themselves. They do not think of all the liquor they drank in their youth. They cannot drink now, because they are not able to take it. They have the gout, and they want to prohibit others from doing what they have done themselves. They feel that they must break out and do something. You remember the story of the two sailors who were clinging to an upturned boat. One asked the other to pray, and the other replied that he did not know how. Finally, they said, 'Let us do something religious—let us take up a collection.' This legislation is of a similar character. Prince Edward Island, we are told, wants it. It is much better, in my opinion to have the existing laws properly enforced. Make the sale of liquor legitimate, under proper restrictions. You cannot stop intemperance by such legislation as this. As we have been told by the hon. member from Victoria division (Hon. Mr. Cloran) it is creating a crime. Is this to be the legislation of our last days in a long parliamentary career? Are we trying to show to the world that they have to be governed by us? I have had the honour of a seat in this Chamber for many years, and during that time about forty of my colleagues, who were here before me, have been cleared out. If I remain three or four years longer, probably forty more will be cleared out. By such legislation, we are simply admitting that we have done wrong in the past, and we want to prevent other people from doing wrong in the future. I have to complain of a breach of faith in connection with this Bill. When I left here before the last adjournment, it was understood that this Bill should not be taken up before I returned. Faith was broken absolutely.

Hon. Sir RICHARD SCOTT—Not by me. I never heard of it.

Hon. Mr. DOMVILLE—Who did hear of it?

Hon. Sir RICHARD SCOTT—I did not hear of it. I did not know anything about it until it was brought up here.

Hon. Mr. DOMVILLE—It was nevertheless a breach of faith, because it was understood that an arrangement was made not to proceed with the Bill in my absence.

Hon. Mr. CLORAN. That is correct.

Hon. Mr. DOMVILLE. Well, the arrangement was broken. Before we go any further, I should like to ask the Chair what motions he has before him. I have one to make myself.

The CHAIRMAN. The motion is that the committee rise and report progress, and ask leave to sit again.

Hon. Mr. DOMVILLE. I move that all the words after "rise" be struck out.

The CHAIRMAN. That is out of order.

Hon. Mr. DOMVILLE. I think it is perfectly in order.

Hon. Mr. POWER. I sympathize with the hon. gentleman, and if his motion were in order, I would be very happy to vote for it. The motion before the House is that the committee rise, report progress, and ask leave to sit again. That is equivalent to a motion to adjourn, and you cannot amend that.

The motion was declared lost.

Hon. Mr. DOMVILLE moved that the committee do now rise.

The committee divided on the motion, which was adopted.

(Contents—29; non-contents, 20.)

BILLS INTRODUCED.

Bill (115) An Act to incorporate the St. Lawrence Power Transmission Company Limited.—(Hon. Mr. Watson.)

Bill (120) An Act respecting the Royal Guardians.—(Hon. Mr. Casgrain.)

INCREASES OF SALARY TO SENATE OFFICIALS.

MOTION.

Hon. Mr. THOMPSON moved the adoption of the third report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate. He said: Possibly there has been a feeling in the Senate that there was some disposition on the part of the committee to unduly reflect on the officers of this House in respect to their attitude in the matters dealt with. Last year, we tried to adopt the provisions of the Civil Service Act; it was a new departure, and we found a great deal of difficulty in connection with the new classification of the officers under the Act, and in complying with its terms, The classification of the officials of the Senate reported by his honour the Speaker and the Clerk was referred to the Committee on Internal Economy, not particularly for revision, but to advise the House in respect to financial matters which had always been dealt with by that committee. The revision of the recommendation made by the head of the department, was subsequently adopted by the Senate. Later on, the Speaker as head of the department, by the advice of the Clerk, brought to the notice of the House that, under the Act, provision was made for certain annual increases to the officials in the subdivisions A, B, etc. On the 18th of May, his honour the Speaker, introduced, by recommendation, the payment of the salaries mentioned in the schedule, which will be found on page 746 of the Minutes of Proceedings of 1909. This matter was brought up in the Senate on the 19th of May, when it was moved by the Hon. Mr. Lougheed, seconded by Sir Mackenzie Bowell, that the schedule be so amended as to correspond with the classification submitted by the Standing Committee on Internal Economy, the said schedule showing the names of the members of the staff entitled to such increase of salary, and including the names that are mentioned here, John Carleton and others. This was the recommendation made by the Senate which, ordinarily speaking, might be termed the Governor in Council, but, which, in my judgment, transcends the Governor in Coun-

cil, because, under the Act, 'the Governor in Council' is simply the heads of all those departments who have control of the official staff, and whose work it is to supervise the services of those over whom they have control. In the motion made by the Hon. Mr. Lougheed, and seconded by Sir Mackenzie Bowell, to which I have referred, I think we rose superior to the Governor in Council. We acted as a Senate, which in past history was absolutely self contained, so far as financial matters connected with our staff were concerned. The Senate has always determined its estimates for the service of the Senate, and has never been prevented from carrying out its expressed views, in respect of whatever the Senate deemed proper and right. This amendment to the schedule was passed by the Senate, and the schedule, as amended, was adopted. The total amount of increases under the amended form was $1,604.17. The recommendation made to us by his honour the Speaker was an increase of $1,254.18. For the year beginning September 1, 1908, to March 31, 1909, and from April 1, 1909, to September 1, 1910, the amount is $2,150. The amended schedule adopted by the Senate increased that amount in the same ratio; and the additional names were added by the action of the Senate itself. I am not a lawyer, but in looking through the several sections of the Act I am of opinion that the action of the Senate was in accordance with this Act. Section 38 of the Act says:

> No salary or additional remuneration beyond the regular salary of the office he holds, shall be paid to any deputy head, officer, clerk or employee of the Civil Service, or to any other person permanently employed in the public service, except by a special vote of parliament, in which the name of the person who is to receive the remuneration shall be given.

The recommendation that was made, and which was adopted in the Senate, carries the individual names of the employees of the Senate, as hon. members will find by reference to page 755 of the 'Minutes' of last year, and, subsequently to that, the action of the Senate was confirmed by the Commons, thereby becoming a statute. In accordance with section 38, not only did the recommendation name the individual official to whom additional salary was to be paid, but parliament dealt with it afterwards and provided the money to pay every individual official that was employed in the Senate, as named by the recommendation, and the amendment by the Hon. Mr. Lougheed. On page 87 of the Statutes of Canada, 1909, the Act authorizes certain increases of salary to various members of the inside service. Section 5 reads:

> 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 increase of salaries of persons in the inside service shall be applicable to the payment of increases of salary granted under this Act so far as said sums are not required for the specific purposes for which they were granted, and during the financial year 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 salaries hereunder as have not been voted by parliament, not to exceed the detailed amounts in each case as set forth in the schedules of this Act.

The schedule referred to provides, from September 1, 1908, to March 1, 1909, the sum of $1,604.17, increases to salaries, exactly the amount the Senate passed and approved of by their vote. The Speaker recommended $1,254.18. The action of the Senate in respect of adding certain other names, to whom increased salaries were to be paid, made the amount of that schedule $1,604.17, which is appended to this Act, and additions have been made to that since. The amount in the schedule is increased to provide for the increases that the Senate sanctioned. It looked as though parliament, not the Governor in Council, but parliament itself, off its own bat, so to speak, with the very powers my hon. friend the senator from Middlesex, referred to to-day, could do wrong if it wanted to. The right of parliament, therefore, to interfere with the Civil Service Act, in my judgment, cannot in a sense be doubted. The Act was made to apply to the Civil Service, but in its application here in places that it pinches, particularly in regard to matters which might be varied, parliament would have the right to exercise judgment, and the only one in my opinion who could question the right of parliament to do so would be parliament itself. I am not of the opinion that

parliament, having passed a statute, it is within the power of anybody but the people of this country, through their representatives constitutionally to change it; and if, after parliament has determined that certain matters shall be carried out, it can be interfered with by the officials inside or outside of parliament, then the Czar of Russia would be a moderate ruler as compared with an oligarchy in Canada that could interfere with parliament. Such a power, if it existed, could tear up the Magna Charta. In vindication of the right of parliament, your committee believed that parliament having determined on a certain course, there was no other power that could interfere with that decision being carried out. The committee, vindicating the rights of parliament in respect to the Civil Service Act, made the report that is now before the Senate in respect of that reference. It is section 2, of paragraph 2, and reads as follows:

Your committee would recommend that, by the adoption of this report, the action of the Senate in respect to the increases referred to be reaffirmed, and that the Clerk of the Senate is hereby authorized and instructed to sign and issue cheques for the payment of said increases.

The next section involves the opinion and judgment of your committee. There was no difference of opinion on this subject, that the order of this Senate in respect to officials should be carried out and obeyed; and my judgment in that respect is that officials of the Senate should obey even to the infraction of the ten commandments if so ordered. Should they refuse to obey the orders of the Senate, such refusal should be accompanied with their resignation. I do not suppose the Senate would order an infraction of the ten commandments; but I think the pronouncement in regard to the duties of the officials of the Senate, is covered in the section or paragraph of the report, and expresses the views that every member of the Senate would entertain. The fifth paragraph reads as follows:—

In respect to the reference made by the Senate to your committee on the 12th January, of a 'letter,' a 'memorandum' from the Clerk of the Senate, your committee have—
Resolved, That the said 'letter' and 'memorandum,' which appear in the Minutes of Proceedings of the Senate, page 124, December 2nd, 1909, be expunged.

I do not think any explanation is necessary to go with that. It was felt it did not involve any constitutional right or question, and did not add to the dignity of our Minutes, and without any breach of confidence I may say that the oldest member of this Senate made the suggestion that the motion should be adopted, and it received the unanimous approval of the committee. The next paragraph is as follows:—

6. Your committee would recommend that Mr. Trudel, of the French translation staff, be paid as a bonus the sum of $300, for extra work as translator, outside of office hours, during the present session.

There was a vacancy on the staff, last year, to which Mr. Cyr was appointed, but he did not accept the position, and an extra amount of work was performed by Mr. Trudel outside of his ordinary hours. This was reported to the committee, and the views of the committee were that he was entitled to some remuneration, as he had, in fact, performed the work of two men. The seventh paragraph reads as follows:—

7. To remove doubt in respect to the power of your committee to initiate and recommend the appointment of certain of the lower grade of employees of the Senate, resolutions were submitted to the Department of Justice for an opinion. Copies of the said resolutions and the opinion of the Justice Department are as follows:—

(1) Your committee would respectfully draw attention of the Senate, That all appointments to be made under the provisions of chapter 15, an Act to amend the Civil Service Act, section 32, are restricted to a minimum salary of $500, and any appointment calling for less salary than $500 would of necessity follow the former practice of the Senate in respect thereto, and have its initiation through the Standing Committee on Internal Economy and Contingent Accounts.

(2) That the chairman be requested to obtain for the information of this committee from the Department of Justice as to whether or not the recommendation of His Honour the Speaker and action thereon by the Senate is necessary for the appointment of a charwoman in the rooms of the Senate, and further whether such action is necessary for the appointment of a page to the Senate.

This paragraph, and the two paragraphs attached to it, are self explanatory. There was some doubt as to how far the Civil Service Act deprived the Senate, or the Internal Economy Committee of powers which previously, from almost the forma-

tion of the Senate to the present time, have been exercised by them. The committee thought it better to refer the whole matter to the Department of Justice, and the opinion of the department is contained in the paragraph I have quoted. With these remarks, I move the adoption of the report.

Hon. Mr. POWER—As a matter of convenience—and I suppose the hon. Chairman will have no objection—the report should be dealt with paragraph by paragraph. We can all concur in most of the paragraphs, but there are one or two on which there may be some discussion, and I think time would be saved, and it would be on the whole more convenient. I move in amendment, seconded by the Hon. Mr. David, that the report be considered paragraph by paragraph.

The amendment was agreed to.

Hon. Mr. POWER—With respect to the third paragraph, I doubt the wisdom of our adopting it. I quite concur in the action of the Senate, last year, and I regret that our action should have been thwarted in any way; but the fact is that the recommendation at the close of this paragraph is one which can hardly be carried into effect at the present moment. The paragraph reads:—

Your committee would recommend that by the adoption of this report the action of the Senate in respect to the increases be re-affirmed.

I should not object to that part of it.

And that the Clerk of the Senate is hereby authorized and instructed to sign and issue cheques for the payment of said increases.

If we were beginning de novo, that would be a perfectly right and proper thing to say; but, unfortunately, the question with respect to those payments was raised by the Auditor General. The Auditor General asked the opinion of the Minister of Justice or the Department of Justice, and the Department of Justice was adverse to carrying out the will of the Senate. Should we instruct our clerk to issue the cheques again, necessarily the Auditor General will say: 'The objection which I made to paying these amounts at a previous date has been sustained by the Department of Justice, and I decline to sanction payment'. I agree with the hon. chairman of the committee, that the Senate had a right to make the order which they did make; but I think we had better consider the form of our procedure before we go any further. I understand the view taken in the House of Commons—and I know it is taken by some members of the government—is that the Senate have a right to amend their classification if they so desire. The Commons had proposed to do that, and in order to avoid what I think would have been a kind of humiliation to the Senate to have this order made and the cheques issued and the payment again refused by the Auditor General, it would have been better for us to have the committee reconsider this question and see if we cannot get around the difficulty and provide that our officers shall be paid as we think they ought to be paid. On consultation with the Department of Justice, I think we can find a way out of the difficulty, and it would be better to do that than to subject ourselves to a further humiliation. I am not going to move an amendment. If I were in the place of the chairman I think I should let this clause stand.

Hon. Mr. THOMPSON. I do not quite understand the hon. gentleman. I am quite unable to appreciate the point. I do not understand that we are just in that position. I question whether the Auditor General will think it proper to cancel or refuse our cheques. We do not make our cheques on the Auditor General. All he could do is what he did with the House of Commons. The House of Commons paid the salaries, and the money went to the employees, and I fancy while we might be asked to consider it in some way or provide for it, there is no question but parliament could rectify it, and it is the only authority that has the power to do it. I think we can do wrong and ratify it. I think we can tie ourselves up to-day and untie ourselves to-morrow. I am satisfied that in the case of the head of a department or the deputy, it would be absolutely illegal for them to increase salaries, but when parliament meets and says: 'We propose to increase certain sal-

aries', I question whether the Auditor General can, after the provision is on the statute-book, do otherwise than see that the statutory instructions are carried out. So far as the Commons is concerned, there was a reclassification introduced by the clerk some eight or ten days ago. This classification was suggested to the Commons under date April 5. On the 14th, some member in the Commons made an inquiry of the premier in respect to the classification of officers of the House, and said that if a new classification was to be made, they desired to make some suggestion in respect to it. The premier said:

I do not know much about the report myself. I will have to inquire and let my hon. friend know.

There seems to be more difficulty and confusion over the classification of the Civil Service Act than there is over the British North America Act. The provisions do not seem to be better suited to parliamentary life than a red shirt would be suitable for a state dinner. If the Act of 1909 is any good, the statute is there to take care of the recommendation. The schedule is a part of the Act, and the funds are there to provide for the recommendations made by the Senate. We made them deliberately, and there did not seem to be anybody at that time who suggested to the Senate that we were going wrong, because I presume that the opinion prevails that parliament could not go wrong. We kept going in the direction which, in our judgment, we thought was the proper direction to go. We adopted certain resolutions and amended the schedule, and it became embodied in the statute. We named the individuals, according to section 38, which said if any salary was to be increased the name of the individual must be given—not a general provision. We added all that. Personally I would like to see the report adopted.

Hon. Sir MACKENZIE BOWELL—I think it is a pity the hon. gentleman has not adopted the suggestion made by the hon. gentleman from Halifax. We all know there were differences of opinion as to the power really contained in the Civil Service Act to do what we did do. We have heard a good deal about the power of parliament, but my hon. friend seems to forget that parliament consists of both Houses, and the representative of the Crown and the question is whether the Senate has the power within itself to do that which is diametrically opposed to the provisions of the Civil Service or any other Act. I fully recognize the argument of my hon. friend as to the power of parliament. That was laid down very clearly by the Hon. Edward Blake when he was Minister of Justice, when he was asked to disallow some Acts of the Ontario legislature. His reply was that though it might be wrong in the opinion of some people, the parliament of Canada had the right even to do wrong, and they were responsible to the people; but I question very much whether either branch of parliament has the power to do wrong, but that view seems to be entertained by the officials. Let me put this case: Supposing the Senate made its classification and orders were issued as to payment of officials that in effect exceeded the power given to them in the classification of their clerks, was the Auditor General right or not right in refusing to pay these salaries? I remember distinctly when the hon. Senator from Calgary moved the resolution which has been read by the chairman of the committee and seconded by myself. It was done under the impression that the officers referred to in that report should receive their salaries. I am still of that opinion; but the Auditor General declined to pay them. Is it not a fact that the Auditor General in refusing to pay them intimated to the House of Commons that they would have to refund the money? Then the question arises in my mind whether the Senate has the right to vote moneys and appropriate money for any purpose which the Civil Service Act says shall not be paid, as is the provision in one of the resolutions; should we place ourselves, as has been forcibly pointed out by the hon. gentleman from Halifax, in the same position that we were when we passed the original resolution. I would like to ask the Chairman whether we would be justified in reaffirming the resolution passed by the Senate last session, under which the Auditor General refused to recognize

our rights, and was sustained by the Minister of Justice to a certain extent—not altogether I am prepared to say—or are we to understand that the appropriations of the moneys which have been set aside for paying the contingent accounts of the Senate can be dealt with as we think proper, irrespective of the provisions of the law? I question very much whether we have that power. It may be argued that when a certain sum is voted by parliament to pay the officials of the Senate and other contingent accounts that may arise which must be paid, that we can pay out of the fund which is set apart for that special purpose in a manner that is directly contrary to law. It seems to me the Senate could not have that power. If the Speaker, on the recommendation of the clerk, would prepare a new schedule, or a classification of the officials of the Senate, as has been done in the House of Commons, and those provisions were within the clauses of the Civil Service Act, then we would be placing ourselves in a proper position. We all know that the Auditor General has extraordinary powers under the law, and is independent altogether of the ministers. They have no control over him, and parliament alone can control and direct what he shall do. If he says to the clerk or Speaker of either House: 'If you want to authorize the payment of certain sums, I will ask you to keep within the provisions of the law'—which I understand is the position he has taken. Why should we, to use a common expression, run amuck against the power that exists under the law, and which has been placed in the Auditor General's hands? I am not opposed to the payment of the sums which were voted by the Senate, but I contend that the Senate has no power to violate the provisions of the law under the pretense that parliament has the power to do wrong if it thinks proper. Parliament consists of three branches, and anything we might do here would not bind the Auditor General, neither would it affect the opinion of the Department of Justice as to what the power vested in the Senate by the law is.

For these reasons it strikes me the Senate had better not put itself in the position indicated by the hon. member from Halifax. The object which the committee had in view would be attained by passing the resolution as has been suggested. Under the circumstances, as the hon. gentleman declines to move the amendment, I will take the responsibility of moving 'That all the words after "re-affirmed" to the end of the clause be struck out.'

That is, these words, 'And that the clerk of the Senate be hereby authorized and instructed to sign and issue cheques for the payment of said increases.' What I cannot understand is whether the passage of a recommendation by the committee without giving instructions by the clerk to have it carried out, authorizes the issue of cheques in payment. Let me give my hon. friend one illustration. Some years ago, a recommendation was made to the Senate by the Contingent Accounts Committee that no senator should be permitted to draw stationery from the Stationery Department exceeding the amount of $5, and if he should do so he should pay the excess. When that question was brought up in the Senate, I remember distinctly the hon. member from Portage la Prairie (Hon. Mr. Watson) took the ground in conjunction with myself, that though the committee had made the recommendation, no order had been passed by the Senate confirming it, and that consequently the clerk of the Contingencies Committee had no right or power to refuse stationery exceeding the amount of $5 unless the excess were paid for. I think I am safe in saying that though the matter was brought before the Senate, no member who had drawn more than $5 of stationery ever paid the excess. The reason was that the recommendation of the committee had never been confirmed by the Senate, and the clerk of the committee had therefore no right to exact payment for stationery in excess of the limit of $5. Is not the case under consideration somewhat parallel to that? Recommendations were made by the Contingent Accounts Committee, but there were no resolution afterwards authorizing him to issue the cheques or to pay them. At the time, the hon. gentleman from Calgary (Hon. Mr. Lougheed) thought an injustice had been done to some of the officials, and

therefore moved the resolution to which the hon. gentleman has referred. There are features of this report which I think ought to be confirmed, and there are others which some of us are opposed to. I would ask the chairman if he accepts the proposition made by the hon. gentleman from Halifax?

Hon. Mr. LOUGHEED—I am sorry I cannot view the matter in the way that my hon. friend, the mover of the amendment, has suggested. It seems to me if we adopted this amendment we should simply be wasting our sweetness on the desert air. The Senate certainly should maintain the dignified position which it has heretofore taken. We claim, in issuing instructions to an officer of this House, to do a particular act, that we believe we were justified in so doing. What are the circumstances of the case? We find that the Senate on a particular occasion, referred to when it adopted the report in question, and issued instructions to have the cheques made out to the minor officers of this House, did precisely the same thing as the Commons did. What was the result? We find the action of the Commons maintained. The Clerk of the Commons issued his cheques to the various officers designated in the report. The minor officials received their cheques notwithstanding the protest of the Auditor General, and are, I understand, to-day receiving those cheques. We find the Senate issuing a similar order, and that order being blocked by the Auditor General. I do not find anything in the statute-book, nor do I know anything by practice that would warrant the Auditor General drawing a distinction between the orders of this House and the orders of the House of Commons. We simply owe it to our own dignity that if the order of the House of Commons is observed, we should insist upon our order being also observed. Another thing I have noticed; in looking through the Auditor General's Reports, I find no letter directed to him by the clerk of the House of Commons, casting doubt upon the action of that House; but I find in the report of the Auditor General a doubt cast upon the legality of the order of this House by our own clerk as to the payment of our orders. True, the clerk of the one House may have been more scrupulous than the clerk of the other about the orders of his House being carried out. I am not exaggerating the importance which should be attached to the order of this House, when I say that when the House issues an order the officers should have sufficient confidence in the House to know that that order is within the law. What further do we find? We find no statement made in the reference made by the officer of this House to the Auditor General that the money in this case had been voted by parliament. I find in the Supply Bill of the 19th May, that this money was voted directly by parliament for the payment of these salaries. Hon. gentlemen will find on page 101, of the statutes of 1909, this particular amount, $1,604.18, voted to the Senate of Canada, for the particular purpose embodied in our report, namely, to pay so much to the first division, so much to the second division, and so much to the third division. Now, the attention of the Auditor General was not directed to that fact. The attention of the Department of Justice, to whom an appeal was made from the decision of the Auditor General, was not directed to that fact. Highly as the officials in those departments, the Auditor General and the Deputy Minister of Justice may value their own opinions in giving judgment upon such a matter as this, they would not venture to say that money voted by Act of Parliament could be thus blocked. But doubtless their attention was not directed to that important fact. The whole matter is in a nutshell. Money was voted last session for the payment of this specific sum which we voted to these particular officials, and we instructed the clerk of this House to issue his cheques accordingly. That being the case—in fact my attention was not directed to this before, I thought we had a sufficiently strong claim without it. Looking at the Supply Bill, there is no doubt whatever as to these officers being entitled to this money.

Hon. Mr. CHOQUETTE. The Auditor General's opinion was overruled, I suppose, in the case of the Commons.

Hon. Mr. LOUGHEED. No, the Department of Justice agreed. The clerk of our

House went from the Auditor General to the Department of Justice.

Hon. Mr. CHOQUETTE. Then how could the Commons pay it?

Hon. Mr. LOUGHEED. The clerk of that House paid it, taking the responsibility on himself.

Hon. Mr. CHOQUETTE. In spite of the Auditor General?

Hon. Mr. LOUGHEED. That is what I am told. It simply amounts to this, that all the Auditor General could do was to withhold the credit for all the expenses of the Senate, and I venture to say that if the clerk of this House should carry out the instructions of the Senate, and issue those cheques, the Auditor General would not venture for a moment to withhold a credit for the payment of the expenditures of the Senate. We owe it to our dignity to reaffirm our past instruction and to see that cheques are issued by our clerk accordingly.

Hon. Sir MACKENZIE BOWELL. The hon. gentleman has made a comparison of the course pursued by the clerks of the two Houses. The clerk of the House of Commons, irrespective of the impropriety and wrong they had committed in the classification adopted by them, and without considering the provisions of the Civil Service Act, and the powers given to them, issued the cheques. The Auditor General then called their attention to the fact that the clerk had issued cheques which he had no right to issue, and demanded that the money expended should be refunded. The clerk of the Senate took a different view of the matter, and asked what should be done. The Auditor General told him that if he paid this sum he would be made to pay it back, and the deputy minister of Justice confirmed the position taken by the Auditor General, and also by the Treasury Board in regard to the improper classification by both Houses of parliament. The result is that the clerk of the Commons has been obliged to recommend to the Commons a reclassification of all the officers. That is the difference between the action of the two officials. My hon. friend cites a lump sum in the estimates to provide for the payment of officials in the different branches of the civil service, but there is nothing in what he read to indicate to whom that should be paid. The presumption must necessarily be that the Finance Minister put a sum into the supplementary estimates for the purpose of meeting expenditures of the different branches, irrespective of the parties that were to be paid, and on the presumption that the classification had been made correctly, and that the moneys would be paid under that. The Auditor General took the other view; the Department of Justice confirmed that view, and there the matter stands. I am not going to draw a distinction between the ability or knowledge of the two clerks; but had I been clerk or had I been consulted, I would have said: 'Take the responsibility and issue the cheques, and run the risk of the Auditor General punishing you if he has the power; but you must not forget this fact that Parliament is omnipotent when the two Houses join. The Auditor General has certain powers which he has a right to enforce, not only to punish the officials of both Houses, but to punish Parliament itself until Parliament so changed the law as to deprive him of the power which he exercised, and which the Auditor General had constantly been exercising ever since the office was created under the administration of Mr. Mackenzie.

Hon. Mr. BEIQUE—Referring to chapter 7 of the statutes of last session, I find that the reference which is made to the schedules annexed to this statute, and by section 5, the sums mentioned in the schedules were voted by both branches of this parliament, and therefore I, at first sight, would think that this removes any authority on the part of the Auditor General to criticise or withhold the payment, because the payment is made by authority of a statute sanctioned by both branches of parliament. Therefore, if a vote is taken on the amendment, which has been proposed, I shall vote against the amendment. I am quite satisfied that the adoption of the amendment would not advance us any. It would leave us weaker than the report itself. But it is a matter of consierable importance, and I should prefer for my part, that this debate be ad-

journed until to-morrow, so that we may be sure that we are proceeding in the right direction, and we shall not expose ourselves to coming against any authority which would nullify the action of this honourable House.

Hon. Sir RICHARD SCOTT—Vote now.

Hon. Mr. BEIQUE. It may entail the spending of another half hour in discussion, but I submit it is wiser to spend another half hour than to have to take up the matter again and possibly have to recede from the position taken by this honourable House. I therefore move that the debate be adjourned until after the third readings to-morrow.

Hon. Mr. POWER—We have spent some time discussing this matter, and if it is to be put down until after the third readings to-morrow, all the government orders will be kept back. We had better dispose of it now.

The paragraph was adopted.

On paragraph 5.

Hon. Mr. POWER—I cannot concur in this, because our 'Minutes' have gone broadcast to the world, and our expunging certain matters which have appeared in the 'Minutes' of the 2nd December, will have no effect whatever. It is an exceedingly undignified thing for the Senate, after four months have elapsed, to undertake to strike out something which is of trifling consequence.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman explain to us the reason for placing this fifth paragraph in the report? Is it a reflection on the clerk of the Senate, because he asked what his duties were in connection with the issuance of the cheques, or is it because certain members of the Senate took upon themselves the responsibility of giving orders diametrically opposed to the provision in the Civil Service Act, placing the management of the messengers and other employees of the Senate under the clerk? Are we to understand that any senator has a right to give orders, no matter what position an officer may be in, after orders have been distinctly given by the clerk that such and such shall not be carried out? If that is what this means, I shall object strongly to having it placed on record. If my hon. friend will take the trouble to look at the 'Minutes and Proceedings' for 1894, he will find the following resolution was adopted:

The clerk of the Senate is the recognized head, with general supervision over all the clerks and employees of the Senate.

That is re-affirmed in 1902: precisely the same resolution can be found on page 223. It re-affirms the power given to the clerk. Let me ask this question, whether the business of the Senate can be carried on properly if the clerk, who is given the authority and who is really the head of the staff, gives positive instructions that a certain employee, who is not a permanent official, is not required—are we to understand that any one senator has a right to declare that that employee shall be kept on the staff, and paid out of the contingent accounts? If that is so, then we can understand the difficulty that must necessarily arise in trying to maintain anything like order or obedience among the servants in the Senate. Before that is passed, I should like very much to know how far the members of the Contingent Accounts Committee have power to do what I have indicated they have done. It is not necessary, I suppose, that this question should be answered; it might place some members in an unfortunate position.

Hon. Mr. THOMPSON—There is no answer to give to the question. There were no circumstances, conditions, or situations, of that nature. The committee thought, as nothing of that character had arisen, there was no answer to make. It was the motion of Hon. Mr. Miller entirely, and we felt it was against the dignity of the Senate to leave it there. There was no situation that fitted into it, and it did not belong to any condition.

Hon. Mr. DANDURAND—I understand the basis of the letter that was brought before the House was the fact that an employee claimed to have been appointed

by the committee, and the clerk maintained that that employee could not go on the pay-rolls until the report of the committee had been approved by the Senate.

Hon. Mr. THOMPSON—That is not right.

The paragraph was adopted.

On the sixth paragraph.

Hon. Sir MACKENZIE BOWELL—I should like to understand by what authority the Contingent Accounts Committee have recommended the payment of $300 extra. The Civil Service Act provides that:

No salary or additional remuneration beyond the regular salary of the office he holds, shall be paid to any deputy head, officer, clerk or employee of the Civil Service, or to any other person permanently employed in the public service, except by a special vote of parliament, in which the name of the person who is to receive the remunaration shall be given.

The recommendation of the committee is that Mr. Trudel, of the French translation staff, be paid as a bonus the sum of $300 for extra work as translator, outside of office hours during the present session. I am not prepared to deny that the gentleman is not entitled to the money, and perhaps richly earned it; but I should like very much to know how the Senate can pass a resolution of that kind, in the face of the provision of the Civil Service Act, to which I have called the attention of the House? If the Senate is prepared to adopt that, I can imagine what the Auditor General will do under the circumstances.

The paragraph was adopted.

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

THE SENATE.

WEDNESDAY, April 20, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

Hon. M. DANDURAND.

MISLEADING ANSWERS TO QUESTIONS.

MOTION POSTPONED.

The order of the day being called:

By the Hon. Mr. CHOQUETTE:

That he wishes to call the attention of the government to the fact that the answers which were, on the 17th March last, given to the different questions asked by him to the government, and reported in 'Hansard' on pages 509 and following, are not sufficient answers to certain questions, and that the answers so given to a certain number of these questions are incorrect and such as to mislead this honourable House and the country.

Hon. Mr. CHOQUETTE—Before proceeding with the first motion on the order paper, I should like to have the answer to motion No. 5, in order that if the answer is not satisfactory I may deal with the two motions at once. Motion No. 5 has been on the order paper for some days, and it seems to me it could be easily answered.

Rt. Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend that I applied immediately to the Department of Railways and Canals for an answer, and unless they have sent it here this afternoon, it is not in my possession.

Hon. Mr. CHOQUETTE—I think the answer will have to come from the members of the Transcontinental Railway Commission. The question refers to that railway.

Rt. Hon. Sir RICHARD CARTWRIGHT—Yes, of course; but I must apply to the Department of Railways.

The SPEAKER—I call the attention of the hon. gentleman to the form of the motion. It appears to me that instead of its being a reflection on the minister who gave the answer, it should be a distinct question, calling attention to so and so—putting it in the form of a question—and I would suggest to him that perhaps he had better frame it in that way.

Hon. Mr. CHOQUETTE—It seems to me to be very plain. I should like to know if the offer was made by Mr. Parent to the city of Quebec, by virtue of a resolution

passed by the Transcontinental Railway Commission?

The SPEAKER—I submit to the hon. gentleman whether it is not better to reframe the question. It does not show wherein the answers are insufficient, and it also casts a reflection on the officials who furnished the answers, by the statement that the answers are incorrect and such as to mislead this honourable House and the country. That is not the usual form in which to bring such matters before parliament.

Hon. Mr. CHOQUETTE—The hon. Speaker is referring to the first question.

The SPEAKER—Yes.

Hon. Mr. CHOQUETTE—This is not a question. It is the resolution I refer to. I will speak on the resolution, but before proceeding to do so, I should like to have the answer to No. 5, because if that answer is not satisfactory I shall proceed with the two orders at the same time. If my right hon. friend would send the motion to the president of the Transcontinental Railway Commission, he will probably furnish the answer.

Rt. Hon. Sir RICHARD CARTWRIGHT—I have sent it to them, and have stirred them up two or three times, but that is all I can do at present.

Hon. Mr. CHOQUETTE—I will let it stand.

Rt. Hon. Sir RICHARD CARTWRIGHT—I will endeavour to obtain the answer.

Hon. Mr. CHOQUETTE—If the hon. minister presses the commissioners a little more they will give the answers, because the questions are easy. They read as follow:

1. Was the offer of $100,000 which Mr. S. N. Parent, chairman of the Transcontinental, has made to the city of Quebec, for the Champlain market property and other properties, for the purpose of building a central railway station there, made in virtue of a resolution passed by the Transcontinental Commission and approved by the members of the commission, or by the president himself only, without authority from his colleagues or from the government?

2. Does the government know that the properties for which the chairman of the Transcontinental Commission has thus offered $100,000 are worth at least three-quarters of a million, and that nevertheless the council of the city of Quebec has offered to grant them for $250,000 in order to hasten the commencement of the works which are to be done at Quebec, for the use of the Transcontinental, and has also offered to leave the matter to arbitration by experts?

3. Why have these offers not been accepted?

4. Does the government, and especially the hon. the Prime Minister, who represents one of the divisions of the city of Quebec, intend to cause the city of Quebec to be paid the real value of Champlain market and the wharfs, &c., which may be required by the Transcontinental, in the same manner as it was intended to cause to be paid the real value of the harbour commission's properties, which were also spoken of for the establishment there of this central station, and this according to the statement of the Hon. Mr. Pugsley, Minister of Public Works, a statement made to the House of Commons on the first of December last, as reported in 'Hansard,' page 858?

5. Is it true that everything concerning the Transcontinental railway, works, appointments, purchase of lands, contracts, &c., is left to the sole discretion of the chairman, Mr. Parent, without regard to the opinion of the other commissioners, according to the statements made by the said chairman and his son, Mr. Geo. Parent, M.P., privately, and at public meetings held in the city of Quebec during February last?

6. If so, is it the intention of the government to thank the other three commissioners for their services and leave the whole in the hands of the chairman, seeing that he states and causes to be stated, that he is the sole master of the undertaking and that the other three commissioners are only his subalterns?

The motion was allowed to stand.

OIL FUEL FOR THE NAVY.

INQUIRY.

Hon. Mr. DOMVILLE rose to call attention to the following extract from the Manchester 'Guardian':

The use of oil fuel in the United States navy has got beyond the experimental stage, and a Bill has been introduced into the Senate which provides for the creation of a reserve oil-fuel supply for naval purposes. It also authorizes the Secretary of the Navy to acquire suitable lands adjacent to the oil fields of Oklahoma for the erection of tanks for the reserve oil supply, to establish buying agencies and to obtain all information necessary with regard to the cost per barrel of the oil required and the cost per mile of the pipes laid. This latter clause is rendered necessary to prevent unfair transportation charges and it is provided in the Bill that if 'by combination and conspiracy an unfair transportation charge is demanded for transporting oil from the reserve fuel oil tanks to the service tanks at the coast forts' the Secretary will be empowered to construct a suitable

pipe line. Section 5 of the Bill reads as follows—The Secretary of the Navy is authorized to purchase as fast as the market conditions will justify 25,000,000 barrels of oil for the reserve supply of the United States navy before the great flood of oil production from the mid-continent oil-field is over, in order that the said 25,000,000 barrels may be acquired as cheaply as possible. The price the Secretary is prepared to pay will be posted at certain fixed places, such prices to be without discrimination in favour of or against any oil producer.

Meanwhile, rumour has been busy in London, and the suddenness with which an active and bouyant market has been created in the shares of well-known and little-known oil companies is remarkable. It is based on the reports, current for some days past, of the British admiralty having given a big order for oil to be used in the navy. The order is said to be for the supply of 225,000 tons, of which 200,000 tons will be provided by the Shell Transport Company—a circumstance which probably explains the recent pronounced strength in these shares—and the rest by the Scottish companies. The following shows the rise this month in the leading oil shares.

	Feb. 1.	Feb. 21.	Rise.
Assan..	13s. 0d.	18s. 9d.	5s. 9d.
Burmah	93s. 6d.	102s. 6d.	9s. 0d.
California..	5⅞	6¼	⅜
Lobitos..	29s. 0d.	33s. 0d.	4s. 0d.
Pacific..	24s. 0d.	29s. 6d.	5s. 6d.
Russian petroleum.	2s. 6d.	3s. 0d.	0s. 6d.
Shell transport ord.	67s. 3d.	77s. 6d.	10s. 3d.
Spies petroleum. ..	19s. 6d.	25s. 3d.	5s. 9d.

And asked if the government has made any provision to supply, from Canada, crude oil for the Canadian navy when constructed.

He said: The object I have in view is to place before the civilized world, and more especially Canada, the fact that oil will be in the future a great factor as a motive power, not only for vessels but for machinery, and so much so that the naval authorities have taken up the question in England and in the United States. I hold in my hand a copy of the 'Illustrated London News' of the 5th March, in which illustrations are published showing the advantage of the use of petroleum as fuel for ships. The argument used is that ships going into action are enabled to conceal their presence. If they had to burn coal, the smoke from their funnels would be seen for a great distance, while with the use of oil they can approach the enemy without their presence being discovered. Also they can transfer the oil at sea from transports without having to go through all the hard work of carrying coal from the bunkers of one ship to the bunkers of another, sometimes in a heavy sea, and sometimes under other disadvantages. By the use of oil, the fuel can be transferred by pipe, and in a short time a sufficient quantity could be transferred from the transport to enable a vessel to go into action. I have here a newspaper article dated London, April 6, which I wish to read for the information of the House:

(Special correspondence of the 'Herald.')
Herald Bureau,
No. 130 Fleet Street,
London, April 8, 1910.

The 'Herald's' naval correspondent writes as follows:—

With the use of liquid fuel, the greatest trouble was experienced at first both in regard to the system of firing and because so much of the heating power was wasted in the shape of soot. It seemed as if nothing could prevent the dense volumes of smoke which poured from the funnels of the vessels during the early trials. Nevertheless, an extensive oil fuel establishment was fitted up at Haslar, near Portsmouth, and there experiments were carried out with various kinds of boilers, systems of firing and mechanical stokers, while further trials were made both in big ships and destroyers. Thus, eventually, what with improvements in the furnaces and a development in the system of using the fuel, which is said to be a secret, the difficulty with the smoke was overcome. At present it may be said that with the consumption of liquid fuel alone there is almost complete freedom from flame and smoke at the funnel, even when the boilers are pressed.

When oil is used in combination with coal the results are not so good. Quite recently in the home fleet experiments were made for the purpose of ascertaining with which kind of coal the oil should be used to give the best results. In one ship Welsh smokeless coal was used mixed with oil, and in another North Country coal with results, it is said, that some hope is expressed that a mixture of North Country coal and oil has been discovered which gives off very little smoke indeed.

Oil gives no smoke.

However, these trials are yet in progress and at present, although the problem of burning oil alone without revealing the presence of the vessels by their smoke has been solved, the allied one of how to combine the liquid fuel with coal and obtain the same result has so far proved insoluble. With a nation possessing ample supplies of oil as cheap as coal the question would not arise.

Liquid fuel is used either in internal combustion engines, when the oil is vapourized, mixed with air and exploded in the cylinder of the engine, or it may be used in the furnaces of boilers, with or instead of coal. It is, of course, in this latter way that it is used in war vessels, and perhaps its greatest advantage, as compared with coal, is its high or calorific value, while, in addition, it is more cleanly and labour-saving.

Many experts assert that there is a difference of fifty per cent in the calorific value of liquid fuel and coal in favour of the former. at the least, it is claimed, sixteen tons of oil will convert the same amount of water into steam that twenty-five tons of coal will. Something must depend upon the apparatus used to burn the oil and upon the various natures of the oil and coal burned. About cleanliness there can be no question, and not only is labour saved and many difficulties overcome in the process of shipping the liquid fuel, but fewer men are required for firing when the oil goes into the furnaces by the simple process of turning on a tap.

How oil is used.

The mechanical contrivance by which oil is supplied to the furnace is based upon that which was first used in the trials of the 'Surly' in 1902 and indeed, in all the various appliances employed for the purpose the principle is the same. The oil is broken up into minute particles, and its temperature raised as much as possible, while by means of compressed air or steam, it is sprayed onto the fire bricks or the coal in the furnaces. The pipes leading from the oil supply have nozzles fixed to them inside the furnace and by means of the air driven through the nozzles an action is set up similar to that in a scent spray, and the fuel is injected on to the fires and there burned. Once the fuel is ignited, the man in charge has merely to manipulate his valves to insure a regular and uniform feed, a perfect consumption and a steady pressure of steam. With the apparatus in use in the destroyers, there is no waste material, combustion is perfect, and no dust or dirt is carried forward and up the funnels with the hot gases, as in the case when burning coal.

The introduction of liquid fuel lightens the task of the stokers, reduces the heat in the stokehold, and there is an avoidance altogether of the dirt and discomfort where the furnaces have to be fed with coal from the bunkers. Taking in fuel, when it is merely necessary to use a hose and a pump, becomes not only a quicker operation, but puts far less strain upon the ship's company than the dismal and disagreeable evolution of coaling ship. Liquid fuel can be transferred from one vessel to another at sea in all but the roughest weather, and thus its use has solved another problem which, particularly in regard to small craft, has puzzled the naval authorities for many years past.

That is the conclusion arrived at by experts in England. If I am not mistaken, the Admiralty is purchasing in England 1,250,000 tons of oil for fuel. That multiplied by 250 gives an immense number of gallons of crude oil that they intend to use. In other words, it has been forced upon them that, in order to cope successfully with other navies in the present age, science has to come into play. The fleet using oil as fuel, in going into action, has a great advantage. I am going to read a few lines from a despatch dated London, April 14:

Clyde shipbuilders on the admiralty list have been invited to tender for twenty destroyers for the British navy. Fourteen of the destroyers will be of the existing pattern, whilst the remaining six will be adapted for ocean-going service and will burn liquid fuel. The builders, apart from the initial plans, are left a free hand in their designs.

That follows up the subject that I had in view. I sent to Washington and received from the Secretary of the Navy a resolution of the 9th February, which was passed directing the Secretary of the Navy to furnish the Senate with a statement of the amount, in barrels, of fuel oil (petroleum and naphtha) consumed by the navy on torpedo boats and torpedo boat destroyers or other naval vessels, together with the average cost of same per each year, for the last five years. The letter goes over the details and gives the average cost of fuel, which was 91 cents a barrel, equal to about two and one-half cents a gallon; and I follow the statement up and I find on another page that the cost was $1.28 a barrel, which is 3½ cents a gallon. If hon. gentlemen peruse the papers, they will see how alive the United States government are to the question. They have ascertained exactly what oil fuel costs, showing the advantage of discarding coal as a fuel. There is no use going further into the argument. It is well known that the small amount of oil carried on the vessel leaves a large amount of free-board. It is not half as much dead weight as coal, and it is handled very successfully in all cases. I have ventured to place before parliament the fact that we are able to produce oil in this country. In the maritime provinces we have abundance of crude petroleum oil. We have deposits of oil shale in the maritime provinces, and there is a depot at Newfoundland and other places. If we have a fleet, we must be in a position to secure the oil. Our ships must be up to date in respect to fuel and everything else. I do not propose to discuss the merits of the navy to-day; but we have to face the question whether our navy is to be up to date, or whether if possible we should be ahead of other nations by con-

sidering the facts that are before the public in regard to oil fuel. I venture to ask whether the government has looked into the matter and given it consideration. It is not forcing the hand of the government, it is merely asking an expression of opinion from them.

Hon. Mr. RILEY—The hon. gentleman wants them to turn on the tap.

Hon. Mr. DOMVILLE—Yes, as long as it is not a whisky tap. We can show to the world abroad that oil can be obtained in this country. That will mean an investment of capital, and the development of the maritime provinces, and the public naturally would see that Canada was up to date. We must impress upon the world generally that Canada is alive to the fact that oil is being used as steam fuel, and its attention is aroused in regard to the utilization of it in the fleet of the country. The Admiralty have been in communication directly with Canada with a view to see how far they can rely upon procuring oil in this country. They want to be independent of any foreign country for their supply of oil fuel.

Rt. Hon. Sir RICHARD CARTWRIGHT—The question which has been raised by my hon. friend is one of very considerable scientific interest, but one upon which, personally, I am not in a position to offer an opinion, nor do I suppose any hon. members would care to pronounce ex cathedra upon it. All I can say to him is that up to the present moment the question of the fuel which is to be supplied to the Canadian navy of the future has not been considered; but I shall have much pleasure in calling the attention of the Naval Department, as soon as we have one, to the remarks made by the hon. gentleman. I am aware that the question of substituting oil for coal as a fuel for the navy has attracted a great deal of attention, both in the United States and Canada, and I quite appreciate the importance of having a proper quantity of oil in reserve if we decide to employ it. That, however, is as far as I can go at the present moment. I will see that the government are in possession of my hon. friend's views.

Hon. Mr. CLORAN—Does the right hon. leader of the House not put a block on the development of the coal mines?

Rt. Hon. Sir RICHARD CARTWRIGHT—How?

Hon. Mr. CLORAN—In Sydney? Is the government prepared to take up the proposition of the hon. gentleman from Rothesay for the furnishing of petroleum as fuel for the future navy, instead of using the ordinary coal from Cape Breton and Nova Scotia mines? I think the hon. gentleman is placing a fair proposition before the government. It is a commercial proposition, and one that ought to command the attention of this government, especially if we are going to build a navy and will require a large amount of fuel. The proposition is one that will command the attention of capitalists; but I fail to see in the answer of the right hon. leader of the House that his proposition will meet with any favour from the government.

AN ERROR IN THE MINUTES.

Hon. Mr. BEIQUE—Before the orders of the day are called, I desire to call attention to an omission in the 'Minutes' with respect to a Bill intituled 'An Act respecting the Alberta and British Columbia Railway.' The Bill was reported from the committee with amendments, and there is no mention in the 'Minutes' of any amendment to the Bill. The Clerk at the table is not responsible for the omission. It was the fault of the Clerk of the Committee.

PAYMENT OF INDEMNITIES OF ABSENT SENATORS.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I should like to call the attention of the right hon. the leader of the government to an item in the Supplementary Estimates just circulated, with a view to pointing out an omission to which he might call the attention of his colleagues, especially the Finance Minister. It has been our practice for many years, that if any of our colleagues die during the session, an item is inserted in the Supplementary Estimates

to cover the full indemnity. The Supplementary Estimates this year contain no such provision. The item reads as follows:

To provide for making good the full sessional indemnity of members of the Senate—days lost through absence caused by illness during the present session—and $2,500 to pay the sessional indemnity of the Honourable James Domville for the session of 1906, absent through illness—notwithstanding anything in chapter 10 of the Revised Statutes.

That would not cover the case to which I have referred, unless the words 'illness or death' were added. This item goes a little further than any item providing for those omissions in the past. Under the present law, a member who is ill during the session of parliament is entitled to the full indemnity for the time that he has been prevented through illnes from attending, if he lives within ten miles of the capital. This item goes beyond that, and provides for the payment of the full indemnity to those who have been ill and have been detained at home. I find no fault with that. I see no reason why that should not be done, though it is something new. I notice also a difference in the payment of Commoners, not included in the provision for senators. The item reads:

To provide for making good the full sessional indemnity of members of the House of Commons—days lost through absence caused by illness or public business during the present session—notwithstanding anything in chapter 10 of the Revised Statutes.

That has never been included in the past. I am not objecting to it, but I see no reason why these words should not be included in the item providing for indemnities to members of the Senate. The inference that I draw from it is that when it speaks of public business it means business of the government. If I am correct in that, there is still greater reason why the same privilege should be extended to members of the Senate, provided there are any such cases.

Rt. Hon. Sir RICHARD CARTWRIGHT—I will mention to my colleagues the views of my hon. friend. If it is found necessary to insert the words, 'by death,' that can be easily done. As to the public business, I am not aware, and I think my hon. friend can hardly mention any senator who, during this session, has been debarred from attendance at the Senate by public business.

Hon. Sir MACKENZIE BOWELL—No, I am not aware of any.

Rt. Hon. Sir RICHARD CARTWRIGHT—I presume that finding there was none and none likely to arise during the remaining days of the session, it was not thought necessary to insert those words.

Hon. Mr. ROSS (Halifax)—I desire to call the attention of the right hon. leader of the government to the case of Senator Sullivan, of Kingston.

Rt. Hon. Sir RICHARD CARTWRIGHT—It would be covered by the words of the amendment that my hon. friend from Hastings has suggested.

BRANCH LINES OF GOVERNMENT RAILWAYS BILL.

THIRD READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 17) An Act to authorize the government of Canada to acquire by lease, lines of railway connecting with government railways, as amended.

Hon. Mr. McMULLEN—I have given notice of an amendment that this Bill be not now read a third time, but that it be read a third time six months hence. I had arranged for a seconder, but the gentleman is not in the Chamber, and unless I can get a seconder I presume I will have to drop it. The reason why I should like to move the amendment is this: I proposed an amendment that the rent paid by the Crown should not exceed one-third of the gross earnings of the line. Subsequently, on a motion by the hon. gentleman from Montreal (Hon. Mr. Beique), it was struck out. Not only was it struck out, but a provision which I considered an exceedingly important one was also struck out, that is that the accounts of these branch lines should be kept separate from the general accounts of the Intercolonial railway, so that the Minister of Railways

could furnish a report showing the receipts and expenditures of the branch lines taken over. I therefore move that the Bill be not now read a third time, but that it be read a third time this day six months, if any hon. gentleman will second my motion.

Hon. Sir MACKENZIE BOWELL—I second it.

The motion was declared lost.

The Bill was then read the third time, and passed.

IMMIGRATION BILL.

THIRD READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 102) An Act respecting immigration. He said: I promised at the third reading of this Bill to give some information with respect to certain matters that have been called to my attention by two hon. senators. I have communicated with the department, and I will give briefly their answers:

With regard to the complaint of Senator Gibson re the detention of a woman and her two children at Quebec, for the treatment of ring-worm, if the statements as made by Senator Gibson are found upon investigation to be correct, the department will refund to the St. George's society the amount which they paid for treatment and maintenance of mother and children. With respect to the same matter I may say that, hereafter, before persons can be deported, they have the right to appeal to the Minister of the Interior against the decision of the Board of Inquiry or immigration officer acting as such, and in the event of their appeal being favourably considered, cost of maintenance, &c., shall be borne by the department.

Then regarding the complaint of Senator Watson, that a mother going to her son settled in Canada was refused admission by the immigration officer, such action under the law as it now stands, would be entirely illegal. Inquiry is being made into the case.

Under the new Immigration Act now before the Senate, the minister has the power, if thought desirable, to conduct the medical examination of passengers before they sail for Canada. The feasibility of such examinations will be given due consideration.

Hon. Mr. CHOQUETTE—What about the case I brought to the attention of the government, where fourteen people were thrown on the streets of Quebec, and were not allowed to go to the United States?

Rt. Hon. Sir RICHARD CARTWRIGHT—If people choose to go to the United States via Canada, they must be subject to the action of the United States officials.

Hon. Mr. CHOQUETTE—But what are we to do at the city of Quebec?

Rt. Hon. Sir RICHARD CARTWRIGHT—We cannot help that. We have no power to interfere with the United States officials.

Hon. Mr. CHOQUETTE—There were fourteen people thrown on the streets of Quebec last fall. There may be a hundred this spring. Suppose they really had small-pox, surely the government cannot let the matter stand like that?

Rt. Hon. Sir RICHARD CARTWRIGHT—The department have no reply to give.

Hon. Mr. CHOQUETTE—That is extraordinary. I cited an important case. Answers have been given to two minor cases, but no reply is given to the case I brought to the notice of the government. Last fall fourteen people who had been discharged from quarantine were detained in Quebec because they were supposed to have small-pox. They were left on the street as tramps.

Rt. Hon. Sir RICHARD CARTWRIGHT—These people had passed our officers, was that not the case?

Hon. Mr. CHOQUETTE—Yes.

Rt. Hon. Sir RICHARD CARTWRIGHT—They were refused by the United States officer admission to the United States.

Hon. Mr. CHOQUETTE—Why do you not authorize your officers in such cases to take such people to Grosse Isle at the

expense of the company that brought them there, and keep them pending the investigation?

Rt. Hon. Sir RICHARD CARTWRIGHT —If the people get into scrapes with the United States officers, we cannot help it.

Hon. Mr. CHOQUETTE—Surely the government must see that the people should not be left on the streets of Quebec without going to their rescue? Surely the government have a right to insert a clause in the Bill to provide that in case of disagreement at Quebec between the doctors, the officer in charge shall take the people back to Grosse Isle at the expense of the company who brought them there, as if they had not been discharged from quarantine?

Rt. Hon. Sir RICHARD CARTWRIGHT —When they are passed by the Canadian officials, our responsibility ends.

Hon. Mr. CHOQUETTE—Supposing the officer at Grosse Isle had, corruptly or otherwise, passed a number of people who should have been detained there because of their sickness?

Rt. Hon. Sir RICHARD CARTWRIGHT —Then complaint should be made to the Department of Immigration, that the officer had misconducted himself.

Hon. Mr. CHOQUETTE—But if the people are really sick, what will happen?

Rt. Hon. Sir RICHARD CARTWRIGHT —I do not see how we can help it.

Hon. Mr. CHOQUETTE—I think that the government can do it easily. Just add a clause to the Bill, that in cases of disagreement between the doctors, the immigrants shall be taken back to Grosse Isle at the expense of the people who brought them there. The government would incur no responsibility, and the city of Quebec and those people would be safe. And these people will be stopped. Everybody will be afraid of them if they are allowed to go on the street, they will have to tramp the streets. If the government would adopt an amendment of that kind it would remedy the evil. Insert a clause that if there is a disagreement at Quebec before they disembark there, after they have passed Grosse Ile, giving our officials authority to send these people to the Quebec hospital as immigrants, or to Grosse Isle at the expense of the company who brought them. The government will accept no responsibility, and everybody will be safe. The government will be to blame if they do not do that.

Rt. Hon. Sir RICHARD CARTWRIGHT —The department must take the responsibility.

Hon. Mr. CLORAN—I have had a little experience of these matters, and I think the hon. gentleman from Quebec is perfectly within his rights and perfectly justified in bringing this matter to the notice of the government. It was his duty to protest to this honourable House against the landing of immigrants under the circumstances narrated. Montreal and Quebec are the two receiving ports for the Dominion in the summer time, and I for one want no immigrants landed in Montreal who are not receptible, or who are undesirable, and I think the hon. gentleman from Quebec takes the same position that I do. We want no such immigrants, whether by the fault of the company who brings them here, by the fault of this House or by the fault of the immigrant agent. I think the principle stated by the hon. senator from Quebec is very fair. He cited a case where fourteen people were passed by the Canadian medical officer as desirable and admittable. I am not going to accuse the medical officers of partiality in the matter, but they, knowing that these people were not going to remain in Canada, gave them a clean bill of health subject to examination by the United States officer, and what is the result? The United States officer says to the Canadian officer, 'your report is not correct, these people are diseased, and we do not want them in the United States.' What is the government of Canada to do in that regard? They do not come to Canada for the purpose of remaining here. Is the city of Montreal or Quebec obliged to keep these people in hospitals or poor houses?

There is the obligation thrown on the city of Montreal or the city of Quebec to keep them.

Rt. Hon. Sir RICHARD CARTWRIGHT —There is ample provision for deporting all such people, and you can invoke the law for that purpose.

Hon. Mr. CHOQUETTE—If they have a clean bill of health, you cannot deport them.

Rt. Hon. Sir RICHARD CARTWRIGHT —If they are undesirable, and likely to become a charge on the people of Canada, you can deport them.

Hon. Mr. CLORAN—Who are the judges of that?

Rt. Hon. Sir RICHARD CARTWRIGHT —The department are the judges of that matter.

Hon. Mr. CLORAN—The medical officer?

Rt. Hon. Sir RICHARD CARTWRIGHT —The medical officer simply reports on the state of their health; that is all he reports upon.

Hon. Mr. CLORAN—It is on that ground the hon. senator from Quebec has taken his objection, that these people have been passed from the quarantine as clean and in good health. The doctors cannot pass them as having the required amount of money.

Rt. Hon. Sir RICHARD CARTWRIGHT —If the hon. gentleman chooses to represent to the department that these people are undesirable immigrants, and if the department so consider, it can have them deported under the existing law. That can be done any time within two years.

Hon. Mr. CLORAN—I am not here as a detective. I am here as laying down a principle of law and nothing else.

Rt. Hon. Sir RICHARD CARTWRIGHT —The hon. gentleman can move his amendment.

Hon. Mr. CLORAN—I am moving no amendment. I am simply sustaining the position taken by the hon. gentleman from Quebec, that the government has no right to place on our shoulders either in the city of Montreal or Quebec, immigrants who are rejected by the United States officers after being passed by the Canadian officers. When our Canadian officers pass them at quarantine, and say they are desirable as far as health is concerned, and the United States officer comes in and says, 'No they are not,' who is going to take care of them? I have no grievance against the government, but I want the government to understand that the city of Montreal must not be made to pay for the maintenance of these people, and I am with the hon. senator from Quebec in saying the same thing, that when such immigrants are cast on our shores that the city of Quebec shall not be made to care for them. There is the whole question: who is to pay for the maintenance of these people? Charity if you will; but I am not talking of charity. I am talking of principles of legislation, and the hon. gentleman from Grandville (Hon. Mr. Choquette) has raised a valid objection because I know of many such immigrants who come to Montreal and our jails and charitable institutions are obliged to maintain them. I suppose the same thing happens in Quebec. It is not a question of party politics, it is a question of administration, and I submit to the right hon. leader of the House that the position taken by the hon. gentleman from Grandville is properly taken. As representing the city of Montreal, where hundreds of thousands of people are coming that way, I submit that we should not be burdened with keeping such people when it is the duty of the Dominion government to look after them.

Hon. Mr. MACDONALD (British Columbia)—The contention of the hon. gentleman from Quebec resolves itself into a question of charity altogether. I believe there is no legal obligation on the Dominion to support these people, neither is there any obligation on the city of Quebec or Montreal, to keep them. It is a matter of charity. It is a question of humanity. These people are thrown on our shores. Who is to look after them and feed them? It is true that the United

States officials have rejected them. I suppose something was done for them by Quebec or Montreal, and if the government would see fit to recoup these cities for the expenses they were put to, it would be a very good thing, even if they do not see it is a case where there is no legal obligation on the part of the Dominion. Perhaps the right hon. gentleman will call the attention of the Minister of the Interior to this very unfortunate question.

Rt. Hon. Sir RICHARD CARTWRIGHT —As I understand the law, any immigrant who is likely to become a charge on the people of this Dominion can be forthwith deported by the department. It is a question of administration by the department.

Hon. Mr. MACDONALD (British Columbia)—Before the Bill is read a third time, I want to direct the attention of the minister to clause 3 of the Bill, page 5. Attention was called to it previously by the hon. gentleman from Calgary; it seems to me to be the most extraordinary clause of the Bill. It reads:

(h) Immigrants to whom money has been given or loaned by any charitable organization for the purpose of enabling them to qualify for landing in Canada under this Act, or 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.

We know that many young men have no money. Money is given them by their friends or parents, or they borrow money, and because they have this money, borrowed or loaned, they are not permitted to land. I can understand the last section, where men are sent out to charitable organizations, they should not be allowed to remain. But here is the case of a person who has been given the money or borrowed it to come out to Canada, and is not allowed to land. Surely that is not the meaning of the Bill. But these are the words in black and white, on page 5 of the Bill.

Rt. Hon. Sir RICHARD CARTWRIGHT —That is designed to deal with a particular case which has been found to exist, that a sum such as is required by the law had been handed to one man, and as soon as he landed was passed to another man, so that one twenty-five dollar bill would let in a dozen.

Hon. Mr. CHOQUETTE—It is not a question of charge at all. I do not wish to put a charge on the Dominion government; it is a question of public nuisance. Public health is at stake. I would suggest that as soon as there is a disagreement between the doctors at Quebec, the government should compel the company to take such immigrants back to Grosse Ile at their expense. I will prepare an amendment, if the government will accept it. It is in the interest of those people brought to our shore. They may be millionaires, but if they are stopped at Quebec nobody will receive them if they are supposed to be sick. The railway companies will not take them to the United States, because they will be refused as being sick. Therefore the only solution without placing a cent of charge on the government or Quebec City, is to compel the company who brought these immigrants to keep them on board, or send them back to Grosse Isle, and they shall have their recourse thereafter against the party who compelled them to stay there.

Rt. Hon. Sir RICHARD CARTWRIGHT —I will call the attention of the department to what the hon. gentleman suggests; but I do not think they will alter their policy.

Hon. Mr. CHOQUETTE—I am sure if such a case should happen in Halifax or St. John it would not be tolerated, and the amendment would be adopted. I am prepared to state that.

The motion was agreed to, and the amendments were adopted and concurred in.

The Bill was then read a third time and passed.

LANDS TITLES ACT AMENDMENT BILL.

THIRD READING POSTPONED.

The order of the day being called;

Third reading Bill (No. 125) an Act to amend the Land Titles Act—

Rt. Hon. Sir RICHARD CARTWRIGHT—With respect to this Bill I think the hon. gentleman from Calgary is right, that the words he speaks of in section 20 might be eliminated; but in eliminating them it might be necessary to put in some other words so as to show that if the office were established at Ottawa and afterwards removed, it must be removed to some place within the district; otherwise it is possible, though it would never be likely to happen, that in moving it to another place it might be placed in some inconvenient position.

Hon. Mr. LOUGHEED—I would simply suggest or point out to my hon. friend the inconsistency of the provisions. I am not concerned as to it one way or the other, except as to the desirability of an amendment of this kind being in harmony with the Act. Does my hon. friend propose moving the third reading of the Bill as it is?

Rt. Hon. Sir RICHARD CARTWRIGHT—I was going to propose moving the third reading of the Bill, striking out the words in the earlier part of the section, clause 20, 'in the district', but I think that some words should be added to show that if the office were removed from Ottawa it should be removed to some place within the district.

Hon. Mr. LOUGHEED—I do not think so, for this reason. You amend the Act by providing that in Ottawa shall be the registration office. When the time arrives to change it from Ottawa, you will have to repeal that clause, and you can then add anything you choose.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think it had better be enacted that when it leaves Ottawa it be moved to some place in the district. I move that the order be discharged and that it be placed on the Orders of the Day for to-morrow.

The motion was agreed to.

THIRD READING.

Bill (No. 150) an Act respecting the Restigouche Boom Company, and to change its name to 'The Restigouche Log Driving and Boom Company'.—Hon. Mr. Thompson.

SECOND READING.

Bill (HHH) An Act to incorporate the Alberta, Peace River and Eastern River Railway Company.—Hon. Mr. Watson.

Bill (No. 79) An Act respecting the Hamilton, Waterloo, and Guelph Railway Company.—Hon. Mr. Gibson.

Bill (No. 116) An Act to incorporate the Toronto Eastern Railway Company.—Hon. Mr. Ross, Middlesex.

GAS INSPECTION ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 132) An Act to amend the Gas Inspection Act.

(In the Committee.)

On clause 3,

Hon. Sir MACKENZIE BOWELL—I understand this clause reduces the standard from three to two, and from four to three, which would be one degree in favour of the consumer, and one degree as against the manufacturer. That is for the purpose, I suppose, of making the meter more correct?

Rt. Hon. Sir RICHARD CARTWRIGHT—Yes, more correct. At present a meter is passed if the error is four per cent, and this reduces it.

The clause was adopted.

On clause 4,

Hon. Sir MACKENZIE BOWELL—Is there any change made in the lighting power? It would be much better if the standard were made 18 instead of 16. Some time ago, I was looking over a report on the lighting power of nearly all the lighting companies in Ontario, and I found that a large number exceeded the standard,

which is 16. Some go much higher than that. I think the strongest and most powerful light was manufactured in Napanee.

Rt. Hon. Sir RICHARD CARTWRIGHT —I believe it was.

Hon. Sir MACKENZIE BOWELL—A large number go as high as 18 c.p., while the standard in the past has been 16. It would be much better if there were a uniform standard of 18. Of course when gas is manufactured from crude oil, it may be made so strong as to become offensive. I would not ask the hon. gentleman to change this Bill, but it would be well if the department would make it a uniform standard not lower than 18.

Rt. Hon Sir RICHARD CARTWRIGHT —I dare say my hon. friend's view is substantially correct, and in the interest of the consumer. I am glad to find that the Napanee gas, which I know something about, is a good article. My impression is that the Act gives the authorities power to amend the standards if they see fit.

Hon. Sir MACKENZIE BOWELL—I think not. Upon inquiry, I find that the gas produced in Napanee is so strong that they have to reduce the power.

The clause was adopted.

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

ROYAL MILITARY COLLEGE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (No. 180) An Act to amend the Royal Military College Act.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—What is the increase?

Rt. Hon. Sir RICHARD CARTWRIGHT —The present amount expended is $24,000. This would give an opportuity of raising the salaries of some officials, not exceeding $6,000.

Hon. Mr. LOUGHEED—Will my hon. friend say how they got over the present statutory restriction?

Rt. Hon. Sir RICHARD CARTWRIGHT —Because a large part of the officials are not paid under the statute. A very considerable portion will be brought in now that were not included under the old Act.

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

ACQUISITION AND SALE OF PUBLIC LANDS.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 181) An Act to authorize the sale or other disposal of certain public lands, and the acquisition of certain other lands in or in the vicinity of the cities of Toronto and Winnipeg respectively.

(In the Committee.)

On clause 1.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman was asked at the second reading how far the Baby farm is from the city of Toronto?

Rt. Hon. Sir RICHARD CARTWRIGHT —I think it is within a couple of miles.

The SPEAKER—It lies within the extended limits. It is at Toronto Junction, near the Humber river.

The clause was adopted.

Hon. Sir MACKENZIE BOWELL—Have the lands near Toronto or Winnipeg, which will be required in substitution of these being sold, been selected?

Rt. Hon. Sir RICHARD CARTWRIGHT —I think they have an option on some, but I do not think they have concluded any bargain.

Hon. Sir MACKENZIE BOWELL—Because it is well known that the moment lands are required by the government prices go up.

Rt. Hon. Sir RICHARD CARTWRIGHT —The department is keenly alive to the fact and are quietly obtaining options, I believe.

Hon. Mr. LOUGHEED—Can my hon. friend say what the government will now do for rifle ranges if these two are disposed of?

Rt. Hon. Sir RICHARD CARTWRIGHT —One was not a rifle range, and was never intended for a rifle range. They have a rifle range in Toronto. In the case of Winnipeg, the purchase money received for the land they are selling is specifically ear-marked for the purpose of a rifle range at or near Winnipeg. It could be only used for that purpose.

Hon. Mr. McKAY (Truro) reported the Bill without amendments.

GLASSWARE TESTS BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole House on Bill (No. 184) an Act to provide for the Testing of Glassware used in connection with Milk Tests.

(In the Committee).

Hon. Mr. LOUGHEED—What department will administer this Act? Is it the Department of Agriculture or Inland Revenue?

Rt. Hon. Sir RICHARD CARTWRIGHT —It is the Department of Agriculture, I believe.

The CHAIRMAN—Administered by Mr. Ruddick, the chief of the Dairy Department.

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

CUSTOMS AND FISHERIES ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (No. 138) an Act to amend the Customs and Fisheries Protection Act.

(In the Committee).

On clause 1.

Hon. Mr. POWER—I think there should be some little explanation of this. It seems a rather remarkable thing that whereas the Exchequer Court rules govern generally, the Superior Court of a province, which is a court, notwithstanding its name, recognized as being inferior to the Exchequer Court should have the right to make rules to govern the procedure in that court.

Rt. Hon. Sir RICHARD CARTWRIGHT —The reason is this: The statute relating to the protection of customs and fisheries, chapter 47, Revised Statutes of Canada, provides that in the case of the seizure of goods, or of a ship, every penalty of forfeiture may be recovered, or enforced in the Exchequer Court, on its Admiralty side, or in any Superior Court in the province, within which the cause of prosecution arose. Pursuant to that provision of the statute, the Exchequer Court has promulgated its rules of procedure, but some of the provincial courts, and possibly all of them, have not done anything of that nature. The result has been that when proceedings to enforce a penalty or forfeiture of this character have been instituted in the provincial courts there has been no practice laid down by any rules which could be followed, and such proceedings have, in consequence, in some instances, proved nugatory, and the advantage of being able to resort to provincial courts has been thus practically taken away. This Bill proposes to remedy that defect by adding as a subsection to the section I have referred to, a provision that in so far as there are no general rules made by the Superior Court of any province, the practice and procedure in cases of this character in the provincial court shall be regulated by the practice and procedure for the time being in force in the Exchequer Court.

The clause was adopted.

Hon. Mr. BOYER reported the Bill without amendment.

CRIMINAL CODE AMENDMENT BILL.

SECOND READING MOVED.

Hon. Mr. BELCOURT moved the second reading of Bill (CCC) An Act to amend the Criminal Code.

He said: The object of this Bill is as stated in the title, to amend the Criminal Code. The sections which are sought to be amended are sections 497 and 498. Those two sections, with the section which pre-

cedes them, and some following sections, all deal and are connected with offences against trade and breaches of contract, the two sections in particular having to deal with combinations in restraint of trade. Section 496 reads:

A conspiracy in restraint of trade is an agreement between two or more persons to do or procure to be done, an unlawful act in restraint of trade.

Section 497 reads as follows:

The purposes of a trade union are not, by reason merely that they are in restraint of trade, unlawful within the meaning of the last preceding section.

Section 498 reads:

Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars or to two years' imprisonment, or, if a corporation, is liable to a penalty not exceeding ten thousand dollars, and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company—

(a) To unduly limit the facilities for transporting, producing, manufacturing, supplying, storing and dealing in any article or commodity which may be a subject of trade or commerce, or,

(b) To restrain or injure trade or commerce in relation to any such article or commodity; or,

(c) To unduly prevent, limit or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof; or,

(d) To unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation, or supply of any such article or commodity, or in the price of insurance upon person or property.

2. Nothing in this section shall be construed to apply to combination of workmen or employees for their own reasonable protection of such workmen and employees.

The Bill has in view the addition of the words 'Whose members are British subjects,' to sections 497, and subsection 2 of section 498, so that the section would read:

(497) The purposes of a trade union whose members are British subjects, are not merely that they are in restraint of trade, unlawful within the meaning of the last preceding section.

Then subsection 2 of section 498 would read:

(2) Nothing in this section shall be construed to apply to combinations of workmen or employees who are British subjects, for their own reasonable protection of such workmen and employees.

As the law stands to-day, foreign and domestic trades unions, that is to say, trades unions of any kind organized anywhere, incorporated anywhere, controlled from anywhere, are entitled to the exceptions and benefits which are mentioned in sections 497 and 498, whether these members are citizens of Canada or not; whether they are British subjects or otherwise. Trade unions, whether composed of British subjects or foreigners, or partly of both, wherever organized, even though controlled from foreign countries are allowed to do in Canada what no other two British subjects are allowed to do. These sections impose penalties upon persons, British subjects, for the commission of the offences charged in these sections. By section 497 and the subsection 2 of 498, trades unions are exempted from the operation of these penalties; that no two members of a trades union can be prosecuted for a combination in restraint of trade, when every other two British subjects in Canada may be so prosecuted. What is the result? The result is that you may have a trade union organized in Canada—and I put it in three categories—and controlled wholly by foreigners and not British subjects, for the purpose of operating in Canada, or you may have a trade union organized in a foreign country for the purpose of operating in Canada, and this union may be governed wholly from a foreign country, or you may have a trade union started and organized in a foreign country for the purpose of operating in Canada and only partly governed or controlled by British subjects. Yet a trades union coming within any of these categories would enjoy the privileges and exemptions created by the sections now under discussion. The simple fact of being a member of a trades union would be a complete defence to a charge under these provisions. So that any member of a trade union living in the United States, governed by the laws of the United States, and owing allegiance to the United States, could come to Canada and commit some of these offences, and would be free from all prosecution and from the penalties imposed by the Act, while British subjects doing the same thing

in Canada, would have no such defence. I had intended to go into the subject more deeply, but for many reasons I shall only briefly mention the main argument which I had intended to urge. What has caused me to be alarmed, and what has made me think very seriously over this matter, is the possible results which may happen to Canadian trade, Canadian commerce, and Canadian industry. I say that with these provisions as they exist to-day, Canadian trade and commerce might be controlled either in a small or large way, and more or less seriously hindered, hampered and injured by large and powerful trade unions organized in a foreign country and governed from a foreign country. Hon. gentlemen will see at once what possibilities are involved in such a condition of affairs, and how Canadian trade and industry might be at any moment put completely under the control and power of foreign institutions, not necessarily labour institutions, but possibly and probably institutions which, whilst calling themselves trade unions, might for the purpose of destroying our commerce and industry organize themselves under the cloak of a trade union, and they would, under the protection of these sections, be entitled and be allowed to come to Canada and have Canadian industries at their mercy. These unions, corporations or organizations, could send emissaries or agents through Canada to do that which no British subject could do, and yet, as I have said, they would not be liable to prosecution. It is to prevent and avoid such a possibility that I have thought the amendments which I now propose should be made to the Criminal Code. They are, I think, as much in the interest of the working men and employees as they are in the interest of Canadians generally, because I take it that working men in this country are as much interested in the preservation intact, and the progress and development of our industries, as the people who have put their capital into such industries. I have not introduced the subject with the desire of helping any class, or with the intention of injuring any class, but solely in the interest of the whole community. It is true that labour unions have not taken the same view, and that some of them have indulged in more or less extravagant and hysterical language over the proposed amendment. I think they would have been better advised had they considered the question in the broad view in which I am now presenting it, and if, instead of blindly opposing the legislation, they had addressed themselves to the task of devising or suggesting some amendments calculated to meet the difficulties I have referred to.

The difficulty is there. The danger, the menace is there. Perhaps up to the present it has not become very serious, but it threatens to be so every day. With the great commercial rivalry which exists between our neighbours and ourselves, I have no doubt that measures of this kind will some day be thought of and resorted to. Members of trade unions, I repeat, are as much interested in the preservation of our national industries as anybody else is. I hope that members of trade unions will see that the danger is one that threatens them as well as everybody else, and that they will, at the earliest possible moment, get together, with a view to meeting what is, to my mind, a very serious peril which must some time be met. We cannot, because of fear of offending the prejudices or narrow views of trade unions, shirk this question indefinitely. We must meet it some day or other, because if we do not, it will in the meantime have wrought serious damage to the country. I need not say I have no prejudice against trade unions. On the contrary, I am a strong believer in the good accomplished by trade unions. I am not bringing in this measure, as has been stated, with a view of favouring capital against labour. I am one of those who think a combination of labour is as justifiable, probably more so, as a combination of capital; but I believe that both labour and capital need regulation. It is the duty of parliament to provide legislation to control both. Whilst I am inclined to the view that capital needs the closest kind of control and regulation, and is much more in need of it than labour, yet it is clear to me that labour also must be regulated or controlled. The time will come when parliament must apply some remedy to the

evils which I have pointed out. The object of the Bill is to compel all trade unions operating in Canada to be at least governed and controlled by British subjects, and to submit to British laws and British jurisdiction, as well as to British public opinion. It may be that the amendment goes a little too far in providing that all members of trade unions shall be British subjects. Possibly the trade unions themselves may be able to suggest some measure which would not require that every one who belongs to a trade union in Canada should be a British subject. The difficulty pointed out is this, that if it were necessary for every man to be a British subject, the immigrants recently arriving could not be admitted as members of the union. I do not think that such would be the effect of the amendment proposed. I do not think the amendment would make a union illegal if it contained some members who were not British subjects. It is possible that some words could be inserted which would meet the difficulty. I would invite the union men in Canada to consider if Canada for Canadians is not a good enough motto for them.

Hon. Mr. CLORAN—Sure.

Hon. Mr. BELCOURT—If Canada for Canadians is good enough for the labour men, why have trades unions that are organized and governed wholly from a foreign country? That the motto 'Canada for Canadians' is good enough for trade unions is shown by the fact that one of the most powerful of these associations, the Canadian Federation of Labour, has adopted it as the motto of the association. I have two letters here from a very prominent officer of the Canadian Federation of Labour, which I shall read to the House, because they constitute a complete justification for the steps I have taken even when it is considered from the point of view of the trade unions. On the 4th March, I received from this prominent official of the Canadian Federation of Labour the following communicaton:

Hon. N. A. Belcourt, Senator.

Hon. Sir,—Will you kindly oblige me with a copy of Bill introduced by you relating to restraint of trade, and to which, I see, by the papers, there has been some objection by trade unions. It is quite possible that I may offer a suggestion re this, as I am of opinion that there should be some provision made for liability of trade unions holding charters from a foreign country, and governed by officers and laws of such country.

Respectfully yours,
(Sgd.) J. W. PATTERSON.

Having forwarded a copy of that Bill to the gentleman in question, I received from him some time afterwards the following letter dated April 13:

Hon. N. A. Belcourt,
Senator.

Hon. Sir,—
Re Bill CCC to amend the Criminal Code, I would suggest that perhaps the object you have in view would be better served if you changed the amending words in the proposed Bill after the word 'union,' to say 'not chartered or having direct affiliation with any union in a foreign country.'

So there, from a prominent official of the Canadian Federation of Labour, is the adoption of the principle embodied in the amendment which I propose. He goes on in his letter to say:

This I think should be done, as there is no doubt that there should be some responsibility attached to foreign organizations operating in Canada, not only as a matter of protection to employers, but to Canadian workmen. The Canadian Federation of Labour would unanimously support such an amendment as I suggest. On the other hand, I could not approve of the Bill as it now stands for the very good reason that in this new country, as a matter of protection, we must enlist the support and membership of newcomers, and any trade union is too jealous of any infringement of the liberty of the people to make it imperative for a man to take citizenship before being eligible for membership.

Should this meet with your approval, and if it would be of service, I can arrange for our executive to come to Ottawa in support of such an amendment as I suggest.

I remain,
Your humble servant,
(Sgd.) J. W. PATTERSON
President C. F. of L.

There is a direct offer from the Federation of Labour to support such an amendment as I propose. Some hon. gentleman, or I myself later on, may suggest some slight alteration of the amendments to meet the views of the official whose letters I have read. I do not think I should take up any more time of the House in discussing this measure. I realize fully that at this stage of the session, with a great deal of work to be done, it would be almost impossible

to have this Bill considered by a committee. I assume that a Bill of this kind would not be considered in Committee of the Whole, but would be referred to a special committee in order that parties who wish to be heard might be given an opportunity of urging any objections they may have to the Bill. That would take considerable time, time which is evidently not now at our disposal. For that reason, I do not insist upon the Bill being proceeded with further. Again, I realize fully the importance and seriousness of the legislation which I propose. I realize fully that the effect of legislation of that kind would be far reaching, and possibly it might be better to give time for further consideration. I introduced the measure for the purpose of provoking a discussion and drawing the attention of the country to what appears to me to be a very serious and very threatening evil, and for the purpose of directing information in a proper channel, so that when opinion is quite matured, it may be embodied in legislation. I do not pretend to think that the Bill as introduced should be adopted; nor do I think it constitutes the sole nor a complete panacea for the evils I can foresee. I introduced the measure merely for the purpose of provoking discussion, of causing members of trades unions to give it their serious and earnest consideration, and with their consent, and co-operation, if such is possible, to enact legislation which, while not interfering with their rights, would afford Canadian labour and Canadian capital the protection to which they are entitled. If this protection is not secured the result is bound to be very serious damage to the country at an early date. I ask hon. gentlemen to take the matter into their very serious consideration, and request permission that the Bill be dropped. I shall not ask that it be read a second time.

Hon. Mr. POWER—There can be no question as to the great consequence of the subject of the Bill which the hon. gentleman has introduced, but it seems to me that at this comparatively late hour in the sitting, and with such a thin House as this, it would not be proper on the whole that we should go on and discuss it, I think we had better postpone further discussion until such time as there will be a larger attendance of members, and we will have more time to consider it. I therefore move that the debate be adjourned.

Hon. Mr. CLORAN—Before the motion is put, I wish to point out this fact, both to the honourable House and to the mover of the Bill, and incidently to the gentleman who moves the adjournment of the debate, that this Bill has been on the order paper for a number of weeks against the best interests of the country, against the interests of the workingmen of Canada, organized legally under the constitution of Canada. This Bill has been a menace to every man who wields a spade, a pick, a shovel, or other instrument of labour. Probably the hon. gentleman who introduced the Bill did not see far enough to weigh its consequences and effects. If he had been simply the ordinary member of the city of Ottawa, this Bill would not have been introduced; but to-day I stand here voicing the opinions of hundreds of thousands of people in this country, saying that this Bill is a violation of their rights, as subjects of this country.

Hon. Mr. POWER—I rise to a point of order. I moved the adjournment of the debate, and the hon. gentleman is not dealing with the adjournment, but with the merits of the Bill.

Hon. Mr. CLORAN—I am awfully sorry that the member for Halifax is continually interfering with my liberty of speech, and I hope he will—

The SPEAKER—The hon. gentleman will perceive that this is not a motion to destroy the opportunity of speaking, but one for the purpose of enabling others as well as himself, to speak, and, therefore, any discussion now should be on the motion for adjournment, and not on the merits of the Bill.

Hon. Mr. CLORAN—In conjunction with the hon. member from Halifax, and with the decision of the Speaker, if they will outline what I should say I will say it. Does the hon. member from Halifax understand that? Is he going to be a con-

stant menace to my liberty of speech in this honourable House?

Hon. Mr. POWER—The rules of the House are the menace. The hon. gentleman has no right to reflect on the rules of the House. He is entirely out of order.

Hon. Mr. CLORAN—I am not reflecting on the rules of the House; I am reflecting on the man who interprets them.

The SPEAKER—Every hon. gentleman should observe the rules of the House. The motion is for the adjournment of the debate.

Hon. Mr. CLORAN—The debate should not be adjourned, for the reasons I am giving.

Hon. Mr. DERBYSHIRE—The hon. gentleman will have an opportunity of speaking when the Bill comes up again.

Hon. Mr. CLORAN—I hold that this Bill should not even be adjourned. I hold that the Bill standing in the name of the hon. senator from Ottawa is a blot on our paper. I hold it is a challenge against the rights of the workingmen of this country, and why should the hon. senator from Halifax challenge my right, on a motion to adjourn the debate, to state the facts? What right has he to rise on the floor of the House and say I have no right to champion the cause of the workingmen of this country? It goes against his grain, but points of order cannot silence the tongue of truth and of justice.

Hon. Mr. POWER—I again rise to a question of order. The hon. gentleman is neither discussing the Bill, nor is he discussing the motion to adjourn the debate. The hon. gentleman does not know what I was going to say, or what I proposed to say. For all he knows, I was going to advocate the claims of the trade unions of Canada, but I did not think it was a wise thing to do it with so thin a House as this. I moved the usual formal motion for the adjournment of the debate, and the hon. gentleman rises and bellows here in the most absurd manner.

Hon. Mr. CLORAN—Is that a parliamentary expression?

Hon. Mr. POWER—The hon. gentleman should confine himself to the question of adjournment, which is the only question before the House.

Hon. Mr. CLORAN—I rise to a point of order. I want to know whether the word 'bellows', which becomes a bull, a calf, or a cow, is parliamentary? If the hon. gentleman says 'yes,' I accept his ruling.

Hon. Mr. SPEAKER—I appeal to hon. gentlemen that this is not an attempt to shut off discussion, or deal unfairly with the Bill? It is merely a motion to adjourn the debate to an early date, so that there will be ample opportunity for everybody to be heard. I appeal for the good of the Senate, and for the good order and character of the Senate, and on my own behalf personally to the hon. gentleman to give way, and to allow the motion to go.

Hon. Mr. CLORAN—I am quite willing, on condition the hon. member from Halifax is forced to withdraw the word 'bellows'.

Hon. Mr. POWER—I withdraw it with pleasure. I should not have used it; but it was suggested by the hon. gentleman's manner of speaking.

The motion was agreed to.

BATTLEFIELDS OF QUEBEC BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (No. 188) An Act to amend the Act respecting the National Battlefields at Quebec.

(In the Committee.)

Rt. Hon. Sir RICHARD CARTWRIGHT—This Bill is simply to substitute the ordinary Expropriation Act for the Railway Act, under which they have been attempting to act.

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

HARBOUR COMMISSIONERS BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (No. 191) An Act

to provide for further advances to the Harbour Commissioners of Montreal.

(In the Committee.)

Hon. Mr. LOUGHEED—Can my hon. friend tell me the total indebtedness, including the present loan?

Rt. Hon. Sir RICHARD CARTWRIGHT —The present loan has not been made.

Hon. Mr. LOUGHEED—Excluding that?

Rt. Hon. Sir RICHARD CARTWRIGHT —It amounts to $11,170,000. During the years 1896 to 1909, inclusive, the commissioners have paid in interest to the government, $1,859,275. The whole of this amount of interest, with the exception of $355,000, which was interest accruing during construction. as regulated by the provisions of chapter 35 of the Act of 1909, has been regularly paid out of the revenues of the commissioners.

Hon. Mr. LOUGHEED—In what way is this loan secured? By mortgage on the property of the Harbour Commissioners, or in what way?

Rt. Hon. Sir RICHARD CARTWRIGHT —It is a lien on everything they possess, I understand; and that the interest must be paid out of the dues they collect. It is to all intents and purposes a mortgage.

Hon. Mr. LOUGHEED—They can issue debentures under the 5th section.

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes.

Hon. Mr. LOUGHEED—Might I ask if anv of the principal has fallen due upon the loans made from time to time?

Rt. Hon. Sir RICHARD CARTWRIGHT —Some of it has, and it has been renewed.

Hon. Mr. LOUGHEED—None of the principal has been paid?

Rt. Hon. Sir RICHARD CARTWRIGHT —None of the principal has been paid, I understand. I should mention to my hon. friend that a comparatively small amount is held by the public. There are debentures in addition to those issued by the government held by the public, to the amount of $1,972,000. I will lay the information on the table.

Hon. Mr. COFFEY.

Hon. Mr. LOUGHEED—What has been the practice of the government with reference to those debentures? I notice that under section 5, the Harbour Commission will issue debentures and deliver them to the Minister of Finance and Receiver General as the advances are made from time to time. Does the government make use of these debentures in any way, whether by selling them or otherwise?

Rt. Hon. Sir RICHARD CARTWRIGHT —No, as I understand, the government, up to the present time, have held every thing in their vault.

Hon. Mr. LOUGHEED—There is nothing to preclude the government from selling the debentures?

Rt. Hon. Sir RICHARD CARTWRIGHT —No, there is nothing; but it is very unlikely they would part with any such security.

Hon. Mr. LOUGHEED—Does the government think the securities are entirely too good to part with?

Rt. Hon. Sir RICHARD CARTWRIGHT —The government think it would not be in the interest of the public policy that they should part with them.

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

BILLS INTRODUCED.

Bill (III) An Act for the relief of Emily Maud Nicoll (Jaffray.)

Bill (JJJ) An Act for the relief of Edna Sibley De Mar (Jaffrey).

CRIMINAL CODE AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (No. 6) An Act to amend the Criminal Code.

The Bill was read the first time.

Hon. Mr. WATSON—I move that the Bill be read a second time on Friday next.

Hon. Mr. CHOQUETTE—I should like to inquire if the evidence which has been taken before the special committee in the Commons has been translated and printed in French, and if we shall be furnished

with it? I understand it is a special case on which special proof was given in support of the Bill, and it is most important we should have all the documents before us before passing judgment upon it. Therefore, I think it would be better to adjourn the second reading until next week.

Hon. Mr. WATSON—I think it has been decided in another place that in matters of this kind it is not necessary to have the evidence printed in French.

Hon. Mr. CHOQUETTE—I am not inclined to take that as a precedent.

Hon. Mr. WATSON—I think this House will take that as a precedent. I do not think evidence taken in another place in a matter of this kind should be translated for the benefit of the members of the Senate. We have no control over that evidence, and we have no right to it. We may get it, and read it, but I might say, in connection with this matter, that this is a compromise Bill. They heard evidence on both sides in the Commons, before a special committee, and at last they agreed on a Bill, which they passed unanimously in the House of Commons—a compromise Bill —and I have no hesitation in moving the second reading for Friday. I do not think the point is well taken by the hon. gentleman, or that he has seriously considered the matter.

Hon. Mr. CHOQUETTE—I shall raise the objection on the second reading.

The motion was agreed to.

BILL INTRODUCED.

Bill (No. 197) An Act to amend the Post Office Act.—(Rt. Hon. Sir Richard Cartwright.)

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

THE SENATE.

THURSDAY, April 21, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ST. LAWRENCE POWER TRANSMISSION BILL.

Hon. Mr. YOUNG, from the Committee on Standing Orders, presented their report regarding Bill (No. 115) An Act to incorporate the St. Lawrence Power Transmission Company (Limited), and moved the suspension of the rules relating to the same. He said: This report reduces the operations of the company to the area which they have advertised. The report also recommends that your committee shall eliminate from the Bill the declaration that the work is for the general advantage of Canada, and, when these amendments are made, we ask to suspend the rules so that the Bill may be read a second time.

Hon. Mr. LOUGHEED—What territorial restriction would that make?

Hon. Mr. YOUNG—Between Brockville and Montreal, along the north side of the St. Lawrence. They were also restricted in another place, but we go a step further and recommend that the committee who will have the Bill under consideration shall strike out any clause asking that the work be declared for the general advantage of Canada.

The motion was agreed to.

Hon. Mr. YOUNG moved the adoption of the report.

The motion was agreed to.

TRAIN SIGNALS ON THE INTERCOLONIAL RAILWAY.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. It is the case that since the middle of the month of March last, or thereabouts, the authorities of the Intercolonial railway have decreed that every railway train shall, henceforth, carry in rear of the last car of each train, two green lights instead of the red light during the night, and two green flags during the day?
2. Has the providing of new lanterns and of new flags been asked for by way of tenders?
3. Who has obtained such contract?
4. For what amount?

Rt. Hon. Sir RICHARD CARTWRIGHT —The replies to the hon. gentleman's questions are as follow:

1. On the 14th March, 1910, instructions were given for all trains to carry marker

lights showing red to the rear and green to the front and sides during the night, and to carry two green flags on the rear during the day.

2. Messrs. N. L. Piper & Co., of Toronto, and H. L. Piper, of Montreal, submitted prices on marker lamps and the ones from H. L. Piper & Co. were the most suitable, and were purchased at their tender price.

3 and 4. The lamps were purchased from H. L. Piper & Co., Montreal, at a cost of one thousand seven hundred and seventy dollars, ($1,770). The flags were made up at an agreed price of twenty-two and a half cents (22½ cents) per dozen, from bunting supplied by the railway, which bunting was purchased from Greenshields, Limited, Montreal, at fourteen cents (14 cents) per yard, after tenders had been called.

CENTRAL RAILWAY STATION AT QUEBEC.

INQUIRY.

Hon. Mr. CHOQUETTE inquired of the government:

1. Was the offer of $100,000 which Mr. S. N. Parent, Chairman of the Transcontinental, has made to the City of Quebec, for the Champlain Market property and other properties, for the purpose of building a central railway station there, made in virtue of a resolution passed by the Transcontinental Commission and approved by the members of the Commission, or by the President himself only, without authority from his colleagues or from the Government?

2. Does the Government know that the properties for which the Chairman of the Transcontinental Commission has thus offered $100,000 are worth at least three-quarters of a million, and that nevertheless the Council of the City of Quebec hs offered to grant them for $250,000 in order to hasten the commencement of the works which are to be done at Quebec, for the use of the Transcontinental, and has also offered to leave the matter to arbitration by experts?

3. Why have these offers not been accepted?

4. Does the government, and especially the honourable the Prime Minister, who represents one of the divisions of the city of Quebec, intend to cause the city of Quebec to be paid the real value of Champlain Market and the wharfs, &c., which may be required by the Transcontinental, in the same manner as it was intended to cause to be paid the real value of the Harbour Commission's properties, which were also spoken of for the establishment there of this central station, and this according to the statement of the Houourable Mr. Pugsley, Minister of Public Works, a statement made to the House of Commons on the first of December last, as reported in 'Hansard,' page 858?

5. Is it true that everything concerning the Transcontinental railway, works, appointments, purchase of lands, contracts, &c., is left to the sole discretion of the chairman, Mr. Parent, without regard to the opinion of the other commissioners, according to the statements made by the said chairman and his son, Mr. Geo. Parent, M.P., privately, and at public meetings held in the city of Quebec during February last?

Rt. Hon. Sir RICHARD CARTWRIGHT—The following information is supplied by the Transcontinental Railway Commissioners:

1. It was the offer of the Transcontinental Railway Commissioners.

2. No.

3. The city council at Quebec was wanting more.

4. As soon as the Transcontinental Railway Commissioners will submit report.

To questions five and six there are no answers. It appears to me they are out of order.

Hon. Mr. CHOQUETTE—Why, are they out of order?

Rt. Hon. Sir RICHARD CARTWRIGHT—Because they contain allegations which I think should not occur in questions of the kind.

PAY LISTS OF PARLIAMENTARY AND DEPARTMENTAL OFFICERS.

The SPEAKER—I have the honour to lay on the table of the House, for the information of the Senate, the inclosed letter which I received from the Treasury Board, together with the accompanying extracts from the minutes of the meeting of the said board:

Clerk's Office,
Ottawa, 15th April, 1910.

The Hon. J. K. Kerr,
Speaker of the Senate.

Sir—I have the honour to ask that you will lay on the table for the information of the honourable the Senate, the inclosed letter which I have received from the Secretary of the Treasury Board, together with the accompanying extracts from the minutes of a meeting of the said Board.

I have the honour to be, Sir,
Your obedient servant,
(Sgd.) SAMUEL ST. O. CHAPLEAU,
Clerk of the Senate.

February 22, 1910.

S. E. St. Onge Chapleau, Esq.,
Clerk of the Senate,
Ottawa.

Sir,—I have the honour to inclose herewith for your information and guidance, a minute of the Treasury Board, dated 9th instant, in reference to the payment of departmental employees at Ottawa, on paylist certified by the Auditor General before payment.

I have the honour to be, Sir,
Your obedient servant,
(Sgd.) H. BOVILLE,
Secretary of the Treasury Board.

Ottawa, February 9th, 1910.

Audit—

The Board had under consideration a communication from the Auditor General representing that on the 29th November, 1905, a Minute of the Treasury Board was passed directing 'that hereafter all departmental employees at Ottawa (other than those extra clerks and messengers who are paid from Civil Government Contingencies, and labourers and mechanics) be paid on pay lists certified by the Auditor General before payment.'

It is further represented by the Auditor General that the Civil Service Amendment Act, 1908, has brought the staffs of the Senate, House of Commons and Library under the Civil Service Act, and for the purpose of uniformity and the better auditing of the accounts he suggests that the above Minute be amended so as to include the monthly paylists of those bodies among those to be sent to the Audit Office for certificate before payment.

The Board direct that the said Minute be amended accordingly.

H. BOVILLE,
Secretary.

LAND TITLES ACT AMENDMENT BILL.

THIRD READING.

The order of the day being called:

Third reading, Bill (No. 125) An Act to amend the Land Titles Act.

Rt. Hon. Sir RICHARD CARTWRIGHT—I move that this Bill be not now read a third time, but that it be amended so as to read:

Section 20 of the Land Titles Act, chapter 110 of the Revised Statutes of 1900 is hereby repealed and the following substituted therefor.

20. For each registration district there shall be an office to be called the Land Titles office, which shall be in the district at some convenient and suitable place to be determined by the Governor-in-Council. If in any district no such place can be found, the Governor General may order that the Land Titles office for that district shall be in the city of Ottawa, province of Ontario, until such place can be found.

Hon. Mr. LOUGHEED—That is satisfactory.

Rt. Hon. Sir RICHARD CARTWRIGHT—That appears to conform to the request of the Department of the Interior.

The motion was agreed to.

Rt. Hon. Sir RICHARD CARTWRIGHT moved that the Bill be now read a third time.

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

THIRD READINGS.

Bill (No. 126) An Act to correct a clerical error in the French Convention Act, 1908.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 132) An Act to amend the Gas Inspection Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 180) An Act to amend the Royal Military College Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 181) An Act to authorize the sale or other disposal of certain public lands, and the acquisition of certain other lands in or in the vicinity of the cities of Toronto and Winnipeg, respectively.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 184) An Act to provide for the Testing of Glassware used in connection with Milk Tests.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 138) An Act to amend the Customs and Fisheries Protection Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 182) An Act respecting the payment of bounties on lead contained in lead-bearing ores mined in Canada, and to promote the production of Zinc.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 191) An Act to provide for further advances to the Harbour Commissioners of Montreal.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 98) An Act respecting the Trust and Loan Company of Canada.—Hon. Mr. Gibson.

Bill (EEE) An Act respecting the British Northwestern Fire Insurance Company.—Hon. Mr. Gibson.

Bill (No. 128) An Act to incorporate the James Bay and Eastern Railway Company, as amended.—Hon. Mr. Beique.

CLAIMS AGAINST GOVERNMENT RAILWAYS ACT AMENDMENT BILL.

THIRD READING POSTPONED.

The order of the day being called:

Third reading, Bill (No. 151) An Act to provide for the adjudication of small claims arising in respect of the operation of the government railways.

Rt. Hon. Sir RICHARD CARTWRIGHT moved that the Bill be read the third time.

Hon. Mr. CHOQUETTE—I would ask that the third reading be postponed until to-morrow. I have two small amendments to this Bill which I wish to submit. I mentioned the fact to the Hon. Mr. Dandurand, and I think he has gone to see about them.

Rt. Hon. Sir RICHARD CARTWRIGHT—I have no objection, but notice of the amendments should be given.. What are they?

Hon. Mr. CHOQUETTE—The first is to raise the amount from $200 to $500, and the other is an amendment to clause 7, which provides that the Attorney General may have cases transferred to the Exchequer Court. I wish to have that power apply the other way also, namely, that on application, a case now before the Exchequer Court may be taken to the provincial court. As this Bill will affect the province of Quebec, where we have some difficulty about the judge speaking the French language, it will be a great convenience to the witnesses. I congratulate the government on the introduction of this Bill, and I think the amendments which I propose will make it more satisfactory to our province.

Hon. Mr. LOUGHEED—The hon. gentleman should give notice of his amendments, so that we may have an opportunity to consider them. They are very difficult to appreciate without having them before us.

Hon. Mr. CHOQUETTE—I meant to have proposed them in committee yesterday, but was called out of the Senate, and the Bill passed through the House while I was away. It is a public Bill.

The order was postponed until to-morrow.

NATIONAL BATTLEFIELDS AT QUEBEC ACT AMENDMENT BILL.

THIRD READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 188) An Act to amend the Act respecting the National Battlefields at Quebec.

Hon. Mr. CHOQUETTE—I should like to make an explanation on behalf of the Battlefields Commission. Recently a question was put about the dismissal of the Secretary, and some questions about the purchase of the Ross rifle factory. It is only fair, therefore, to put the following explanation on record to make the whole question plain before the House and the public. The chairman of the commission, Sir Geo. Garneau, writes me as follows, and I will translate it for the benefit of the House:

> In answer to the question put to me this morning, I may say that the Secretary of the Commission must be appointed by virtue of section 3 of 7 Edward VII., chapter 57, which is as follows: section 3, the Governor in Council may appoint a competent person as secretary of the commission, and this appointment may be cancelled, and shall be paid a salary to be fixed by the Governor in Council, and voted by parliament. The commission had chosen two temporary secretaries during the Tercentenary celebration, and these secretaries having discharged the functions for which they were appointed, were discharged on the 1st July last. The commission expect a permanent secretary will be appointed very soon by the Governor in Council according to law. As to the Ross factory and the jail, it is not the intention of the commission to acquire these properties for the present. If, in the future, it should become necessary to deal with the question, it will be necessary to obtain the consent and approval of parliament, according to section 10 of 7 Edward VII., chapter 57?

I hope this explanation will satisfy the House and the public.

Hon. Mr. LANDRY—I hope the government will be satisfied.

Rt. Hon. Sir RICHARD CARTWRIGHT —The government want the third reading of the Bill.

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

MEAT AND CANNED FOODS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 193) An Act to amend the Meat and Canned Foods Act.

(In the Committee.)

On section 1.

1. Section 2 of the Meat and Canned Foods Act, chapter 27 of the statutes of 1907, is amended as follows:—

By repealing paragraphs (a) and (c) thereof and substituting therefor the following paragraphs respectively:—

(a) 'carcases' means the carcases of cattle, sheep, swine, goats, game or poultry.

(c) 'export' means export out of Canada, or out of any province to any other province thereof;

By adding thereto the following paragraph:—

(h) 'a farmer' is a person whose recognized occupation is that of farming, and who slaughters only such animals as are fed by him on his own premises.

Rt. Hon. Sir RICHARD CARTWRIGHT —These are better definitions than were in the Act before.

The section was agreed to.

Subsection 2, of section 3:

2. Subsection 2 of section 3 of the said Act is amended by striking out all the words after the word 'inspection' in the third line thereof.

Hon. Sir MACKENZIE BOWELL—What is the effect of this?

Hon. Mr. LOUGHEED—I might say, the section in the Act reads as follows:

No animal shall be allowed to enter the parts of an establishment where slaughtering is going on unless it has undergone such inspection and found to be healthy and fit for food.

I think it broadens the section and is an improvement.

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

CONSERVATION OF NATURAL RESOURCES BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 185) An Act respecting the Commission for the Conservation of Natural Resources.

(In the Committee.).

On clauses 14 and 15.

Hon. Mr. MACDONALD (British Columbia)—Has any occasion arisen calling for the enactment of these clauses which debar officials of the commission from acquiring lands?

Rt. Hon. Sir RICHARD CARTWRIGHT —I am not aware that any occasion has arisen, but it is thought expedient to expressly prohibit parties connected with this commission as secretaries or officers, from being concerned in the purchase of any lands as to which they may have been supposed to have acquired information in their capacity as officers of the commission. It is simply a matter of precaution.

Hon. Mr. MACDONALD (British Columbia)—It is a very wise provision.

The clauses were adopted.

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

GUELPH RAILWAY JUNCTION BILL.

AMENDMENT CONSIDERED.

The order of the day being called.

Consideration of the amendment made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill FFF) An Act respecting the Guelph Junction Railway Company.

Hon. Mr. BEIQUE—Before moving the consideration of the report, I propose to place before the House the facts bearing on the question. This Bill deals with a railway incorporated and built in the interests, I understand, of the city of Guelph. In 1887 the city of Guelph advanced the sum of $155,000 towards the building of the railway, and took bonds for the amount. The promoters, or the gentlemen who had been chartered as a

company in connection with this railway, subscribed a few shares, on which they paid a hundred dollars each, and that was the only amount which was ever paid. When this advance of $155,000 was paid by the city, and when a mortgage on the railway property was granted to secure repayment of the amount, a clause was inserted at the request of the promoters or incorporators to this effect: It was understood and agreed that no stockholder of the company should be called upon or held to be personally liable in respect of any portion of his unpaid stock to contribute towards the payment of principal or interest on the said bonds, or any of them. That was in 1887. In 1890 the railway was built, and there remained an outstanding indebtedness of some $18,000, which had to be provided for. On the application of the shareholders of the company, the city of Guelph again advanced the amount for the purpose of paying the balance of the indebtedness on the railway. I have a copy of the deed, in which I find the following clauses:

It is also agreed by and between the said corporations that none of the stockholders in the said Guelph Junction Railway Company shall be personally liable in respect of their unpaid stock for any of the principal money or interest which shall fall due or be in arrears upon any of such bonds given for the repayment of the said sum of $18,000 or any part thereof.

This was passed in March, 1890. Before this could be passed, a by-law had to be voted on and passed by the ratepayers, authorizing the advance of $18,000, and when this by-law was submitted to the ratepayers the following communications were placed before them: First, a letter of the 23rd March, and then another letter of the 17th July, of the same year. The letter of the 23rd of March was addressed to the editor of the 'Herald,' a local paper, and reads as follows:

(Herald.)

Letter to the Editor:

The $18,000 by-law.

Sir,—Citizens please note that the directors or stockholders of the Guelph Junction Railway Company have no money interest in the railroad stock. They have already assigned to the city all their right, title and interest, and have handed over practically all the money they have paid on their stock to the city for nothing whatever, and will not receive one cent of benefit from their stock whether they pay up in full or whether they pay only $100. The city owns everything and has all the earnings of the road to pay interest on its money advanced. The stockholders gave all these priveleges and advantages to the city on the distinct understanding that they were to be relieved from all further liabilities on their stock. It was enormously for the benefit of the city that it should be done in this way. I hope the citizens will look on the matter in a just manner to the stockholders, who have given valuable time and means to build this road, and which will be and is a great benefit to the city.

WM. BELL.

Guelph, March 23, 1889.

Mr. Bell was then the president of the company.

Hon. Sir MACKENZIE BOWELL—Was that the first by-law or the second?

Hon. Mr. BEIQUE—That was, I think, at the time of the first by-law. The by-law was defeated. A second by-law was introduced for the same purpose, and the letter of the 17th July, 1889, was published in the 'Evening Mercury,' as follows:

Wednesday, July 18, 1889.

Important letter from the stockholders of the G.J.R., to his Worship the Mayor of Guelph.

Dear Sir,—We understand that some persons object to the $18,000 by-law to be voted on to-morrow, upon the ground that the loan of the money to the Guelph Junction Railway Company will enable the stockholders to obtain the benefit of their stock without really paying for it.

This is not the case, and it was never supposed that the stock held by the undersigned would be of any value to them individually.

As the loan of the money will enable the undertaking of the Company to be completed, to show our good faith in this, we now offer and agree with you on behalf of the city that upon the loan of $18,000 being made we will surrender or assign our stock, and all benefits which might be derived from it, including the payments which have been made by us, to the city or to any persons designated by the city, or to hold the stock in trust for the city, as the council may deem advisable, the city assuming our position with regard to the same.

GEORGE SLEEMAN,
JOHN M. BOND,
J. B. ARMSTRONG,
CHAS. RAYMOND,
CHARLES DAVIDSON,
D. GUTHRIE.

Executor for the estate of the late John Hogg. And the following also agree to the above:

D. McCRAE,
C. KLEEPFER,
W. BELL,
T. GOWDY.

These were all the shareholders and directors of the company at the time.

Hon. Mr. McMILLAN—Did they sign that document also?

Hon. Mr. BEIQUE—Yes, it purports to be signed by them.

Hon. Mr. McMILLAN—By all?

Hon. Mr. BEIQUE. Yes.

Hon. Mr. FORGET—No.

Hon. Mr. BEIQUE—It was signed by all except the four, and the four also agreed to everything. They agreed to sign.

Hon. Mr. FORGET—They agreed to sign, but none were responsible for their names.

Hon. Mr. BEIQUE—Unless it is forgery, they have agreed to sign the document; but the report being before the House I think it is proper to state what took place. The parties were heard for and against the Bill. These documents were placed before the committee by the promoters of the Bill, and Mr. McCrae was one of the parties who objected. There remained some four or five gentlemen who have not assigned their shares; all the other shares have been assigned, and all the rest of the stock is held by the city of Guelph and Mr. McCrae made the statement that he did not remember having signed the agreement, but admitted that he never repudiated the document as published in the paper.

Hon. Sir MACKENZIE BOWELL—He went further than that.

Hon. Mr. BEIQUE—I am not aware that he went further than that. On these facts the committee came to the conclusion that the parties from the beginning held the position as agents for the city; that the whole capital was advanced by the city, and they were promoting merely the city's interest, and that in fact by the first letter they admitted that they had assigned all; that they had no interest whatever in the enterprise. By the second letter, they undertook to assign whatever interest they held in the company.

Hon. Mr. FORGET—May I ask the hon. gentleman if the first letter was signed by Mr. Bell? Did he sign it as president of the board of directors or for himself alone?

Hon. Mr. BEIQUE—From the statement in his letter it does not appear. He signs merely 'Wm. Bell'; but he was president of the company at the time.

Hon. Mr. FORGET—What I want to know is, was he authorized by his board to sign such a letter?

Hon. Mr. BEIQUE—That fact was not elucidated, but it was a letter which was published in the paper at the time, which evidently came to the knowledge of all the parties interested, and which was not repudiated, as it should have been repudiated if they had not agreed; but the first letter was followed by the other letter to which, to my mind, all parties interested were bound. I think that, by reason of the nature of the Bill, the preamble should be changed, and I propose on the third reading to make a motion, to substitute for the preamble of the Bill the following:

Whereas, the Guelph Junction Railway Company, hereinafter called 'the company,' has by its petition prayed that it be enacted as hereinafter set forth, and has established, in effect, that the corporation of the city of Guelph holds, itself or by trustees on its behalf, all the shares in the capital stock of the company except a few shares upon which five hundred dollars in all have been paid, which few shares were subscribed for by persons acting in that behalf as agents for the city, and that, with the exception of the said five hundred dollars, all the capital for the construction of the railway of the company has been furnished by the city; and whereas it is expedient to grant the prayer of the said petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Hon. Sir MACKENZIE BOWELL—I have listened with a great deal of attention to the remarks of my hon. friend. I was not inclined to enter into a discussion upon this question, for this reason: There is a conflict of opinion as to really what did take place, and there are documents which have not been read by the hon. gentleman and which would not justify, I think, if read, the course he is now

proposing. I wish it to be distinctly understood that I am not accusing him of suppressing anything; but there are other papers which have been placed in the hands of members of this House, which were not before the committee. As this is a question of changing the preamble of the Bill, I would suggest to my hon. friend and the House that the better and more equitable way would be to have the report sent back to the committee for the purpose of hearing both sides as to the position held by the shareholders who object to some of the provisions of the Bill. There is nothing in the preamble as presented to this House, to show that the objectors were either agents or trustees for the city of Guelph. I frankly confess, if I could be convinced that any of these gentlemen were acting as trustees or agents, I would make no objection to the passing of the Bill. This is a measure which I think the government should give a little attention to before allowing it to pass the Commons. It involves a very serious principle—an infringement of the rights of private individuals. If these gentlemen subscribed for the stock, unless it can be shown that they were trustees or agents acting for the city, it is little less than confiscation on the part of parliament to step in and say that they shall surrender their stock at a certain price. It would make no difference if they were offered ten thousand dollars per share for stock which cost them a hundred dollars, the principle would be the same. The Bill provides for giving the corporation the right to purchase a certain stock which is held by four or five gentlemen. I have no objection to that; but it goes further and says that the parties holding stock shall sell it to the corporation at a certain price. It may appear like presumption on my part, as a layman, to differ from legal gentlemen who have spoken on this question; but there was nothing before the committee to lead me to the belief that these gentlemen were either agents or trustees for the city. I have had some experience in connection with the construction of local railways, and have myself been placed in exactly the same position as those who were connected with the promotion of this railway. I was connected with what is now the Grand Junction railway, now owned by the Grand Trunk railway. I subscribed for stock, and gave my time, and paid the expenses, not only of myself but of other promoters of the railway, and I never supposed for a moment that I was either an agent or trustee, responsible for what any of them should do, other than being responsible for what I did myself. I never imagined that any of us contemplated occupying the position of agent or trustee. The Bill which is now before us provides for the confiscation of stock held by those gentlemen, and specifies the price which shall be paid for it. The committee came to the conclusion that $100 would not be sufficient compensation for the gentlemen who held stock, and they increased it to $400. The representatives of the city of Guelph consented to pay the $400, and probably if it had been urged, might have consented to pay $1,000 rather than have the stock remain in the hands of those individuals. It appears strange to me that the Chairman of the committee, having come to the conclusion himself that those gentlemen were agents or trustees, should so change the preamble of the Bill, as to justify him in voting for the Bill itself. If the preamble had not been changed in the manner in which the hon. gentleman has suggested, I venture to say he would not vote for the passing of the Bill. The only possible justification for the measure is to make those gentlemen trustees for the city, and in order to do that and to justify the act of the chairman of the committee, it is proposed to amend the preamble of the Bill to declare that which, to my mind, was not established before the committee. I do not at all desire to impugn the motives of my hon. friend in this matter. I think he is just as conscientious in the view he takes as I am in the course that I am following; but he has not told the House that the by-law which was submitted to the city for the raising of money for the company was defeated. He might have made it stronger by adding that some of the gentlemen whose names are mentioned

here actually voted against the by-law and defeated it.

Hon. Mr. BOSTOCK—The by-law was actually carried as far as the voting was concerned. There was a majority for it; but under the Ontario Act it could not be passed.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say that the by-law containing these names and the alleged offer made by these four gentlemen with regard to surrendering their stock, was carried?

Hon. Mr. BOSTOCK—Yes, there was a majority in favour of the by-law.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is dealing with another question altogether. I have the authority of Mr. McCrae who says that he never saw this document, which appeared in the 'Guelph Mercury' the evening before the election. It was what would be termed in an election contest a 'roorback.' It was signed by the gentlemen whose names have been mentioned, but it does not appear that the president of the company, Mr. Bell, signed it. Why he did not, has not been explained.

Then at the bottom of the letter we find the following:

And the following also agree to the above:—D. McCrae, C. Kloepper, W. Bell, T. Gowdy.

That is an assertion made in this document, which was published in the newspapers, but it appears that Mr. Bell declined to sign this document, though his name appears among those who, it is said, agreed to sign it. This letter, which the hon. gentleman from De Salaberry has read, was published on the 17th June, 1899, and the vote on the by-law took place on the 18th. Mr. McCrae, who is a farmer living outside the town, says he never saw this, and that he voted against the by-law, though we are told by this document that he agreed to surrender his stock. This is a clear case of a 'roorback' on the eve of the voting on the by-law. Even in a city of ten or twelve thousand inhabitants, everybody does not read the newspaper, and we may believe Mr. McCrae when he says that he knew nothing about this, and had he been asked to become a consenting party to the surrender of his stock he would not have done so. Now, as to the question of agency, I have had placed in my hands the following document, which was presented to the House of Commons in 1891:

To the honourable the House of Commons of Canada.

The joint petition of the corporation of the city of Guelph and the Guelph Junction Railway Company humbly showeth:—

That your petitioners have mutually agreed that subject to the approval of your honourable the Senate and of your honourable House the amendments set forth in the schedule hereunto annexed marked (a) shall be substituted for sections 2 and 3 of Bill (No. 23) as passed by your honourable House, entitled an Act respecting the Guelph Junction Railway Company. Your petitioners therefore pray that your honourable House may be pleased to concur in the amendments to the said Bill accordingly. And your petitioners as in duty bound will ever pray.

That is signed by John Kennedy, mayor; Richard Mitchell, city clerk; Wm. Bell, president; and H. Macdonald, secretary of the company.

Here are the condition, the amendments to which they agree:—

No person shall be a director of the company unless he be the holder of at least one share of the stock of the company and have paid up all calls thereon. (a) But so long as the city of Guelph shall hold $20,000 capital stock of the said company, and shall be the holder of the bonds of the said company, any alderman of the city and any bona fide ratepayer of the city then qualified for election as an alderman of the said city, and all shareholders of the company shall be eligible to be directors of the company; the mayor of the said city for the time being shall be ex-officio a director; and the council of the said corporation may, by by-law passed after its organization in each year, appoint five directors of the said company from among those qualified by this Act for such appointment, and such directors so appointed shall take office immediately after the holding of the annual general meeting of the company first held after such appointments are made, and shall hold office for one year thereafter. (b) That the word 'five' in the fifth line of the sixth clause of an Act to incorporate the Guelph Junction Railway Company be struck out, and the word 'three' inserted in lieu thereof, and that the words 'by the shareholders other than the city of Guelph from among themselves be inserted after the word 'chosen' in the sixth line of the said clause. (c) The three directors so elected together with those appointed by the council of the city of Guelph as herein before provided and the ex-officio directors shall

constitute the board of directors of the company.

3. The directors of the company may and shall upon the request of any of the present shareholders of the company, being the holder of ten shares of the capital stock of the company, and upon whose shares ten per cent only has been paid, issue a fully paid-up share for $100 to each of such shareholders holding ten shares as aforesaid, being for the aggregate amount paid upon his present shares, and pass a by-law or by-laws, which the said directors are hereby empowered to do, cancelling the subscription for and of liability upon the remaining nine shares held or subscribed for by any such shareholder or shareholders, and thereupon all liability of any such shareholders for the payment of the amount of the said remaining shares subscribed for or now held by them respectively or any part thereof shall cease and determine, and the word 'shareholder' in this section shall include as well any one or more persons holding shares in trust, as those holding the same in their own right.

There is only one gentleman, as I understand, holding shares in trust, and that is Mr. Guthrie, the solicitor, who holds a certain number of shares in trust for an estate. Provision is made—

Then it shall be lawful for the corporation of the city of Guelph, subject to the laws of the province, to acquire any fully paid-up shares in the said company, and to hold the same as well as those now held by the said city.

Section 7 of the said Act to incorporate the company, Chap. 79, &c., are repealed.

The subsection is just simply the repealing of another section. This document shows clearly that when they entered into the arrangement with these shareholders they were to have a fully paid up share of $100, and were to be relieved, in consideration of their not objecting to the passage of a certain Bill, of the payment of the other $900; but when it is shown specially that it includes those who hold shares in trust as well as those who hold shares in their individual right, there is no recognition whatever of their having been either shareholders or agents of the company. They acted with the company, in conjunction with the company for the promotion of an enterprise which they believed would assist the city. Almost any citizen, of any city, would take the same ground and act in the same manner. What I contend is, that at one time all these shareholders agreed to surrender their stock. The corporation refused to take it, simply because they were not in a position at that time to complete the road, and there was no probability of its paying; but just as soon as the road began to pay a good dividend, then they say to these gentlemen: 'you must surrender your stock, no matter what it is worth', and these four or five gentlemen having refused to surrender their stock, they come to parliament and ask that it shall be surrendered at a certain price. I repeat that if I could be convinced that these gentlemen were acting as trustees, and they got their own money back again, I would hold them responsible for whatever was done; I hold very strong views as to the misappropriation or handling of trust funds, and feeling convinced it is not the case in either of these matters, I do not think parliament is justified in passing a law compelling a man to surrender his right in the shares, whether they are worth anything or not. There is another clause in this Bill which was not discussed in committee and not considered. The company issued bonds to the extent of $40,000. They have incurred debts of $40,000 in bonds. The road, since its connection with the Canadian Pacific Railway Company and its connections, has proved to be a paying concern. The corporation ask parliament to give them power, when the bonds are paid, to issue stock in lieu thereof. Why should that be asked? Why is it necessary that that should be done? If the bonds are paid off, and the company own the whole road, and everything connected with it less these four or five hundred dollar shares, then the extra earnings over and above the working expenses would belong to the city; but that is very clearly not what is meant. It is meant that if the bonds are paid and there is no indebtedness of the company, they issue stock on which they will draw the dividends. That is all right enough, but if they have to pay the dividends on the $40,000 extra stock which has been issued in place of bonds which have been paid, there will be less to pay to those who hold small amounts. How far is the Senate that is supposed to guard the personal and private interest of every indi-

vidual in the Dominion, justified in passing a law of the character which is now before us, particularly should it reject the proposition to declare in the preamble of the Bill that which the Bill does not contain, and which even the chairman himself, I think, will tell this House, if he speaks again, he would not confirm if it were shown that these gentlemen were not agents or trustees. Let me say again to the leader of the House, in a matter of this kind where it is a direct attempt to legislate a man out of his property, that the government should protect the interests of the individual and take steps to prevent it, or at least give some reason why it should be done. The fact that this is a matter affecting trustees and agents holding a small amount of stock, makes it of no less importance than if it were ten times that amount. If there is any doubt as to whether these five gentlemen were agents or trustees, let them do as other corporations and other individuals do, go to the court and decide it. My hon. friend opposite me and my hon. friend to my left should accept that course. If these men are not entitled to all their rights pertaining to that $100 share they own, let it be so declared by the court. I have sufficient confidence in the court to place the whole of the case in their hands. I do not believe in parliament stepping in unless it is a most extraordinary case and deciding questions which legitimately belong to the courts of the country. Holding these views, from the documents I have read and the statements I have made based upon these documents, would it not be far more fair and equitable to allow this report to go back to the committee and hear Mr. Guthrie in answer to these statements? I may be wrong, but I am informed that Mr. Guthrie was not aware of the existence of the document to which attention has been called. I do not state that on my own responsibility, but I am so informed, and the denial on the part of Mr. McCrae that he was not a party to that and never saw it until after the vote took place, and that it was only published in the evening paper the day prior to the election, should be considered. I should hope my hon. friend would consent to my suggestion. It may be said: 'If you do this you kill the Bill'. We have a special committee on Tuesday, and that will give ample time for the gentlemen to come down from Guelph to answer the documents. I object in toto to pushing Bills of an important character through parliament on the ground that it is so late that these people may lose their Bill. We are now within a few days of a six months' session. Surely these people who have been conducting this negotiation for years, should have been prepared at an earlier period of the session to present their Bill, and if they did not do so, it is no reason why we should rush a measure of this character through, by which I say again we confiscate private property.

The ACTING SPEAKER—I wish to call attention to the fact that there is nothing before the House. The item before the House was the consideration of amendments made by the Standing Committee on Railways, Telegraphs and Harbours.

Hon. Mr. BEIQUE—I move that the amendments be adopted.

The ACTING SPEAKER—I must confess that I did not catch the motion.

Hon. Mr. BEIQUE—I have limited myself to giving such information as I possess, without arguing the point, and I do not propose to argue the point. I merely want to place the House in possession of facts, such as they are. The hon. gentleman stated that I did not give to the House communication of the documents which he read. I had not the documents, and I knew he was going to give that information; but on following the documents which the hon. gentleman read with the statutes of 1901, I find exactly the same thing in the statute. The clauses were adopted and they form part of the Act. The hon. gentleman stated that I, as chairman, did not feel warranted in voting in favour of the Bill as it stands, unless the preamble was changed. In the committee I voted with most members in favour of the Bill on the evidence which

was placed before the committee—evidence which satisfied my mind. I have a very great respect for the hon. gentleman from Hastings, but I cannot abdicate my judgment, and in this instance my judgment is the other way. I was satisfied from the evidence adduced that these parties had been acting, according to the letters which I have read, in the interest of the city as trustees. That was the only point they discussed. The majority of the members of the committee were satisfied on that point, but for this honourable House, and especially for the House of Commons, where this Bill, if it passes the Senate, will have to be considered, I think it is not proper that the reason on which the House acted should be taken as a precedent, that the preamble explained the ground on which the committee and House acted. I would have made the suggestion in committee had it not been for the fact that when this Bill was finished it was one o'clock, and the preamble had to be prepared, and it would have been delaying the committee unnecessarily. The hon. gentleman read the amendments on which all parties agreed in 1901; they are to be found in chapter 64 of the statutes of that year, and the hon. gentleman laid stress on this: the word ' shareholder ' in this section shall include as well as any one or more persons who hold shares in trust, as those holding shares in their own right. At that time there appeared in the books of the company two classes of shareholders, the corporation themselves, and Mr. Guthrie, as executor of an estate, and the other shareholders, such as those who have since parted with their shares. My understanding of the clause is that it was merely for the object of describing the different classes of shareholders as they appear on the books of the company, and for the purpose of giving effect to the first portion of the clause. But my understanding is not that it bears really on the question. I may say that, after the Bill was rejected, Mr. McCrea told me as president, that they resisted some documents which he desired to fyle, and caused the secretary of the city to be instructed to search for all documents that might exist, in order that they should be produced before the report was taken into consideration, and I hold the letter of the clerk saying that he has made searches and that he has found nothing except the documents which have been filed.

Hon. Mr. POWER (Acting Speaker)—The discussion which has just taken place is, I think, irrelevent to the question before the House. The question is the adoption of the report of the committee which amended the Bill by substituting the word four, for the word 'one,' and the discussion with respect to the preamble would naturally come up on the third reading, when the hon. gentleman would make the motion which he has given notice of to prefix a preamble to the Bill, and the hon. gentleman from Hastings would move his amendment; but the discussion now is quite out of order. I expected there would be a motion to amend, by a reference of the Bill back to the committee; as it is, the only question is the adoption of the report containing the one amendment and any discussion of the preamble I hold is now out of order.

Hon. Mr. LANDRY moved in amendment that this report be referred back to the Committee on Railways, Telegraphs and Harbours for further consideration.

Hon. Mr. ROSS (Middlesex)—It would appear from the amendment to the preamble to this Bill that the chairman of the Railways Committee evidently believes that the shareholders of this road were agents or trustees. I am not a member of the committee, but I understand that was the line of argument pursued by the solicitor who appeared on behalf of the city of Guelph. Up to a certain point, that argument seems very positive. I think, however, since the committee met, certain documents have been presented which throw a different light on that view; and it is for that reason I rose to say that nothing would be lost if the House agreed to the motion made by my hon. friend opposite. The committee owes it to itself, that it disposes of questions of this kind with all the facts before it, and the House owes it to itself to take care that it shall be apprised of all the facts. The latest evidence we had of

these shareholders is contained in the Act of 1891, which the hon. member from De Salaberry has read. There they are plainly described, for what reason I cannot tell, unless it be the actual fact, as shareholders. The three classes of trustees are described, and shareholders include those who hold stock in trust, and those who hold stock in their own right. That is contained in the Act of parliament passed on behalf of the corporation of Guelph. Now, that statement was not submitted to the committee, as I understand. Is that true or is it not true?

Hon. Mr. THOMPSON—That was before the committee.

Hon. Mr. EDWARDS—The document which my hon. friend is referring to is simply confirmatory of the statements made before the committee.

Hon. Mr. ROSS—I was informed that that statute and that statement were not quoted.

Hon. Mr. EDWARDS. They were.

Hon. Mr. ROSS—The shareholders rest their case to a certain extent on the passage I have read, admitting that they were shareholders in their own right, and not as trustees. Of course, if these facts were before the committee at the time, it alters the situation as far as I am concerned; but I was informed they were not before the committee. I do not attach a great deal of importance to the letter that was read, and which was circulated in Guelph just before the election. It was circulated so late that it could not be contradicted in time. When Mr. McCrae was asked if he repudiated it, he said: 'No'. However, all I care about is that justice shall be done. We have to be careful not to interfere with vested rights. If these men were agents they served their purpose as agents, and ought to be treated as agents. If they made this investment as a private investment, or if on account of the evolution of this project they were placed in the position of shareholders in their own right, that right ought to be respected even though it was not a right from the start. Then I object to fixing the amount they should receive. I do not think this House is a court of record. We are not in the habit of saying when petitioners come to this House asking that certain pecuniary claims shall be adjusted that such and such shall be the value of their claims. That is objectionable in an Act of parliament. If the proposition was as stated by the hon. member from Hastings, that the price shall be mutually agreed upon, that would be reasonable or if the Bill provided that the price should be determined by the Chief Justice of the Court of Appeal or some one acting in a judicial or quasi-judicial capacity, it would be more reasonable to me. Hon. gentlemen are better acquainted with the rules of the Senate than I am; but I feel that this is an objectionable step to take, and at some stage before the Bill leaves our hands it should be corrected.

Hon. Mr. DANDURAND—Unfortunately I was prevented from being present when this Bill was discussed in committee. The only thing I am not clear about in this Bill is as to the propriety or necessity of parliament substituting itself for a court of justice. Here are differences of opinion between the city of Guelph and certain shareholders, and I have not yet been sufficiently enlightened as to the propriety of parliament settling this question, to be able to vote in favour of the Bill.

Hon. Mr. McMULLEN—Guelph is in the county I have had the honour of representing for many years. From the inception of the scheme for the construction of that branch line connecting with the Canadian Pacific railway, it has been a city of Guelph scheme. It was commenced by the citizens of Guelph and taken up by the city council. The city council could not get a charter to build a road, and the city council could not become members of a chartered company for that purpose, and they turned round and dealt with themselves, as a council, for aiding the construction of the road. They felt that a company of independent citizens would have to be formed, and they approached a number of gentlemen, Mr. McCrae amongst others, that were large property holders interested in the city, to see if they would not lend their names and assistance to

get a charter and promote, and if possible carry out the scheme. Guelph was willing to contribute, and did contribute every dollar of the expense connected with the inception of the scheme, and did everything virtually that was done. These men, from time to time showed by their own act, and by the course they adopted, that they were merely ciphers, and held the stock they subscribed for in the interests of the city. That was the system adopted generally in western Ontario in connection with the construction of almost all the branch lines in that part of the province. Take my own town, we had to do the very same thing. We had to get eight or ten men that would subscribe a certain amount of stock. They were formed into a company, and a charter was procured. They asked the municipalities to aid the construction of the road, and also obtained aid from the Ontario and the Dominion governments. We, as a corporation, could not move in the matter, and had to get private citizens to do it. In the case of Guelph, Mr. McCrae, and the others whose names have been mentioned, were men deeply interested in the city, and were anxious to get additional railway accommodation.

Hon. Mr. McMILLAN—Does the hon. gentleman mean to say that the city of Guelph paid the $100?

Hon. Mr. McMULLIN—No, I say the expense of securing the charter, and carrying out the project was provided by the city.

Hon. Mr. McMILLAN—I understood from the use of the term 'mere cipher' that that was what the hon. gentleman meant.

Hon. Mr. McMULLEN—Guelph could not, as a municipality, take the necessary steps to procure a charter. They had to get private individuals for that purpose. Every stockholder of the company, of which I happened to be vice-president, subscribed for stock in the same way that the Guelph shareholders did. One man refused to assign his stock; he thought he was being placed in a position where he might make a grab by holding on. The rest of us started a collection to pay him the amount he was entitled to receive, and he volunteered to spend it rather than be placed in a position where his neighbours were contributing money to pay him back his paltry hundred dollars, which he subscribed to lay the foundation for that road. The construction of the Guelph Junction railway was a magnificent thing for the citizens of Guelph, and Mr. McCrae amongst others, who held property. It doubled, and in some cases trebled the value of their property in securing the accommodation they obtained by the construction of that branch. My hon. friend from Hastings has pleaded very hard that this Mr. McCrae should get another opportunity of establishing his claim by producing some additional evidence that had not been submitted to the committee. The Bill has to go before the House of Commons. It has not been before them yet, and if there is any new evidence to be adduced, it will have to go before the Railway Committee of the House of Commons, and Mr. McCrae will have an opportunity of presenting there any additional evidence he may possess. The new light which the hon. member from Hastings read to the House has turned out to be a statute of Canada which was passed nine years ago. It cannot, therefore, be very new. Guelph city is justly entitled to have this legislation. The city is dealing liberally with these four men. They paid $100 apiece. They were largely interested in the progress of the city, and the city has offered generously to make them a return of $400 each, which is their hundred dollars with interest compounded every year at six per cent, in order to place the city in a position to carry out this undertaking with the company with which they are connected. I think they deserve credit for the liberal spirit they have shown, because everything indicates that these men held the stock in the interest of the city and for the city alone.

Hon. Mr. FORGET—In committee I voted for the Bill, and I must say before I voted, I did not like it. I thought it was hard to take away a man's property, and it would be better to compromise; but that proposition was not listened to. I

must confess that I have since seen that my vote was wrong, and I should like to have the Bill sent back to the committee to have more evidence. In the documents which have been read before the House to-day, there is nothing to show that the stockholders were trustees for the city of Guelph. They subscribed a thousand dollars each, on which they paid one thousand dollars, and when the company was organized they asked the city of Guelph to make a loan. When that loan was made, it was stipulated in the document that these gentlemen should not be liable for the $900 unpaid on the stock subscribed. If they had been agents of the city, the corporation would have said, 'We will lend you the money to pay up.' When they said they would not be responsible for the balance due on their stock, it would have been easy for the city to say: 'This stock belongs to the city and not to you; you must remember that when you got the charter you got it for the city'. But they never said anything of the kind, and when they asked to be relieved of their liability the city consented. Since I have heard these documents read, I am not convinced that these gentlemen are agents or trustees for the city. The hon. gentleman from Wellington has told us that he subscribed for stock to aid an enterprise for his own town. When he did so, did he not transfer the stock to the town, or subscribe to a document showing that the stock belonged to the town?

Hon. Mr. McMULLEN—No, there was no such undertaking at all. The stock stood in the name of those who had subscribed for it for two or three years, and there was no undertaking on the part of any of them. They were all so deeply interested in securing the line that they voluntarily subscribed for the stock when they were asked to do so.

Hon. Mr. FORGET—The hon. gentleman says he subscribed stock for his town. Was it understood by the town that he was to hold that stock as trustee for the town, or was it not? That is the point.

Hon. Mr. McMULLEN—We merely acted in the interest of the town at the request of the town council. We subscribed the stock and paid our ten per cent, and, when the stock was wanted by the town, we transferred it.

Hon. Mr. FORGET—Then they had only your word for it. Supposing some of the stockholders had died; was the estate bound to transfer that stock to the town? Surely not. If the town had no letter saying that the stock was held by the subscriber as a trustee, there would have been nothing to show that it belonged to the town. Every day transactions occur in which the subscriber is a cipher, and the stock is held by the individual to qualify him for some special purpose. In that case, the holder of the stock gives a letter showing that he holds it as a trustee. I daresay, when the gentlemen in question in this case subscribed for the stock, it was with the full intention of returning that stock at some time; but it is a hardship to come now and compel them to do so. The city of Guelph did not care to get it back, was not anxious about it, thinking the road would never pay. What happened? Suddenly the road began to pay, and then the city wanted to get the stock back, and the gentlemen in question did not want to return it, although others may have had it in their mind that it was held for the city. We may as well take their word as take the word of the city of Guelph. There is no document before the House to prove which of them owns the stock.

Hon. Mr. YOUNG—Did not a certain number of gentlemen who subscribed for stock show what they thought about it when they transferred it to the city?

Hon. Mr. FORGET—I do not know anything about that; but my supposition is that when they asked for a loan, they wanted to get rid of the liability. I have not seen anything to justify me in voting away the rights of those gentlemen. If there is any doubt, I would rather give my vote for them. If the stock was held for the city, the city was to blame for not putting the whole thing in legal shape. On the other hand, the gentlemen who kept it that way kept it with the inten-

tion of holding on to it if the stock should prove to be good, and if it should not prove to be good, of turning it over to the city. If the city corporation wants to prove that these gentlemen were agents or trustees, the court is there, and they can establish their claim. Why do they come to parliament, and ask us to say that these gentlemen were trustees? The hon. gentleman from De Salaberry wants to vote for the Bill, but he desires to qualify it. I did not pay much attention to the letters and documents that were passed when the loan was made; but all sorts of conditions were attached to them. However, the city never said in any of these documents that the holders of the stock must declare that they held it as trustees for the city, and they had the right to do that at the time.

Hon. Mr. BEIQUE—It would have no effect at the time, because the city did not authorize them to hold the stock.

Hon. Mr. FORGET—If I hold stock for the city of Ottawa, because the city has no right to hold it, the city has the right to get a letter from me stating that I hold the stock for them. I feel that this Bill should go back to the committee, in order that we may get more light on it.

Hon. Mr. WATSON—If the Bill goes back to the committee at this stage of the session it will be lost. But this is not the last stage of the Bill; it must go to the House of Commons, and if Mr. McCrae, or anybody else, has any new evidence to offer, it can be produced there. We have had no evidence of anything of the kind here. The document read by the hon. member from Hastings is simply the statute of nine years ago.

Hon. Sir MACKENZIE BOWELL—That is true; but it was not before the committee.

Hon. Mr. WATSON—It was before the committee; it was presented by Mr. Guthrie, who appeared for the city of Guelph. We have not heard anything new to-day. The chairman of the Railway Committee tells us that he has assurances from Mr. McCrae that other documents in connection with this matter can be produced. He has the assurance from the treasurer of the city of Guelph, however, that there are no documents in existence that have not been presented. He says all the documents in connection with this railway were in the possession of the Railway Committee when the Bill was dealt with the other day. What is to be gained by sending the report back to the committee? It would be equivalent to moving the six months' hoist.

Hon. Mr. FORGET—Perhaps Mr. McCrae has more information to give.

Hon. Mr. WATSON—Mr. McCrae was here, and produced the document which has been read as new information. That is the only information which Mr. McCrae claims was not submitted to the committee, but it was before the committee. If there is any further evidence to be furnished by Mr. McCrae or anybody else, he can submit it to the Railway Committee of the House of Commons. So far as the preamble is concerned, I would not like to legislate as we are asked to do in this Bill, without giving a reason for it, and that preamble gives the reason. The committee were satisfied from the evidence adduced before them, and almost unanimously, that these gentlemen were acting as trustees for the city of Guelph. There can be no question in the mind of any hon. gentleman in this House, or any member of the committee, but that was absolutely correct.

Hon. Mr. FORGET—I am one.

Hon. Mr. WATSON—You have changed your mind.

Hon. Mr. FORGET—Yes.

Hon. Mr. WATSON—I would not suggest for a moment that these gentlemen have not legal right if they wish to avail themselves of the position they occupied as trustees for the city of Guelph; but the evidence adduced before the committee went to show that these gentlemen, immediately after they paid their hundred dollars, did so because there was no other means of securing the railroad except by citizens acting in that capacity. The city of Guelph could not get a rail-

way charter, but it wanted the railway. A number of gentlemen subscribed for the stock, paying one hundred dollars each, and applied for the charter. They organized as a company, and immediately Guelph passed a by-law.

Hon. Mr. FORGET—Was it passed by resolution of the city council that they were to get a charter for that railway? How was it done? The hon. gentleman said that Guelph asked ten men——

Hon. Mr. WATSON—I will say ten men in the city of Guelph.

Hon. Mr. FORGET—By resolution of the council.

Hon. Mr. WATSON—I do not think so. I do not know anything about that at all. The facts are that ten citizens of Guelph did apply for a charter. I said that the citizens of Guelph were practically unanimous in trying to secure Canadian Pacific railway connections with Guelph, and three of those gentlemen who were putting themselves in that position, as soon as they got in a position to determine the liability that they might be responsible for on subscribing that stock, immediately got the city to become responsible for it, and the evidence adduced before the committee was that all of these gentlemen assisted in inducing the electors of the city of Guelph to pass that by-law. Mr. McCrae said he did oppose one by-law, and gave a reason. His reason was that the company purposed extending the line up to Goldie's mill, and he voted against it, but he assisted in carrying the other by-law, and it was stated that in the two of these by-lws these very stockholders subscribed, in one case ten dollars a piece, to assist in carrying the by-law, and in another case $25. There is no question that six of these gentlemen did agree to transfer their whole stock to the city of Guelph, and they carried out their agreement. It was assumed by the information we have through the press report, that the other gentlemen agreed to it also.

Hon. Mr. FORGET—At what time did they agree to it?

Hon. Mr. WATSON—Previous to the passing of the by-law.

Hon. Mr. FORGET—What year?

Hon. Mr. WATSON—1909. They agreed to it, and it was assumed that they agreed to it. The citizens of Guelph voted on the by-law on the assumption that the stockholders were going to transfer their stock.

Hon. Sir MACKENZIE BOWELL—No evidence of it.

Hon. Mr. WATSON—Yes. The first by-law was defeated and the second was carried, because the taxpayers were assured that in voting for the by-law they were not voting for the benefit of the holders of the stock, these ten men, and they carried the by-law. The citizens believed they were voting for the interest of the city of Guelph, and not for the ten gentlemen. The citizens of Guelph were anxious for the road. Mr. McCrea opposed one by-law but supported the other. I have a paper here published in Guelph, the 'Weekly Herald' of January 27, 1910, dealing with this very matter. They go on to discuss the position of the railroad about retiring some of the bonds, and so on. I wish to read this article to show what the citizens of Guelph understood in connection with the whole deal. Speaking of the board of directors that they had to elect that year, and some other matters in connection with the road, they say:

> It is therefore essential that our representatives this year on the Board should be men thoroughly seized of the importance of the present situation, and should either be alder men or ratepayers who hold no stock in the road, and have such a stake in the city that they will be here for many years to come.
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> It is essential, in view of the stage the matter has assumed, that it shall be understood (what has always been hitherto understood) that the ten shares held by private shareholders in the G.J.R., are held in trust for the people, the formation of the Company being the only way in which the building of the road could have been undertaken by the city. These gentlemen have a perfect right, and no one will gainsay it, to be paid six per cent on their $100 each invested, and as the city has been recouped for the interest unpaid in former years, no one will object to the private shareholders receiving theirs on the same basis.
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> But there is no necessity why we should do more than that—or more than was ever intended. The G. J. R. private shareholders

know full well that they went into the building of the road as patriotic citizens, who were willing to act as trustees of the people, and consequently they deposited $100 apiece in order to qualify.

That was the information given to us before the committee. It is apparently the understanding of the city of Guelph and surely we are not confiscating. We are helping the city of Guelph. If I recollect aright, I think this House and parliament have done things that probably were not quite right. If my recollection is correct, about a year ago some hon. gentlemen who expressed their views on this matter were not to-day so particular about expressing their views. The argument was advanced in this connection in the other branch of parliament as to the position of the Canada Life when that company had a Bill before us. Certain complaints were entered against the Canada Life, and hon. gentlemen in this House and elsewhere saw fit to brush them aside by legislation. Surely, if gentlemen could quell their conscience at that time, they could do it in this case.

Hon. Mr. McMILLAN—Two wrongs do not make a right.

Hon. Mr. WATSON. No, I do not say that they are wrongs. They are both rights. There are occasions when men will object to legislation that is not objectionable. I have no fault to find with the gentlemen who supported that view a year ago, and I trust they will support this Bill now. This is not one individual asking advantage of another private individual. The corporation of the city of Guelph, have paid all the liabilities in connection with this railway, and have had those gentlemen act for them as trustees, the only way in which they could procure the road at that time, and I have no hesitation in supporting the Bill as amended. There are two of these original stockholders, McCrae and Kloepfer, who have not assigned their stock. The other two shares have been purchased by some gentleman who was a trustee at that time, and it was stated by the hon. gentleman who promoted this Bill the other day before the committee, he had sold one for $40 and the other for $135. It was bought as a matter of speculation.

Hon. Mr. FORGET—When was the stock sold?

Hon. Mr. WATSON—I do not know. He showed that one of those gentlemen who sold for $135 had paid $10 to help carry the by-law on one occasion and $25 on another, which, with the $100 paid for the stock would make $135, and he was simply getting his money back. The by-law voted to give them $100 back, the amended by-law was to give them their money back with interest at six per cent compounded, which made $400. I voted in favour of that. With all the circumstances in my mind, I have no hesitation in reporting the Bill and I trust the House will adopt it. I am an old citizen in that portion of the country, and I know something of the benefit it will be. The road is some 60 or 70 miles and it will be a help to the city in the matter of business. The city of Guelph patronizes the road liberally in preference to the Grand Trunk. I think we cannot make any mistake in passing the Bill. Let it go to the House of Commons, and if Mr. McCrae or any one else has any additional evidence to offer, they will have an opportunity to do so before the Commons Committee.

Hon. Sir MACKENZIE BOWELL—I am glad to hear the chairman of the committee and the hon. member who moved the adoption of the report make the statement he did, and I hope it will be a caution to us in future. It was nearly one o'clock when this Bill was rushed through, and it is not the only time that this same thing has occurred. The question of changing the preamble was never discussed. According to rules of the House we are not allowed to discuss what took place in committee; but the hon. gentleman admitted the fact that in committee the question of changing the preamble of the Bill was not considered, and he also made another very important admission, which should be a lesson to the whole of us, that the view existed at the time that very few of us—I include myself, and I think there were others in the same position—had an opportunity to give it the consideration it

deserved. I am not going to refer to the remarks made by the hon. gentleman from Wellington (Mr. McMullen) in reference to Mr. McCrae. Mr. McCrae is politically of his own party. He is not a political friend of mine, although a personal friend, as I hope many other Liberals are; but I should be very sorry in a matter of this kind to charge Mr. McCrae, knowing his reputation as well as I do as an enterprising gentleman, with attempting to take that which is not his own, and to apply to it the term graft. If there was any graft in the matter at all, it appears to me it must have been on the part of the city of Guelph. Mr. McCrae tells me that when the company was in extremis, if I may use that expression, he offered to give up his stock if they would give him $100, and they refused to do so, positively, but just as soon as they wanted to raise money, and there was a prospect of success, he makes a bargain with them that if they relieve him and the other stockholders of the extra $900 for which they were liable as the balance due on their stock, and pay the $100, that they would consent to surrender the stock to the city, and the city, under the agreement which has been read, agreed to relieve them of that. Now, if they were trustees or agents, why did they make a stipulation to give him the fully paid up share in that enterprise of $100. If they were trustees as the hon. gentleman says they were, all they had to do was say: 'Give that back to the city and we will pay you what you have invested. There is the simple statement. The statement I am making now, I am making on the authority of Mr. McCrae himself, and that is the reason I put it so strongly that they offered to give it, when they wanted to relieve themselves of the responsibility they had incurred, and it was distinctly stated before the committee that when they subscribed for that stock they were told positively that they would be held responsibile for the whole thousand dollars. Under the manipulation which took place afterwards they were relieved of $900 responsibility, and the city agreed to give them a fully paid up $100 share. If they were not entitled to it as private shareholders why should the city corporation consent to do anything of the kind? My hon. friend says this information was before the committee. I am not going to deny that. It may have been before the committee, but I venture the statement that though the Bill may have been before the committee, the points to which I have called the attention of the Senate were not mentioned or discussed. What are you going to do with the gentlemen who paid for the stock? My hon. friend says that two shares were bought. If two shares were purchased from parties who had the right to sell them, it shows that they have entered into a speculation; no matter what they gave for it, and they are entitled to whatever benefit may accrue from that speculation. There was a period when they were willing to give that stock away. McCrae told me so, but the city, at that time, would not relieve them of the responsibility for $900, the unpaid balance of the stock. So all this talk about what we do for the purpose of increasing trade and aiding the city, has no relevancy whatever to the question we are discussing. We all know that. I admit all the hon. gentlemen says in reference to precedent, particularly those who are carrying on business subscribing individually or taking stock without any expectation at all of realizing any return from it for their own benefit. But in this case it turns out that four or five of them held their stock after the city refused to take it from them, and in consideration of being relieved of the $900 responsibility, they consented to the Bill becoming law. The position is that you are depriving these four gentlemen of property which belongs to them, and you are depriving two of them who went into a speculation, and bought the shares, not as trustees or agents, but at their own risk. I have some stock I would like to sell to the hon. gentleman at forty cents on the dollar if he desired to have it. That would not prove I was an agent of the company, that issued the stock. If you think proper to pass this Bill, you are establishing a precedent you are not likely to follow in the future. I am not going to discuss the Canada Life. It is too important a question. If I understood that question when

it was before parliament, it was not at all analogous to the question we are now discussing.

The House divided on the amendment which was lost on the following division:

Contents:

The Honourable Messieurs

Boucherville, de,	Lougheed,
Bowell,	Macdonald,
(Sir Mackenzie),	McKeen
Choquette,	(British Columbia),
Costigan,	McKay (Truro),
Dandurand,	McMillan,
Forget,	Ross (Middlesex),
Landry,	Wood—14.

Non-Contents:

The Honourable Messieurs

Beique,	Legris,
Beith,	McHugh,
Belcourt,	McLaren,
Bostock,	McMullen,
Boyer,	McSweeney,
Cartwright	Owens,
(Sir Richard),	Ratz,
Chevrier,	Robertson,
David,	Ross (Halifax),
Derbyshire,	Roy,
Desaulles,	Talbot,
De Veber,	Thibaudeau,
Domville,	Thompson,
Edwards,	Watson,
Farrell,	Wilson,
Fiset,	Yeo,
Gillmor,	Young—34.
King,	

The motion for concurrence in the amendment was carried on the same division reversed.

It being six o'clock, the Speaker left the Chair.

After Recess.

MONTREAL CENTRAL TERMINAL COMPANY'S BILL.

WITHDRAWN.

The order of the day being called:

Resuming the adjourned debate on the motion for the consideration of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours, to (Bill 44) an Act respecting the Montreal Central Terminal Company.—(Hon. Mr. Landry.)

Hon Mr. EDWARDS moved in amendmentment that the promoters have leave to withdraw the Bill.

Hon. Mr. WATSON—I do not think that this chamber would consent to the request of the promoters. A part of this Bill which was adopted by the Railway Committee of the Senate was looked upon as a very important matter to the city of Montreal. The committee had several sittings, discussing that particular part of the Bill which requires the company to get permission from the city of Montreal to do certain things. This Bill was considered along with another measure affecting the city of Montreal this session. An amendment requiring the consent of the city to certain things was incorporated in this Bill, and on account of that amendment being made to this particular Bill, the rival company was required to adopt it also. The representatives of the company accepted cheerfully the same amendments that are set forth in this Bill. That Bill passed both Houses, and received the sanction of the Governor General, and is now the law of the land. Under the circumstances, I do not think this company should have leave to withdraw their Bill simply because it contains similar amendments to those which the other company was required to accept. The two companies ought to be left on a fair and equal footing.

Hon. Mr. OWENS—The hon. gentleman from Portage la Prairie refers to this company and another company as being rivals. This company is for the purpose of providing terminal facilities in the city of Montreal; whereas the other company came in as an ordinary railway company, to obtain power to build a line from Montreal to the Eastern Townships.

Hon. Mr. WATSON—Did not the Terminal Company oppose the other Bill on the ground that it was interfering with their rights in the city of Montreal?

Hon. Mr. OWENS—I am not aware that the other company opposed this company in any way. The hon. gentleman, in taking that ground, is imputing bad faith to the promoters of the other Bill. If he claims that they were a rival company to the one now before us, then he means that they came before parliament with a railway Bill as a cloak. If they were rivals of this company, it must have been their object to obtain terminal facilities in

Montreal. He must take either horn of the dilemma, if he chooses to speak of these two companies as rivals. I was present at the committee when this Bill came up, and I must say I was rather surprised to see that the Terminal Bill was placed at the head of the list.

Hon. Mr. WATSON—So was I.

Hon. Mr. OWENS—That was not done by any of the parties connected with the Terminal Bill. If there was any object in having it so it was the object of other parties. The Terminal Company's Bill came up, however, and the amendment which was afterwards made was proposed by the chairman of the committee, not by the promoters of the Terminal Company Bill when it came up. It is true the solicitor of the company, who was present, did not object to it. He did not see the point that his principals saw afterwards when the Bill came before them, and took the ground that they did not wish to have an amendment of that kind; that so far as the Terminal Company was concerned, it was going to defeat the object of the Bill. The Terminal Company was to connect with the different railways coming into Montreal. They had already made arrangements with a number of those railways by which they would take their passengers and freight through the city. If that amendment passed, it would entirely defeat that object, and rather than have such a provision they wish, with the consent of the Senate, to withdraw the Bill. In doing that they are not imposing on Montreal in any way. If they want any facilities of that kind, they must go to the city of Montreal later; but they are not going to have a Bill with such a provision in it at the present time. Such an amendment is all very well as applied to a railway company that was coming in, and it may have been quite proper to include it in the other Bill. That was a matter for the other parties to discuss; but it is certainly most unfair to say that the city of Montreal can put through parliament a private Bill for which the promoters of this Terminal Bill must pay, and that they will impose objectionable terms on the company and refuse the parties interested permission to withdraw their Bill. I must say it is the first time in my experience, and I think in the experience of older members of this House, that the consent of the Senate has been refused to any promoters of a Bill for permission to withdraw it.

Hon. Mr. LOUGHEED—Hear, hear.

Hon. Mr. OWENS—The promoters may with perfect good faith refuse to carry their Bill through parliament with objectionable clauses in it. They may say: We would rather not have the Bill at all than have it with a clause of that kind, and we withdraw it. It is all very well to say to parliament: 'There was another Bill which was a rival Bill with similar clauses, and they were discussed together.' The Bills were not discussed together. The hon. gentlemen who were on that committee know that this Bill was at the head of the list and the other Bill was at the foot of the list. I doubt whether they were discussed the same day. I was in the Senate when this Bill was discussed, and I do not believe I was in the committee when the other Bill was considered. Therefore, it is a far drawn conclusion when you say that the Terminal Bill would be a rival in any way to the Railway Bill or vice versa. It is a poor argument. I trust the Senate will grant the reasonable request of the promoters and allow them to withdraw the Bill.

Hon. Mr. DANDURAND—I have already spoken on this Bill, but not on the amendment now proposed. I may say I was a fervent ally of my hon. friend who has just sat down, in the committee; but I intend to remain logical on the stand I took in the committee, and the stand I took in the city of Montreal. When the two Bills were discussed, my hon. friend stood with those who thought that the franchises of Montreal should be protected and respected, and together, being in the majority, we inserted in those two Bills safeguards which we thought were in the interests of Montreal, and did so on the urgent demand of the city council of Montreal, which sent a resolution to the members representing Montreal, and residing in Montreal. My hon. friend claims that parliament should not, and could not accept amendments to a Bill made at the demand of a third

party, and force those amendments upon the promoters if the promoters desired to withdraw their Bill. I will remind my hon. friend that no private Bill passes parliament which does not remain absolutely for ever under the control of parliament, and I refer him to city charters, for instance to the charter of the city of Montreal. At every session for the last ten or twenty years of the Quebec legislature, the city of Montreal has asked for amendments, and citizens of Montreal have petitioned for amendments to the charter of Montreal and those amendments were adopted.

Hon. Mr. OWENS—Does the hon. gentleman assume that the city of Montreal would not have the right to withdraw the charter which is before parliament?

Hon. Mr. DANDURAND—Certainly not, because the city of Montreal, applying for amendments to its charter would have to accept whatever amendments the legislature of Quebec would deem fair and opportune to pass. In fact, private citizens on depositing their $200 with a Bill can come before parliament and ask that the charter of any municipality should be amended. They are supposed, notwithstanding the fact that the petitions are presented by city corporations, to be private Bills, although of considerable public import. In this instance, we have a company which ask for incorporation to do certain things in and around the city of Montreal; but certain safeguards, which presented themselves to the minds of the members of parliament, in years gone by, were included in this Bill. This company came at different times for amendment to their charter. When it is before parliament it is for parliament to deal with it, and there is considerable importance attached to this Bill in its relation to the metropolis of Canada, and the right asked for by the company is to practically exercise absolute powers without the consent of the city of Montreal, on, upon and under the ground upon which the city of Montreal stands. If the hon. gentleman will look at the different statutes that were passed, he will find tha this company, if it does not agree with the city of Montreal, can appeal to the Railway Commission.

Hon. Mr. DANDURAND.

Hon. Mr. OWENS—Very properly.

Hon. Mr. DANDURAND—It seemed to parliament at the time to be proper; but as in the Quebec resolution to-day, so did we in the Senate Committee in our wisdom think that this was giving a right to the company which it was not entitled to. It was giving the right to a benefit in all the franchises of the city of Montreal, because the city of Montreal was no more free to tell that company, 'you will proceed this way or that way; you will not proceed unless you accept certain conditions'. The city would have to abide by the order of the Railway Commission and impliedly the company had power which the Railway Commission would have to recognize and stand as a judge, as to the modus operandi, in which it should be exercised. We have added a clause by which we say that the company shall not exercise certain rights without the sanction of the city of Montreal. These terminals are for the city of Montreal, and it is the city of Montreal that has the first word to say in the matter just now. Two or three companies are fighting before the Quebec legislature for the same rights which this particular company claims to have on the surface and underground in Montreal, and very properly the Private Bills Committee of the Quebec legislature have adopted a standard clause by which it denies any right to those companies, except those that the city of Montreal will grant them, and will be pleased to grant them. It incorporates them, but it does not allow them an absolute right to exercise powers. It limits those powers to the consent of the city of Montreal. Now we have in those two last Bills laid down the same law, which is a sane one, the respect of the franchises of individuals. We claim that we shall not despoil the individual, and yet we have in the past quite too often, perhaps, neglected to remark that when we despoil a large community we are doing a larger wrong than when we despoil an individual. I claim that this Bill being before parliament, it is our right, nay our duty, to add whatever safeguards we think we should add for the protection of the public, and I do so with

a lighter heart by reason of the fact that all the parties interested in that legislation concurred. I sat by my hon. friend who was interested in that Bill—

Hon. Mr. OWENS—Not a bit.

Hon. Mr. DANDURAND—Or seemed to interest himself in the Bill, and in spite of those hon. senators who were afraid the creation of this precedent would make it imperative upon them to accept these limitations in the Bill that was coming, the hon. gentleman who has just spoken, and the attorneys for the company who were there, seemed to be agreed to accept those amendments. Now I recognize that possibly when examining this Bill more closely, there may be a need for a small amendment in order to allow companies which have rights of way to use them whenever they shall utilize the terminal facilities which this company provides, if they ever provide them; but between bringing in a slight amendment that will do complete justice to the promoters of this Bill and allowing them to withdraw the Bill because they are still within the two years within which to begin their work, there is a vast difference, and I think parliament will assert the fact that it is master of this Bill and that it is bound to do justice to the community in which the company is to operate.

Hon. Mr. LOUGHEED—I think my hon. friend is unnecessarily warm over this matter. There are two or three views of the case that occurred to my mind, one of which is, so far as local consideration is involved, that this company must necessarily come back next year for an extension of time for the exercise of its corporate powers.

Hon. Mr. DANDURAND—Except they begin to exercise them sooner.

Hon. Mr. LOUGHEED—There is nothing to prevent the city of Montreal getting legislation restricting the rights of this or any other company. Consequently, wherever, an alleged wrong exists it can always be redressed by a substantive measure. There is something involved in this which is more important than any local consideration such as has been discussed. There is the procedure and practice of parliament, observed during a long series of years, and I challenge my hon. friend to point to any case in which parliament has refused to permit the withdrawal of a private measure. I have looked at the authorities as far as possible, and failed to find any precedent warranting the position taken by my hon. friend; but I can find authority in all the books on parliamentary practice and procedure for saying that parliament will permit the promoter of a Bill to withdraw his measure at any stage. Even a public measure may be withdrawn in either House at the instance of the promoter. That is clearly set forth in Bourinot, and if parliament will permit a public Bill to be withdrawn at the instance of the promoter, a Bill in which the whole public is interested, how much stronger is the position of the promoters of this Bill, inasmuch as it is only a private measure involving local interests. It is infinitely important that we maintain that uniformity of decision and practice which has invariably been observed not only in the Canadian but in the British parliament. Why should we depart from that well-established practice in this particular case? There is this further consideration involved in the measure; is it wise to establish a precedent in our parliamentary procedure simply because local interests of a limited character are involved? Are we to establish a practice, by which all applicants to parliament may have to look with apprehension and doubt upon any application which they may make to parliament lest parliament should violently seize upon the vested rights to which they are entitled and be stampeded, or in a moment of impulse or passion, or the clamour of the public, interfere with vested rights which may be of vital importance to the corporation interested? It is a matter of infinitely greater importance to parliament that the public should be protected in the rights given them by statute, than to seek to rectify some alleged local wrong in a Bill and thus destroy the practice that has taken a century to build up, and which, up to the present time, has never been

successfully attacked, and for which I can find no precedent. I simply point out these considerations to hon. gentlemen, and also that there are other channels by which any alleged wrong can be redressed. The city of Montreal can at any time obtain legislation from parliament to restrict the rights of parties who undertake to exercise undue license, or at any subsequent time when this company comes back for legislation, it can engraft upon any measure which the company may insist upon having, this protection which is now sought. If next year this company should seek an extension of time for the exercise of its corporate rights, we can then introduce this amendment into the Bill. My hon. friend expressed some solicitude that we should be logical in this matter. If we are to follow logic out to its extremity, let me ask who is in charge of the Bill? My hon. friend from Ottawa has asked leave to withdraw. He withdraws from the Bill; who will take charge of it. The parent withdraws, and it becomes an orphan. Will the hon. member from De Salaberry (Hon. Mr. Beique) or the hon. member from Killarney (Hon. Mr. Young) take charge of it? Who are to become its parents?

Hon. Mr. BEIQUE—Some one will take care of the orphan.

Hon. Mr. LOUGHEED—If a litigant introduces a proceeding in court, he has a right to discontinue his proceedings at any time. My hon. friend from De Salaberry, or my hon. friend who is leading the House to-night (Hon. Mr. Dandurand) will find it difficult to point to any case in the jurisprudence in any province in Canada in which a litigant has been refused permission to withdraw his suit. I know of none.

Hon. Mr. DANDURAND—In principle the hon. gentleman is right, because private rights only are affected. But when there is a public right, as in the case of a contested election, the petitioner cannot withdraw.

Hon. Mr. LOUGHEED—That is under statutory enactment, but even an election petition may be withdrawn. It is so clearly established a matter of principle, that I might safely say it has never been violated. There is no good reason why because some private interest is alleged to be interfered with in this particular case, that we should break down the practice of a century, and establish a new one. On those grounds, I am entirely opposed to the position taken by my hon. friend in objecting to the withdrawal of this Bill.

Hon. Mr. BEIQUE—Whenever the rights involved are merely private rights, any suitor is at liberty to discontinue his action on paying the costs; but in every case where public rights are affected that right is denied. Take election cases, as was properly pointed out by the hon. gentleman from De Lorimier, and take penal cases; it was a few years ago made a criminal offence to withdraw a criminal action, and that principle is recognized everywhere and in every case. Will it be seriously contended that because this Bill is before parliament at the instance of a private company, that therefore parliament, if it finds that a charter has been granted in error, and is a threat upon the public interest, that we do not possess the power necessary to protect the public from that threat and danger? The ground upon which the right to withdraw the Bill is opposed is that there are public interests in the city of Montreal which should have been safeguarded when the original charter was passed. I merely desire to put the facts before the House as they are. The hon. gentleman from De Lorimier (Hon. Mr. Dandurand) treated the matter as if it was in the power of the Railway Board to prevent this company exercising its charter rights in the city of Montreal in violation of the franchise of the city. If reference is made to the statute of 1890, the original statute, and to the Act passed last year, it will be found there is no such recourse. Speaking from recollection, the only safeguard left to the city of Montreal is merely to locate the place where the company shall pass; but it would be the duty of the Railway Board to allow them to pass. The hon. gentleman has made an appeal in favour of the amendment on the ground

of vital vested rights. I could readily apprehend the force of the argument if the company had commenced its works.

Hon. Mr. LOUGHEED—I did not refer to the vested rights of this company; I referred to the vested fights of other companies.

Hon. Mr. BEIQUE—I see by the 'Gazette' of to-day that Mr. Armstrong was yesterday before the controllers of the city asking them to locate the place where the company shall construct their tunnel. They have not commenced the work at all. As to vested rights, in principle, as the hon. gentleman from Calgary puts it, I beg to refer the hon. gentleman to the Interpretation Act as it stands on our statute-book. I would ask him to read section 18 of chapter 1, in which it is provided that every Act shall be so constructed as to reserve to parliament the power of compelling and maintaining it, or revoking, restricting or modifying any power granted or whenever such modification or restriction is deemed by parliament to be required for the public good. It is merely that right we are seeking to exercise by inserting an amendment for the public good.

Hon. Mr. LANDRY—I would ask what is the question before the Chair?

Hon. Mr. POWER (Acting Speaker)—The question is the amendment of the hon. member from Ottawa asking leave to withdraw the Bill.

Hon. Mr. LANDRY—As soon as that question is settled, if the House should refuse the consent which is always given in such cases, then we might appeal to the Speaker on the other motion, and I quote the following passage from May:

> In 1902 a committee having thus reported that parties did not intend to proceed with their Bill, notice was given of a motion to recommit the Bill, but Mr. Speaker ruled that such a motion would be out of order on the ground that a private Bill was the property of the promoters, and the House could not compel them to proceed with it against their wish.

Hon. Mr. BEIQUE—That is at another stage. The hon. gentleman will find that it is not applicable.

Hon. Mr. LANDRY—What I want to impress on the House is this: If the House should refuse the permission asked for, what is the next step? The hon. gentleman from Ottawa is the party in charge of the Bill. Any motion that may be made after he has asked leave to withdraw the Bill may be declared out of order, because the House having been notified the promoter wants to withdraw the Bill, the Speaker should declare that no motion could be in order.

Hon. Mr. CHOQUETTE—I have been for some twenty years a member of parliament, and this is the first time I have heard in this House or elsewhere that the promoter of a Bill has not the right to withdraw it. I do not know exactly what is the meaning of the Bill, though I heard it discussed in committee. I had no interest in the measure, but as a matter of principle it seems to me that we must have rights. If any member introduces a Private Bill, he should have the right to withdraw it. The illustration given by the hon. leader of the opposition is to the point: This is a court of Justice. This Bill comes before us from the other House. We are a court of appeal here, and in a court of justice the general rule—there may be exceptions in the criminal law—is that a litigant in any court has a right to drop his proceedings, to take his case out of court, and the only thing for the court to do is to saddle the cost on him. So that in this case, those who brought the Bill have the right to withdraw it. Generally in such cases application is made to return the fee, less the cost of printing and translation. The only thing the House can do is to keep the fee. What public rights are effected by a Bill of this kind? If I understand the hon. member from De Salaberry, the opposition to the amendment is because in a Bill passed some years ago there was something prejudicial to the city of Montreal. If that is so, the city of Montreal may at any time bring a Bill here attacking the charter, and remedying the evil, but if the Bill is withdrawn, can the city of Montreal say it is master of the situation? Can it say you have deposited the fee, and have proceeded to this point, and now you want to withdraw your Bill, but

I shall proceed with it. That is an extraordinary thing. I have the greatest confidence in the judgment, capacity and parliamentary experience of both the hon. member from De Salaberry, and the hon. member from De Lorimier, but in this case it seems to me they are absolutely mistaken. The very fact of these very gentlemen citing exceptions to the general principle of the law as election petitions, and criminal law, where the whole country is interested, proves that the general principle is contrary to their pretension. This is the first time I have seen the ground taken that the promoter of a Private Bill has not the right to withdraw it.

Hon. Mr. DANDURAND—It is a matter of practice rather than of principle.

Hon. Mr. CHOQUETTE—No, the promoter of a Bill, like a suitor, is master of the procedure, and has a right to withdraw his Bill. If it were an election petition or some extraordinary Bill in which the whole public is interested, there might be some doubt on the subject; when public rights are involved in a private Bill the government takes hold of it. If Montreal has a grudge, or thinks some of their rights are trampled upon, she can next session introduce legislation to remedy the evil. I, therefore, stand by the amendment. If the hon. gentleman from Ottawa has no right to withdraw his Bill, the same thing may happen to any of us. I may be forced by a majority to proceed with a Bill, which I consider against my interests. If the city of Montreal has a right to do anything of that kind, every one in the Dominion has the same right. A majority can say: 'We will use your money, and force you to go on with your Bill.' Another member would step in and take charge of the Bill. I am speaking of the principle alone, and I claim that the hon. gentleman has a right to withdraw his Bill.

Hon. Mr. DAVID—I cannot understand how a member of this House can contend seriously that the Senate has not a right to do what it likes under the circumstances. A Bill was introduced in this House, and sent to the Railway Committee. The Railway Committee returned the Bill to the House with amendments which were accepted by the promoter. The hon. gentleman cannot be serious when he says that the House is not the master of the Bill. If the House were not master, what would be the result? Promoters of Bills might come before parliament and advance them to a certain stage, and after all the work of the committee had been done, would have the right to withdraw their Bills. They could play with the House as they pleased. I do not think the argument is serious. I would be the first to consent to the withdrawal of a Bill if some good reason existed for doing so; but otherwise I would oppose its withdrawal. In this case, I affirm with knowledge that it would be unjust to the promoters of the other Bill already passed. Why? Because both Bills came before the Railway Committee at the same time, and were considered at the same sitting. Amendments were inserted in the other Bill with the consent of some of those who are in favour of this Bill. Everybody consented to the amendment, because it was considered that it would be only just and in the interest of the public of Montreal to insert amendments similar to those introduced in other Bills reported by the Railway Committee. Those amendments were considered necessary to protect the interest of the public. Montreal is not the only city interested. What we ask for Montreal we are ready to demand for every other city in Canada. I have said that it was unjust to the company, because it was understood at the time, and nobody can deny it, that both would be put on the same footing, that the amendments which were inserted in one Bill would be also inserted in the other Bill, and it was done with the consent of the promoters of the Bill. I said it was a protection. At the same time it would be unjust to the promoters of the other Bill, and unjust to Montreal, and why? What would be the result if the Bill were withdrawn? The other company would be bound by the amendments which were passed, and this company would be under the Bill passed last year, and in Montreal they would come in competition with companies that pay very high for their franchises. Is that fair or just? It would be unjust to Montreal, so that for this and other reasons which I have not time to ex-

plain, I think we should oppose the withdrawal of the Bill.

Hon. Mr. WILSON—I do not pretend to be thoroughly acquainted with the effect of the Bill now before the House, but I have occupied a seat in this House, and in the Commons, and in the local legislature, and I cannot remember a single instance in which the promoter of a Bill has been refused permission to withdraw it. I might ask the hon. gentleman wherein is this Bill injuring the other Bill they refer to so frequently? By what means has it prevented the other Bill from assuming its general appearance and giving to the company rights under which they can operate? I have yet to learn that the hon. promoter of this Bill, with the approval and sanction of the company that first introduced it, is not acting in accordance with practice. Have the company injured the people of Montreal, or do they deprive them of any rights they possess by reason of the withdrawal of the Bill? I do not think it. Those who say the Bill is interfering with private rights are making a bold assertion not sustained by facts. A promoter desirous of withdrawing a Bill as a matter of principle, has a right to withdraw it. I do not pretend to say that parliament is not seized of that Bill, or that it is not subjected to the approval or disapproval of parliament; but parliament has adopted the principle of granting the right of a promoter to withdraw his Bill. Will any privileges in Montreal be injured by reason of the withdrawal of this Bill? Why should we refuse permission? If the Bill is going to injure Montreal I sympathize with them, but I think the parties introducing the Bill have as great rights as Montreal has in the matter. The hon. leader of the House may be strongly excited over the Bill. Why? There must be some reason. Would he feel so badly if the Bill had not been introduced this session, and the promoters had not been forced to accept certain amendments in the committee? The fact that the lawyers accepted the amendments in the committee is no reason why the company should be refused the right to withdraw their Bill if the amendments are objectionable. The hon. gentleman accepted the amendments, no doubt with the understanding that if they were not approved by the company that later on he could come before parliament and ask to have the Bill withdrawn. If the amendments be obnoxious to the company, why should we insist on passing the Bill? It is not a public Bill. It is a private Bill in the hands of the hon. gentleman who introduced it, and the company who asked for it. I therefore, feel that it is dealing unfairly with the promoters and with the company, if the House should refuse their request.

Hon. Mr. CHOQUETTE—I was looking through the Commons 'Hansard' to find a precedent for the course adopted. Mr. Conmee presented a Bill in the other House, and later on begged leave to withdraw it. Mr. Sproule said he should be reprimanded for taking up the time of the House by introducing a Bill, and then asking to withdraw it; but there was not a word said in regard to refusing him the right to withdraw it.

Hon. Mr. DANDURAND—But there was no public interest affected.

Hon. Mr. CHOQUETTE—Yes, it was something about water-ways and dams. It was more a public Bill than this one.

Hon. Mr. WOOD—I am not a member of the Railway Committee and know very little about the questions that were discussed before that committee or the matters that were involved between these two companies, which have been called properly or improperly rival companies. The question before the House at the present time is, to my mind, a very simple one, and that is whether the promoter of the Bill and the gentleman who has charge of it in this House has the right of his own motion to withdraw it. I quite agree with others who have spoken upon the subject that during my experience in parliament I have never known a case where the person in charge of a Bill was refused the privilege of withdrawing, and it would appear to me, not only from what has been said, but for additional reasons, that a refusal under such circumstances would be a dangerous precedent to establish, and if there has been anything in the past to warrant a course of this kind,

it would appear to me very desirable that the sooner we got rid of it and adhere to what appears to be the practice almost universally adopted, the better for the legislation of this House. In addition to what has been said, it appears to me the great danger lies in affecting private interests. When a private Bill is introduced into parliament, it is necessary, under the rules, that certain notice should be given, so that all persons who might be affected by that legislation should have an opportunity to have their views presented to the House in opposition to the Bill, and the practice of parliament has been to refer such Bills to a committee, and give all persons interested ample opportunity to present their views. This Bill has passed through one stage of the legislature, and it has gone through the second and reached the committee stage. There certain amendemnts were suggested to the Bill by members of the committee, which were adopted and attached to the Bill when it came back to this House. The promoters of the Bill, or the legal gentlemen who represented them there, may or may not—I do not know how it is in this case—have represented all the interests which the passage of that Bill and the passage of those amendments might affect. It is quite possible there may be in these cases bondholders, and there might be persons with claims of different kinds, or there might have been contracts or agreements claimed by the company possessing the charter with other individuals or corporations, and by amendments which were suggested in the course of the progress of the Bill, these rights might be very seriously affected, and the persons have no notice and no opportunity to appear or to present their case to parliament. Surely, under such circumstances, the promoters of the Bill, who, when it reaches the final stage in the House, find these amendments are likely to affect any important interest, either of the persons possessing the charter, or of any person in anyway connected with the enterprise, certainly should have the right to withdraw it. It appears to me that is only common justice to all concerned. One illustration of this principle occurs to me. I have known cases in my experience in parliament where in the passage of a Bill, at the committee stage, certain interests would appear; for instance in a railway charter, persons who might have claims against the company or contractor or they would ask parliament not to grant the additional powers or rights or privileges which the company were asking for until these claims were settled. The committee in certain cases have insisted that if that Bill passed, a clause should be put in protecting the rights of these particular individuals who appeared before the committee; but in such a case if the company asking for the Bill considered these conditions too onerous, desired to withdraw the Bill, I never knew of it being refused, and I think it would be a very grave injustice if it were refused. It is not for parliament to settle the rights between disputants with regard to any measure that comes before parliament. Those are matters which should be settled in the courts. If there is evidence of a great injustice, it may be within the power and right of parliament to refuse to pass the Bill unless certain conditions are attached to it, which in their opinion would remedy those wrongs; but I cannot conceive that parliament would be justified under any circumstances in forcing the promoters of a Bill to accept certain conditions which they were unwilling to accept, and which they have a right to have decided by an appeal to a court of justice. The only answer to this view of the case, that of a very serious nature, is the answer that in this case the rights are not private rights, but are the rights of the city of Montreal. The city of Montreal is not the whole Dominion. The rights of the city of Montreal are local rights, rights of a certain locality, and there is no doubt that the fair, honourable and proper way for the city of Montreal, if it has rights which are liable to be affected by the charters which have been granted in the past and by the withdrawal of this Bill, is to come to parliament and introduce their own measure, give proper notice of it, and have all parties represented and have the matter properly threshed out and decided on its merit, and no one would be more willing than I to support a Bill which would secure to

Montreal justice in dealing with railway or other corporations which desire rights within its limits. For these reasons, I think it would be very unwise and unjust and would be a very undesirable precedent if the promoter of this Bill were refused the right to withdraw it.

The House divided on the amendment, which was lost on the following division:

Yeas 15; Nays 24.

Hon. Mr. LANDRY—I contend the motion of my hon. friend from De Salaberry is out of order, and I submit that the hon. gentleman has a right to withdraw his Bill. I quote May's Parliamentary Practice, pages 687 and 827. At page 687 he says:

> In passing private Bills, parliament still exercises its legislative functions, but its proceedings partake of a judicial character. The persons whose private interests are to be promoted appear as suitors for the Bill; while those who apprehend injury are admitted as adverse parties in the suit. Many of the formalities of a court of justice are maintained; various conditions are required to be observed, and their observance to be strictly proved; and if the parties do not sustain the Bill in its progress, by following every regulation and form prescribed, it is not forwarded by the House in which it is pending. If they abandon it, and no other parties undertake its support, the Bill is lost, however, sensible the House may be of its value. The analogy which all these circumstances bear to the proceedings of a court of justice, is further supported by the payment of fees which is required of every party promoting or opposing a private Bill, or petitioning for or opposing any particular provision. It may be added that the solicitation of a Bill in parliament has been regarded, by courts of equity, so completely in the same light as an ordinary suit, that the promoters have been restrained, by injunction, from proceeding with a Bill, the object of which was held to be to set aside a covenant.
>
> If parties acquaint the committee that they do not desire to proceed further with the Bill, this fact is reported to the House, and an order is then made that the Bill be withdrawn, or, merely, that the report do lie upon the table.
>
> In 1902 a committee having thus reported that the parties did not intend to proceed with their Bill, notice was given of a motion to recommit the Bill, but Mr. Speaker ruled that such a motion would be out of order on the ground that a private Bill is the property of the promoters and that the House could not compel them to proceed with it against their wish.

Hon. Mr. DANDURAND—I claim that the hon. gentleman is too late in making his point. There was a motion in the form of an amendment on the part of the promoters of the Bill to withdraw it. This was the very question which my hon. friend now claims the House had no right to decide against, that this motion being made, it was carried of course. The hon. gentleman has not appealed to the Chair against the claim of the House to deal with the point, and has allowed the House, which is supreme, to deal with the point, and the House has settled it against the promoters. If the point had been taken, I claim it would have been badly taken, because in point of fact the authority stated that if there is no other party to proceed and further the interest of the Bill, then the Bill will fall. That is as far as I could hear the citation made by my hon. friend. But it cannot be made a question of order. When the procedure of parliament declares that all Bills remain subject to the control of parliament, and when necessarily it is a question of policy with parliament to decide if it will exercise that right or not, if parliament can exercise that right, this branch of parliament can exercise it. I claim that the point even if well taken, is too late, but it is not well taken.

Hon. Mr. LANDRY—The argument that the point is taken too late is not logical. How could I take it before? I rose to ask the Speaker what was the question before the House. The question before the House was the permission asked by the promoter of the Bill to withdraw it. I could not raise the point of order on that motion. Was he in order or was he not?

Hon. Mr. YOUNG—According to my hon. friend's argument, it was an unnecessary question to ask the House, because he had that inherent right himself.

Hon. Mr. LANDRY—I wanted to know the motion before the Chair. If the motion was in order, I could not raise the point of order, and that amendment was not in order.

Hon. Mr. YOUNG—Then he accepts the amendment as being in order. If it was in order a moment ago, how could it be out of order now.

Hon. Mr. LANDRY—Because the amendment has notified the House of the decis-

ion taken by the hon. gentleman to withdraw the Bill. That is the final declaration made by the hon. member, that he withdraws the Bill, and the moment he declares to the House that he withdraws his Bill, any subsequent motion made to continue with the Bill becomes out of order, so that I could not take my point of order before we were in disorder.

Hon. Mr. DANDURAND—But the hon. gentleman forgets that it is not a statement he has made. It is a motion.

Hon. Mr. LANDRY—It is more than a statement.

Hon. Mr. DANDURAND—Yes, with which the House was seized and upon which they acted.

Hon. Mr. LOUGHEED—Where on the order paper is that motion?

Hon. Mr. DANDURAND—Does the hon. gentleman claim that once that motion had been made, it could not be taken by the Chairman. This motion is No. 18 on the paper.

Hon. Mr. LANDRY—Then my hon. friend has no right to make it. It is in the name of the hon. gentleman from Stadacona.

Hon. Mr. BEIQUE—It is a debate.

Hon. Mr. LANDRY—The reasoning of it is quite manifest it seems to me. If any hon. gentleman will assume charge of this Bill in view of the fact that the promoter has withdrawn it, so far as he individually can do it, I for one will certainly challenge the authority of any member seeking to take charge of this Bill. Having challenged his authority, it then becomes a matter of fact whether the hon. gentleman can say he has charge of the Bill. No hon. gentleman in this House upon being challenged can say that he has charge of the Bill. If my hon. friend from De Salaberry or the hon. gentleman who is leading the House should make a motion to assume the charge of this Bill, I certainly should challenge his authority, and he could not deny it.

Hon. Mr. DANDURAND—The hon. gentleman is too late.

Hon. Mr. LOUGHEED—I was about to say that the only way any member of the House can take charge of the Bill would be upon a resolution of the House, and notice would have to be given that the House be moved to give to some particular member of the House charge of this Bill, and I submit the usual notice would have to be given before such a resolution can be submitted to the House.

Hon. Mr. YOUNG—Would my hon. friend kindly quote the rule?

Hon. Mr. LOUGHEED—No, I could not quote the rule, and I shall point out why. I say there is nothing in parliamentary practice and I challenge my hon. friend from Killarney (Hon. Mr. Young), who at one time occupied the chair in a provincial assembly, to find any warrant for the conclusion at which this House has arrived to-night. We have adopted a practice without any warrant.

Hon. Mr. YOUNG—I rise to a point of order. The hon. gentleman has no right to reflect on the decision of the House.

Hon. Mr. LOUGHEED—I can say this, that the House has arrived at something unique. It has established for the first time a new principle, a new procedure with reference to the charge of a Bill, and I just rise to discuss the point of order raised by the hon. member from Stadacona; to follow out the logical reasoning by which that conclusion must be arrived at, that a member has a positive right to withdraw a Bill, and once he withdraws it, it is no longer before the House.

Hon. Mr. BEIQUE—The hon. gentleman forgets that the House has just voted, refusing permission to withdraw the Bill. As Chairman of the committee to which the Bill was referred, having reported it with an amendment, it is for me to move concurrence in the amendment.

Hon. Mr. LANDRY—The hon. member has moved his motion, and I have raised a point of order.

Hon. Mr. DANDURAND—The hon. gentleman moved concurrence a week ago. The debate was adjourned and was resumed to-day.

Hon. Mr. LANDRY—When that motion came first, it was in order, because it followed the practice of this House that when amendments come from the committee, the concurrence of the House is asked in a regular way. It was in order. When my hon. friend from Ottawa asked permission to withdraw his Bill, he was in order also. I could not raise a point of order, because he was in order. But as soon as he intimated to the House that he withdrew his Bill——

Hon. Mr. BEIQUE—Where is the authority?

Hon. Mr. LANDRY—It is the intimation given by the hon. gentleman to the House that he withdraws his Bill.

Hon. Mr. DANDURAND—By a motion which was rejected.

Hon. Mr. LANDRY—But it should not have been rejected. It was carried by force, not by logic.

Hon. Mr. DANDURAND—Parliament can do no wrong.

Hon. Mr. CHOQUETTE—We occupy now a very peculiar position. Item 18 on the order paper reads as follows:

Resuming the adjourned debate on the motion for the consideration of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours, to (Bill 44) An Act respecting the Montreal Central Terminal Company.—Hon. Mr. Landry.

It seems to me that the Hon. Mr. Landry has the floor in this debate. Now, the debate is closed, but the hon. member from Ottawa, who has charge of the Bill, has declared that he withdraws from it, and I would like to know who has charge of it now? Has the hon. member from De Salaberry, as Chairman of the Railway Committee, the right to take charge of that Bill and say to the House: 'You must go on with it'? I should like to know where we stand. Unless somebody takes charge of the Bill, it cannot be proceeded with.

Hon. Mr. YOUNG—The point before the House is the point of order raised by the hon. member from Stadacona.

Hon. Mr. CHOQUETTE—I know that, but I want to know how we stand. There are three points of order. What is to become of them, and who is to take charge of the Bill now?

Hon. Mr. WILSON—The question put by the hon. member from Quebec is one that ought to be answered. Certainly the hon. member from De Salaberry has no right to take the Bill out of the hands of the promoters. He has paid no fees, he has not even been in possession of the Bill. It was in the hands of the hon. member from Ottawa, and it was very unreasonable and absurd to refuse his request to withdraw it. I have never known such a course to be pursued before. The point of order is well taken. We should know who is the father of the Bill. Did the promoter of the Bill ask the hon. member from De Salaberry to look after it? Certainly not. He has no more right to take charge of it than I have. The hon. member from Ottawa presented the petition in the first place, introduced the Bill, and has been in charge of it to the present time, and now he asks leave to withdraw it. If the hon. member from De Salaberry undertakes to father it now, there will be a miscarriage of justice. We should have a ruling on the point of order.

Hon. Mr. POWER (acting Speaker)—I seem to be somewhat unfortunate in my occupation of the Chair. It has occurred to me that on almost every occasion when I have taken the place of the Speaker for the time being—I do not mean the present Speaker alone, but other speakers—everything goes on with the utmost smoothness while the regular occupant is in the Chair, and when your humble servant comes to assume the duty temporarily, all sorts of difficulties arise. Really the present condition of things is almost a climax. I understand three points of order have been raised, and now the hon. gentleman from St. Thomas (Mr. Wilson) insists that I shall declare upon the paternity of the measure. That comes naturally from a gentleman of the medical profession; but I do not assume to know much about that. Hon. gentlemen will correct me if I am mistaken; but a point was raised by one hon. gentleman that the point taken by the hon. member from Stadacona (Mr. Landry) was taken too late. I think it is our duty not to try to

diminish the rights of members of the House. The hon. gentleman from Stadacona was justified, as he says himself there was not anything out of order until this motion which is now before the Chair was moved. He was justified in assuming, as I assumed, that when the hon. member from Ottawa asked leave to withdraw his measure that leave would be granted. That is what he was entitled to, as I understand, by the rules of parliament, and it was only after the House had decided otherwise, and the present motion came before the Chair, that the hon. member from Stadacona was in a position to raise the point of order. I think he was quite right in his contention, and that he has a right to raise the question of order. Then, as to the main question of order, one or two reflections occur to me which I shall state before finally deciding. The hon. gentleman who leads the House spoke about the city of Montreal, and practically intimated that the city of Montreal was affected by this Bill, and, therefore, it was not a private Bill.

Hon. Mr. BEIQUE—Oh, no.

Hon. Mr. POWER (acting Speaker)—I think the hon. gentleman laid a good deal of stress on the fact that the public were interested. The Bill is a private measure. Fees have been paid upon it as a private Bill. It is in every sense a private Bill. It happens that the Bill may possibly, if it goes into operation, affect to a certain extent the corporation of the city of Montreal, but that does not make it a public Bill. I wish to call attention farther. Hon. gentlemen do not stop to think that they are not dealing with Montreal or other cities. We are dealing with a question of parliamentary procedure. I sympathize—it is only fair to say that—with the people of Montreal, and regret that the promoters of this Bill have decided not to accept the amendments; but I am not to decide according to the interests of Montreal, but according to the procedure and practice of parliament. Just fancy if the House ever undertakes to lay down the rule that no matter how objectionable an amendment may be made to a private Bill, the promoter of that Bill is bound to accept it, if the enemies of a private Bill before the House succeeded in getting a majority, they might make such amendments as to render the Bill ruinous to the promoters, and it does not agree with one's ideas of fair play and justice any more than ones ideas of business, that that should be possible. The promoter of a Bill introduces it, pays his fees, and sees it through to a certain point. If a stage arises when the passage of the Bill would do him more harm than good, he has a right to drop it. I do not repeat what has been quoted by the hon. member from Stadacona, because that is simply the law, and I quoted it, I think, subsequently in the same terms from May myself in the course of a discussion, so that while my sympathies, as a matter of business in this connection are with the city of Montreal, I must say that dealing with a very important parliamentary principle, I am obliged to own that the point of order is well taken and that the House cannot insist upon going on with the Bill which the promoters asks to withdraw.

The Bill was withdrawn.

IRRIGATION ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (186) An Act to amend the Irrigation Act.

(In the Committee.)

Hon. Mr. DANDURAND—The amendment in the first clause is a very slight one. The present Act imposes an obligation upon the commissioner to receive, or rather upon the parties who ask for the irrigation, to produce before the commissioner duplicate plans showing the tract of land which it is proposed to drain and the nature and location of the proposed ditch or drain, and the commissioner shall report to the minister setting forth the following conditions. The conditions are not changed except for correcting an error in subsection (a). The Act allows the minister to dispense with the production of duplicate plans upon the report of the commissioner.

Hon. Mr. LOUGHEED—I should like to ask my hon. friend to ascertain additional information that is not given under this clause. It will be observed that under clauses a and b of subsection 2a, information is to be given, but no information ap-

parently is to be furnished as to what the effect of the building of the drain or ditch would be on the land generally. Information is to be given as to its effect upon lands under the Irrigation Act, but suppose lands are not under the Irrigation Act, should not that information be furnished? It might be a matter of very serious importance to persons interested in lands that a ditch of this character should be constructed, and very possibly their lands made arid. It will be easily seen the water will be drawn off by the construction of a large ditch, and the land affected.

Hon. Mr. DANDURAND—Would not the minister be obliged, under clause c, to give his opinion generally as to the merits of the application?

Hon. Mr. LOUGHEED—Having specifically indicated the class of information, he might possibly not report upon the effect of the construction of the ditch upon the land generally. It seems to me, in preparing a report of this kind, he would only report upon a and b those two classes and possibly might elaborate and consider them in compliance with (c).

Hon. Mr. DANDURAND—Would the Act not presume to leave this part of the question to the provincial government? Clause 13 provides for the approval of the minister.

Hon. Mr. LOUGHEED—Who is to report upon the effectiveness of a ditch or drain upon any such works theretofore authorized under the Irrigation Act? Now in that district, calling it an irrigation district, there may be certain lands not affected by the work authorized to be carried out under the Irrigation Act, and those lands, by the construction of such ditch, might be drained of their natural water, and the lands very seriously affected. That seems to me to be quite as important a consideration as the two other considerations involved in (a) and (b). If my hon. friend would obtain that information before we take the third reading, there may possibly be some reason for omitting it. It strikes me in reading it generally that we should have that information.

Hon. Mr. DANDURAND—I will ask for the information.

Hon. Mr. CASGRAIN, from the Committee, reported the Bill without amendment.

ST. LAWRENCE POWER TRANSMISSION COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (No. 15), An Act to incorporate the St. Lawrence Power Transmission Company, Limited.

Hon. Mr. LOUGHEED—I suppose it will be thoroughly understood that we do not accede to the principle of the Bill by taking the second reading to-night? It is a Bill that will be considerably discussed.

Hon. Mr. WATSON—Very well.

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

SECOND READINGS.

Bill (No. 103), An Act to amend the Navigable Waters Protection Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 120), An Act respecting the Royal Guardians.—Hon. Mr. Casgrain.

BILLS INTRODUCED.

Bill (No. 205), An Act to amend the Civil Service Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 95), An Act respecting the Naval Service of Canada.—Rt. Hon. Sir Richard Cartwright.

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

THE SENATE.

FRIDAY, April 22, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

EASTERN CANADA MANUFACTURERS MUTUAL FIRE INSURANCE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. THOMPSON, from the Committee on Banking and Commerce, reported

Bill (No. 124) An Act respecting the Eastern Canada Manufacturers Mutual Fire Insurance Company, with amendments.

Hon. Mr. LOUGHEED—Was it the intention of the committee that the amendment should cover the full premium, or that the notes taken should cover the full contingent liability—that is the entire liability present and contingent?

Hon. Mr. THOMPSON—The amendment that was made to the Bill is simply the words of the Act in place of the words in the clause. Whether that would cover it or not I cannot say.

Hon. Mr. LOUGHEED—Possibly the hon. member from De Salaberry could answer me. Was it the intention of the committee that the amendment should cover the present as well as the contingent liability, either as to the premium or notes which should be given?

Hon. Mr. THOMPSON—No, it does not do that.

Hon. Mr. LOUGHEED—What I desire to know is whether the amendment made in this Bill is of a character that the obligation shall be embraced in the full premium paid, or in the notes given at the time the policy was negotiated?

Hon. Mr. BEIQUE—The amendment requires that the full mutual premium be paid in cash, or covered in a note given at the time, but subject to a further contingent liability.

Hon. Mr. LOUGHEED—Will that contingent liability be set out in the note?

Hon. Mr. BEIQUE—Either in the note or in the policy.

Hon. Mr. THOMPSON—It does not affect the contingent liability in any way. It leaves the contingent liability to be stated on the policy itself. I move that the report be taken into consideration on Monday next.

The motion was agreed to.

FEDERATION OF CHAMBERS OF COMMERCE OF PROVINCE OF QUEBEC BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. THOMPSON, from the Committee on Banking and Commerce, reported Bill (No. 33) An Act to incorporate the Federation of Chambers of Commerce of the Province of Quebec.

Hon. Mr. CLORAN—In view of the late period of the session, and the fact that the amended Bill has to go back to the Commons, I move the suspension of the rules.

Hon. Mr. LANDRY—Before the motion is carried, I should like to ascertain the nature of the amendment made by the committee.

Hon. Mr. CLORAN—The amendment is one to satisfy the Attorney General of the province of Quebec, who represented the Quebec government in opposition to this Bill. He contended that the Bill was one exclusively within the local jurisdiction, and that an Act of incorporation should be obtained there. It was proposed to him to bring the Bill under chapter 124 of the statutes relating to the incorporation of Boards of Trade. All the Boards of Trade in the province of Quebec are incorporated under Federal authority. These different Chambers of Commerce decided one day that they should have a central body which would deal in a general way with the interests of trade and commerce.

Hon. Mr. LANDRY—But only for the province.

Hon. Mr. CLORAN—But if it was necessary for the individual chamber on a smaller basis to get an Act of incorporation from the Federal parliament, the argument was that it was all the more necessary for the greater body to come here. To obviate the difficulty which was suggested, and which my hon. friend discussed very ably before one of the committees, the Bill is brought under Federal jurisdiction by making it general.

Hon. Mr. LANDRY—They blow up the body to make it large and general.

Hon. Mr. CLORAN—Safeguards are introduced, and it is made subject to the Federal authority.

The motion was agreed to, and the amendments were concurred in.

FISHING RIGHTS OF RIPARIAN PROPRIETORS IN TIDAL WATERS.

INQUIRY.

Hon. Hr. LANDRY inquired:

1. Have riparian proprietors along rivers in which the tide is felt the right to have licenses to fish for the fish in that part of the rivers which is situated opposite their respective properties?
2. Have any requests for such licenses been addressed to the federal government?
3. Have they been granted?
4. If not, why?

Rt. Hon. Sir RICHARD CARTWRIGHT —I have received the following replies to these questions:

1. The rights of riparian owners were not defined by the decision of the Judicial Committee of the Privy Council of 1898, on the Fisheries Reference, they not being a party in the case.

2. Yes.

3. Licenses have been granted by the Federal government to applicants for fishing in the tidal portion of certain rivers; but this has been done in the exercise of the right of regulation and control of the fisheries, but not in recognition of any proprietary rights.

4. Answered by No. 3.

THE SURGEON MAJOR AT ST. JOHN MILITARY SCHOOL.

INQUIRY.

Hon. Mr. LANDRY inquired:

By whom has surgeon-major E. N. Chevalier, of the military school at St. John, in the province of Quebec, been replaced?
2. On what date was he thus replaced?
3. During the eleven years that he has discharged the functions of surgeon-major, had he the qualifications required by the regulations and had he successively undergone the required examinations?
4. When and where had he undergone such examinations, and what number does his certificate bear?
5. Since he has been replaced as surgeon-major of the St. John Military School, does major E. N. Chevalier occupy any position whatever in the Canadian militia?
6. What position, and at what salary?
7. Since his dismissal, has he received any salary, or emolument, or indemnity whatsoever, or has the department paid him, or is it to pay him, any amount of money whatsoever?
8. For what services and what amount, distinguishing the amounts already received from the amounts to be received?
9. In virtue of what law or of what regulation have such payments been made or are they to be made?

Rt. Hon. Sir RICHARD CARTWRIGHT —The reply of the department is as follows:

1. Major E. N. Chevalier, Permanent Army Medical Corps, is on leave of absence, on medical certificate, pending retirement, since 22nd November, 1909, from his duties as officer in medical charge of the troops at St. Jean. province of Quebec, but is on the strength of the St. John's detachment. Major Parke has been detailed to perform his duties.

2. See answer one.

3. The only qualifications required when this officer was appointed were those of a licensed medical practitioner. These qualifications Major Chevalier possessed. He was asked to go up for examination for promotion to the rank of lieutenant-colonel, and he failed in his examination, therefore he was not promoted.

4. See answer three.

5. See answer one. Major Chevalier is still on the active list of the Permanent Army Medical Corps until retired on the 8th May, proximo.

6. He is still holding the position of medical officer (on leave) to the troops at St. Jean, province Quebec, at the same rates as formerly, viz.: pay of rank, $4.50 per diem, and allowances of fuel, light, rations, and forage.

7. See answers six and eight.

8. See answer six. A sum of $2,224.24 has been placed in the Supplementary Estimates, 1910-11, as a gratuity, based on his length of service, and the amounts deducted from his salary on account of pension fund.

9. As regards present pay and allowances, under regulations in force; and as regards gratuity. Revised Statutes of Canada, chapter 42, section 10.

SALARY OF IMMIGRATION AGENT AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. What was, on the 1st of April, 1874, the salary of the immigration agent at Quebec?

2. Upon what dates did that salary successively increase, and by what amount each time?
3. What is the present salary of such agent?
4. What increase of salary has the present immigration agent obtained since his appointment to that office?
5. Has he asked for an increase of salary?
6. When?
7. Did he obtain it, or is he going to obtain it?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers to the hon. gentleman's questions are as follow:

1. $1,500 per annum.
2. 1st July, 1881, $100; 1st July, 1883, $50; 1st July, 1884, $50.
3. $2,000.
4. $200.
5. No.
6. See answer to 5.
7. See answer to 5.

SALARY OF ASSISTANT IMMIGRATION AGENT AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. What was on the 1st of April, 1874, the salary of the assistant immigration agent at Quebec?
2. Upon what dates was his salary successively increased, and to what amount each time?
3. What was, on the 5th April, 1907, the salary of the assistant immigration agent?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers to the hon. gentleman's questions are as follow:

1. $800 per annum.
2. 4th November, 1874, to $1,000.
3. $1,400 per annum.

ICE BREAKER 'MONTCALM.'

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Had the federal government in its service, on board the ice-breaker 'Montcalm,' before the holding of the last inquiry into the Department of Marine and Fisheries, a person named Jos. Fontaine, of Lévis, engineer?
2. At the time of the aforesaid inquiry had Mr. Fontaine been found guilty of certain charges of peculation brought against him?
3. By reason of these accusations, did he lose the position which he occupied on the 'Montcalm'?
4. Since this has he been appointed by the government an inspector of boilers and engines, and has he as such replaced Mr. Joseph Sampson, who has been retired?
5. In the interval between the moment when the government chased him from the 'Montcalm' and that when it promoted him to the position which he occupies to-day, was he employed, under his true name or a borrowed name, in the Marine workshops at Sorel?
6. What was his salary on board the 'Montcalm'?
7. What is his salary now?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers to the hon. gentleman's questions are as follow:

1. At the time of the investigation held by Mr. Justice Cassels into the Marine and Fisheries Department, Mr. Jos. Fontaine was employed as engineer on the Canadian government steamer 'Montcalm.'
2. At the inquiry Mr. Jos. Fontaine admitted having received certain monies from Messrs. Drolet and Coté.
3. He was first suspended from his position on the 'Montcalm,' and later his further employment terminated. The order in council terminating his employment provided that the department might consider an application from him for further employment under certain conditions.
4. Mr. Fontaine was appointed Boiler Inspector at Quebec on March 1st, 1910.
5. In the summer of 1909, Mr. Jos. Fontaine was employed at the Sorel shipyard as a mechanic; he left this position to become foreman of a private machine shop at Levis.
6. $100 per month.
7. $1,400 per annum.

ELECTRIC INSTALLATION OF IMMIGRATION OFFICES.

MOTION.

Hon. Mr. LANDRY moved:

That an order of this House do issue for the production of a return showing the expenses incurred, and the date of each of the payments made, by the government for the electric installation in each of the rooms of the immigration office at Quebec during the years 1908 and 1909.

Rt. Hon. Sir RICHARD CARTWRIGHT —There is no objection to the motion.

The motion was agreed to.

ACQUISITION OF PROPERTY OF CARRIER & LAINE AT LEVIS.

MOTION.

Hon. Mr. LANDRY moved:

That an humble address be presented to His Excellency the Governor General, pray-

ing that His Excellency will be pleased to cause to be laid before this House—

1. Copies of all orders in council or of every order of the Department of Justice and of the Department of Public Works, and of all the correspondence exchanged between the government, the Departments of Justice and Public Works, the Bank of Montreal, the firm of Carrier & Lainé, of Lévis, and all other persons, on the subjects of—

(a) The acquisition by the government of the property of the firm of Carrier & Lainé, at the time of the sale thereof by the sheriff in 1908;

(b) the subsequent expropriation, for purposes of public utility, of the same property, which had fallen into the hands of the Bank of Montreal;

(c) its definite purchase from the Bank of Montreal by the government;

(d) the appointment of an agent to represent the government at the sale by the sheriff;

(e) the appointment of experts for proceeding with the expropriation of the lands in question;

2. Copies of all reports submitted, directly or indirectly, to the government, or in its possession, by the experts hereinbefore mentioned, or by the arbitrators to whom the Bank of Montreal and the firm of Carrier & Lainé had submitted their differences, or by the various advocates or agents acting in the name and in the interests of the government.

3. Copies of the various contracts entered into between La Banque du Peuple and the People's Bank of Halifax in 1905, between the government and the Bank of Montreal in 1909, between the government and Mr. Ernest Cann, who had become the lessee of the government, for a period of thirty years, of the lands and buildings formerly the property of Carrier & Lainé.

4. Copies of all documents whatsoever and of all correspondence relating to the various transactions aforesaid, and also a statement showing all the sums of money paid by the government with respect to such transactions, with the names of the persons to whom such sums were paid, and the amounts paid to each of them, and for what particular object.

Rt. Hon. Sir RICHARD CARTWRIGHT —There is no objection to the motion.

The motion was agreed to.

THIRD READINGS.

Bill (No. 151) An Act to provide for the adjudication of small claims arising in respect of the operation of the Government Railways.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 79) An Act respecting the Hamilton, Waterloo and Guelph Railway Company.—Hon. Mr. Gibson.

Bill (No. 69) An Act respecting the Prince Albert and Hudson Bay Railway Company. Hon. Mr. Davis.

Bill (No. 116) An Act to incorporate the Toronto Eastern Railway Company.—Hon. Mr. Ross (Middlesex).

Bill (HHH) An Act to incorporate the Alberta, Peace River and Eastern Railway Company.—Hon. Mr. Watson.

Bill (No. 193) An Act to amend the Meat and Canned Foods Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 185) An Act respecting the Commission for the Conservation of Natural Resources.—Rt. Hon. Sir Richard Cartwright.

GUELPH JUNCTION RAILWAY BILL.

THIRD READING.

Hon. Mr. WATSON, in the absence of Hon. Mr. Gibson, moved the third reading of Bill (FFF) An Act respecting the Guelph Junction Railway Company.

Hon. Mr. BEIQUE—I move in amendment that the preamble be struck out and the following substituted in lieu thereof:

Whereas, the Guelph Junction Railway Company, hereinafter called 'the company,' has by its petition prayed that it be enacted as hereinafter set forth, and has established, in effect, that the corporation of the city of Guelph holds, itself or by trustees on its behalf, all the shares in the capital stock of the company except a few shares upon which five hundred dollars in all have been paid, which few shares were subscribed for by persons acting in that behalf as agents for the city, and that, with the exception of the said five hundred dollars, all the capital for the construction of the railway of the company has been furnished by the city; and whereas it is expedient to grant the prayer of the said petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Hon. Sir MACKENZIE BOWELL—I do not propose to discuss the question at length, further than to enter my protest against the motion made by the hon. gentleman as not being founded, in my opinion, upon facts. My understanding of the position is that these two gentlemen who claim to be stockholders, whatever they may have been at the time the agreement was entered into, or when the provisions of the Act read yesterday were passed by the Ontario government agents, or trustees, if they were either, they were removed from that position by the bargain which was entered into by the corporation

of the city with the parties then holding the stock.

I cannot understand the reason which has led my hon. friend to the conclusion he has reached, when we find that the corporation was prepared to enter into an agreement with these people relieving them of the $900 due upon the stock subscribed by them on the condition that they would consent to the passage of the Act to enable the corporation to raise money to carry on the enterprise, and at the same time give the subscribers paid up shares for the amount of money that they had paid in on the stock subscribed. True it is not much, but that does not affect the principle in the least. Those parties are now to be legislated by parliament out of their legitimate holding. When the stock was good for nothing they offered to give it up, and the offer was refused. At another period they offered to pay the balance due on the stock, and that offer was not accepted. Now, through the operation of borrowing money on the bonds, the enterprise has been successful. I am very glad that it has been and that the stock has become valuable. Now that it has become valuable, the city wants to get rid of these three or four subscribers, for what reason has never been explained. In view of the correspondence, I cannot believe that they were agents or trustees, but that they acted simply as most gentlemen would do who wish to encourage enterprises for the benefit of the community in which they live. It was apparent yesterday that my hon. friend would be able to carry his motion. To my mind it is little less than confiscation, and if this were not a legislative body, and it would not be considered out of order, I should come to the conclusion that it was introducing the practice which prevailed when Jack Sheppard and Dick Turpin plied their vocation in the vicinity of London, England.

Hon. Mr. BEIQUE—I do not think it is necessary to cover again the ground which was gone over yesterday by the several members of this honourable House, who spoke on the question. The point involved in the present motion was, to my mind, fully covered, and the majority of this honourable House, as of the committee, did not appreciate the facts applicable to the case as the hon. gentleman from Hastings does. For my part, I am satisfied that the preamble is according to the facts which have been established before the committee.

The amendments were agreed to on a division.

Hon. Mr. BEIQUE moved the third reading of the Bill, as amended.

Hon. Sir MACKENZIE BOWELL—I move that the Bill be not now read the third time but that it be amended as follows:

Strike out all the words after 'respectively' in the 26th line of clause 2 to the end of said clause, and substitute the following in lieu thereof:—'of such sum as may be agreed upon by the corporation and the owner or owners of said stock.'

If this amendment were carried, it could not interfere with the principle of the Bill so far as it gives power and authority for acquiring the stock held by these four or five gentlemen; but it would strike out that portion of the Bill as amended which fixes a price to be paid for the stock. When the Bill was introduced, the corporation asked by one of the clauses that these gentlemen should be obliged to surrender their stock. That provision exists yet. It fixed the value of the stock at the price paid for it nine years ago, $100. The committee thought that the holders were entitled to interest compounded at six per cent, which would bring the amount up to $400 per share. Now, as I pointed out a moment ago, that stock, small though it is, is very valuable and is paying, I am told, about 90 per cent. Consequently the corporation desire to take the stock from those gentlemen. If any one owns stock in a company, he can sell it at any price he likes. I have sold stock which cost me 100 a few years ago for 40 cents. The committee thought if the subscribers got back their $100 with interest they ought to be satisfied. The Bill as it is now, and as it is likely to go to the other House, declares that the value of that stock is $400. I say that is not fair or equitable. I want to mention one other fact in substantiation of what I have stated in reference to the agency. I put the question to the gentlemen interested in this

Bill this year, after the discussion had taken place: 'Why do you not go to the courts and have a decision as to whether these gentlemen were agents or trustees, and if they were either one or the other, and you convince me of that, you will have no further opposition from me, however feeble that opposition may be.' What was the answer? 'We would be very glad to do that if we could go without prejudice.' I asked, 'What do you mean by without prejudice?' The provision of the Bill passed by the Ontario legislature by which they agreed to be relieved of the $900 due on the $1,000 subscription? Why are they afraid of that? Evidently because they know or believe that the courts would not grant them the relief they claim, and if that be the case, I venture the opinion that my hon. friend who moved this motion never would have put such a motion on the statute book.

Hon. Mr THOMPSON—I happened to be a member of the committee and listened as carefully as I could to all the evidence which lead me to support the Bill. There was a time in the history of this transaction when the city could have had this entire property under its bonds without paying anything for it. The city held the bonds and furnished the money which constructed the road, and acted in a paternal way towards the trustees or members of the company. Subsequently, in their work of railway exploitation, the members of the company contracted a liability of $18,000. The interest on the bonds held by the city was deferred. At the time that liability of $18,000 was contracted, our friends, who were then the members of the company, by a by-law put through the city council, were able to transfer that liability over to the corporation. If the corporation desired to act otherwise than in a paternal way towards the members of the company, all they had to do was simply to foreclose their bonds and make these individuals liable for a thousand dollars each. The creditors could not have collected anything from the company other than the stock liability of the shareholders. If the city had been disposed to foreclose the bonds, they would have had the railway and all the stock, but they treated the shareholders as though they were citizens acting in behalf of the city's interest.

All through the transaction there was a desire on the part of the stockholders to get rid of $900 of their liability, and the city to protect them in respect of the contracted debt, for which the city was not liable. But the city would have owned the road through their bonds had they thought proper to foreclose. By the addition of the amendment of the hon. gentleman from Hastings, this legislation would not be any better than the paper it was written upon. It would leave the matter subject to negotiation between the stockholders and the city, and I think the amendment should be withdrawn.

Hon. Mr. DAVIS—This is a matter which should not be brought to parliament. The question whether a stockholder is a qualified one or not, is a matter for the court? Plenty of people would like to get questions of that kind settled by parliament. The courts, not parliament, are constituted for that purpose. We have no right to legislate shareholders out of rights of that kind.

The motion was declared lost on division.

The Bill was then read a third time, as amended and passed.

THIRD READING.

Bill (No. 195) an Act respecting the Currency.—Rt. Hon. Sir Richard Cartwright.

INDIAN ACT AMENDMENT BILL.

THIRD READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 141) an Act to amend the Indian Act.

Hon. Mr. MACDONALD (British Columbia)—I beg to remind the hon. gentleman that about a month ago I moved for a return in regard to Indian affairs in British Columbia. It was a very important motion, because I thought the expenditure was too much. There is a vote for about $100,000, and out of that there is $36,000 for a hospital. I do not know of one hospital in British Columbia for Indians.

There may be one, but I do not know of it, and I moved for a return to know where the money went to. I find in the Supplementary Estimates there is another $100,000 for Indians in British Columbia. I hope the hon. gentleman will get the return.

Rt. Hon. Sir RICHARD CARTWRIGHT —I have asked for it, and have applied to the Indian Department again.

The motion was agreed to, and the Bill was read a third time and passed.

IMMIGRATION ACT AMENDMENT BILL.

THIRD READING POSTPONED.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 186) an Act to amend the Immigration Act.

Hon. Mr. LOUGHEED—When the hon. gentleman, who led the House last night, submitted this Bill to committee, I asked for some information which he informed me could be secured in the interim before the third reading. My right hon. friend will observe under the first clause of the Bill, that there are two paragraphs necessitating a report to be made as to the physical condition of the land in question. Under paragraphs A, B, and C, the commissioner shall report to the minister the information described in A, B and C. This presupposes the construction of a ditch or drain through certain lands; but the commissioner apparently is not to report upon the effect which this drain or ditch would have upon the lands outside of the lands described in clauses A, B and C. My right hon. friend will observe that the construction of that ditch might very seriously affect lands upon which work is not authorized under the Immigration Act, that is to say that the work upon those lands which it is proposed to drain, might very seriously affect adjoining lands upon which works under the Irrigation Act are not authorized to be constructed. The hon. gentleman from De Lorimier could not give the information.

Rt. Hon. Sir RICHARD CARTWRIGHT —We will let the order stand until Tuesday.

Hon. Mr. MACDONALD.

The order of the day was discharged, and set down for Tuesday next.

CRIMINAL CODE AMENDMENT BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (No. 6) an Act to amend the Criminal Code.

Hon. Mr. DAVIS—What I have to say would probably come up better when the Bill is in committee; but we are now adopting the principle of the Bill. I notice in one clause of the Bill that there is a provision for allowing the operation of the Bill to apply to cities with 15,000 people.

Rt. Hon. Sir RICHARD CARTWRIGHT —If my hon. friend will pardon me, I would suggest that this might very much more advantageously be considered in committee. It is a Bill on which there might be some discussion, but it will be better to take it in committee, and let us get through the motions we have on hand.

Hon. Mr. WILSON—I think it is desirable we should have some explanation in reference to this Bill. It is all very well to let it go to the committee; but on the second reading certainly we ought to have some explanation as to its nature, and the reason why it is now presented to us. I agree with my hon. friend that clause 2 is very objectionable and may produce a hardship in some places with a population under 15,000. I can understand the right hon. gentleman desiring that the Bill should not be delayed; but hon. members certainly are entitled to an explanation at the second reading of an important public Bill. It is true, it is a compromise Bill, and not in the form in which it was introduced in the Commons; but we are not supposed to know what discussion took place in the Commons. We are here to consider and think for ourselves, and I think the member having charge of the Bill should explain it.

Hon. Mr. WATSON—I am not an expert on the terms generally used in refer-

ence to race-track gambling, but, as the hon. gentleman has stated, this is a compromise Bill, on which all sides were heard. We are not bound by what has taken place in the other House; but I think most of us have paid some attention to the evidence given before the special committee. Since my name has been attached to the Bill, several gentlemen have made similar inquiries to the one just referred to. I agree with the right hon. leader of the House that we can better discuss this Bill in Committee of the Whole, and I trust before that time arrives, I shall be in a better position to give an explanation on some of the points than I am at the present time. However, it must be remembered that the question has been raised, will this Bill affect meetings at agricultural fairs where there is no betting? This Bill does not prevent horse-racing at all.

Hon. Mr. DAVIS—We are well aware of that.

Hon. Mr. WATSON—It prevents gambling at races, and there are certain other restrictions, but I understand the Bill does not affect any race-track association now in existence. As I understand the part of the Bill referred to by the hon. gentleman from Prince Albert, in regard to 15,000 population, refers to places where new race associations or race-tracks are started.

Hon. Mr. DAVIS—Even so, have the people in a city of 7,000 not as large rights and privileges as those in a city of 15,000.

Hon. Mr. WATSON—I do not wish to go into details. I ask that the Bill be now read the second time.

Hon. Mr. DAVIS—We are discussing the principle of the Bill now, but I wonder when we are going to stop this class of legislation. This Bill was introduced in the other House, and I have reasons to believe that it has cost the country something like $40,000, even if it is a compromise. If these gentlemen, in their wisdom, had got together in the first place they could have settled the matter in twenty-four hours, without putting the country to such an enormous expense. Every session of parliament we have some legislation of this character advocated by a certain class of people who believe they should think for all the rest of the community. For my part, I am getting tired of propositions to send people to heaven by the Criminal Code. That is about what it means. Take the Criminal Code as it stands to-day. I do not think that any respectable citizen could walk around the streets for three hours without being guilty of some infraction of the Criminal Code for which he could be apprehended. We are every year passing a batch of amendments to the Criminal Code, and I think it is about time it should be stopped. If any one came before parliament with a useful proposition, and asked for $20,000 or $30,000 to investigate it, he would be laughed at. I remember when I moved for a useful committee, which did good work for the people, I tried to get a couple of thousand dollars to carry out the work, and I had a hard job to get it; yet here we find something costing the country $40,000 that could have been settled in 24 hours, without a tithe of the expense. If we are going to adopt this Bill I think a city of 5,000 should have just as many rights and privileges as a city of 15,000. I live in a town of 5,000, and we would like to have the same privileges as other cities.

Hon. Mr. MACDONALD (British Columbia)—You do not pay as much revenue.

Hon. Mr. WILSON—Really, hon. gentlemen——

Rt. Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman has spoken.

Hon. Mr. WILSON—I asked the promoter of the Bill to explain. If the right hon. gentleman has said that I have spoken I will yield, but when it comes up I will ask for an explanation on the second reading.

Hon. Mr. WATSON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Does the Bill confine the operations to any particular locality of a certain population?

Hon. Mr. WATSON—No.

Hon. Mr. McHUGH—In order that the hon. gentleman who has the Bill in charge

may be prepared to give the information to the House when the Bill goes into committee, we would like to know why discrimination is made between running and trotting horses, limiting the time of the one race-meet to seven days, and the other to three days? I only mention this because it is a matter which may come up, and the hon. gentleman who had charge of the Bill in the other House overlooked the fact that they were making that discrimination, and the promoter of the Bill may have leave to amend it, even though it is a compromise Bill.

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

Hon. Mr. WATSON—I move that the Bill be referred to Committee of the Whole on Thursday next.

Hon. Mr. WILSON—Although the hon. mover seems so anxious to withhold information from the House, as to why the Bill is necessary, and although I have a right to demand it, I will defer doing so until the Bill goes to committee. It is unreasonable that when a second reading is called, and the promoter of the Bill is asked to explain, he should refuse to do so.

Hon. Mr. WATSON—I can explain, but I cannot make people understand.

Hon. Mr. WILSON—We should be informed why it is necessary to amend the Criminal Code as this Bill proposes to do; perhaps we should call for an explanation on each and every Bill when the motion for the second reading is made. Are we any better than the Commons?

Hon. GENTLEMEN—Yes, sure.

Hon. Mr. WILSON—My hon. friends may say we are, but it appears that we are to understand things intuitively without explanation. I say it is unreasonable.

Hon. Mr. LOUGHEED—It seems to me there is a presumption that the Senate is a much more moral and conscientious body than the Commons, inasmuch as it took about seven weeks for a special committee, sitting from day to day, to convince the Lower House that betting is an evil which should be suppressed. I was under the impression that this Bill might possibly have been submitted to one of our Standing Committees, or to a special committee, so that outside parties who may be interested should have an opportunity of being heard for and against the Bill. Without pronouncing emphatically on it in any way, it seems rather anomalous that a Bill which received the consideration of the Commons and occupied some seven weeks, during which witnesses were heard on both sides, should be presented to this Chamber, which is peculiarly a revising body, without any preliminary remarks on the principle of the measure, and that it should be sent to a Committee of the Whole House, where the public will have no opportunity of presenting their views to the Senate. It is scarcely complimentary to the Senate that the Bill should be treated in this way. The greater part of the session has been occupied in considering the Bill in the other branch of parliament. The press of the country has been exercised to such an extent over it, that scarcely a day went by for seven or eight weeks that leading articles did not appear touching this question, and during the earlier part of the session both branches of parliament were overwhelmed with petitions from all sections of the country, both for and against the measure. If proper consideration is to be given to a measure which elicited so much public attention, it seems to me that it should get more consideration in this House than it is apparently to receive.

Hon. Mr. DAVIS—My hon. friend has stated that some seven weeks were spent in considering this Bill in the other House; but I want to draw his attention to the fact that this is not the same Bill at all. This Bill never went to a special committee of the other House; it is practically a new Bill. The discussion was broad and may have covered this particular Bill; but, as the measure stands to-day, it never was before any special committee, and that would be a strong reason why it should go to a special committee of this House where parties interested could

be heard. I have no doubt the moral reformers who introduced the first Bill would like to say something about this measure. As the mover of the Bill does not appear to be able to give much information about it, I for one would like to have more information than we have been able to get to-day. Perhaps if it were sent to a special committee, we could hear both sides and be able to make up our minds how we should vote. The Bill as introduced in the other House is dead, and this is another measure which was railroaded through the Commons in a few hours and sent up to us. I would be inclined to support the leader of the opposition in his contention, that the Bill should go to a special committee.

Hon. Mr. WATSON—The very fact that this Bill has been discussed for such a long time by a special committee of the other House, is one of the best reasons why it should not require much discussion here. I will assume, for the time being, that I represent the moral reformers referred to. This is a compromise Bill. While we have not secured all that we wish to get as moral reformers, still we are satisfied to take the measure as it is, and I am sure, from the activity displayed on the other side by some hon. gentlemen in this House, that side will be protected in Committee of the Whole.

The motion was agreed to.

POST OFFICE ACT AMENDMENT BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 197) an Act to amend the Post Office Act.

He said: This repeals that particular clause of the Post Office Act which regulates the salaries of post office inspectors, they being dealt with in the Civil Service Act, which is set down for reading next week.

Hon. Sir MACKENZIE BOWELL—Is this Bill confined exclusively to the regulation of salaries?

Rt. Hon. Sir RICHARD CARTWRIGHT —Solely.

Hon. Mr. LOUGHEED—Has the government determined upon what the maximum and minimum salaries of superintendents shall be?

Rt. Hon. Sir RICHARD CARTWRIGHT —I think that is all set forth in certain clauses of the Civil Service Bill, which has not been read a second time by us yet, but will be next week.

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

SECOND READINGS.

Bill (III) An Act for the relief of Emily Maud Nicoll.—Hon. Mr. Jaffray.

Bill (JJJ) An Act for the relief of Edna Shibley De Mar.—Hon. Mr. Jaffray.

MILITIA PENSIONS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 194) An Act to amend the Militia Pension Act.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—If I understand it, the pension list for the Mounted Police already provides for a certain deduction from their pay.

Rt. Hon. Sir RICHARD CARTWRIGHT —It is just to bring them into harmony with the general provisions of the Militia Pension Act, I understand.

Hon. Sir MACKENZIE BOWELL—Is a percentage of deduction from the pay of the Mounted Police at the present time to form a fund out of which the superannuation is paid? My recollection is that it is so.

Rt. Hon. Sir RICHARD CARTWRIGHT —Apparently that is the case.

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

DESTRUCTIVE INSECTS AND PESTS BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 20) An Act to prevent the introduction or spreading

of Insects, Pests and Diseases destructive to vegetation.

(In the Committee.)

On clause 8.

8. Every person, who contravenes any provision of this Act, or any regulation made thereunder, shall be liable, upon summary conviction, to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. Any vegetable or other matter imported or brought into Canada contrary to this Act, or to any regulation made thereunder, shall be forfeited to the Crown.

Hon. Mr. WILSON—We should have some explanation of this clause. It may be necessary that the government should assume to themselves all this power, but it is a very large power to grant to the inspector and the minister. They have the power, if they find in the possession of any individual, it does not say whether knowingly or not, any infected seed or trees, to subject that individual to a fine and imprisonment for six months. A farmer may purchase such seed or stock without knowing it to be infected, but the mere fact of its being found in his possession is sufficient to justify his conviction. It is very important that the country should be protected in this respect, amply and fully, but it is possible that the government are taking more power than is absolutely necessary for the protection of the country. It is a very common occurrence for a farmer to go to a market town and purchase seeds and trees of various kinds which may have been imported, and the officers at the border have not been careful to see that they are free from pests. The innocent purchaser, if found with these on his premises, is liable to this heavy fine and long term of imprisonment. It seems a very harsh clause. If it is really required for the safety of the country, I suppose it must be granted, but I hope it will not be inflicted on the farming community in its present shape.

Rt. Hon. Sir RICHARD CARTWRIGHT—This Bill has been asked for by all the agricultural societies.

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

Hon. Mr. WATSON.

NAVIGABLE WATERS PROTECTION ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 103) An Act to amend the Navigable Waters Protection Act.

(In the Committee.)

Hon. Mr. POWER—I notice on looking at section 4 of chapter 150, of the Revised Statutes, the wording of the section is as follows: 'No boom, bridge, or aboiteau shall be constructed so as to interfere with navigation.' Why should this change be made?

Rt. Hon. Sir RICHARD CARTWRIGHT—The Department of Public Works represented that some trouble and litigation had arisen in some of the courts because of the construction placed on that section, and they suggested this amendment after conferring with the Department of Justice, as giving them clearer power.

Hon. Mr. LOUGHEED—But it does not protect the navigation of the river as well as the old Act does.

Rt. Hon. Sir RICHARD CARTWRIGHT—The Department of Justice was of a different opinion.

Hon. Mr. POWER—The Bill contains a sort of proviso that the foregoing provisions of this section shall not apply to small wharfs not costing more than $1,000, &c., which do not interfere with navigation. It is a very small wharf which would cost less than $1,000, and, taking the city from which I come, there are a great many wharfs, and every little while a proprietor feels called upon, if his business is increasing, to add to the length of his wharf. No difficulty has ever arisen, and I do not think the proprietors of these structures should be obliged to go to the Governor in Council for the purpose of submitting plans. If abuses have arisen, the provision is reasonable enough.

Rt. Hon. Sir RICHARD CARTWRIGHT—I have only to follow the information given me by the Public Works Department.

They ask for this as it is extremely desirable in view of certain trouble and litigaton that has arisen over their powers.

Hon. Mr. LOUGHEED—It appears to me that although it might be the case, yet there is omitted from the Bill before us a very important provision which we find in the present Act, namely that none of these structures shall interfere with navigation.

Rt. Hon. Sir RICHARD CARTWRIGHT —That is there.

Hon. Mr. LOUGHEED—But we propose to repeal that.

Rt. Hon. Sir RICHARD CARTWRIGHT —No. The clause provides that the foregoing provision shall not apply to certain things which do not interfere with navition. That is line sixteen.

Hon. Mr. LOUGHEED—I would point out to my hon. friend that that interference with navigation only applies to small wharfs, and does not apply to the structures mentioned in the early part of the section.

Rt. Hon. Sir RICHARD CARTWRIGHT ——I would not so read it.

Hon. Mr. POWER—The beginning of that section provides that no bridge, boom or wharf, &c., can be built unless the site is approved by the Governor in Council, unless the structure is built in accordance with the plan approved by the Governor in Council.

Hon. Mr. LOUGHEED—But the navigation of the river might be entirely overlooked in the adoption of the plan. My impression of the section is that the site may be selected, and the plan may be approved, leaving entirely out of consideration the all essential element in the Bill, namely, the protection of navigation. There is no mention in this section such as there is in the old section that none of those structures shall interfere with navigation, except the smaller structures in the latter part of section 4. It does not follow necessarily that because the Governor in Council might designate what the site shall be, and may approve of the plan, that the navigation of the river may not be interfered with. In fact, during the present session of parliament I noticed in the consideration of nearly all these power Bills before the Commons, that question of interference with navigation of the river has been the main question, and it almost seemed to me that insiduously power companies had brought about an amendment of the Act by which the navigation of the river might possibly be subordinated simply by the selection of a site or the approval of plans.

Rt. Hon. Sir RICHARD CARTWRIGHT —Not merely doctors, but lawyers will differ as to construction. I will call the attention of the Department of Justice to the hon. gentleman's criticism and endeavour to see if they think it necessary to modify the Act.

Hon. Mr. LOUGHEED—I should like to see an amendment inserted in the clause that the protection of navigation shall be observed.

Rt. Hon. Sir RICHARD CARTWRIGHT —I would have to consult with the department where the Bill was drafted.

Hon. Mr. WATSON—Does the hon. gentlemen pretend that even the Public Works Department could not place any obstruction in the river that would interfere with navigation?

Hon. Mr. LOUGHEED—Oh, well, the Crown could do it. They are owners of the water, and can do what they please; but we are simply legislating now as to other interests interfering with navigation.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am aware that the intention is to give the Public Works Department larger powers in order to prevent obstruction to navigation; and if the wording fails to do so it fails to carry out their intention. I will take care the matter is represented to the department and considered, if that will suit my hon. friend.

Hon. Mr. LOUGHEED—That is quite satisfactory.

Hon. Mr. WILSON (from the committee) reported the Bill without amendment.

FIRST AND SECOND READINGS.

Bill (KKK) an Act for the relief of Clifford Buell Lillie.—(Hon. Mr. Watson.)

Bill (LLL) an Act for the relief of Roland James Bottrill.—(Hon. Mr. Bostock.)

The Senate adjourned till Tuesday at three o'clock.

THE SENATE.

TUESDAY, April 26, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ST. LAWRENCE POWER TRANSMISSION BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. BEIQUE, from the Committee on Telegraphs and Harbours, reported Bill (No. 115) An Act to incorporate the St. Lawrence Power Transmission Company, Limited, with two amendments. He said: The first amendment is striking out clause 2 of the Bill, which declared the works to be for the general advantage of Canada, and the second amendment was inserted for the purpose of limiting the expropriation power to the transmission line only. With the leave of the House, I move concurrence in the amendment.

Hon. Mr. LANDRY—Before the motion is put, I would call the attention of the House to the fact that this committee met this morning, and I should like to know when we received notice of the meeting?

Hon. Mr. BEIQUE—On Thursday last, the committee, when rising, decided to adjourn until to-day.

Hon. Mr. LANDRY—I think one of the first rules of an adjournment is to give notice to all persons who were not at the first meeting.

Hon. Mr. BEIQUE—I received the notice.

Hon. Mr. LOUGHEED.

Hon. Mr. LANDRY—When were the notices given?

Hon. Mr. BEIQUE—I was under the impression that notices were given on Friday last, but I am not sure.

Hon. Mr. LANDRY—I am sure they were not; and I am equally sure the meeting held this morning was quite irregular.

Hon. Mr. BEIQUE—A committee may adjourn to the call of the Chair, or to a specific date.

Hon. Mr. LANDRY—I do not dispute the right of a committee to adjourn to a fixed date, but if the committee adjourns to a fixed date, notice must be given to the persons who were not present at the adjournment.

Hon. Mr. BEIQUE—That is not the rule. Everybody is supposed to be present at the meeting. In the case of joint stock companies and companies of all kinds, no notice is given to the parties of an adjourned meeting.

Hon. Mr. LANDRY—In any municipal institution, when an adjournment takes place, the persons who were not present are notified of the adjournment, and that is the law.

Hon. Mr. BEIQUE—It is not the law.

Hon. Mr. LANDRY—Why should a Bill be posted in the lobby? Why should notices be given to the members of a committee, if it is not required by law? Why should those things take place if not to place the members in a position to attend the meeting? If the meeting takes place without the members of a committee knowing that it is called, I say that it is quite irregular.

Hon. Mr. YOUNG—Rule 85 says:

A select committee may adjourn from time to time, and by order of the Senate, from place to place——

Hon. Mr. LANDRY—I admit the right to adjourn, but I say that when the committee adjourns, the members should be notified. Those that are present know of the adjournment, but those who are not present do not know it, and I think it is the least we can ask.

Hon. Mr. BEIQUE—I agree with the hon. gentleman that the practice should be to notify the parties in case of adjournment of that kind. I was taking issue with him only on the strict letter of the law. As a matter of practice, it has been done, and should be done, and I was under the impression—I may be mistaken—that the notice had been issued Friday; at any rate the notice was in my room this morning.

Hon. Mr. LANDRY—Did the hon. gentleman look at the date of the notice?

Hon. Mr. BEIQUE—No.

Hon. Mr. LANDRY—The hon. gentleman is speaking of his impression. I am certain—I have that advantage over him—that he is wrong. I do not want to raise a point of order now, but I want it understood that in future, when an adjournment takes place, we shall be notified.

The motion was agreed to.

IMMIGRATION OFFICE EMPLOYEES AT QUEBEC.

MOTION.

Hon Mr. LANDRY moved.

That an Order of this House do issue for the production of a copy of the attendance list of the employees of the immigration office at Quebec, for the month of October, 1908.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the orders of the day are proceeded with, I should like to know the cause of the delay in producing the copy of the contract entered into between Messrs. Koenig and Company and the government for clearing away the ruins of the Quebec bridge. That return was ordered over three months ago. It would take about three hours to prepare a copy of it.

Rt. Hon. Sir RICHARD CARTWRIGHT—The secretary of the Department of Railways promised to have the return prepared, and sent to me in a day or two. His attention has been called to it more than once. I have applied to the Secretary of State to know why it has not been sent, and that was his reply.

THIRD READINGS.

Bill (No. 120) An Act respecting the Royal Guardians.—Hon. Mr Young.

Bill (SS) An Act to incorporate the Federation of Chambers of Commerce of the Province of Quebec.—Hon. Mr. Cloran.

Bill (III) An Act for the relief of Emily Maud Nicoll.—Hon. Mr. Jaffray.

Bill (JJJ) An Act for the relief of Edna Shibley De Mar.—Hon. Mr. Jaffray.

Bill (No. 186) An Act to amend the Irrigation Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 194) An Act to amend the Militia Pension Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 20) An Act to prevent the introduction or spreading of Insects, Pests and Diseases destructive to vegetation.—Rt. Hon. Sir Richard Cartwright.

Bill (LLL) An Act for the relief of Roland James Botterill.—Hon. Mr. Derbyshire.

LILLIE DIVORCE BILL

THIRD READING.

Hon. Mr. McMULLEN moved the third reading of Bill (KKK) An Act for the relief of Clifford Buell Lillie.

Hon. Mr. ELLIS—It seems to me the Senate ought not to pass this Bill. I have given some attention to it, and though the evidence is very voluminous have read it with some care. While there is no doubt the respondent was proved guilty of the charge made against her, there is evidence to show that there was just as much wrongdoing on the part of the petitioner, and I do not see that the power of the House ought to be used in such cases to break the matrimonial tie.

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

On motion that the Senate pass the Bill:

Hon. Mr. BEIQUE—The hon. gentleman from St. John having called attention to the facts which he has mentioned, it is incumbent on any other member who be-

lieves that this House should pass the Bill to state why. Otherwise I think the Bill should not be passed. If the statement made by the hon. member from St John is not challenged, I hope that hon. members will vote against the Bill.

Hon. Mr. BOSTOCK—I was one of the members of the committee who heard the evidence in this case. The committee gave a great deal of time and consideration to the matter, and it was only after most serious consideration of the evidence that they came to the conclusion that they were justified in finding that the alleged acts of adultery had been committed. Speaking from memory, there was a tremendous amount of evidence given in this case which was not relevant to the question before the committee; but there was corroborative evidence given of the act of adultery committed by this woman. It was on that evidence that the committee considered they were justified in reporting as they did. Every opportunity was given to the wife to produce evidence to establish the wrong-doing of her husband. She stated before the committee that she was prepared to bring forward evidence of that nature, and although she was furnished with money to cover the expenses of procuring witnesses, she failed to produce any to corroborate her statement that her husband had been guilty of wrong-doing. There was no evidence placed before the committee on which to decide against him.

Hon. Mr. ELLIS—The evidence all through goes to show that the petitioner was carrying on correspondence with another woman at the time of the alleged misconduct of his wife. His whole conduct indicated that he was looking for a chance to get rid of his wife. Hon. gentlemen who have read the evidence will be aware of the fact that the woman had sued her husband for support, and Judge Britton, before whom the case was tried, allowed her alimony at the rate of $12 a week. The petitioner in this case, in order to get rid of his wife, has pursued a certain course with a view to being relieved of the payment of alimony and also, there is reason to believe, with a view to marrying the woman with whom he had been in correspondence.

Hon. Mr. McMULLEN—As a member of that committee I desire to say a word or two. The committee carefully and cautiously examined all the evidence connected with the case my hon. friend refers to. It is true that Mr. Justice Britton granted the respondent alimony at the rate of $12 a week, but he did that in the absence of a witness that could not be found. That witness was found afterwards, and was forced to appear before the committee, and give evidence. In his evidence he clearly incriminated Mrs. Lillie for conduct that the committee could not overlook. I would like to know if my hon. friend from St. John has read that evidence? If he has read it, he would not for a moment find fault with the course the committee took in the case We carefully studied the whole matter and gave the respondent every consideration we could. With regard to the letter the hon. member refers to, which Dr. Lillie was guilty of writing, if it was guilt at all, there was nothing incriminating in that letter in any shape or form. It was one of those things that any man might possibly be guilty of; there was nothing to show in that letter that there was any criminal conduct between the lady that he wrote to and himself. So that after due and careful consideration we decided that Dr. Lillie was entitled to relief. We concluded that he had used his wife well. The fact is he had used her too well. He gave her too much liberty and allowed her too much of her own way, and she abused her liberty. The result in her case is what it is in the case of many; when they get too much rope they hang themselves. Such is her case. The committee studied every phase of the matter and endeavoured to do justice to both parties, and we came to a deliberate conclusion that, in view of all the facts, Dr. Lillie was entitled to relief.

Hon Mr. CHOQUETTE—What about the judgment of Mr. Justice Britton?

The House divided on the motion, which was carried on the following division:

CONTENTS.

Honourable Messieurs:

Baird,	McGregor,
Beith,	McKay (Truro),
Bostock,	McMullen,
Cartwright (Sir Richard),	Mitchell,
De Veber,	Owens,
Edwards,	Robertson,
Frost,	Ross (Halifax),
Gibson,	Ross (Middlesex),
Jaffray,	Thompson,
Jones,	Watson,
Lougheed,	Yeo,
MacKay (Alma),	Young.—25.
Mackeen.	

NON-CONTENTS.

Honourable Messieurs:

Beique,	Ellis,
Belcourt,	Farrell,
Boucherville de (C.M.G.),	Fiset,
Boyer,	Landry,
Casgrain,	McMullen,
Choquette,	Power,
Cloran,	Scott (Sir Richard),
Comeau,	Shehyn,
Costigan,	Tessier,
Dessaulles,	Wilson.—20.

CIVIL SERVICE ACT AMENDMENT BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 205) An Act to amend the Civil Service Act. He said: There is no question of principle of any importance involved in this Bill. Its provisions are intended to make certain amendments in the Civil Service Act, which will become manifest as we proceed with the Bill in detail. The principal amendment is a provision by which, under certain conditions, officers may be transferred from the outside to the inside service. It has been considered that if an officer in the outside service has proved eminently capable after a certain period, he may be transferred to the third division of the inside service if it is found in certain classes of cases that it would be conducive to the benefit of the public service. The other provisions chiefly refer to certain increases in the salaries of officers of customs, among the principal ones, officers of inland revenue, and officers of the post office. These gentlemen's salaries were formerly fixed by statute, and, therefore, it becomes necessary in giving them the benefit of any possible increase, to provide for them by an amendment of the Civil Service Act. That and one or two provisions of a somewhat stricter character as to the employment of officers out of hours, as it is called, on duties not strictly in accord with those which they usually perform, constitute the whole of this Bill.

Hon. Mr. LANDRY—Is there anything in this Bill changing the status of the employees of this House or the House of Commons?

Rt. Hon. Sir RICHARD CARTWRIGHT—No, it refers simply to other officers. There is nothing about the Senate in particular.

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

CRIMINAL CODE AMENDMENT BILL.

DEBATE CONTINUED.

The order of the day being called:

Resuming the adjourned debate on the motion for the second reading of Bill (CCC): An Act to amend the Criminal Code.

Hon. Mr. POWER—I regret to say that until just a few minutes ago I had overlooked the fact that this Bill was coming up to-day. Had I thought of it, I should have made an effort to be somewhat better prepared to discuss it than I am at present. I sympathize with the general trend of the sentiments expressed by the hon. member from Ottawa. I appreciate just as keenly as he does the amount of mischief which has been done by labour organizations whose headquarters are in another country extending their operations in Canada in certain fields. No one who lives in Nova Scotia and pays any heed at all to what is taking place, could fail to have been impressed by the almost incalculable mischief which has been caused in that province by the introduction of the United Mine Workers of North America. We have in the province a labour organization, the Provincial Workers Association, which had at any rate succeeded in placing the miners of Nova Scotia in a very advantageous position. I am safe in saying that the coal miners of Nova Scotia were as well off as any coal miners in the world, certainly

much better off than the average run of coal miners in the United States. Although wages have gone up within the last two or three years, I may inform hon. gentlemen who are not aware of the fact, that in the Springhill mine, a mine which has been completely in the hands during the past year or two of the United Mine Workers, the average wages in 1907 amounted to $3.35 per day. Some miners were making as much as six dollars a day, I believe, but the average wages of the coal miners were $3.35 per day of not more than six hours. The men were very comfortably housed, and looked after, and really had no substantial complaint of any kind to make. The more important strike was, of course, down in Cape Breton. There there was some bloodshed, and if the troops had not been called out and despatched to Cape Breton immediately on the beginning of the trouble, there probably would have been very serious disturbances. The province of Nova Scotia has lost an immense sum of money in revenue; the miners have lost nearly a million dollars in wages, and the mine owners have lost more; so that the advent of this particular United States organization into Nova Scotia has done a great deal of mischief. I quite concur in the views of the hon. gentleman as far as that is concerned. But there are other things to be taken into consideration, if the hon. gentleman stops to think. Take an organization like the locomotive engineers; the work of these men naturally extends over the two territories. Owing to our proximity to the United States, and our commercial relations, a very large proportion of the trains run through both countries, and it would be almost impracticable, it seems to me, to have legislation which would compel the men on the Canadian end of a railway line to belong to one organization, and those on the United States end to another. When I speak of the locomotive engineers, I speak of an organization which has, on the whole, been a very reasonable one.

Hon. Mr. BELCOURT—Would my hon. friend point out why it would be impossible to have independent organizations in the case he mentions?

Hon. Mr. POWER.

Hon. Mr. POWER—Simply on account of the very intimate relations that exist. If a run begins in Canada and ends in the United States, and an engineer wishes to attend a meeting of a labour organization, he would not find one of his own and could not go to the United States organization. He could not attend a meeting. International organizations of labour have existed for a very considerable number of years. It is pretty drastic legislation at this hour of the day to say to the men that they shall quit an organization to which they have belonged for a number of years. It strikes me that this measure is of such a character as calls for careful consideration. If parliament is going to adopt it as a measure to prevent the interference of outside influences, between labour and capital in this country, it is one that should be very carefully considered. It is stated, I do not know how true it is, that under existing conditions the United States organizations get complete control of labour in this country. One can readily understand that it would be possible for the coal owners in the United States, who might be competing with the coal owners in this country for a certain market, say the market of Montreal, to succeed, through the branches of the organization, in stirring up strikes in Canada to such an extent as to free the United States coal owners, in a great measure at any rate, from the competition of the Canadian coal owners. I think the hon. gentleman made some reference to that; but while I realize that the present condition of things is unfortunate, I do not think that a drastic measure, such as the one now proposed by the hon. gentleman from Ottawa, would be satisfactory or very effective. I think it is a question which, as he said in his speech, will call for careful consideration of the best minds in this country, perhaps, before very long; and although I do not like to throw unnecessary responsibility on the shoulders of the government, if this matter is to be dealt with, I think it should be dealt with not by legislation introduced by private members, but by the government of the country. I feel that I have not pleased those on either side of the question; I have simply expressed my own view.

Hon. Mr. CLORAN—In regard to this Bill, I have very little of my own to say, because my opinions are pretty well known in this House, and are generally known throughout the country in matters of this kind. The hon. gentleman from Halifax has expresed two views; one view not thoroughly endorsing the sentiments expressed by the hon. gentleman from Ottawa in regard to this measure. Then he turns from that view to the other, whereby he was willing that if the workingmen of this country did certain things in a certain way, that their rights should not be interfered with. I do not know that even in parliament half-way measures can be of any effect in modelling the legislation, to give it its true ring, and national tone. I am for stating the whole truth, irrespective of any interests, corporate or otherwise. I hold, as a representative of the people, that the trades unions and workingmen of the country are entitled to as much consideration, and as much respect as any other class, and especially as much as the men who are blessed with wealth. The Bill presented by the hon. senator from Ottawa, as I stated some weeks ago, has a very inoffensive look. It seemed to me to be innocent enough on the face of it, but it did not take one half-hour's dissection of its clauses to discover that it was a most dangerous Bill from all points of view, from the workingman's point of view, from the immigration point of view, and from the view of the general welfare of the country. We were asked a few days ago to adopt another amendment to the Criminal Code, one which my hon. friend from Prince Albert said was being largely used by parliament as a means of sending people to heaven; but this Bill would be evidently a means of sending them in the opposite direction.

Hon. Mr. CHOQUETTE—Where to?

Hon. Mr. CLORAN—The Criminal Code is being too largely used by parliament to secure the enforcement of laws, and this is simply a small amendment introducing two words that have a fine sounding name, 'British subject.' And then another—a small amendment whereby strikes would be practically abolished—at least in a number of cases. It is not what the adverse element thinks of a question of this kind that ought to guide our reason and dictate our judgment in passing such a measure. We should not always look to the capitalist to find out what the workingman wants. The most of us here have been workingmen in our earlier years. Unfortunately many people forget their younger days, and their experiences as workingmen, and are quite willing to deprive others of the privileges they would have been very glad to have themselves when they were handling picks and shovels, or were clerks at the counter in institutions of one kind and another. I have in my mind expression of that opinion, not by one man, but by thousands, and twenties of thousands of workingmen who say, and who have written to the Prime Minister and to the government of the day, that this Bill was very fully and cerefully considered by the International Brotherhood of Locomotive Engineers, and they have forwarded the following document to parliament:

Honourable Sirs,—At the recent meeting held in Ottawa, of the Dominion Legislative Board of the International Brotherhood of Locomotive Engineers, composed of representative engineers from all the railway centres of the different provinces of Canada, the Bill (CCC) introduced in the Senate by the Hon. Mr. Belcourt, and intituled: 'An Act to Amend the Criminal Code' by inserting after the word 'union,' in section 497, the words 'whose members are British subjects'; also after the word 'employees' in subsection 2, of section 498, the words 'who are British subjects', was very fully and carefully considered, and the board was of the unanimous opinion that the Trades Unionists of the Dominion had given no reason that would justify the proposed amendment to the Criminal Code; further, it was of the opinion that such a measure, if enacted, would be a menace to individual liberty. In conclusion the board believes the Act to be pernicious in its tendency and a piece of class legislation, the enactment of which it considers unworthy of any parliament and will be resented by the working people of this country. Therefore, on behalf of the above board, we very respectfully solicit the assistance individually and collectively of your honourable bodies to prevent Bill (CCC) from becoming law.

We have the honour to remain, Sirs,
Yours very respectfully,
(Sgd.) CALVIN LAWRENCE,
Chairman.
(Sgd.) BYRON BAKER,
Secretary.

I attach much more importance to a declaration of that kind, coming from such a quarter, than I do to the views of

any hon. senators in this House, much more important because of greater sincerity, and of greater benefit to the country at large. But that is not the only body who has spoken in regard to this matter. Nearly all the trades unions in the Dominion have put themselves on record. Take the Montreal Trades and Labour Council, who have passed a series of resolutions covering two pages of foolscap almost in solemn protest against measures of this kind coming before parliament, and being allowed, as I said the other day, to stand on our order paper, a menace to the workingmen, as stated in this document. There are also protestations from the Bricklayers' Union, protestations from the Machinists' Union, and from the Plasterers' Union. You have them from the workingmen of Montreal. You have them from the carpenters, joiners, and fraternal unions, and what do these people say? The document is long, and I will not read it, but one or two clauses will indicate to parliament what they think of a measure of this kind. They say:

Whereas this scheme of law, although notwithstanding its inoffensive appearance, contains the worst of principles, whereas this project of law, if it became law would result in the destruction of trades unions.

Because the very fact that one, or two, or three members of a union were not sworn British subjects, or naturalized citizens of Canada, that union and all its members would come under the Criminal Code, subject to fine and imprisonment.

Hon. Mr. BELCOURT—That is not so.

Hon. Mr. CLORAN—The hon. gentleman contradicts me.

Hon. Mr. BELCOURT—I contradict the hon. gentleman. That is not the effect of the Bill.

Hon. Mr. CLORAN—I will read the protest. It is in French:

Protestation—Parti Ouvrier de Montréal.
5 avril, 1910.

1. Attendu que le Code Criminel du Canada contient les trois dispositions suivantes:

496. Un complot pour restreindre le commerce est une convention entre deux personnes ou plus de faire ou de faire faire une chose illégale dans le but de restreindre le commerce. 55-56 V. c. 29, art. 516.

497. Les objets d'une union ouvrière ne sont pas, pour la seule raison qu'ils restreignent le commerce, illégaux dans le sens de l'article qui précède. 55-56 V. c. 29, art. 517.

498. Est coupable d'un acte criminel et passible d'une amende de deux cents à quatre mille dollars, ou d'un emprisonnement de deux ans, ou si c'est une corporation, une amende de mille à dix mille dollars, toute personne ou corporation qui conspire, se coalise, se concerte ou s'entend avec une autre, ou avec une compagnie de chemin de fer, de steamers, de bâteaux à vapeur ou de transport.

(a) pour limiter indûment les facilités de transport, de production, de fabrication, de fourniture, d'emmagasinage ou de commerce de tout article ou denrée, qui peut faire l'objet d'un trafic ou d'un commerce; ou,

(b) pour restreindre le trafic ou le commerce de tout tel article ou denrée, ou pour lui nuire; ou,

(c) pour empêcher, limiter ou diminuer indûment la fabrication ou la production de tout tel article ou denrée, ou pour en élever déraisonnablement le prix; ou,

(d) pour prévenir ou diminuer indûment la concurrence dans la production, la fabrication, l'achat, l'échange, la vente, le transport ou la fourniture de tel article ou denrée, ou dans les tarifs d'assurance sur la vie ou les propriétés;

2. Aucune disposition du présent article n'est censé s'appliquer aux associations d'ouvriers ou employés formées par eux, comme tels pour leur propre et raisonnable protection. 63-64 V. c. 46, art. 3.

2. Attendu que par ces dispositions la loi reconnait aux unions ouvrières une existence légale, implicitement il est vrai, mais avec une certitude absolue.

3. Attendu que l'honorable senateur Belcourt propose au Sénat canadien, au moyen du projet de loi CCC d'amender les dispositions légales précitées, en ajoutant après les mots 'unions ouvrières' de la première ligne de l'art. 497, les mots suivants: 'dont les membres sont sujets britanniques,' et aprés les mots 'employés' de la deuxième ligne, de la sous-section 2 de l'art. 498 dudit Code criminel les mots suivants: 'qui sont sujets britanniques.'

4. Attendu que ce projet de loi, malgré son apparence innofensive contient le pire des principes.

5. Attendu que si ce projet de loi devenait loi, il faudrait désormais que les unions ouvrières soient composées en entier de sujets britanniques sous peine de devenir des institutions criminelles.

6. Attendu que cette disposition légale décrèterait la mort de l'union ouvrière au Canada.

7. Attendu en effet qu'exiger dans ce pays particulièrement où, tous les ans, l'immigration nous amène un grand nombre d'ouvriers de tous les pays, que tous les membres des unions ouvrières soient sujets britanniques, c'est empêcher l'existence de telles unions, parce que une ouvrière ne saurait exister pour atteindre le but qu'elle se propose, sans que tous les ouvriers puissent en faire partie.

8. Attendu que pour devenir sujet britannique, il faut qu'un étranger réside au moins trois ans au Canada, ce qui serait une entrave à l'admission des ouvriers étrangers dans les unions ouvrières, entrave fixée par la loi même.

9. Attendu que ce serait là une injustice grave envers les aubains que de les empêcher, durant trois annés, de faire partie des unions ouvrières.

10. Attendu de plus qu'il ne saurait être permis à des législateurs d'imposer à des ouvriers étrangers l'obligation de devenir sujets britanniques pour jouir de la plénitude des droits du travail.

11. Attendu que l'honorable sénateur Belcourt n'a pas songé, dans son projet de loi, à refuser aux étrangers le droit de devenir actionnaires ou directeurs de banque, de compagnie de chemin de fer ou autres compagnies financières.

12. Attendu que les ouvriers ont autant de droit à s'unir leurs frères étrangers, que les capitalistes en ont à s'unir leurs frères étrangers financiers.

13. Attendu, de plus, que ledit projet de loi décrète l'abolition de la plupart des grèves par son deuxième amendement, bien que les grèves soient un moyen de défense chez l'ouvrier, tout comme l'argent est un moyen de lutte chez le financier.

14. Attendu que l'honorable sénateur Belcourt n'a pas offert de compensation aux ouvriers, en les privant de leurs droits, bien que toute institution financière que l'on dépouille de ses biens soit invariablement indemnisée pour les pertes subies.

Que nous protestons avec la plus grande énergie contre le projet de loi du Sénat CCC. comme causant une injustice irrémédiable et étant de nature à révolutionner la classe ouvrière et à mettre en défaveur les législateurs du parlement canadien, dont les mesures passées leur ont souvent été sympathiques.

GUS. FRANCQ,
Secrétaire.

Many of the hon. gentlemen do not understand this protestation, as it is in French.

Hon. Mr. CASGRAIN—Read it in English.

Hon. Mr. CLORAN—The hon. gentleman understands French. The hon. member from Ottawa interrupted me, and said if those people came under the Criminal Code they would not be subject to fine and imprisonment. Does the hon. gentleman mean to say that a man can be called a criminal in this country without being subject to fine and imprisonment?

Hon. Mr. BELCOURT—I did not say that or anything like it.

Hon. Mr. CLORAN—I said on the floor of the House that those people were not criminals because they happened not to be British subjects, and the hon. member contradicted me.

Hon. Mr. BELCOURT—The hon. member does not recollect what he said. I distinctly heard him say that the fact of one or two of these members not being British subjects would make the union a criminal institution.

Hon. Mr. CHOQUETTE—What is the object of the protest?

Hon. Mr. CLORAN—I have read the document to the hon. gentleman in French, and if he does not understand its meaning I am not going to explain it. The workingmen state that by the introduction of one or two members, or half a dozen who are not British subjects, into a union, the union becomes a criminal institution, and that is the view taken of it by all these bodies. The Bill is objected to from several points of view—from the point of view of the workingmen, and from the point of view of the general benefit of the country. The government are bringing into Canada anywhere from a hundred thousand to one hundred and fifty thousand immigrants from all countries, especially from the United States. These people cannot become British subjects short of three years after their arrival in the country. They have no social clubs nor big institutions where they can be entertained. At present they join workingmen's unions, where they can get an afternoon's and evening's rest, and a little intellectual amusement, while at the same time safeguarding their own material and financial interests. Under this Bill, they would be prevented from doing so, or if they joined a union before they were naturalized, the members of that union at once become criminal under this amendment to the Criminal Code. Is that a fair proposition to put before parliament?

Hon. Mr. MACDONALD (British Columbia)—Not if they are domiciled in the country.

Hon. Mr. CLORAN—Has the hon. gentleman read the Bill? To be a British subject means more than domicile. A foreigner cannot become a British subject short of three years after he becomes domiciled in

the country. We have multitudes of people coming from all quarters of the world, from large manufacturing centres as well as from agricultural sections, and when they enter the country they find they have no social standing, no place to go. The passage of this Bill would therefore be a block on our immigration, a block to the progress of the country, and would interfere with the security of the people. As these documents point out, if we are so anxious that all members of labour unions shall be British subjects, why are we not as anxious that all shareholders, presidents and directors of companies shall be British subjects? What is good for one ought to be good for another. Did you ever hear of any labour man asking that a law be passed requiring that a shareholder, president or director in a railway, a bank, an insurance company, or a manufacturing institution, shall be a British subject? No, they are too broad-minded for that sort of thing. They do not ask for such laws. Yet we are asked here to say that a labour union becomes a criminal organization as soon as a foreigner becomes a member. We can not stand for that kind of legislation. The Senate is low enough in the estimation of the country to-day without bringing us down to that level, and destroying the homes of our people, and preventing other homes from being established. If the workingmen of other countries were to learn that they would not be tolerated in any of our labour unions if they came here, how many immigrants would we get? There are many other points which I could touch upon, but I have quite enough to show the injudiciousness of this Bill as far as the country is concerned, and the partial nature of this legislation. To my mind, we should not hesitate for a moment in putting legislation of this kind under the block.

Hon. Mr. CASGRAIN—I did not think the hon. gentleman would finish his speech in so short a time, and I am not prepared to proceed with the discussion now. I therefore move that the debate be adjourned to this day next week.

Hon. Mr. CHOQUETTE—I should like to know if the promoter of the Bill intends to press it this session? If he intends to proceed with it, I shall have something to say, because I think it is a bad Bill. If he intends to withdraw the Bill, it is unnecessary to discuss it further.

Hon. Mr. BELCOURT—I distinctly stated the other day that I have no intention to press the Bill, that I had introduced it for the purpose of eliciting a discussion of the subject in the House, and by the trades unions. I said there were many sides to the question, and that I introduced the measure for the purpose of eliciting an expression of opinion from parliament, and from the unions, and with no object of pressing the Bill at this stage of the session. I distinctly stated before I sat down that I wanted to drop the Bill, and I would have dropped it then and there, only some hon. gentlemen wanted to speak.

Hon. Mr. CHOQUETTE—It should be dropped now. When I was in Quebec the other day, leading members of trades unions came to me for the purpose of convincing me that the Bill was bad. I was already convinced that it was bad, and if it is not to be proceeded with, the hon. gentleman should withdraw it now.

Hon. Mr. DANDURAND—The motion which has been made is tantamount to dropping it.

Hon. Mr. LOUGHEED—May I ask the hon. gentleman from De Lanaudiére if he has any intention to make any observations on the Bill?

Hon. Mr. CASGRAIN—I will answer the hon. gentleman's question this day week, after I have had time to study it.

Hon. Mr. LOUGHEED—I was about to say in answer to the motion for adjournment, that it means, of course, the debate cannot take place, as we expect parliament to close a week from tomorrow at the latest. I have risen to ask the question, because a document has been placed in my hand by an officer representing one of the various brotherhoods of railway men, with a request that I shall read it to the House. If the debate is to be adjourned for a week, it will be impossible to do so. If my hon. friend is dis-

posed to continue the debate, I shall be glad to read it now.

Hon. GENTLEMEN—Drop!

Hon. Mr. LOUGHEED—If the Bill is to be dropped, I would ask my hon. friend to withdraw his motion to adjourn the debate, in order that I may read this letter.

Hon. Mr. POWER—Read it as a reason why we should not adjourn the debate.

Hon. Mr. LOUGHEED—This letter is addressed to me, why I do not know, unless it be that some years ago I was one of the first to introduce in this Chamber a Bill which was regarded by some as of an unfriendly character to labour unions. It was for the purpose of repressing the coming into Canada of foreign labour agitators. That Bill received considerable attention at the hands of this House. Evidence was taken before the special committee appointed by the Senate as to the relations of foreign unions to Canadian labour, Canadian capital and Canadian industry. As the result of the evidence which was taken on that occasion, and the discussion on the Bill in this Chamber, it passed the Senate, but did not pass in the House of Commons. The letter which I have received reads as follows:

Ottawa, Ontario, April 22, 1910.
Grand Union Hotel.

Senator Lougheed,
Senate Chamber,
Ottawa.

Dear Sir,—Referring to Senate Bill (CCC), and the remarks made by Senator Belcourt on the second reading of the same.

As legislative representative of the Order of Railway Conductors, which is an international association, and notwithstanding the fact that the senator has asked to withdraw the Bill, I believe it would be unfair to Mr. Belcourt, and to the members of the Senate, if I allowed some of the statements made by him to go unchallenged.

In his remark he has displayed a serious lack of knowledge of the laws governing International Trade Unions. In his speech he endeavours to impress the Senate with the idea that international organizations are under the government and control of foreigners, who may at any time create a condition which would operate to the disadvantage of trade and commerce in Canada.

No. 1. His remarks:

Canadian trade and commerce, either in a small or large way, are more or less seriously injured, hampered and injured by a large and powerful trade union organized in a foreign country, and governed in a foreign country.

My answer:

That the organization may be organized in a foreign country, its executive officers may be foreigners, but the control and government of that organization is under a constitution made and agreed to by the representatives of the rank and file, with Canadian representation in the making of those laws, and that no officer has any authority to break any of these laws. They are made for his government as much as for the government of the members, and I am satisfied that if the senator had taken the trouble to have looked over these constitutions, which are not secret, he would not have made the mistakes he has before the Senate in respect to the power of the officers of these organizations; and, I desire as the legislative representative of the Order of Railway Conductors in Canada, to correct Mr. Belcourt's statement which is a reflection on our intelligence and loyalty, when he would even infer that any one from a foreign country could come into Canada and dictate a condition, which would have a tendency to embarrass Canadian trade and commerce, with the intent of benefiting a foreign institution.

No. 2:

The object of the Bill is to compel all trade unions operating in Canada, to be at least governed and controlled by British subjects.

My reply is:

If he will refer to the constitutions above referred to he will find that they are governed and controlled by the Canadian members, at the present time, in so far as any strikes or drastic measures are concerned. He will find that no strike can be declared until such time as a vote has been taken and that two-thirds of the members vote in favour of it; and in respect to this point there could be innumerbale instances given where, after a practically unanimous vote in favour of a strike, that those officers complained of have after considering the question vetoed and prevented a strike. In many cases arranging and bringing about a compromised settlement of the differences between the parties.

No. 3:

I would invite the union men of Canada to consider if Canada for Canadians is not a good enough motto for them?

My experience of thirty years connection with trade union, and my opportunities of social intercourse with people in other walks of life, has demonstrated to me that when the question of loyalty to our country, the protection of its constitution, the defence of its rights, and the support of the empire is necessary, that the workingmen of Canada are not found wanting; and I am of the opinion that the senator might have omitted this unless he went farther and connected a great many other institutions in the same category, such as the nickel industry of Canada, owned and controlled by foreigners; the Grand Trunk Railway Company, whose chief officers are not British subjects; International Harvester Company, McCormick Harvester Company, many of the lumber companies in

Canada, numerous other concerns that might be mentioned. I do not make any reference to these concerns with the intention of criticising them, because we invite them and welcome them to Canada, but why this difference between international capital and labour.

It might be argued that there were vested interest in these institutions that had to be considered. We have some vested interest too, for instance: independent of having the united support of an international organization, of some forty-five thousand members, the Order of Railway Conductors has an insurance department in connection with their organization, in which its members are protected at a rate of sixteen dollars per thousand per annum, which is better than they can get in any other institution.

They have paid in premiums up to February last, $11,548,567.

Their reserve fund amounts to $692,669.43.

Cash in the mortuary fund, $639,652.15.

There is also a relief fund from which a considerable number of Canadians are receiving benefits to the extent of $30 per month.

There is a protective fund of $200,000.

With other cash and securities amounting to several hundred thousand dollars more, all of which the Canadian members are equally interested with their fellows.

It might be said that there was a great deal of money leaving Canada which could be used in business channels outside of our country. I take pleasure, however, in informing you that there is a very large amount invested in bonds, and on deposit, in Canada.

Surely in the face of this statement we have a vested interest which should not be lightly dealt with, and it is hoped the Senate will not be responsible for declaring an organization of such standing an illegal one, and thereby destroying the investment the Canadians have in the institution, all of which is respectfully submitted.

Yours very truly,

J. HARVEY HALL,
Legt. Rept. O.R.C.

I have no intention of supplementing this letter by any remarks of mine, except to say that I have been very strongly convinced as to the wisdom of the observations made by the hon. member from Halifax, that the question is sufficiently large to demand the best attention of the government and not a private member assuming the responsibility of amending the criminal law with reference to these unions. The result of the consideration which I gave to the measure that I brought before the Senate some years ago, was this, that the more responsible international organizations, such for instance as the Brotherhood of Locomotive Engineers, the Order of Railway Conductors, the Brotherhood of Railway Firemen, and Enginemen, the Brotherhood of Telegraphers, the International Typographical Union, the International Moulders Union, and other responsible international organizations of that character were as unions a public benefit rather than a menace to capital. I convinced myself at the time of that investigation that when capital was menaced, it had more to gain by appealing to the responsible organizations of an international character than if the strike in question had been instituted simply by a local, limited and largely irresponsible organization; that the vested interest, so to speak, of those large organizations of an international order was such, entrenched as they are on both sides of the line, that they could not afford to deliberately do an injustice in any conflict between capital and labour. Their conciliatory attitude could be more easily enlisted on the part of capital in settling difficulties and friction between capital and labour than could be effected through local national unions, which are of a less responsible nature on account of their interests not being of the vested character, and of the important consequence attachable to the international unions. I say this simply as the result of the attention which I gave to the question at that time, and of my observations since, and of the experience I may have had in interesting myself in those questions from that day down to the present. I have never since been entirely in accord with indiscriminate legislation upon this very important question. It is too large and serious to form the subject of purely private measures that may be introduced from time to time to be thrown into the arena of public discussion. The question is a most important one to us as a parliament, and there is no question more important that should demand the attention of the government of the day than the placing upon our statute-book of salutory legislation looking to conciliation whenever those difficulties occur between labour and capital. It is desirable, as far as possible, that the very best relations should obtain between labour and capital in this country and the international unions of a responsible character, such as those I have pointed out. I am fully aware that there are unions calling

themselves international, exercising authority on both sides of the line, which have been factors of mischief and agitation in many of the strikes which have taken place in Canada, but I can recall many critical occasions when the good offices of the superior officers of these international unions have been called in and enlisted by the representatives of capital in the settlement of strikes and the difficulties incident thereto to the mutual benefit and advantage of the capital invested, and of the labour interests involved. It is for that reason that we should, as far as possible, hold the balances carefully and consider as far as we can the desirability of adopting only legislation which would not be antagonistic to one or the other, but rather looking to the cementing of the relations of the two, and thus protecting the mutual interests of all concerned.

The motion was agreed to, and the debate was adjourned.

NAVAL SERVICE OF CANADA BILL.

SECOND READING

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 95) An Act respecting the Naval Service of Canada. He said: I need hardly dilate on the importance of the measure which I am about to lay before you. That matter has been very extensively discussed indeed, both in the press and in another Chamber, and I would be merely going over a thrice or perhaps a thirty-told tale, if I were to enumerate or discuss the various arguments which have been brought forward for and against this policy; more especially as I find the opponents are agreed on only one thing, and that is in condemning the action of the government, whatever it may be. Some gentlemen declare that we should have no naval policy. Others that we do not go far enough; but they are all agreed that whoever else is right, the government is wrong. Hon. gentlemen are aware that a very considerable sum has been set apart in our estimates for the purpose mainly of procuring certain war vessels, and for making preliminary arrangements tending towards the construction of a navy which may be built here or elsewhere as circumstances may determine. They are also aware that it is proposed to create a new departure, or I should say, to be more exact, to give the Minister of Marine and Fisheries a new branch. He will be Minister of Naval Affairs, and also Minister of Fisheries in future. The main purpose of the measure which I am about to submit to the House is to define and arrange for the administration of some such a department. I need not trouble the House with the various preliminary details which are found in the Act of Interpretation; but I may say that the measure itself will naturally be divided into three special portions, one as I have said which will have reference to the administration, so called, of the new service that is about to be created, which will consist in the first instance of a civil branch similar to that which we now have in several other departments, and of several naval officers who will be brought in for the purpose of instructing our own militia and our own naval cadets from time to time. In a very great degree, the Bill consists of an application of the principles of the Militia Act to the naval volunteers who are about to be brought into existence. Mutatis mutandis, allowing for the difference between army and navy, the provisions will be found to be very nearly identical with those with which the House and country are familiar in respect of the militia of the country. The third, which is to some extent embodying the provision we have already made in the creation of our Royal Military College for the instruction of cadets, has reference to the formation of a naval college in which our cadets may be trained from time to time, and it is presumed and hoped that within a moderate space of time we shall have a body of young officers who will be fully competent to take charge of the navy that we propose to provide for. The miscellaneous provisions, I may say, have reference more particularly to such matters as providing suitable pensions for the officers, and for the widows and children of the officers, somewhat similar to those which are already in force in respect of the military branch, and to the infliction of certain penalties in the case of persons who may disregard the pro-

visions of this Act, and the execution of the various warrants and sentences which may be inflicted by court martial and otherwise, against parties who, having engaged in the service lay themselves open to the penal provisions that are laid down here. I do not intend to dwell at length on this matter, although, of course, there may be no objection to any hon. gentleman who desires to discuss the policy of this measure delivering himself in any way he sees fit. The further remarks I may have to make I think will be better made when we are discussing the details in committee.

Hon. Mr. LOUGHEED—I beg to move the adjournment of the debate until to-morrow, and I suggest that it be the first order. The hon. gentleman from Hastings, who is not at present in his place, desires to speak on the measure.

Rt. Hon. Sir RICHARD CARTWRIGHT—I am quite agreeable.

The motion was agreed to, and the debate was adjourned.

POST OFFICE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 197) An Act to amend the Post Office Act.

(In the Committee).

Rt. Hon. Sir RICHARD CARTWRIGHT—I promised some detailed information as to the meaning of this Bill. The object is simply to repeal the present scale of salaries which are assigned to these officers, and to substitute a somewhat larger scale. The additional scale will be found in the Civil Service Act Amendment Bill, which is now ordered for Committee of the Whole. The present salaries are as follows: The inspector on appointment receives $2,000, with an annual increment of $50, for the first six years, and $100 per annum afterwards up to a maximum of $2,800. Under the proposed scale, the salary on appointment is $2,500, with an annual increase of $100, up to a maximum of $3,500. In the case of the assistant post office inspector, the present scale is $1,200 on appointment, with an increase of $50 a year for six years, and $100 a year afterwards up to $1,800. Under the proposed scale, the salary on appointment will be $1,800, with an increase of $100 yearly up to a maximum of $2,500. In the case of the superintendent of the railway mail service, under the present scale the salary of the superintendent of the railway mail service is $1,500, with an annual increase of $100 up to a maximum of $1,800. Under the proposed scale, the salary will be $1,800, with an annual increase of $100, up to a maximum of $2,500. These are the principle items of increase that will take place, and this is merely a measure to enable us to deal more effectively with the Civil Service Act Amendment Bill, which is presently coming down.

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

FIRST AND SECOND READINGS.

Bill (NNN) An Act for the relief of James Alexander Hurst Forster.—Hon. Mr. De Veber.

The Senate adjourned until three o'clock to-morrow.

THE SENATE.

WEDNESDAY, April 27, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (NNN) An Act to provide for the cases of certain persons ceasing to be employed in the public service of Canada.—Hon. Mr. Power.

MONTREAL CENTRAL TERMINAL RAILWAY BILL.

PROTEST FROM THE CITY OF MONTREAL.

The SPEAKER—I have received from the clerk of the city of Montreal, the following communication:

City Hall,
Montreal, 25th April, 1910.

Hon. Mr. Kerr,
President of the Senate,
Ottawa.

Sir,—I have the honour to transmit to you herewith copy of a resolution adopted, on the

25th instant, by the city council of Montreal in connection with certain demand made by the Montreal Terminal Railway Company.

I have the honour to be, Sir,

Your most obedient servant,

(Sgd.) L. O. DAVID,
City Clerk.

Extract of the minutes of the city council of Montreal, special meeting held on Monday, 25th April, 1910.

Submitted and read following report of the Board of Commissioners, anent the petition of the Montreal Terminal Railway Company, to withdraw their Bill.

The Board of Commissioners respectfully report:—

That they have taken into consideration the hereunto annexed letter of the city clerk stating that the Montreal Terminal Railway Company intend to withdraw their Bill and to remain under their previous charter, which entitles said company to come in the city by the way of a bridge or tunnel without previous assent of the city council, but the location or the indication of the route or the places that the company has to run by.

After mature deliberation, your board recommed that the government and the parliament be requested to oppose the Montreal Terminal Railway Company withdrawing their Bill as amended, whereas, under terms of the existing laws, they would claim the right to come into the city, and to use therein right and franchises without the consent of the city, when no other company of same nature, incorporated in Quebec or in Ottawa, can use similar privileges without having been previously authorized by some by-law from the city council;

That the withdrawal of said Bill, under such circumstances, would be most injurious to the interest of the city of Montreal and of the citizens.

The whole nevertheless respectfully submitted.

(Sgd.) E. P. LACHAPELLE,
F. L. WANKLYN,
L. N. DUPUIS,
JOSEPH AINEY,
Board of Commissioners.

City Hall, Montreal, April 12-25, 1910.

On motion of Alderman L. A. Lapointe, seconded by Alderman Robinson, it was

Resolved, that said report be received and adopted.

(Certified.)
(Sgd.) L. O. DAVID,
City Clerk.

CHAMBERS OF COMMERCE OF QUEBEC BILL.

FRENCH TRANSLATION.

Hon. Mr. CLORAN—Bill (SS) An Act to incorporate the Federation of the Chambers of Commerce of the province of Quebec has been passed by this Chamber, but it has not yet been printed in French, and the promoter of the Bill in the House of Commons would like to present it today, because he has to leave and will not be able to attend to it, and under these circumstances the Bill would fall. He asks that an order be given by the Senate to have the Bill sent down to the Commons, although not printed in French. The House of Commons cannot accept it until it is printed in French.

Hon. Mr. DANDURAND—The clerk can send down a French copy.

Hon. Mr. LANDRY—We have nothing to do with that.

Hon. Mr. DANDURAND—It has passed the third reading in this House, so that it is for the clerk to send it over to the Commons.

Hon. Mr. LANDRY—We do not require any special order for it.

Hon. Mr. CHOQUETTE—It is for the House of Commons to dispense with the French translation.

MONTREAL CENTRAL TERMINAL COMPANY BILL.

MOTION.

Hon. Mr. DAVID moved:

That this House do not concur in the decision of his hon. the Speaker given on the 21st instant on the point of order raised by the Hon. Mr. Landry, That the member of Ottawa, having by his motion in amendment, notified this House of his decision to withdraw his Bill (44) intituled: 'An Act respecting the Montreal Central Terminal Company,' no other motion either to recommit said Bill or to adopt the amendments proposed to be made to it by a Standing Committee can be made.

He said: This motion was taken out of an old copy of the orders of the day, and I wish to make an amendment to it.

Hon. Mr. POWER—I think it is all right as it is; but I desire to say that the uniform practice in both Houses has been when a member of the House is not satisfied with the decision of the Speaker he forthwith appeals before any other business has been transacted. Consequently I hold that in its present form the hon. gentleman's motion is out of order. Not having appealed immediately.

as our practice provides, if the hon. gentleman wishes to attack the ruling of the Speaker he has to move to reconsider the action taken. He cannot make a direct motion like this to reverse the decision of the Speaker. His first motion must be to reconsider the action taken by the House. The action of the Speaker is supposed to be the action of the House; that is, when the decision of the Speaker is not appealed from, it is accepted by the House.

Hon. Mr. DAVID—There is nothing in our rules which would call for any such reconsideration any more than the motion which I make. I wish to add a few words in support of my motion for the purpose of showing that it is not too late to make this motion.

Hon. Mr. POWER—I hope His Honour the Speaker will take a note of my objection.

Hon. Mr. DAVID—I want to discuss the whole question and the question of order at the same time.

Hon. Mr. LANDRY—The hon. gentleman has no right to discuss the whole question on a point of order.

Hon. Mr. DAVID—It is not merely a question of appeal from the decision of the Speaker, it is rather a question of privilege. The question is not only one to reverse the decision of the Speaker, but to correct our proceedings. It is to show that we have on record a procedure which should not be there, and that the correction should be made by the House, if it thinks proper to do so.

Hon. Mr. ELLIS—It seems to me the universal practice is that when an objection is taken to the ruling of a presiding officer, an appeal should be taken at once.

Hon. Mr. BOSTOCK—The hon. gentleman's motion is not in compliance with the practice of the British parliament. In Blackhall's Proceedings, House of Commons, 1894-5, page 132, it is laid down that the proper course in a case of this kind is to give notice to put the matter in proper form before the House, so that all may be in a position to pass upon it. On another occasion, a ruling was given when the conduct of the Speaker in the Chair was challenged, and it was held that the ordinary and proper course is to proceed by notice. There is on record in Blackmore, page 293, a ruling in connection with an appeal by Parnell, who challenged the Speaker's ruling, and all these cases seem to show that when an hon. member challenges the Speaker's action, he must do so by giving notice, if the question is one of privilege. On the occasion when Parnell objected to the ruling of the Speaker, at the next meeting of the House he challenged the decision of the Speaker as a breach of the privileges of the House. The Speaker ruled that the matter was one of order and not one of privilege, and could be brought forward in a regular way by notice of motion, and not as a matter of privilege. No one objected to his taking the matter up at the next sitting of the House, and that, as I understand, is the objection raised by the hon. member from Halifax.

Hon. Mr. DAVID—I have here Appeals, Decisions, 1884-6, page 90, in which I find that any question affecting the conduct of the Chair, or any ruling given by the Speaker, should come before the House in such a way that the whole House should be able to decide upon it. The proper way is to give notice, so that the whole House would be in a position to pass an opinion upon it.

Hon. Mr. BEIQUE—I have no particular case to cite; but the authorities show in a general way that any ruling given by the Speaker may be appealed from. In Appeals, Decisions, 1887-9, page 147, I find that it is held that an hon. member is within his right in questioning the decision of the Speaker on a formal action; but he should do so on a motion that would give to any other hon. member who might wish to move an amendment, an opportunity to do so. The former reference is, I think, more specific than this one. In principle the House is supreme and its privileges cannot be impeached, except by a rule adopted by the House. It becomes a matter of precedent. In this case what have we? We

have a vote of the House denying to an hon. member as promoter of a Bill leave to withdraw his Bill. A vote was taken upon that motion, and it was negatived. Therefore, the House refused to allow the withdrawal of the Bill. Then a motion was made, according to the order of the day, for the consideration of the amendment which had been made by the Standing Committee on Railways, Telegraphs and Harbours, and it was on that motion that the point of order was raised, and the hon. member occupying the Chair at the time maintained the point, and, therefore, absolutely negatived a vote of the House. Now, the question arises as to what should prevail? Whether it is the decision of the hon. gentleman who occupied the Chair, or the vote of the House? That is the simple question, and this point should have been exhausted without any notice of motion, immediately during the same sitting, after the Speaker had given his decision; but because it was not made at the same sitting, then it entailed the necessity of giving a notice of motion to allow senators to consider the point. Suppose the motion is actually made by an hon. gentleman who was in the House, or suppose that the hon. member had not been in the House at the time, he would not be deprived from making the same motion, but he would have, as has been done in the present case, to give notice of motion. Two days' notice has been given, and hon. members have been called upon to consider the question as to whether a decision which is in direct conflict with the vote of the House should stand in the Minutes of the House or not.

Hon. Mr. CHOQUETTE—This point is very important, and I think we should take a little care in deciding it, in order to make of it a precedent. As in cases before the courts, we can cite precedents for and against it. It all depends on the facts and circumstances. I have heard the precedents cited in the British House of Commons, perhaps in the House of Lords; but without looking at the reports, I am not quite sure if they would apply. Moreover, they have a special code of rules there that we have not here; but we have rules, orders and forms of proceeding of our own in the Senate of Canada. This is the code on which we are proceeding and when I look at rule 16, I find:

The Speaker preserves order and decorum and decides questions of order, subject to an appeal to the Senate. In explaining a point of order or practice he states the rule or authority applicable to the case.

So the point of order decided by the Speaker is subject to appeal. It seems to me an appeal should be taken at once. Without discussing the question at length, I will refer to Bourinot, third edition, page 486, referring to decisions of the Speaker: it is as follows:

A member called to order shall sit down, but may afterwards explain. The House, if appealed to, shall decide on the question, but without debate. If there is no appeal, the decision of the Chair shall be final.

The rule says the decision is final where there is no appeal. If appeal is taken at once, we can entertain it. I submit the point. In this case, there was a decision given and an appeal should have been entered at once to reverse the decision; but there was no appeal. It seems to me after the decision was given, that the House could not proceed with the Bill as it was, and as there was then no appeal, it cannot be done now, and the point of order as taken would therefore be well taken.

Hon. Mr. YOUNG. Did the authority the hon. gentleman quoted state that the appeal must be taken immediately?

Hon. Mr. CHOQUETTE—If a member is going to speak outside the question he is called to order. If he is called, he has to sit down, but may explain. The House, if appealed to, shall decide on the question, but without debate. If there is no appeal, the decision of the Chair shall be final. Surely that would indicate that there must be an appeal at once, because if it is not final, a week later, on a motion to reverse the decision, we would have a right to do the same thing, and we would not know in the meantime what might be done. It seems to me, therefore, if there is no appeal entered, the decision of the Speaker is final, and you cannot take it up at a future time.

Hon. Mr. YOUNG—Supposing an hon. member is called to order, having transgressed the rules in debate, it would not be convenient to delay the debate until a notice was given. The case cited by my hon. friend does not seem to me to be analogous at all.

Hon. Mr. CHOQUETTE—The Speaker decides a point, and if there is no appeal it is final.

Hon. Mr. YOUNG—But there is an appeal.

Hon. Mr. CHOQUETTE—But you cannot take a week or a month to appeal. You can make a motion to reconsider, not the Speaker's decision but to reconsider the proceedings of the House.

Hon. Mr. DAVID—This is not necessarily a motion to appeal. The effect of the adoption of the motion will be to appeal from the Speaker's decision, to reverse, perhaps, the decision of the Speaker at the time; but there are two judgments in the record of the House. There is a judgment deciding that the promoter had not a right to withdraw the Bill. This was carried by a majority of nine, and is a decision of the House. There is another decision in our Journals, the decision of the hon. member from Halifax, acting as Speaker. It was more like an opinion than a judgment; but assume that it is a judgment, then we are face to face with two judgments. Shall not the House decide which is the judgment that must prevail? This may be done by the motion which I have just moved; that is a motion on which the House is asked to decide which judgment shall prevail.

Hon. Mr. LANDRY—I will immediately answer the objection of my hon. friend by quoting a decision from Dennison & Brand, page 184:

Division overriding standing orders.
A division of the House cannot over-ride a standing order.

Hon. Mr. YOUNG—What kind of standing order?

Hon. Mr. LANDRY—It is answering the statement that the House is supreme and can do what they like. They can do what they like, but are bound by the rules, and there is another rule which decides that if an appeal is not taken immediately, you have no right to appeal afterwards:

Division overriding standing orders.
A division of the House cannot over-ride a standing order.
Affirmation Bill: Second reading.
Order for second reading read. Debate.

And then Mr. Crawford, a member, moved the adjournment of the debate.

It being within a minute of a quarter to six, at which hour all debates or opposed matters must cease on Wednesday, the House divided. Yeas, 50; nays, 183.
Mr. SPEAKER said: That the House on a division just taken had expressed an opinion that the debate should not be adjourned, but there was a standing order more imperative, which directed that at that hour any business under discussion should stand adjourned, whereupon it being a quarter of an hour before six o'clock, Mr. Speaker adjourned the debate till to-morrow, against the decision which had just been given by the House of Commons.

Hon. Mr. YOUNG—What application has that to the present case?

Hon. Mr. LANDRY—It will come in its turn. I will answer another objection raised by my hon. friend from Kamloops (Hon. Mr. Bostock), as to the conduct of the Speaker, and as to the decision he quoted, saying that if we want to challenge the conduct of the Speaker it must be by a substantive motion. If my hon. friend will look at May, pages 277 and 278, he will find the following:

Certain matters cannot be debated, save upon a substantive motion, which can be dealt with by amendment, or by a distinct vote of the House, such as the conduct of the Sovereign, the Heir to the Throne, the Viceroy and Governor General of India, Lord Lieut. of Ireland, the Speaker, the Chairman of Ways and Means, &c.

The SPEAKER—Does this motion call in question the action or the conduct of the Speaker?

Hon. Mr. BOSTOCK. No.

Hon. Mr. YOUNG. No. There was no question in regard to that.

Hon. Mr. LANDRY—Why did the hon. gentleman try to apply those remarks to this case?

Hon. Mr. BOSTOCK—I want to put the hon. gentleman right.

Hon. Mr. LANDRY—I want to put the hon. member from Kamloops right. The hon. gentleman in discussing a point of order should not say: 'I want to put you right'. If you refer to page 252, you will find that the same doctrine is laid down; if you want to discuss the conduct of the Speaker, you must do so on a substantive motion. It must be a charge made against the Speaker. Now, I take a decision of the Speaker given lately, ruling that a point of order was well taken. You will find it at page 569, as follows:

If the opinion is acquiesced in it stands as a judgment of the assembly, and is to be enforced or executed accordingly; but any member who obtains the floor for that purpose may appeal from it, and if the appeal is seconded, as it must generally be, and allowed it then entirely abrogates the decision of the presiding officer, and refers the point of order to the decision of the assembly itself, whose decision thereof furnishes the rule to be pursued thereafter.

Hon. Mr. YOUNG—What is the hon. gentleman quoting from?

Hon. Mr. LANDRY—Cushing. On page 579, I find the following:

1465. The opinion of the presiding officer on the point of order is considered as acquiesced in, and an appeal therefrom not seasonably taken, when any parliamentary proceeding is allowed to be taken thereafter; as for example where the mover of an amendment which was adjudged to be out of order not knowing of the decision, suffered another member to obtain the floor and to address the assembly, for some moments, before he claimed his appeal; and so, where the clerk has commenced calling the roll, and five members have answered to their names, it was held to be too late to question the decision of the presiding officer on a point of order.

And at page 677 he says:—

When the Speaker's decision is thus pronounced, it is deemed to be acquiesced in, and to make an end of the question, as a matter of course, unless something is done to overrule it.

If the opinion of the Speaker is acquiesced in, then it becomes an order of the House, to be enforced in the same manner as the other orders.

Hon. Mr. YOUNG—They are amending their rules at Washington now.

Hon. Mr. LANDRY—We are trying to amend ours now. I claim that the question of order having been raised, and the Speaker having decided, when his decision was not appealed from at the time, it cannot be changed. Three or four days have passed since that ruling, and we are asked now to annul it. I say that it is entirely out of order.

Hon. Mr. CLORAN—Better late than never. I would ask the House to deal with this question from a sensible point of view. The city of Montreal is here through its representative asking for a certain thing.

Hon. Mr. LANDRY—The hon. gentleman is not discussing the point of order.

Hon. Mr. CLORAN—I want to show that the point of order is not well taken. The House is asked to decide one question. A Bill is before us which has been lockjawed on the way. It is a question now whether that lockjaw is sufficient to kill it for good. The city of Montreal, which has a great interest in this Bill, asks the Senate not to jeopardize its rights and interests.

Hon. Mr. POWER—The hon. gentleman is travelling away from the point of order altogether.

Hon. Mr. CLORAN—I object to the hon. member's interruption. I have the floor.

Hon. Mr. POWER—I must ask his honour the Speaker to keep order. The hon. gentleman from Montreal seems to find it impossible to get on his feet without breaking some rule.

The SPEAKER—I would request the hon. gentleman to address himself to the point of order.

Hon. Mr. CLORAN—I hope his honour the Speaker refers to the hon. member from Halifax, who is always infringing the rule.

Hon. Mr. POWER—Order.

Hon. Mr. CLORAN—The point of order is raised that this Bill must be sent to limbo.

Hon. Mr. DANDURAND—The point of order is, can an appeal from the ruling of his honour the Speaker be taken after a certain procedure or a certain time has intervened. The point is that an appeal must be taken immediately. The hon. gentleman from Mille Iles (Hon. Mr. David) says it can be taken at any time, by giving notice.

Hon. Mr. CLORAN—I am in favour of that contention. I say the hon. member from Stadacona and others who are opposed to that Bill have no right, in view of the great interests at stake, to put up an adverse argument against the request of the hon. gentleman from Mille Iles. I am in favour of reviving this Bill. I have no objection to the point of order being settled one way or the other. What I contend for here, as a representative of the city of Montreal, is that the vital interests of that city should not be jeopardized even by the wise decision of the hon. gentleman who happened to be in the Chair when the decision was rendered.

Hon. Mr. BELCOURT—The point of order is, as I understand it, that the motion of my hon. friend from Mille Iles is practically an appeal from the decision given by the Chair the other day. The point of order raised by the hon. member from Halifax is that it is not open for my hon. friend to do that; though he may possibly obtain what he wants by a motion for a reconsideration of the order of the day upon which the point of order was raised, and upon which the decision was given. The point of order raised by the hon. member from Halifax is well taken, because to my mind the appeal which is now contemplated should have been taken immediately upon the decision rendered the other day, and if my hon. friend from Mille Iles is permitted to-day, under the notice he has given, to submit to the House, the conduct of the Speaker, he will be creating a precedent which will be very dangerous in conducting the proceedings of the Senate. It has been stated that this is not in the nature of a motion for revising the conduct of the Speaker. It is, and it can be nothing else, because if my hon. friend's motion is affirmed it will be merely for the purpose of having this House declare that the Speaker was wrong. He gains nothing by that except to censure the Speaker. As a matter of parliamentary usage and practice, it is not desirable that the conduct of the Speaker, which, at the time, the House accepted, should be subsequently censured. Under rule 16, the decision given by the Speaker on that occasion was absolutely settled. The rule requires an appeal at the moment, and if the decision is allowed to go without challenge at the time, it is accepted as final. Let us see where we will be lead to if the motion of my hon. friend were put to the House. It would simply mean that every decision by the Speaker, upon any subject put before the House, would be subject next day or next week, or the next month after——

Hon. Mr. CLORAN—Oh, no.

Hon. Mr. BELCOURT—My hon. friend says: Oh, no. My hon. friend discussed the subject without touching the question, and now he say: 'Oh, no'.

Hon. Mr. DAVID—We are in the face of two judgments. Does the hon. member consider that the decision of his hon. the Speaker at the time, is essentially final?

Hon. Mr. BELCOURT—No. My hon. friend misapprehends the situation entirely. I do not say that my hon. friend cannot have this question again submitted to the House, and that he cannot get a decision of this House on the question he wants to have settled; but I say he has gone the wrong way about it. I say he has no right to-day to give notice of appeal from a decision of the Speaker, which he and other members of the House accepted last week as final. If he had that right it would be impossible to conduct the business of the House. If the decisions of the Chair are to be subject to repeal at any time after they are rendered, it would disorganize the business of the House. I would suggest to my hon. friend to abandon this motion, and give notice of a different motion. The question before the Chair on the 24th was that the amendments to the Bill be concurred in. In amendment to that, the Hon. Mr. Edwards moved that the Bill be withdrawn. Upon that a question of order was raised by the hon. member from Stadacona that it was too late for him to do that, and that his motion was out of order. That point of order was settled, and to my mind finally settled as far as the decision of the

Speaker was concerned. This motion constitutes nothing less than a censure of the Chair, with no result. If my hon. friend did get his motion affirmed, he would have to proceed further, by the motion which I suggest, that it be reconsidered

Hon. Mr. DANDURAND—My hon. friend is not absolutely right as to the procedure followed on that occasion.

Hon. Mr. BELCOURT—I have the Minutes before me.

Hon. Mr. DANDURAND—The motion was made by the hon. member from De Salaberry that the amendments made by the committee to the Bill be concurred in. An amendment was moved by the hon. member from Ottawa (Hon. Mr. Edwards) that he have leave to withdraw the Bill. On that motion in amendment, the House divided.

Hon. Mr. BELCOURT—It is very important that we should agree about the facts. The 'Minutes' do not confirm what my hon. friend says.

Hon. Mr. BEIQUE—They have been corrected.

Hon. Mr. YOUNG—Get the revised edition.

Hon. Mr. BELCOURT—I have been reading from page 824 of the 'Minutes.'

Hon. Mr. DANDURAND—The motion put before the House was for concurrence in amendments. On that, the hon. member from Stadacona raised a point of order that inasmuch as the promoter of the Bill (Hon. Mr. Edwards) had intimated his intention as promoter of the Bill, to withdraw it, the Bill could not go on. The Speaker decided that the point of order was well taken, and that inasmuch as the promoter of the Bill had notified the House of his desire to withdraw it, the Bill could not go on. These are the facts as they took place.

Hon. Mr. BELCOURT—That does not change my argument.

Hon. Mr. DANDURAND—I have some doubt as to the right of the Senate to reverse a decision of the Speaker, unless it is immediately appealed from when rendered, and I do not see the necessity for this motion made by my hon. friend from Mille Iles. I maintain that the decision of his honour the Speaker, being that this Bill could not go on because the promoter had stated his desire to withdraw as promoter, the next motion of the hon. gentleman of which he has given notice is not one which controverts the decision of the Speaker——

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman is anticipating a discussion.

Hon. Mr. DANDURAND—That is true. I have some hesitancy in asserting the right of the Senate to call in question the decision of the Speaker, which is that the Bill could not go on because it lacked a promoter. The next motion, that is that the mover be substituted as the promoter would be in order.

Hon. Mr. LOUGHEED—I rise to a point of order. It is laid down quite clearly in the authorities that there can be no debate on an appeal from the decision of the Speaker. That has been held over and over again in the House of Commons. If there can be no debate upon an appeal from the decision of the Speaker, I raise the point of order that this debate is out of order.

The SPEAKER—We have been in the course of this discussion wandering very much. It is difficult, when there are so many interruptions, to keep to the lines definitely before the House; but it is perhaps, under the circumstances, desirable that there should be a good deal of latitude. I quite sympathise with the views of the hon. gentleman from Calgary. At the same time, I think it is quite clearly laid down that the Speaker is entitled, if he chooses, to get advice from the House on points of order, as well as on anything else. It is with that view that I rather invited than objected to the discussion as far as it has gone.

Hon. Sir MACKENZIE BOWELL—It seems to me that this question is in a nutshell. All the discussion has been in contravention of the rules cited by the hon. member from Calgary. The proposi-

tion before the Senate is that the House does not concur in the decision of the Speaker on a certain question. The hon. member from Halifax does not argue that question. He simply says that this is not the proper way to bring it before the House. That is not the point of order, for this reason; the House is not seized of the question until the hon. gentleman would move for a reconsideration of the whole question. That I understand to be the point of order raised by the hon. member from Halifax, and all this discussion has no more to do with that question than if hon. gentlemen had been discussing the quality of the cheese in the moon.

Hon. Mr. YOUNG—I have to apologize to some hon. gentlemen opposite for asking questions; but I was really seeking information. My hon. friend from Quebec (Hon. Mr. Choquette) opened the line of defence——

Hon. Mr. MACDONALD (British Columbia)—Order. The Speaker has given his decision.

Hon. Mr. YOUNG—You could never convince me that the rule forbids an appeal from the decision of the Speaker. I notice also my hon. friend from Ottawa (Hon. Mr. Belcourt) makes the very same deduction. While it must be admitted that the practice in the past, generally speaking, has been an immediate appeal from the Speaker, it does not debar the right to reconsider any decision of the Speaker by giving the usual notice and affording members an opportunity to carefully consider the question and avoid casting heavy votes.

Hon. Mr. CHOQUETTE—Is it the opinion of the hon. gentleman that the appeal can be taken any day after the decision?

Hon. Mr. YOUNG—That is the rule, according to the authorities.

Hon. Mr. CHOQUETTE—Does the hon. gentleman maintain that the present motion is an appeal from the decision of the Chair?

Hon. Mr. YOUNG—Practically it is.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. CHOQUETTE—Then, according to the authorities, we have no right to speak. No debate can take place on an appeal from the Speaker's decision, so I raise the point of order. I was out of order myself in discussing the question.

Hon. Mr YOUNG—I have a right to give my views.

Hon. Mr. MACDONALD (British Columbia)—Order, order; sit down.

Hon. Mr. YOUNG—There is a difference between discussing a question of order, and discussing the Speaker's ruling. After he has given his ruling, it might be presumption on my part; but until he has given a ruling I find that the practice has been to allow discussion and the citing of authorities and rules, so that my hon. friend's point of order is as badly mixed as the argument on the other side against the proposition of my hon. friend from Mille Iles.

Hon. Mr. DANDURAND—I would draw the attention of the hon. gentleman to the fact that the discussion is not on the motion appealing from the Speaker, but on the point of order which has been taken on that motion.

Hon. Mr. CHOQUETTE—That is an appeal.

Hon. Mr. DANDURAND—No.

The SPEAKER—The whole question is one on the point of order raised by the hon. gentleman from Halifax. It is that the Acting Speaker, having given the decision which he made, which is reported in the unrevised edition of the Debates at page 719, that the motion which is now made is out of order, because it is by way of appeal from that decision.

Hon. Mr. YOUNG—Is it discussable or not?

The SPEAKER—It appears to me that in view of the practice that we have adopted in this House, which appears to have been, so far as I have been able to ascertain, not only the usual, but the only practice, that appeal from the ruling of the Chair is taken immediately following the decision. It appears to me that no appeal

having been taken at the time, that the House acquiesced in the decision then given. The House having acquiesced in that decision, it must govern the matter until something else is laid down to the contrary. This motion now before the Senate is a double motion, raising that question as to the ruling, and calling for, at the same time, consideration of a report of the committee which was before the House when the decision was given. It appears to me, therefore, in that respect that the objection is well taken, and that the motion is out of order. I call attention to the fact that the decision is binding until it is reversed, under rule 16. It decides the question, subject to an appeal to the Senate, and the practice has been for that appeal without discussion, and for that appeal being taken immediately. The object the hon. senator from Mille Iles has in view, could be attained in another way and perfectly within the rules. It is not necessary for me to advise, because there are other hon. gentlemen more competent to do so than I am. At the same time, I think the objection taken by the hon. gentleman from Halifax must prevail.

Hon. Mr. YOUNG—I sat down, Mr. Speaker, in answer to the point of order raised by the hon. gentleman from Grandville, in order to obtain a ruling on the point. Now, Mr. Speaker, you have delivered your judgment on the main question and I am shut out.

The SPEAKER—I am extremely sorry. I waited for the hon. gentleman for a minute or a minute and a half, to give him an opportunity to speak, and he did not rise.

Hon. Mr. YOUNG—I asked the hon. Speaker to rule on that point of order and sat down.

Hon. MEMBERS. Order, order.

Hon. Mr. YOUNG—Perhaps the Speaker can permit us to appeal from his ruling now.

The SPEAKER. Yes.

MONTREAL CENTRAL TERMINAL COMPANY BILL.

MOTION.

Hon. Mr. DAVID—I beg to move for leave to take charge of Bill (No. 44) intituled: 'An Act respecting the Montreal Central Terminal Company'.

I do not want to say much in support of the motion. There is no doubt things cannot remain as they are. Where is the Bill? There are two judgments of the House of record.

Hon. Mr. LANDRY—I raise a point of order. It is useless to discuss that motion. It is entirely out of order. There is a ruling of the Chair which is final and which has decided that we cannot proceed with the Bill. If the hon. gentleman wants to get over that decision, let him take a proper way.

Hon. Mr. DANDURAND—The decision is that the Bill cannot be proceeded with because the promoter has intimated his intention to withdraw it. Now, there is a motion which is made for an hon. senator to take charge of the Bill. This is an indirect way of affirming the decision of the Speaker. It is simply taking one of the steps that can be taken after such a decision as the one given by the Chair.

Hon. Mr. CLORAN—The same as an election case.

Hon. Mr. POWER—With all deference to the hon. gentleman from De Lorimier (Hon. Mr. Dandurand), I think he is in error. The decision which was given the other day was, in effect, that this Bill had ceased to be under control of the House because——

Hon. Mr. CLORAN—No, no.

Hon. Mr. POWER—My hon. friend from Victoria is strong on the negative; but that is the fact, that the Bill has ceased to be under the control of the House, and the decision given by his hon. the Speaker just now is to the effect that if the hon. gentleman wishes to impugn the decision of the Chair, and to get that Bill back into the hands of the House, he has

to give notice of a motion to reconsider the action taken by the House the other day; and the motion which is now before the Chair is one which assumes that this Bill is still before the House, and it is quite out of order. When the hon. gentleman has succeeded in getting the House to reconsider the decision which they came to on Thursday last, then he will be in a position to move as he pleases; but just now he is not. The Bill is not within his power or the power of the House.

Hon. Mr. CLORAN—Its position is nebulous!

Hon. Sir MACKENZIE BOWELL—Gone to Jericho.

Hon. Mr. CLORAN—Will the hon. gentleman answer the question, where is the Bill?

Hon. Mr. POWER—I do not think it is my duty to answer all the absurd connundrums put to me.

Hon. Mr. CLORAN—The usual adjectives.

Hon. Mr. CHOQUETTE—I do not agree with the point of order that has been taken. There is a motion before the House by an hon. member to take charge of the Bill, which is still in the possession of the House. I gave my opinion the other day that a member of this House has a right to withdraw from a Bill, and to say that he did not intend to proceed with it, even, when the House has decided by a majority not to take it out of the order paper, but the Bill is still in the possession of the House and another member has a right to move that the decision given by the House, not by the Speaker, may be reconsidered and the Bill be replaced on the order paper in his own name. We must be logical. Nobody is in charge of the Bill now, and our rules provide that a Bill must always be in the charge of a member of the Senate when before the House. This Bill cannot, therefore, proceed, as there is no member responsible for it.

Hon. Mr. CLORAN—No father.

Hon. Mr. CHOQUETTE—Like a case before the court, the record of it remains in court, and the judge, with good reason, may permit——

The SPEAKER—We are not discussing the merits or demerits of the question. It is purely a question of order. The hon. gentleman should confine himself to that.

Hon. Mr. CHOQUETTE—I do not agree with the point of order, and think it is not well taken, for the reason I have just given. We must be logical; somebody must take charge of the Bill when it is still in the possession of the House. We have decided that the hon. member has no right to withdraw his Bill but he refuses to proceed and withdraw from the Bill, and before another hon. member can take charge of the Bill he has to ask the permission of the House to do so, and this is the motion he has a right to make. We will hear his reasons for taking charge of the Bill. If a lawyer withdraws from a case, the record is still before the court, and another lawyer has a right to move in that court and also to take charge of the case. By adopting this motion, the hon gentleman from Mille Iles will have the authority of the House to take charge of the Bill, and I suppose he will then move that the decision of the House will be reconsidered and the Bill restored to the position in which it was before, and the House will then proceed with it in the usual way. I think the point of order is not well taken. The logical position is to allow another member to take charge of the Bill after the House has decided that the member promoting it has no right to withdraw it.

Hon. Mr. MITCHELL—If the Speaker's ruling is right, the Bill cannot be introduced in the House again. He rules that the promoters have a right to withdraw it, and that the House did not know what they were doing. If that ruling was right, all the speeches the hon. gentleman can make will not restore the Bill to the order paper.

Hon. Sir MACKENZIE BOWELL—The argument of the hon. gentleman who has just spoken might have some force if there was any Bill before the House or if we were in possession of the Bill. It seems to me the matter is in this position; there

is a Bill before the Senate, and the gentleman in charge of the Bill asks permission to withdraw it. The Speaker decided and quoted from May, what to my mind was a very strong point, that a member desiring to drop a Bill had the right to do so, which was tantamount to allowing him to withdraw it. The Speaker having given the decision, there is no Bill before the House for any one to take charge of. If the hon. gentleman desires to proceed with the Bill—and I wish it understood that I am not opposing the provisions of the Bill—he must introduce another Bill with similar provisions and proceed with it. The ruling of the Speaker being that the gentleman having the Bill in charge had the right to drop it, there is an end of it, and the Bill is not before us.

The SPEAKER—It seems to me the point is quite plain, if we just look at how the thing arose and what the point is. The Bill was reported from the Committee on Railways, Telegraphs and Harbours, and a motion was made for concurrence in amendments. The hon. gentleman from Russell, who was in charge of the Bill, moved in amendment that the promoters have leave to withdraw the Bill, and that was refused, and the House still retained possession of the Bill. Thereupon objection was taken that the promoters had the right to withdraw the Bill; but up to this time no one has withdrawn the Bill, and it is still here. Now the motion comes before the House to transfer the charge of that Bill from the gentleman who asked leave to withdraw it, and vest it in the hon. gentleman who has made this motion. I think the motion of the hon. gentleman from Mille Iles is in order.

Hon. Mr. EDWARDS—I asked for leave to withdraw the Bill, and I now move that the Bill be withdrawn.

Hon. Mr. MITCHELL—I think the motion of the hon. gentleman has been voted down in the House before.

Hon. Mr. DANDURAND—There is nothing before the Chair.

Hon. Mr. LANDRY—I rise to a point of order. Before the motion is put, the hon. gentleman declares that he withdraws the Bill.

Hon. Mr. CLORAN—The point of order settled that.

Hon. Mr. LANDRY—I want to put my point. Since he withdraws the Bill there is no Bill before the House. I draw attention to the following quotation from May:

> In passing private Bills parliament still exercises its legislative functions, but its proceedings partake of a judicial character. The persons whose private interests are to be promoted appear as suitors for the Bill; while those who apprehend injury are admitted as adverse parties in the suit. Many of the formalities of a court of justice are maintained; various conditions are required to be observed, and their observance to be strictly proved; and if the parties do not sustain the Bill in its progress, by following every regulation and form prescribed, it is not forwarded by the House in which it is pending. If they abandon it, and no other parties undertake its support, the Bill is lost, however sensible the House may be of its value. The analogy which all these circumstances bear to the proceedings of a court of justice, is further supported by the payment of fees which is required of every party promoting or opposing a private Bill, or petitioning for or opposing any particular provision. It may be added that the solicitation of a Bill in parliament has been regarded, by courts of equity, so completely in the same light as an ordinary suit, that the promoters have been restrained, by injunction, from proceeding with a Bill, the object of which was held to be to set aside a covenant.
>
> If parties acquaint the committee that they do not desire to proceed further with the Bill, this fact is reported to the House, and an order is then made that the Bill be withdrawn, or, merely, that the report do lie upon the table.
>
> In 1902 a committee having thus reported that the parties did not intend to proceed with their Bill, notice was given of a motion to recommit the Bill, but Mr. Speaker ruled that such a motion would be out of order on the ground that a private Bill is the property of the promoters and that the House could not compel them to proceed with it against their wish.

The Speaker ruled that such a motion would be out of order on the ground that a private Bill was the property of the promoters, and that the House could not compel them to proceed against their wish.

The SPEAKER—Hon. gentlemen will see, if they just think for a moment, that a motion was made by the hon. senator from

Mille Iles. It was to that the objection was taken by the hon. gentleman from Halifax. The motion, although it had not been put to the House, had been moved by the hon. gentleman, and anything beyond that, except raising the point of order, is an interruption which cannot take place except by way of amendment. I feel quite clear about that. The motion, then, which was moved by the hon. senator from Mille Iles, seconded by the Hon. Mr. Bostock:

That the hon. member from Mille Iles do have leave to take charge of Bill (44), intituled: An Act respecting the Montreal Central Terminal Company.

That is the motion before the House.

Hon. Mr. POWER—This motion is too important to be dealt with in the summary way in which some hon. members think it should be dealt with. We are in this position now, that there was a ruling of the Acting Speaker to the effect that this Bill was no longer before the House. In that ruling, unfortunately, the present Speaker, apparently, does not concur. Then we have the hon. gentleman who had charge of the Bill, who introduced it, who represented the promoters of the Bill, who represented the people who paid the fees, and employed counsel to come here—we have him declaring that he withdraws the Bill. Then we have another hon. gentleman moving to the effect that he himself be placed in charge of the Bill. Now, I submit that there is not any record to be found in Canada, or anywhere else, where that procedure has taken place with regard to a private Bill. It is a most extraordinary procedure. Just fancy what the result would be if this practice were allowed? A senator introduces a Bill, subsequently he desires to withdraw it and it has always been held that the promoter of a private Bill has a right to withdraw it. The reason a promoter may have for wishing to withdraw a Bill is that some one hostile to his interests has succeeded in having an amendment made to that Bill which will render the Bill of no advantage to him, and to those associated with him. I am not speaking now of this particular Bill; but an amendment might be made in a Bill which would cause very serious injury to its promoters; and I think it is absurd to say that we are not going to adhere to the uniform practice followed ever since we had a parliament in this country, that we are now going to lay down the doctrine that a promoter is bound to accept a Bill no matter how it has been altered, and even though it may be calculated to prejudice his interests to the greatest extent. Now we have the hon. gentleman from Mille Iles, who has shown his feeling towards this Bill, who has presented a petition from the city council of Montreal, of which city he happens to be the city clerk, a petition signed by himself against a Bill which he opposed here on the floor of this House, and he proposes to take charge of this Bill, to be a sort of step-father to it, I have no doubt.

Hon. Mr. CLORAN—Order.

Hon. Mr. POWER—There is nothing disorderly in that.

An hon. GENTLEMAN—A foster-father.

Hon. Mr. POWER—If my hon. friend from the Victoria division can keep within the rules of order as strictly as I am doing, we shall hear very much less from him than we do. It just comes to this, that if the practice now proposed were introduced, a man or a company might be deprived of property and rights, and would have no remedy left at all. I think it is one of the most preposterous proposals I have ever listened to. I shall quote from page 299 of Cushing, showing what his view is:

Before passing a private Bill, the consent of the party or parties is essential.

That is clear as can be, and I think it is perfectly clear in this case that you cannot proceed with a private Bill against the wishes of the promoter of the Bill. Further, I may say this—I am not dealing with the point of order now, for it is not a question of order, but a question of the merits. As I said before, I was a member of the committee which reported the Bill with this amendment. I voted and favoured the amendment. If the Bill were to pass, I should like to see it pass with that amendment. But we have no right to force the Bill on the promoters. It has been said, and His Honour the Speaker has often

heard the saying, that 'hard cases make bad law'; and it is just the case in this instance. We are anxious to do what we can to further the interests of the city of Montreal, but we must not lose sight of the fact that such interests must be promoted in accordance with parliamentary practice and parliamentary law. Now, as to the city of Montreal, if the ruling that I gave the other day were maintained, and it was held that this Bill was not before the House, the city of Montreal would be no worse off than if the Bill had never been introduced. Hon. gentlemen talk about the grievance under which the city of Montreal suffers. Montreal is just where she would have been if the Bill had not been introduced. Further—although I think there was some effort made to represent to the House that it had been the case—there was no agreement before the committee between the promoters of the two Bills.

Hon. Mr. DANDURAND—There was between the promotors and the committee.

Hon. Mr. POWER—I am quite aware that the counsel who represented the promoters of this Bill did accept the amendment; but there was no bargain between the two parties, and, as I understand, there was no bargain with the committee. It was simply that he accepted the amendment made by the committee, but when he had communicated with his principals he found that they would not accept the amendment, and preferred to have the Bill withdrawn. We must bear in mind that we are not dealing solely with this particular measure. The proposal made by the hon. gentleman from Mille Iles is to introduce a totally unheard of practice—that the House, without good reasons shown, can take a private Bill out of the hands of the member to whom the promoters entrusted it and put it into the hands of another member.

Hon. Mr. DANDURAND—I would like to take the very expression that has fallen from the lips of my hon. friend, and say that we are in the exception that he has just mentioned. Without good reasons shown, this Bill should not be taken from the hands of the promoter, who wants to drop it, and put it into the hands of another member of this House, but we believe that we have shown a good reason. Here is a Bill which has been before this House since the company was first incorporated, I think in 1890, and dragged her for the last 20 years.

An hon. GENTLEMAN—No.

Hon. Mr. DANDURAND—Every two or five years it has been amended, and extended and explanations given. If I am not mistaken, it was in 1890 that it was first introduced here. Now, the committee has seen fit to establish certain rules, and put some limitations and safeguards around certain Bills that threatened to invade the franchises of the city of Montreal. These safeguards the promoters of the present Bill accepted with eagerness—some said with indecent eagerness. Some said in committee, with indecent eagerness—because it was felt by a certain number of gentlemen of that committee that those amendments were accepted there in order to create a precedent for the Bill that was to follow. My hon. friend from Halifax says that the Bill that is before this House, returning from the committee, is not in possession of the House to be dealt with as the House pleases; yet he will not deny the fact that those very gentlemen, the promoters of this Bill, can go before the Quebec legislature, and petition to amend the charter of the city of Montreal for their own purposes, or for the general interests of the citizens of Montreal. The only difference would be in the fact that the deposit would have to be made by the promoters. The promoters have come to parliament. They have deposited their $200. The Bill has passed through the House—through the two branches of the House, it has passed through the committee of this House; it has there stood amendments which were accepted by the promoters in the interests of the public, and I say that we are in possession of the Bill and can deal with it, and transfer its direction and promotion to another member of this House.

Hon. Mr. BOSTOCK—I take exception to what has been said by the hon. senior

senator from Halifax in regard to the position of this Bill. He seems to assume that a Bill may be withdrawn by the promoters at any stage and under any conditions. It does not appear that that is the regular procedure. When an amendment to a Bill has been objected to in committee, and the promoters of the Bill have then stated that they wished to withdraw the Bill, the procedure, as I understand it, is that the committee makes a report to the House to that effect, and then the House decides that the promoters shall have leave to withdraw the Bill. But I maintain that it is open to the House to adopt or reject that report. On this question, I might refer to a ruling given at page 46 of Blackmore's Speakers' Decisions Edition, 1857-84, in which it was stated:

> It is not competent to withdraw a Bill when an amendment is before the House postponing further procedure on such a Bill to a subsequent date, unless the said amendment be withdrawn.

Hon. Mr. POWER—Will the hon. gentleman kindly state whether that was a public or a private Bill?

Hon. Mr. BOSTOCK—It does not say.

Hon. Mr. POWER—It was a public Bill.

Hon. Mr. BOSTOCK—It was a Bill regarding registration.

Hon. Mr. POWER—Certainly; that is a public Bill. A voters Bill is not a private Bill.

Hon. Mr. BOSTOCK—If there is objection to that authority, here is another. On page 28, Peels Decisions:

> On a motion to adopt, on the order for resuming the debate, it is not competent to withdraw a Bill. Before it can be withdrawn, the motion must be withdrawn.

Hon. Mr. POWER—What kind of a Bill is that?

Hon. Mr. BOSTOCK—That was a Bill referring to the boards of guardians of Ireland.

Hon. Mr. POWER—Another public Bill.

Hon. Mr. BOSTOCK—Then if that authority does not suit the hon. gentleman, I might be allowed to read a matter that came before the Senate on a former occasion when an hon. member of the Senate, in dealing with the same question about the withdrawal of a Bill, referring to the question as to whether a Bill could be withdrawn, said: 'I forgot to say that the member in charge of the Bill,' the hon. member referred to, is the hon. senator from Halifax.

Hon. Mr. POWER—What was the Bill?

Hon. Mr. BOSTOCK—The Winnipeg and North Pacific Company's Railway Bill. I shall read from page 516 of the Senate Debates, May 14, 1886. The question in regard to procedure was brought up, and the hon. gentleman said:

> I forgot to say that the hon. member in charge of the Bill requested and desired to withdraw it. My opinion is that after a Bill has been introduced, and certainly after having been read a second time, and referred to a committee, is not the property of any member but of the House.

Now, apparently, the hon. gentleman has seen cause to reconsider that decision.

An hon. MEMBER—It is a free country.

Hon. Mr. BOSTOCK—Then again, some attention should be paid to a quotation given by the hon. senator from De Salaberry when dealing with the question that was put, which referred to the 18th clause of chapter 1 of the Interpretation Act, which says:

> Every Act shall be so construed as to reserve the power to repeal, amend, revoke, restrict, or modify any power or privilege thereby vested in or granted to any person whenever such repeal, amendment, revocation, restriction or modification is deemed by parliament to be required for the public good.

Now, Mr. Speaker, I take the ground that this amendment is deemed by this House to be for the public good, and, on that account, the question of allowing the promoters to withdraw the Bill is one that we should very seriously consider, and I think that the point raised by my hon. friend, the hon. gentleman from Halifax, is not correct on this occasion.

Hon. Mr. POWER—I wish to make an explanation.

Hon. Mr. CLORAN—Has the hon. gentleman a right to speak a second time?

Hon. Mr. POWER—He has a right to make an explanation. It will be observed that that speech was made in 1886, when

I was just about as young in the House as the hon. gentleman from Victoria division is now.

Hon. Mr. CLORAN—I hope you had as much sense.

Hon. Mr. POWER—That is a question which I am satisfied to leave to the judgment of the Senate.

Hon. Mr. CLORAN—And the country, too.

Hon. Mr. POWER—The Bill that was before the House at that time was the Winnipeg and Hudson Bay Railway Company's Bill. That scheme was one to which I was bitterly opposed, and, in opposing it, I used every argument which suggested itself. In the course of twenty-four years, I think I have gained some little wisdom, and have changed my opinion.

Hon. Mr. DAVID—It has been contended that there are no precedents for the course I have taken. In the famous Baie des Chaleurs case, the Bill was sent to a select committee, and that committee thought proper to make an investigation. The promoter, in order to avoid the investigation, asked leave to withdraw his Bill. The committee refused to let the promoter of the Bill withdraw it, and the committee made a report to the House to that effect. A long and very interesting discussion took place on the question of the withdrawal of the Bill. Some half dozen senators expressed the opinion that the Bill was in the possession of the Senate, and that they had a right to refuse their consent to the withdrawal of the Bill when there were good reasons. The hon. gentleman cites the opinion of Sir John Abbott, who at that time occupied a high position in the Senate. Some of my hon. friends say that if a private member chooses to withdraw his Bill when it is in committee, there is no objection; but the committee must report the fact. I do not understand the law that way. Sir John Abbott says:

> My hon. friend will find in the language read that it is stated with the same positiveness what the House will do as what the committee will do. It states that the House, upon the report will order the withdrawal of the Bill. I think it is merely stating the ordinary practice; but I do not understand that it lays down a law that on all occasions must be obeyed, but I look upon it as being very much like the precedent to which my hon. friend alludes.

There you have the opinion of Sir John Abbott that there are circumstances under which parliament has the right to refuse consent to the withdrawal of a Bill. I could cite opinions of many other members of the House. The Hon. Mr. Poirier took the same position, and was very strong. Then the Hon. Mr. Miller said:

> Some hon. gentlemen with all the confidence of wisdom and knowledge in their countenances and actions, tell this House that the Bill is not before the Senate—that it was withdrawn by the mere fact of the request of the promoters in the committee. I say it is almost an insult to the intelligence of hon. gentlemen to attempt to answer such an absurdity as that. A motion was made for leave to withdraw the Bill, which motion was refused, and the Bill is therefore in exactly the position it was the first day it was sent to the committee.

Hon. Mr. BELCOURT—Was that a motion or a Bill?

Hon. Mr. DAVID—I am quoting a speech made by Senator Miller during the debate on the Baie des Chaleurs Railway Bill.

Hon. Mr. BELCOURT—Was he dealing with the Bill or a motion?

Hon. Mr. DAVID—He was dealing with the Bill. To show that there are precedents, I will cite another. In the House at Quebec, 1856, the Speaker ruled that in his opinion a Bill which has been abandoned by its promotor belongs to the House and can be taken up by any other member. That is a precedent which means something. Mr. Cushing, who is so highly esteemed by some hon. members of this House, says on page 906:

> The motion to withdraw a Bill (unlike a motion for leave to withdraw a motion, which cannot be debated, and requires the unanimous consent of the House) is made, debated, and decided upon like other motions made in the progress of a Bill.

Hon. Mr. POWER—That is a public Bill.

Hon. Mr. DAVID—I do not think it is necessary to add anything more to what has been said. It is clear that the House has a right to do what we are asking for.

Hon. Mr. POWER—I wish to say a word—

Hon. Mr. POIRIER—I rise to a point of order. The hon. member from Halifax has already spoken several times. This discussion is certainly very interesting and edifying, but as one of the Nestors of this House, I would beg to make an appeal that the question should be settled without further discussion in order that we may go on with the very serious business we have near the end of the session. I move the adjournment of this debate, which is out of order at any rate.

Hon. Mr. POWER—I just wish to say—

Hon. Mr. POIRIER—I rise to a point of order. The hon. gentleman has spoken more than his turn. I ask for a ruling.

Hon. Mr. POWER—I merely wish to explain—

Hon. Mr. POIRIER—I insist upon my point of order, that the hon. gentleman from Halifax has spoken more than once, twice or three times.

Hon. Mr. POWER—I propose to wind up by moving the adjournment of the debate.

Hon. Mr. DANDURAND—The hon. gentleman has no right to make such a motion, since he has spoken two or three times.

The SPEAKER—The hon. Mr. Poirier has the floor.

Hon. Mr. POIRIER—Then I move the adjournment of the debate.

The SPEAKER—Till when?

Hon. Mr. POIRIER—For six months.

The motion was declared lost.

Hon. Mr. LANDRY—I call the attention of the House to the fact that the precedent cited by the hon. gentleman from Mille Iles, does not apply to this case at all. True, the Baie des Chaleurs Bill was a private Bill, and permission to withdraw the Bill was refused; but, as it was well established in the discussion which took place afterwards, there was a large public interest involved, the squandering of public money, and the House took up that question as it was coupled with the Bill. The refusal to allow the withdrawal of the Bill was not on account of the Bill itself, but of the circumstances under which it came before this honourable House. All our friends, the Liberals, spoke against the contentions which are now invoked by the hon. member from Mille Iles. Why should such a change have taken place? What personal interest has the hon. member to step in and take the place of the promoter of the Bill, when those who are interested in the Bill do not want to go further? What is his interest? Does he pretend here that he is a senator from the province of Quebec, or the clerk of the city of Montreal.

Hon. Mr. CLORAN—Both.

Hon. Mr. DAVID—Not only the city of Montreal, but every municipality of Canada is interested in this Bill.

Hon. Mr. LANDRY—If the Bill is withdrawn, what harm will it do to anybody? Suppose the Bill had not come up at all, what harm would be done?

Hon. Mr. DAVID—The company would be under the operation of its old charter, by which it is authorized to enter the city of Montreal without the consent of the municipality, while all other companies in Canada, either under federal or provincial charters, cannot enter the city of Montreal without the consent of the city. This company alone would not require the consent of the city.

Hon. Mr. LANDRY—But, if there was no Bill at all that would be the case, and what would be the remedy for the evil? Why does not the city of Montreal step in and present a Bill? Why does it take the money of the promoters of this Bill, who are paying for private legislation, and appropriate it for the public benefit? Is that fair or just? The city of Montreal is rich enough, and should be manly enough if they want to have these amendments passed by the Senate, to bear the expense of their own business, and not substitute themselves for the promoters of this Bill and benefit by the fees paid by them to advance their own interest. I hold in my hand a resolution passed by

the promoters of this company lately. It is as follows:

The Montreal Central Terminal Company,
Board of Trade Building,
Montreal.

Extract from minutes of meeting of directors of the Montreal Central Terminal Company, held on Monday, April 25, 1910.

Whereas, the company has made financial arrangements in London for the carrying out the undertaking entrusted to it by the parliament of Canada;

And whereas any action of parliament which would have the effect of taking away or diminishing the powers granted to it for that purpose would cause serious loss and trouble;

And whereas the proposed amendment to the company's Bill (No. 44) made by the Senate Railway Committee, was not asked for by the city council of Montreal, or its legal representatives, and is not in the interests of the city;

And whereas the company's original charter was approved by resolution of the city council, that the Bill of 1909 was approved by the city's legal representatives, and that the Bill of the present session was approved in the form it passed the House of Commons.

And whereas the company never accepted the amendment inserted by the Senate Committee, but gave immediate instructions to have the Bill withdrawn when they were informed of it;

Be it resolved:

That the members of the Senate of Canada be respectfully requested to refuse to reinstate the Bill respecting the Montreal Central Terminal Company upon the Order Paper, the said Bill having been withdrawn at the request of the company.

I certify the foregoing to be a true extract.

(Sgd.) J. M. SHANLY,
President.

Hon. Mr. DAVID—Was the hon. gentleman present when the Bills came before the Railway Committee?

Hon. Mr. LANDRY—I am not sure that I was. I could not say yes or no; but supposing I was, what about it?

Hon. Mr. DAVID—Those amendments were inserted in the two Bills, the Ottawa and Western Railway Company Bill, and the Montreal Central Terminal Company Bill, with the consent of the promoters, but when they saw that the other Bill contained amendments which would put them in a more secure position than they themselves were, they tried to withdraw their Bill.

Hon. Mr. POIRIER—On the authority of rule 43, I hereby ask that the motion before the House be now read.

Hon. Mr. LANDRY—I think there is a rule that you cannot interrupt the speaker.

Hon. Mr. POIRIER—I rose after the hon. gentleman from Mille Iles sat down, and before the hon. gentleman had the floor.

Hon. Mr. LANDRY—I sat down to allow the hon. gentleman to put a question. The hon. gentleman says the lawyers for the promoters of the Bill accepted the amendments. That may be, but I am giving you the decision of the promoters of the Bill themselves. They say: 'Whereas the company never asked for the amendments inserted by the Senate committee, but gave it immediate instructions to have the Bill withdrawn.' When those amendments were accepted in committee, no doubt the lawyers who were there and accepted the amendment might have thought it was a good amendment; but it was not as good an amendment as one might think, because the hon. gentleman from De Salaberry had an amendment himself to propose to these amendments, thereby asserting that the work of the committee was not perfect, and that he wanted it perfect by adding a new amendment. This was not accepted by the promoters, and I prove it was not accepted by the promoters by the official declaration of the company. I fail to see what is the real interest that prompts my hon. friend to step into the place of the hon. member who is in charge of the Bill in this House. He never gave us any reason. It is not because he is the clerk of the city corporation of Montreal that he could do so. It is our duty to care for and defend the interests of all, and promoters should have leave to withdraw their Bills when they ask permission to do so.

It was pointed out in the decision of the Speaker, as everybody knows, that if the House is in possession of a private Bill any adverse party in this House could introduce clauses that would be ruinous to the interests of the promoters. If the hon. gentleman from Mille Iles had a private Bill in this House, and he desired to withdraw it because an amendment had been inserted which would ruin him, does he think he would not have the right to withdraw the Bill? This is the question which is

now before the House. The hon. gentleman asked leave to take the place of the party who withdraws the Bill; but if the decision given by the acting Speaker has been accepted, it came after the vote of the House refusing to allow the withdrawal of the Bill. It is a subsequent act, and that subsequent act destroys the former one. It is precisely because we are in possession of a motion that the House was appraised of the intentions of the promoters. It was because of that the subsequent motion became irregular. In the face of that, the decision was given, and the Bill was ruled out of the orders of the day. How could the hon. gentleman go on with the Bill now and replace it on the orders in charge of another party if he does not take the proper means to restore that Bill before the House? He has to take the place of another in the conduct of the Bill, and there is really no such Bill at the present moment. He must make a motion to rescind the decision of the House, because the decision of the Speaker is the decision of the House. When the decision of the Speaker is not appealed from, it is the decision of the House, and the House has no right——

Hon. Mr. BOSTOCK—Is the hon. gentleman appealing from the Speaker's decision?

Hon. Mr. LANDRY—I did not make myself clear enough, and I will try to make myself more clear by offering further remarks.

Hon. Mr. CLORAN—May I ask the hon. gentleman a question? He has just stated that a decision of the Speaker is a decision of the House. Can a decision of the House over-ride a decision of the Speaker?

Hon. Mr. CASGRAIN—Yes.

Hon. Mr. LANDRY—Not always.

Hon. Mr. CLORAN—Explain.

Hon. Mr. LANDRY—It can when it is taken in the proper time, but when there is no appeal taken, the decision of the Speaker is the order of the House. The House tacitly accepts the decision, and it becomes the decision of the House.

Hon. Mr. CLORAN—As the hon. gentleman is master of the rules, and I want to get a profound knowledge of them, can the Speaker over-ride the decision of the House by a subsequent decision?

Hon. Mr. LANDRY—Yes.

Hon. Mr. CLORAN—Then please explain.

Hon. Mr. LANDRY—Yes. I have just quoted the decision of the House of Commons, which was that it being two or three minutes of a quarter to six they decided that the debate should proceed. This is at page 884, of the Minutes of proceedings of the British House of Commons, and is as follows:

Division overriding standing orders.
A division of the House cannot over-ride a standing order.
Affirmation Bill: Second reading.
Order for second reading read. Debate.
And then Mr. Crawford, a member, moved the adjournment of the debate.
It being within a minute of a quarter to six, at which hour all debates or opposed matters must cease on Wednesday, the House divided. Yeas, 50; nays, 183.
Mr. SPEAKER said: That the House on a division just taken had expressed an opinion that the debate should not be adjourned, but there was a standing order more imperative, which directed that at that hour any business under discussion should stand adjourned, whereupon it being a quarter of an hour before six o'clock Mr. Speaker adjourned the debate till to-morrow, against the decision which had just been given by the House of Commons.

Is that explanation clear?

Hon. Mr. CLORAN—It was not the Speaker's decision. It was the standing orders.

Hon. Mr. LANDRY—It was the Speaker's decision. He decided in the face of the vote which had just been taken, that the debate should be adjourned. If they had appealed from that decision, I do not know what would have taken place; but I know that that decision of the Speaker over-ruled the decision of the House; so I am right in saying that in some instances, and this is one, the decision of the Speaker may over-rule the decision of the House, and when the decision of the House was given in that case, I do not contend that the decision was a bad one. The hon. gentleman asked leave to withdraw the Bill and the House refused; but as soon as the House refused it was manifest that the question of the withdrawal of the

Bill was before the House, and that question being before the House precisely by a decision given by the House, then, as a consequence, when the first motion was made to go on with the Bill it became a motion out of order, because the desire of the promoters to withdraw was known to the House, and I quoted at that time what is parliamentary law, and what is found on page 827 of May, where he says:

> The committee having thus reported that the parties did not intend to proceed with their Bill, notice was given of a motion to recommit the Bill.

That was just the case. The motion was made to adopt the amendment by the committee; but what was the ruling? May says:

> But Mr. Speaker ruled that such a motion would be out of order on the ground that a private Bill was the property of the promoters, and that the House could not compel them to proceed with it against their wish.

I suppose my hon. friend from La Prairie will accept May as an authority, and will accept an authority as good as Bourinot, a standard authority on those questions. That is the rule that the motion is out of order on the ground that a private Bill is the property of the promoters, and that the House could not compel them to proceed with it against their wish.

Hon. Mr. POIRIER—I rise to a point of order. I submit this entire discussion is out of order, that the motion of my hon. friend from Mille Iles is out of order.

The SPEAKER—The hon. gentleman cannot now interrupt to do that.

Hon. Mr. POIRIER—I can ask your honour's ruling, that the whole discussion is out of order, and we have no right to be seized of the question.

Hon. Mr. LANDRY—I assume that as soon as the point of order is decided I shall have a right to proceed?

The SPEAKER—The hon. gentleman from Stadacona has the floor, and is perfectly in order, and that is the only question we have to deal with now.

Hon. Mr. POIRIER—But if the whole discussion is out of order, will the hon. gentleman be in order?

Hon. Mr. DANDURAND—The point of order was raised as to this motion being in order, and it was decided by the Chair that it was in order.

Hon. Mr. LANDRY—But the hon. gentleman might have another point.

Hon. Mr. POIRIER—I have another point, and it is that the whole matter is out of order ab initio; that there is no substance to the motion, and it is out of order from the beginning.

Hon. Mr. DAVID—I rise to a point of order.

Hon. Mr. POIRIER—The hon. gentleman from Mille Iles moved to take charge of a Bill that has no existence on our order paper. I therefore submit that the whole question, ab initio, is out of order and that we cannot raise any point of order subsequent to it, as the motion rests on a subject matter that has no existence in fact in this House.

Hon. Mr. DAVID—The point of order raised by the hon. member cannot be right.

Hon. Mr. DANDURAND—Chair!

The SPEAKER—No objection was taken to the ruling at the time. I ruled on the point when the Bill was before the House, under the control of the House. Therefore the motion is in order.

Hon. Mr. POIRIER. I did not happen to be in the House when the ruling was made.

Hon. Mr. LANDRY—Now, I may be allowed to continue my speech. I was just trying to convince my hon. friend, when he ran away, that we overlapped——

Hon. Mr. CLORAN—We settled that.

Hon. Mr. LANDRY—I was quoting from May, when I was interrupted, but I do not want that quotation to be lost, and all those points of order. If the hon. gentlemen look at page 687 of May, they will find what is the nature of a private Bill, and what are the responsibilities attaching when dealing with private rights.

Hon. Mr. LOUGHEED—I rise to a point of order. With a view to raising this point of order, I should like to ask His Honour the Speaker, who, if any one, is in charge of this Bill at the present time?

Hon. Mr. POIRIER—The Bill is not on the order paper at all.

The SPEAKER—It does not need consent to ask leave to withdraw a Bill. I suppose the motion is for permission to transfer the charge of the Bill.

Hon. Mr. LOUGHEED—I take the point of order that if the Bill is in charge of the hon. gentleman from Ottawa, my hon. friend from Mille Iles is entirely out of order. It is not for the transference of the Bill; it is that he be put in charge of the Bill; and we certainly have no practice or precedent, or authority whatever to take the Bill from one member, and hand it to another.

Hon. Mr. DANDURAND—I think the point is not well taken, because the House only intervenes when the promoter of the Bill has asked permission to withdraw his Bill, and has expressed his desire to withdraw from promoting the Bill. It is upon this expression of desire by the promoter, that the House is now seized of the motion to replace the present promoter by another one.

Hon. Mr. LOUGHEED—But my hon. friend must not overlook the fact that until the House takes action in that direction, the hon. gentleman from Ottawa is still in charge of the Bill, and if the House refuses to accede to the request that he has made, then he has the right, not only by courtesy, but under the rules of the Senate to proceed with his Bill. There is certainly no authority or precedent or practice that I can see to prevent him. Now, we are proceeding upon the presumption that this Bill is a derelict, that my hon. friend from Ottawa has retired from it, that there is no master of the Bill, and no one to take charge if it. That is a false assumption.

Hon. Mr. MACDONALD (British Columbia)—It is on the table of the House.

Hon. Mr. LOUGHEED—The question I put, assumes the hon. gentleman from Ottawa to be still in charge of the Bill. Therefore, I rise to a point of order that the motion is entirely out of order on the ground that there is no Bill and no one in charge of it.

Hon. Mr. BEIQUE—The House is proceeding on the fact that the Bill, of which the hon. gentleman from Ottawa was the promoter, disappeared from the order paper, and he does not move to have it replaced upon the order paper. It is, therefore, open to any other gentleman who is a member of this House to move for this purpose. Otherwise it would be sufficient for the hon. gentleman from Ottawa to remain silent, not to take action, and prevent any other member from moving in the matter.

Hon. Mr. LOUGHEED—I rise to a point of order. My hon. friend from De Salaberry is not speaking to the point of order before the Chair. He is assuming something that he has no right to assume. If the statement made by his honour the Speaker is correct, that the hon. gentleman from Ottawa is yet in charge of the Bill, then I ask on what authority does my hon. friend from Mille Iles ask this Chamber to take the Bill from my hon. friend from Ottawa, and assume the responsibility of taking charge of it himself? The hon. gentleman's motion presupposes a state of facts that really does not exist, and it is from that I take my point of order. He has presupposed the Bill to be a derelict—a Bill without a master, without any one in charge. The statement of his honour the Speaker controverts that. Then, if my hon. friend from Ottawa be in charge of the Bill, let him proceed with it, as he decided to do.

Hon. Mr. DANDURAND—It is for the Senate to decide whether it will be the hon. gentleman from Mille Iles that shall take charge of the Bill.

Hon. Mr. CHOQUETTE—If the member from Ottawa is the promoter of the Bill, I think the motion is in order.

The SPEAKER—I think the motion is in order.

Hon. Mr. LOUGHEED—Then I have a right, having raised a point of order, to

ask his honour the Speaker, to give his authority for the decision at which he has arrived. Am I to understand that if an hon. gentleman in this House is in charge of a Bill, and is recognized by his honour the Speaker to be in charge of a Bill, that a motion can be placed upon our order paper by some other hon. gentleman to take charge of that Bill?

Hon. Mr. DANDURAND—Yes, if the hon. gentleman expresses a wish to withdraw.

Hon. Mr. LOUGHEED—His Honour the Speaker has given a decision that such is the right of every hon. gentleman. I should like to know the authority by which his honour the Speaker arrives at that decision?

The SPEAKER—The way it strikes me is this: the Bill having been reported by the committee, comes to us with the amendments made while in committee. Upon that, another motion having come up before the Senate, the hon. gentleman in charge of the Bill asked leave to withdraw the Bill. The Senate determined against him—against granting the leave; it gave no leave to do so. That left the Bill, although standing in the name of the hon. gentleman from Ottawa, still in charge of the Senate. I do not know any reason why the Senate cannot authorize any step in reference to that. On a notice of motion having been given, to forward the Bill, I do not see why any step the Senate chooses to take cannot be taken to that end.

Hon. Mr. CLORAN—If I understand——

Hon. Mr. DANDURAND—Question. A decision has been rendered.

Mr. CLORAN—I am in hearty accord with the decision of the chair.

Hon. Mr. DANDURAND—Then the hon. gentleman has not a right to comment on the decision of the chair. The hon. leader of the opposition——

Hon. Mr. CLORAN—That is what I wanted to say myself.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Ottawa asked leave to withdraw the Bill——

Hon. Mr. DANDURAND—I rise to a point of order. The hon. gentleman has no right to comment on the decision of the Speaker.

Hon. Sir MACKENZIE BOWELL—I am not commenting on the decision of the Speaker. I understood the decision, or thought I understood it, and I will ask the Speaker to correct me if I am wrong. The hon. member from Ottawa asked permission to withdraw the Bill. The position of the Senate is clear, that he should not have permission to withdraw the Bill, but did any vote of the Senate, declaring that he should not withdraw the Bill, remove the custody of it from the hon. member from Ottawa? It seems to me, if I understood it, the moment the House made that decision, the custody of the Bill remained in the hands of the gentleman who desired to withdraw it; but the Speaker said 'no.' Am I correct in that?

The SPEAKER—I do not at all withdraw the statement made. It appears to me that the Senate having determined as it did against the leave to withdraw, and no action being taken further, the Senate is entitled to say that the Bill shall be passed by our House; and if the promoters in charge of the Bill do not desire to go on with it, the Senate can make an order for the stages of the Bill, and this being one of the stages towards that end, notice has been given, and I have given my reasons for my ruling

Hon. Mr. LOUGHEED—Then I take another point of order growing out of that; it is, that the member is not in a position to promote any stage of the Bill. The motion is simply made by my hon. friend from Mille Iles to take charge of the Bill.

Hon. Mr. CLORAN—We have no right to assume that my hon. friend from Mille Iles is going to treat the Bill in any other way than my hon. friend from Ottawa treated it. If the decision of the Speaker be right, then to be consistent, let my hon. friend from Mille Iles move to advance the Bill whatever stage may be desired. That, it appears to me, would be the solution.

The SPEAKER—I have given distinctly what I desired to express. I refer to the decisions at page 193 of the 'Speakers' decisions in the Quebec legislature'.

And notice being taken that Mr. Rinfret dit Malouin had yesterday signified his intention to abandon the said Bill;

And the question being raised as to whether a member has the right to abandon the measure which has been advanced to the stage of the present one;

And the House having continued to sit until after twelve of the clock Sunday morning. Sunday, 24th December, 1876.

Mr. Speaker ruled that in his opinion a Bill which has been abandoned by its promoters belongs to the House, and can be taken up by any other member.

Hon. Mr. POWER—Pardon me one moment. Will his honour the Speaker be kind enough to tell the House whether that was a public or a private Bill?

Some hon. MEMBERS—It makes no difference.

Hon. Mr. POWER—Yes, we have a perfect right to know that.

Hon. Mr. LOUGHEED—And will his honour the Speaker be good enough to inform the House if the hon. member from Ottawa abandoned the Bill?

The SPEAKER—As I understand from the hon. gentleman, he withdrew the Bill.

Hon. Mr. LOUGHEED—Withdrew, that is not abandoning it.

Hon. Mr. POWER—I must urge his honour to tell us whether that was a public or a private Bill?

The SPEAKER—I am not prepared to say whether it was or was not, for to my mind it makes no difference whatever.

Hon. Mr. LANDRY—There is no question of order to settle. I have the floor. I am speaking to the motion of my hon. friend from Mille Iles. The decision of this House was that the hon. member from Ottawa should not have leave to withdraw from the Bill, or to abandon the Bill. He asked leave to withdraw, and they said: 'No, you cannot withdraw.' Well, if the House is supreme in its decision, my hon. friend is still in possession of the Bill. You cannot get out of that.

Hon. Mr. BOSTOCK—What about your point of order?

Hon. Mr. LANDRY—My point of order was sustained. The point of order I raised was this: The member from Ottawa having told the House that he wanted to withdraw from the Bill, the House was in possession of that Bill, and inasmuch as the House was in possession of that Bill, every subsequent move with regard to it became out of order. That is the point I raised. The House sustained me in that point of order. I was sustained not only by the Speaker, but by the House altogether, and the House decided. I hear the hon. gentleman from Kamloops (Hon. Mr. Bostock) saying no, or trying to say no—I do not hear him. Why not? I have even the authority to say that as the decision given by the Speaker was not appealed to the House, it is the order of the House. So we have the order of the House stating that there is no Bill on the orders of the day. If you say that order of the House is good for nothing, and that we must rely on the vote taken, what does the vote say? The vote says that the member for Ottawa is still in possession of the Bill. Well, is he in possession of the Bill? The House says 'Yes.' My hon. friend says, 'The House says no.' How are we going to get out of that. If he is in possession of the Bill, my hon. friend from Mille Iles has no right to interfere. If he is not in possession of the Bill, where is the Bill? There is no Bill on the order of the day, and my hon. friend also becomes out of order. Another thing my hon. friend should have done was to make a motion to replace the Bill on the orders of the day. That is the only sensible motion that he should have made. Why did he not move for that? He tries to act when there is no Bill. My hon. friend from De Lorimier (Hon. Mr. Dandurand) says the Bill is in possession of the House, and any member may step in and make a motion to the effect that the Bill be replaced on the orders of the day. That is quite right; but he must give a notice of motion, and I suppose it is for that reason he now makes that motion, that the Bill be made an order of the day. But we are trying to get out of that difficulty, and my hon. friend is trying to mix up the question in such a way that nobody can understand it afterwards. We must not forget that the House had decided by order that permission should not be given to my hon. friend to withdraw the Bill, I suppose my

hon. friend from Mille Iles understands now in what position he is. He sees that the Bill is in the hands of my hon. friend from Ottawa, and that he has no right to try to assume the powers that have been given my hon. friend from Ottawa; and I suppose that the hon. member becomes in charge of the Bill. Suppose by the vote of this House that my hon. friend is put in charge of the Bill. What will come next? The promoters will say, 'We do not own you. Then give us back our money.' Are you going to take the promoters' money and use it for the city of Montreal? If the promoters say, 'We came here as promoters of the Bill. We put in the money and you have no right to put hands on that money, you have no right to take our money. That we disallow.' Will the hon. gentlemen come here and press that Bill on this House against the will of the promoters? Where is the public interest that would justify my hon. friend in taking such a position? My hon. friend cannot point to any public interest affected by it. It is a private Bill. The hon. senator gave arguments against the passing of the Bill instead of giving arguments in favour of withdrawing the Bill. He said the city of Montreal would be in a very awkward position if the Bill were withdrawn. If there was no Bill at all, what would be the position of Montreal? I see the hon. gentleman understands now in what position he is himself, and I hope, with the leave of the House, he will withdraw his motion and we will show him that we are able to give heed to the hon. gentleman when he asks us to withdraw his motion. But if he persists in putting his motion to the vote, we shall have recourse to every means to defeat it. There are other points of order which can be raised which have not yet been raised. I have here all the decisions of the Speakers of the House of Commons. There are two volumes. The second one is called the second edition by my hon. friend, while I tell him it is not the second edition. It is the second volume. It being six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. LANDRY rose to resume the debate:

Hon. Mr. EDWARDS—May I be permitted to make a suggestion with regard to the question which was before the House this afternoon. My suggestion is that the hon. gentleman from Mille Iles withdraw his motion, which is now before the House, and I will move that the Bill be placed upon the order paper for consideration of the amendments made by the Committee on Railways, Telegraphs and Harbours to-morrrow.

Hon. Mr. DANDURAND—Would the hon. gentleman be willing to give it one stage, and put it down for third reading to-morrow, in order that the amendment which the hon. member from De Salaberry wants to move, and which he could draft this evening in conjunction with the hon. gentleman and the promoters, shall be discussed and framed to the satisfaction of the promoters? I throw out the suggestion because there is a possibility that the amendment of which the hon. gentleman from De Salaberry gave notice might perhaps be made satisfactory in a large measure to the promoters of this Bill.

Hon. Mr. EDWARDS—It would be irregular at this juncture to suggest that it be done now. Is it not better to reinstate the Bill on the order paper?

Hon. Mr. DANDURAND—I thought if the hon. gentleman would consent to advance it one stage now, and set it down for third reading to-morrow, notice of the amendment could be given before we adjourn.

Hon. Mr. EDWARDS—Is it not better to dispose of the report of the committee and afterwards proceed?

Hon. Mr. BEIQUE—We can dispose of the report of the committee forthwith.

Hon. Mr. EDWARDS—Must not the Bill be reinstated on the order paper first?

Hon. Mr. POWER—If the suggestion of the hon. gentleman from De Lorimier is to be taken into consideration, I understand it is that the amendment reported by the committee is to be modified in such a way as to perhaps meet the requirements of the promoters. If we adopt the report now, we cannot do that.

Hon. Mr. DANDURAND. You can do that at the third reading.

Hon. Mr. POWER—That would be a most irregular proceeding, to make an amendment now and alter that amendment to-morrow. A better way is to have the matter settled to-morrow.

Hon. Mr. LANDRY—If I understand my hon. friend from Ottawa, he is prepared to revive the Bill by a motion to be made now. If that revival takes place, then the Bill will be on the order paper, and it will come up regularly to-morrow for the adoption of the report, because we can object on account of no notice having been given; but we are ready to suspend the rules if we come to an understanding. If the motion of my hon. friend comes up to-morrow and the parties agree on the nature of the further amendment that the hon. gentleman from De Salaberry wants to move, there will be no objection to a suspension of rules. The Bill will be as quickly disposed of to-morrow by suspending the rule, and no objection will be taken.

Hon. Mr. BEIQUE—To-morrow the objection may be made. The amendments can be made to the report, and it can be sent back to the committee.

Hon. Mr. LANDRY—That will not advance it.

Hon. Mr. BEIQUE—If we are to proceed by agreement, we had better understand the agreement.

Hon. Mr. LANDRY. That is what we are trying to get at.

Hon. Mr. BEIQUE—Why not proceed, as we have done in a number of cases when it is understood that an amendment is to be made—we defer it, as a rule, to the third reading. Then at the third reading I will have stated the nature of the amendment.

The SPEAKER—If the report be put down for adoption to-morrow, and it be then adopted, the amendment can be made then, or at the third reading, so that the whole business, I understand, will be completed to-morrow.

Hon. Mr. LANDRY—With that understanding I suppose the hon. gentleman withdraws his motion?

Hon. Mr. DAVID—With that understanding, I beg leave to withdraw the motion.

Hon. Mr. LANDRY—To make the thing regular, let the hon. gentleman withdraw his motion and then move his other motion, and my hon. friend (Hon. Mr. Edwards) motion will come in as an amendment. There is no need for a notice of the amendment.

The SPEAKER—With that understanding, and with the leave of the House, the hon. gentleman from Mille Iles requests permission to withdraw his motion.

Hon. Mr. POWER—To keep the procedure right; if the hon. gentleman from Mille Iles withdraws his motion, where are we at? As I understand, the Bill is not here. The hon. gentleman from Rockland should make his motion as an amendment to the motion of the hon. gentleman from Mille Iles. If that carries, it is all right and no question can be raised about the regularity of the proceeding.

Hon. Mr. LANDRY—There is no objection to taking that course with the consent of the House. Because his amendment is not germane to the motion made by the hon. member; but it would be germane to the second motion. It is for that reason I suggest that the hon. gentleman should withdraw his first motion, then move the second motion and let the hon. gentleman from Rockland (Hon. Mr. Edwards) move his as an amendment.

Hon. Mr. YOUNG—If both motions are withdrawn, we shall have removed from our records two motions without any determination or declaration as to their standing. That will be so much cleared off. If it is the unanimous wish of the House that the order be reinstated and that the proceedings shall be carried on to-morrow in conjunction with this Bill, then you will have only the usual record

to make in the journals of the House, and it strikes me it will improve our journals to have it carried out in that shape. I agree with my hon. friend that it is better to get these two motions out of the way.

The SPEAKER—With the leave of the House, the motion of the hon. gentleman is withdrawn, and the notice of motion is also withdrawn.

Hon. Mr. EDWARDS moved that the Bill be placed on the orders of the day for to-morrow for the consideration of the amendments made to it by the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. DANDURAND—To be the first order after the third reading.

Hon. Mr. LOUGHEED—There is the Naval Bill which we may not reach to-night, which should have precedence over any Bill of this kind.

Hon. Mr. YOUNG—If the House will consent to concur in the amendments made in this Bill by the Committee on Railways, Telegraphs and Harbours, we can place the Bill for third reading to-morrow.

Hon. Mr. POWER—I cannot agree to that. I am quite willing to do this as a member of the House; if the hon. gentleman from Mille Iles and the promoters of this Bill can agree upon some modification of the amendment, then I am quite prepared to let every rule be set aside for the purpose of carrying out their intention, but having taken the ground that I have all along with respect to this particular amendment, I feel that I should be stultifying myself in voting for it.

Hon. Mr. DANDURAND—We should put the order for the first after the third reading, and if an agreement be reached as to an amendment, we may adjourn it later.

Hon. Mr. LOUGHEED—It has been suggested that if the proposed amendments be agreed upon between the parties interested, the order should take first place after third reading.

Hon. Mr. POWER—If the hon. gentleman gives notice to-night to suspend the rules, he can have it on the third reading list to-morrow.

Hon. Mr. ELLIS—If the same spirit should animate the Senate to-morrow that animates it to-day, we will be all day to-morrow discussing it.

Hon. Mr. DANDURAND—It is possible that prorogation will take place early next week, and I therefore move, with the consent of the House, that when the House adjourns to-night it do stand adjourned until 11 a.m., to-morrow, and that there be two sittings, the first from 11 to 1, and the second from three o'clock.

The motion was agreed to.

BILLS INTRODUCED.

Bill (101) An Act to provide for the investigation of Combines, Monopolies, Trusts and Mergers.—Hon. Sir Richard Cartwright.

Bill (25) An Act respecting the Water-carriage of Goods.—Hon. Sir Richard Cartwright.

Bill (192) An Act to amend the Fisheries Act.—Hon. Sir Richard Cartwright.

Bill (198) An Act to amend the Industrial Disputes Investigation Act, 1907.—Hon. Sir Richard Cartwright.

RIPARIAN RIGHTS ON TIDAL WATERS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Has the Supreme Court pronounced upon the rights of riparian proprietors on each side of rivers where the tide makes itself felt?
2. In what sense?
3. Has the judgment of the Supreme Court been ever set aside by any tribunal?
4. Until it is, what value may it have, and does the government consider itself as bound to accept it in the sense which it has been given?
5. What are the names of the persons who have obtained from the federal government fishing licenses in the rivers where the tide makes itself felt?
6. What are the names of the persons to whom the government has refused such licenses?

Rt. Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follow:

1. Some of the rights of riparian proprietors are dealt with incidentally in the Fisheries Case,—Supreme Court Reports,

Volume 26, p. 444 et seq.,—but there is no decision of the Supreme Court dealing specially with the rights of riparians on tidal portions of rivers.

2. The case must be consulted.

3. The decision was taken on appeal to the Judicial Committee of the Privy Council; but the rights of riparians in tidal waters is not dealt with in the judgment of the Privy Council.

4. The value assigned to it by the Statute 54 and 55 Victoria, Chapter 25, section 4.

5 and 6. The applications received last year numbered over five thousand. It would not therefore be possible to give the desired information in answer to questions.

EXAMINATION OF PILOTS.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Do the regulations made or approved by the government for the use of the pilots of the river St. Lawrence impose the obligation on pilots to undergo annually a medical examination for the purpose of assuring them as to the efficiency of their sight?
2. At what precise time of the year must this examination take place?
3. Where must they be held?
4. By whom must they be made? By an ordinary doctor or by an oculist?
5. By whom were they made last winter, and what date?
6. Does the government receive a certificate respecting this examination?
7. What are the dates of the reception by the government of the different reports made this year on such examinations?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers to the hon. gentleman's questions are as follow:

1. Yes—For Quebec by-law sec. 21. For Montreal sec. 17.

2. March, April and May.

3. For pilots below Quebec at Quebec, for pilots above Quebec not stated.

4. At Quebec by the Examiner of Masters and Mates—At Montreal by oculist, not an ordinary doctor.

5. At Quebec by Captain Demers, Chief Examiner of Masters and Mates and Doctor Pagé. At Montreal by Doctor Duhamel and Captain Demers.

6. Yes.

7. 19th April.

Rt. Hon. Sir RICHARD CARTWRIGHT.

APPOINTMENTS ON MARINE SERVICE.

INQUIRY.

Hon. Mr. LANDRY inquired:

Is it the intention of the government to appoint competent sailors to occupy the new positions created by the establishment of the new department of the Marine Service?
How many employees is the service of this new department going to require?
What will be, approximately, for the twelve months of the first year at least, the cost of such service?

Rt. Hon. Sir RICHARD CARTWRIGHT —The answers to the hon. gentleman's questions are as follow:

1. Yes, where technical knowledge of a naval service is required.

2. Civil government, 28; headquarters staff, 6; dockyard staff, 54; naval college staff, 54; officers and crews, &c., 'Niobe' and 'Rainbow,' 530—total, 672.

3. Approximately $3,000,000.

TELEGRAPH BILL.

FIRST AND SECOND READINGS.

Hon. Mr. BEIQUE presented Bill (OOO) An Act to correct an error in chap. 126 of the Revised Statutes of Canada, entitled an Act Respecting Telegraphs.

The Bill was read a first time.

Hon. Mr. BEIQUE moved the second reading of the Bill. He said: The object of the Bill is merely to correct an error in the statutes at the time of the coming into force of the Revised Statutes. My attention was called by the Law Clerk to the matter, and it was mentioned in committee the other day, and he prepared a short Bill and placed it in my hands. In 1875, an Act was passed which is chap. 26 of the statutes of that year, entitled: 'An Act to Regulate the Construction and Maintenance of Marine Electric Telegraphs.' There was no legislation of that kind before that in regard to telegraphs. When the Revised Statutes of 1886 were put into force, a wrong wording was adopted, and the same wrong wording was adopted in chapter 126 in our Revised Statutes of 1906 in this way. Section 17 of chapter 126 provides that this Act shall apply to every company:

(a) Hereafter authorized by any special or general act of the parliament of Canada under the provision of this act to construct or maintain telegraph wires or cables, or so forth.

(b) Authorized to construct or maintain such telegraphic wires or cables before the 8th April, 1875, by any special or general Act of the parliament of Canada.

Before 1875 there was no general Act. It was regulated by special Act in every case. So that the general Act came in force only on the 8th April, 1875, and by adopting this wording the consequence is it would leave a gap between coming into force of the Revised Statutes of 1906, and the date of 8th April, 1875. There is a complete gap and no provision at all for constructing any telegraph line by a company incorporated within that period. The Bill prepared by the Law Clerk is very short. It reads as follows:

Section 17 of the Telegraph Act, chap. 105 revised Statutes of Canada, 1906, is hereby repealed and amended by substituting for the words 'hereinafter authorized' in the first line of paragraph (a) thereof the words 'authorized after the 8th day of April, 1875'.

This Act shall be construed as if it had been passed under date of March, 1887, the date on which the Revised Statutes of Canada came into force.

The draft Bill was shown to the Post Office Department and received their approval.

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

THIRD READING.

Bill (124) An Act respecting the Eastern Canada Manufacturers Mutual Fire Insurance Company as amended.—Hon. Mr Frost.

Bill (123) An Act respecting the Central Canada Manufacturers Mutual Fire Insurance Company.—Hon. Mr. Frost.

Bill (197) An Act to amend the Post Office Act.—Rt. Hon. Sir Richard Cartwright.

Bill (115) An Act to incorporate the St. Lawrence Power Transmission Company, Limited.—Hon. Mr. Watson.

Bill (104) An Act to control the rates and facilities of Ocean Cable Companies and to amend the Railway Act with respect to the Telegraphs and Telephones, and the jurisdiction of the Board of Railway Commissioners.—Rt. Hon. Sir Richard Cartwright.

Bill (MMM) An Act for the relief of James Alexander Hurst Forster.—Hon. Mr. De Veber.

NAVAL BILL.

DEBATE ON SECOND READING RESUMED.

The order of the day being called:

Resuming the adjourned debate on the motion for the second reading (Bill 95) an Act respecting the Naval Service of Canada.

Hon. Mr. LOUGHEED—When my right hon. friend presented this measure to the House yesterday, I had some hope that he would have presented it with such argument and speech of which he is a most forceful master. I was, therefore, much disappointed when I ascertained from my right hon. friend that he did not consider it necessary to state the reasons which led to the government adopting a policy of such far-reaching consequences as that involved in the Bill. To my mind, this measure is one of the most important that has been introduced into parliament since confederation. It involves the entry of Canada upon a policy which, up to two years ago, would have been derided by the present government. It involves Canada stepping out from its local status and entering the lists of naval powers, of assuming enormous expenditures, and national obligations such as two years ago were not contemplated being assumed by Canada, in the near future. I therefore did expect that my right hon. friend would have regarded it as desirable that the House should have been apprised of whatever good reasons may have presented themselves to the minds of the government for the adoption of such a policy. I presume that we may well attribute the genesis of this Bill to Germany. I should like to make a few observations as to the attitude of Germany with respect to the British empire, particularly that attitude which has led to the emergency so much discussed, and, therefore, the adoption of this policy. It is a well known fact that for more than a half century past, Germany has had dreams and aspirations looking to her becoming a dominant factor in not only European affairs, but in the affairs of the world. Long before the unification of Germany, before the Germanic empire was established, the German states dreamed of a policy to place its race in a position of dominancy through the arbitrement of war. There has

been no period during the last half century or more, that Germany has not been on a war footing. With the object of carving out for herself this position of almost universal dominance, Germany in 1864 began a series of wars, and has scarcely hesitated down to the present time in making every preparation to meet any nation; in fact, to meet any nation or combination of nations that might dispute her position. Germany attacked and despoiled Denmark in 1864, she attacked and defeated Austria in 1866. In 1870-71, she picked a quarrel with France, and, as we know, levied an indemnity of £200,000,000 upon the empire of France, and in addition annexed two French provinces, Alsace and Lorraine. In 1905, France was again threatened unless she dismissed her foreign minister, and had it not been for the intervention of England, I have no doubt there would have been a repetition of the Franco-German war of 1870-71. We find Germany in 1909 menacing Russia with invasion unless she surrendered to Austria certain Baltic provinces. Thus we find Germany, down almost to the present time, consistently pursuing a policy of dominance in the world's affairs, and usually, almost invariably, so asserting herself as to secure recognition of the power she wields. In 1900, Germany seems to have awakened to the fact that in addition to her being, as she then was, the greatest military power of Europe, it was indispensable to the position which she occupied that she should become one of the greatest naval powers of Europe, and in 1900 was passed what was known as the Germany Naval Bill. There is a declaration in that Bill which outlines pretty fairly the object Germany had in view, and it reads as follows:—

> Germany must possess a battle fleet so strong that war with her would, even for the greatest naval power, be accompanied with such dangers as to render that power's position doubtful. For this purpose, it is not absolutely necessary that the German fleet should be as strong as that of the greatest sea power, because generally the greatest sea power would not be in a position to concentrate all her forces against her.

In conformity with the German Naval Bill of 1900, she proceeded to carry out her policy of building Dreadnoughts. In 1904, unfortunately for England, she departed from her policy of maintaining the two-power-standard-plus-ten-per-cent in naval force and which she had established and consistently maintained up to that time. It then became evident to Germany, as most of the hon. gentlemen will remember, that the Conservative government in Great Britain was threatened with defeat; that it was only a question of time before Mr. Balfour's government must make way for what was regarded then as the 'Little England Party'; and so much attention was given in Germany to the political situation that then obtained in England, it was not only felt, but it was absolutely known that the present Liberal government, upon its accession to office, then being led by Mr. Campbell Bannerman, would at once proceed to make a reduction of the Naval Estimates. I find a succinct statement, taken from the 'National Review,' of the attitude assumed by the British government at that time as to the reduction of its naval estimates. The facts, shortly stated, are these:

> When Sir John Fisher became First Sea Lord in October, 1904, the total expenditure upon the British navy in that year was forty million pounds against a total German navy expenditure of ten and a half million pounds. The strength in ships was about in the ratio of four to one. His first step was to drop fourteen destroyers which had been voted for the navy in 1904. The next year his first programme was submitted, calling for one battleship and four armoured cruisers of the Dreadnought type, and the estimates amounted to thirty-six million pounds. The personnel of the navy was reduced by two thousand men, and the outlay for ammunition by four hundred thousand pounds.

We then come to the introduction of what was known as the Cawdor Memorandum, indicating what the policy of the Liberal party in England at that time was, and would be with reference to a further reduction of armament, with the result that Germany increased her naval expenditures by 60 per cent, and laid down a programme of three Dreadnoughts annually instead of three comparatively small armoured cruisers. Sir John Fisher's response to this menace was a further reduction of expenditure in 1906, which amounted to £34,000,000 and the dropping of one of the large armoured cruisers voted in 1905.

Hon. Mr. POWER—Excuse me for interrupting. I got the impression from the

observation the hon. gentleman made just now, that those reductions were the result of the government change in England; but I see that they followed immediately after Sir John Fisher's appointment as First Sea Lord. That was two years before the change of government.

Hon. Mr. LOUGHEED—Yes, that policy was adopted by Sir John Fisher.

Hon. Mr. POWER—It is hardly fair for the hon. gentleman to charge the new government with that.

Hon. Mr. LOUGHEED—I think so, because publicity was scarcely given to it until the Liberal government came into office, and I furthermore point out, that it was well known certainly two years before the defeat of the Balfour government that the days of that government were numbered. They no longer represented public opinion in England, and the prediction was freely made in 1904 that that government could not possibly remain in office until the expiration of its term of office. However, I am not so much concerned about that as in endeavouring to establish this fact, that there was an emergency produced largely by the facts I have stated; and I propose to show that the preparations which Germany has been making are for the purpose of building up a naval fleet to dispute the supremacy of British power on the seas. In 1907, the British expenditure was still further cut to £32,000,000. The Germans, as their challenge, in answer laid down 12 large destroyers in that year, whereas England built five. Germany also laid down five Dreadnoughts, and properly financed them, while the German government made plans for the further increase in the German fleet.

In the 'Tagblatt,' a prominent German publication, the view was expressed that the Liberal party would allow the navy to be so weakened that the Unionists, when they returned to office, would be unable to undo the mischief. Sir John Fisher's retort was to lay down only two Dreadnoughts, reducing the annual expenditure to £31,500,000, despite the fact that the tonnage of Germany's men of war had risen from 38,000 tons to 80,000 tons, and the German naval expenditures from £14,000,000 to £23,000,000. As soon as the British naval estimates of 1907 were known, German authorities took steps to augment their plants and financed extensions for Krupps, which will enable Germany to arm annually ten if not fourteen Dreadnoughts. Thus it will be seen that upon the reduction of the naval estimates by the British government, which policy seems to have been consistently carried out from 1904 to 1909, Germany accelerated the programme outlined in her Naval Bill, thus threatening, as I have said, to equal in Dreadnoughts the armament of Great Britain. It may strike us more forcibly when we consider that in 1896 the German battle fleet consisted of four small badly constructed thoroughly inferior ships, while the British navy consisted of from twenty to twenty-five battleships enormously superior, ship for ship, to those of the Germans. To-day, Germany has 18 fairly good battleships of the pre-Dreadnought type, and is building Dreadnoughts so rapidly as to make it a subject of controversy whether she or Great Britain will be in the lead in 1912. The Prime Minister, Mr. Asquith, speaking 17 Dreadnoughts. Mr. Balfour estimated that in March, 1912, Great Britain would have twenty and Germany would have 17 dreadnaughts. Mr. Balfour estimated that Great Britain would then have 16 and Germany 17. Mr. McKenna, speaking on this subject, said in the House of Commons, that the government had no reliable information as to how fast German construction was proceeding. Furthermore, Mr. McKenna said, 'There were then in Germany, with the possible exception of one or two slips, no proper yards, no slips capable of carrying a Dreadnought; to-day there are no fewer than 14 of such slips, and three more are under construction. What is true of the slips is also true of the guns, the armouries, and mountings, and as further evidence of the emergency which prevails, and which calls upon Canada to do something of an effective character, may I point to a statement made by Sir Edward Grey, Secretary for Foreign Affairs. Speaking in the British House of Commons, he said:—

First of all the House and the country are perfectly right in the view that the situation is grave. A new situation in this

country created by the German programme. Whether that programme is carried out quickly or slowly the fact of its existence makes a new situation. When that programme is completed, Germany, a great country close to our shores, will have a fleet of 33 Dreadnoughts. That fleet would be the most powerful which the world has ever yet seen. It is true that there is not one of them in commission yet; but it is equally true that the whole programme comprises what I have said, and when completed the new fleet will be the most powerful fleet which the world has yet seen. That imposes upon us the necessity, of which we are now at the beginning—except so far as we have Dreadnoughts already—of rebuilding the whole of our fleet. That is what the situation is. What we do not know is the time in which we shall have to do it.

No superiority of the British navy over the German navy could ever put us in a position to affect the independence or integrity of Germany, because our arm is not maintained on a scale which unaided could do anything on German territory. But if the German navy were superior to ours, they maintaining the army which they do, for us it would not be a question of defeat. Our independence, our very existence would be at stake.

Thus, hon. gentlemen, we have the situation outlined in such alarming terms by the most reliable authorities in Great Britain, that no question should remain in the minds of those interested, either as British subjects or otherwise, as to the absolute necessity of the most effective steps being taken to ensure by a proper system of defence the integrity of the empire. We find that three great naval powers—Germany, England, and the United States—during the year 1909-10 have passed naval estimates of over £50,000,000 each for the building and the maintenance of their naval armaments. In view of those gigantic preparations one cannot hesitate in concluding that the position is one of great emergency, thus demanding the best attention and statesmanship which our government can give to so important a subject. Until 1909, the public mind of Canada was not aroused to the duty of participating in the defence of the empire. We find the Prime Minister when attending the imperial conference in London in 1907, absolutely opposing any such proposition as Canada contributing in any way to the defence of the empire, either for local or imperial purposes. I find upon the records that Mr. Smartt, who was the colleague of Dr. Jamieson, moved the following resolution at the imperial conference of 1907:

That this conference, recognizing the vast importance of the services rendered by the navy to the defence of the empire and the protection of its trade, and the paramount importance of continuing to maintain the navy in the highest possible state of efficiency, considers it to be the duty of the dominions beyond the seas to make such contributions toward the upkeep of the navy as may be determined by their local legislatures — the contributions to take the form of a grant of money, the establishment of local naval defence, or such other services, in such manner as may be decided upon after consultation with the admiralty and would as best accord with varying circumstances.

We find that the Prime Minister of Canada, who was present on that occasion, declining to discuss it, and saying in the end that those representing the other great self governing dominions of the empire might vote for it if they chose, but he would vote against it. Such was the attitude of Canada on this important question in 1907. This leads us up to the question as to what Canada, since that time has done to meet the present situation, and whether the measure introduced yesterday by my right hon. friend will effect the purpose for which it was apparently designed. To that consideration, I should like to address myself for a few minutes. The intention of this measure if we are to accept the statements of the government is to give effective help to the empire in this time of emergency, and to thus participate in the defence of the empire.

This question of participating in the defence of the empire must be regarded as the essential feature of the Bill, because, up to the imperial conference of 1907, this government, through its Prime Minister, expressed itself as not being in sympathy with our participating in the naval defence of the empire, even to the extent of undertaking any obligations involving the local defence of our own shores. Let us therefore consider whether this measure fully meets the emergency which has thus arisen, and which I have attempted to describe, by reason of the enormous preparations which are being made by Germany in building up its naval armament for the purpose, at an early day, of disputing the supremacy of England upon the seas. We had a profession on the part of the government to the British Admiralty that they were desirous of entering upon certain obligations with a

view to assuming the duty of building up a fleet at the expense of Canada. The particulars are set out in the Bill before us. It is proposed to construct eleven ships. Three of them are to be unarmoured cruisers and the others of a smaller class. The recommendations of the Admiralty were not seriously regarded by the representatives of this government who went to England in 1909 to discuss the policy of details of the fleet with the Admiralty of Great Britain. They seemed to have had their own ideas as to the measure of defence upon which they would enter, and also the limit of expenditure. We find on the threshold of that conference this remarkable statement being made by representatives of our government:

> The supreme consideration is the constitutional freedom of the State, and to this question of strategy no matter how important, must be subordinated.

That seems to have been the starting point of the representations of the Canadian government in their entry upon the obligations of naval defence. The outcome of the deliberations which took place there, is, as I have said, the provision which is in the Bill before us. I do not think that any hon. gentleman present will seriously contend that this so-called Canadian fleet can be of any adequate service to Great Britain in time of war, or of efficient service at any time so far as strengthening the imperial fleet is concerned. It is proposed, I understand, to place half this fleet upon the Atlantic and the other half upon the Pacific. We have a double coast to defend, geographically covering about ten thousand miles. On each ocean we shall have practically half the ships yet to be built. Now may I ask the question of my right hon. friend, who did not favour us with any very elaborate explanation upon this Bill, if the government of Canada seriously contemplate that the half of this fleet on the Pacific or the half of it upon the Atlantic will be of any adequate service in repelling any enemy which may attack our shores? I apprehend that it is not the intention to have this fleet in its entirety upon either ocean, but to divide it. But even assuming that this fleet could be gathered in all its numbers to the extent of eleven ships upon either ocean, what enemy is this fleet going to repel? Is there any European enemy that will attack Canada either upon the Atlantic or upon the Pacific? If there be any such enemy which we are making provision to repel, that enemy would naturally be a first class naval power and one at war with Great Britain. It surely cannot be seriously considered that one-half of this fleet upon the Atlantic could repel a European power of any naval significance. In the next place what about the fleet upon the Pacific? It is not seriously contended that this fleet could withstand the attack of any Asiatic power. Are we making provision to defend our shores against any attack which Japan may make? We cannot seriously contemplate that this fleet, now or for many years to come, would be of sufficient weight to cope with the Japanese fleet.

In the next place, there is no base from which an Asiatic or a European power could operate on either ocean in attacking Canada. So that we may lay it down as axiomatic, that no Asiatic or European power can, within reason, attack the shores of Canada, for the simply reason that they have no base from which to operate. Therefore, in my judgment, the only nation that this fleet can be designed to repel would be the fleet of the United States. The United States is our only neighbour, the only naval power that could possibly attack Canada, and I do not think that we can seriously estimate for a moment that this government has entered upon building a fleet for the purpose of protecting its shores against the neighbouring nation. This fleet, small as it must be in both oceans, can only be an irritant and provocative of mischief so far as the United States is concerned. It seems to be almost absurd for one to discuss the probability of difficulties arising between these two branches of the Anglo-Saxon race. The British government, for many years past, have taken the position that the friendly relations between the two nations are such that they have not considered the United States in fixing their two-power standard against the other naval powers of the world. So remote would be the possibility of difficulties occurring between those two branches of the Anglo-Saxon race, that we

may safely conclude that not only this government, but the British government would be entirely safe in accepting the risk, it being so remotely distant as to render war between the two impossible. From that standpoint, the government, in the various statements that have been made in the House of Commons and otherwise, has not advanced any good reason for the expenditure which is involved in the building of this fleet. It has been estimated that the cost of this fleet will be $58,000,000. I notice that Mr. Borden, leader of the opposition in the House of Commons, in discussing this matter, prepared a statement and placed it upon the table of the House, and asked the government of the day to check it over and to controvert it if possible. He estimated that even the present programme would cost the government of Canada for the next ten years at least $58,484,040, giving the details of the cost of up-keep in the purchase of vessels. The total was $58,484,040. This does not include the enormous expenditure which the government of Canada will enter upon in the immediate future, and the building up of dry docks, slips and other structures of that nature not only for the purpose of building this fleet, but for maintenance from time to time. Then I might point out in this connection that this will only be the initial expense of the undertaking upon which we have now entered. I noticed in the press the other day a statement made by a representative Englishman who had stated that of the 150 ships which were assembled in the Thames of last year, and which practically comprise the greater part of the British fleet, not one of those ships had been in the Portsmouth harbour at the coronation of the King. That is to say, the life of a war ship is so short that of an enormous fleet gathered in the Thames of 1909, not one of those ships had practically been in commission at the time of the King's coronation. Thus at the end of ten years for which Mr. Borden has estimated that the cost would be the amount which I have mentioned, our complement of ships would be ready for the scrap heap. I am not criticising the expenditure, provided we secure value for that expenditure, and I am answering myself the questions propounded to the House as to whether the expenditure is calculated to give value and to give efficient service, not only for the defence of our shores, but assistance to the British fleet in time of stress. I also ask is it the purpose of this fleet to help England in time of war? I venture to say that no hon. gentleman in this chamber will seriously consider for a moment that this fleet can be of any substantial service to Great Britain, either in time of peace or in time of war. There is such a consensus of opinion amongst all the naval experts of the world, I care not whether they be British or German, French or of other nationality, there is only one opinion, and that is that a fleet, to be effective, must look to one common centre and must be directed by one head. It must be all powerful and of unassailable supremacy, otherwise it can be of no effect. May I point out to hon. gentlemen some of the views expressed by well known authorities upon this subject. One writer speaking of it says:—

> The essence of modern naval strategy as universally admitted by experts, lies in the power of concentrated naval strength as opposed to a scattered naval strength. It is in defence to this principle that Great Britain has called in her far-flung battle line and concentrated 80 per cent of her naval strength in the North Sea. Any one of the naval units which Great Britain has called in from the seven seas would be infinitely superior in strength to the local navy which Canada proposes to establish. Yet here is Canada committed to a policy which adds nothing to the all important centralized naval strength and building up an isolated naval unit which British naval strategy declares to be useless appendage of effective naval power.

Hon. Mr. McKinna, first Lord of the Admiralty, speaking to the representatives of Canada at the recent conference says:—

> We cannot force our strategical ideas upon you; we should fail if we attempted to do so. If any dominion came to the admiralty at home here and asked us what our view as to the best assistance for the purpose of common defence which could be rendered, we should be ready with an answer, but we should not necessarily expect you to accept our answer. You will have your own views as to the proper development of defensive forces in your own dominions. It is only by your working out your own problems for yourselves that you can gain experience. Lessons told you by others will never come home to you with the same force as lessons which you have learned for yourselves.

Mr. Balfour speaking upon this subject says:—

The German ocean, the channel, and the neighbourhood of these islands, possibly the Mediterranean, those are the theatres in which, if there is to be an Armageddon, the Armageddon will take place, and it is impossible for us to attempt to dissipate those fleet continents so that when the time of crisis arises we shall not be able to have that concentration upon which the existence and the defence of each separate portion of the empire really depends. The fate of Australia, the fate of New Zealand, of Canada, South Africa, India, is not going to de decided in the Pacific, it is not going to be decided in the Indian Ocean; it is going to be decided here.

Speaking upon this subject may I refer to a statement made by the Prime Minister of Great Britain:—

If we were permanently to lose the command of the sea then whatever might be the strength and organization of our military forces, even allowing that you had an army like the army of Germany, whatever might be its strength and whatever might be its organization, it would not only be impossible that this country should escape invasion—invasion might not even be necessary—but the subjection of the country to the enemy would be inevitable. It followed from that proposition that it is the business of the admiralty to maintain our naval supremacy at such a point that we cannot lose the command of the sea and that against any reasonable possible combination that could be brought against us we must hold the sea and make invasion impracticable.

Speaking again on this point, the First Lord of the Admiralty, at the Conference in 1907, said to the representatives of Canada:—

The only reservation that the admiralty desire to make is that they claim to have the charge of the strategical questions which are necessarily involved in naval defence, to hold the command of the naval forces of the country, and to arrange the distribution of ships in the best possible manner to resist attacks and to defend the empire at large, whether it be our own islands of the dominions beyond the seas.

We cannot seriously contemplate for a moment that this fleet, distributed as it may be in the two oceans, half in the Atlantic and half in the Pacific, will contribute in any degree whatever to the strength of Britain's fleet. We find this string placed upon it, under the provisions of the Bill, that the fleet shall not be called into action except under authority of an order in council. Can we possibly conceive of a more grotesque situation than that which I have mentioned? Half of the fleet on the Pacific and half on the Atlantic. An invasion is not only threatened but made by the German fleet in the North Sea upon the concentrated British fleet; does any hon. gentleman think for a moment that any notice is to be given, that an exchange of courtesies between the two nations will take place, that diplomatic notes will be exchanged, to intimate that at a particular day and hour our enemy will meet us at a particular place? Not at all. We all remember most distinctly the attack which was made by Japan on the Russian fleet, of a most successful character, and which I venture to say hereafter in all naval strategy will be adopted by naval powers. My hon. friends may say that the approval of the admiralty was expressed as to the policy adopted by Canada. I admit that when the British authorities ascertained or discovered that Canada was intent upon not assuming the responsibility of building up a fleet unit, but of carrying out the share which our representatives at that conference outlined, polite congratulations took place; England expressed her satisfaction; diplomatic courtesies were exchanged, and we were told that the British Admiralty expressed its entire satisfaction at the policy adopted by this government. I need not say that we are not to take seriously the diplomatic courtesies which take place between the authorities or representatives of negotiating governments. Under the most unfavourable circumstances those courtesies are exchanged; but I venture to say there was the greatest measure of disappointment in England when it was ascertained that this country insisted upon carrying out its own views, concerning which it knew very little, upon great naval questions, and ignoring the views, the wishes, and the sentiments, not only I ly of the admiralty authorities in Great majority of our own people, but particularly of the Admiralty authorities in Great Britain. The constitutional question seemed to play an important part in the deliberations of our representatives at that conference. They seem to have gone from Canada to Great Britain tied hand and foot by the idea that our constitutional rights were to be invaded, and, as I before stated, their supreme consideration was

the constitutional freedom of Canada, to which this question of strategy, no matter how important, must be subordinated. May I ask my right hon. friend in what way will this consideration play an important factor, or should play an important factor in determining an emergent situation such as that which at present faces us. Let us assume that we assert our constitutional rights as we always have been doing, and as we shall do until the end of time, I hope, what bearing has this on Canada rendering effective service in the strengthening of the British fleet at this critical time? Let us assume for a moment that Canada was right in so doing, but by reason of so doing she has contributed ineffectively to the purpose which it was designed to serve, and let us assume for a moment that owing to our refusal to participate in one imperial fleet, and our decision to adopt the separate national policy which we have entered upon, disaster overtakes the British fleet what would be the result of our so-called constitutional theory? It is simply a shadow, a phantom, an evasion to escape that responsibility which this government should have entered upon. Another view which should have been considered by the government is this, what will be the result of this policy? The logical results of a Canadian navy must be to produce in Canada ultimately a severance from Great Britain. It involves all the factors and qualities which go to establish self-containment, self-reliance, the consciousness that we are thrown upon our own responsibility.

Hon. Mr. ROSS—Is not that a good thing?

Hon. Mr. LOUGHEED—That we are building up a fleet for the purpose of defending our own shores entirely irrespective of the empire?

Hon. Mr. ROSS—No, No.

Hon. Mr. LOUGHEED—The hon. gentleman from Middlesex asks if that is not a good thing? I say, yes, it is a good thing, if that be the object for which it is built. If we have deliberately arrived at the conclusion that to establish a fleet so as to enter upon a policy of self-containment, that will and must bring about the severance of our relations from the empire, then to accomplish this purpose, I should say the building of a separate fleet is a good thing to effect such a purpose; but if the object of this country be to remain an integral part of the empire, to assume our share of the responsibilities of the empire and all the advantages which accompany it, then I say it is not a good thing. I say the whole tendency of the adoption of such a policy is calculated to ultimately cause Canada to cut adrift from the empire to which we now belong. The question arises what Canada should have done instead of what she is doing. In my judgment, it would not have been an unreasonable thing for Canada, recognizing the emergency which faces Great Britain, to have contributed a grant and to have discussed with the British government the desirability of having, say, a federal defence committee in which there would be representatives from the overseas dominions, so that one common policy should be carried out in the future as to one common fleet and one common policy of defence. This would have cost Canada less, I venture to say, than the expenditure on which we have entered; and it certainly would have contributed to strengthen the ties between Canada and the empire. On the whole, I think, this is an ill-digested, ill-considered measure, not calculated to have any immediate effect either in assisting Great Britain or being of any advantage to Canada. It is a policy into which this government has been stampeded. It is a compromise measure. It possesses, in my judgment, little or no virtue, and I venture to say that if it had possessed all the virtues which this government claim are embodied in the Bill, which we find mentioned in the Liberal press of the country, my right hon. friend, in presenting the measure, would have emphasized those merits instead of presenting the measure in comparative silence. Under these circumstances, I propose to move, seconded by the Hon. Mr. De Boucherville——

Hon. Mr. DANDURAND—How many Dreadnoughts did the hon. gentleman say we should have contributed?

Hon. Mr. LOUGHEED—I did not state how many.

Hon. Mr. DANDURAND—Perhaps the Hon. Mr. DeBoucherville may.

Hon. Mr. LOUGHEED—That is a matter of opinion. Perhaps my hon. friend has very strong opinions on that point. I move:—

That this House is not justified in giving its consent to this Bill until it is submitted to the judgment of the country.

Later Mr. DeBoucherville will address some observations to the House in seconding the amendment.

Hon. Mr. CASGRAIN—So much has been said on the Naval Service Act, that perhaps many of you may think the discussion should not be much prolonged; but, even at the risk of wearying this House I should like to place before you a few historical facts to prove the devotion and loyalty of the province of Quebec towards the British Throne, and also, if time would permit, to glance in a cursory way over the map of the world, and see why notwithstanding the alarming speech of the hon. leader of the opposition of this House, nearly all the best and strategic points on the face of the globe are painted red on that map. We deplore, I am sure, that this question has been treated elsewhere, and in the press of this country more in a partisan spirit than in the broad national spirit with which such a question should be approached by every true lover of the empire; but I hope that in this House, where we are far removed from the turmoil of political strife, and where many of us are advancing in age after years of service to the state, we may approach this question in a broad spirit of loyalty and show that at any rate the members of this House can think imperially. The question may be divided into two parts. The first, should Canada participate in imperial defence or should it not? If we decide this point in the affirmative, then it follows the answer to the second point is already given. That is, we should adopt the very best means of defence. The principle of participating in the defence of the empire is sustained by an overwhelming majority throughout this country, and if we may judge by the large majority given elsewhere for the adoption of this measure, we can decide at once that the principle of sharing in imperial defence by Canada, has been adopted by Canada.

Therefore, we have now to consider the best means to attain that object. It is strange that in many speeches that have been made on this most important subject elsewhere, and in the long articles which have been published in the press, so little reference has been made to a valuable work on this subject by an officer in the United States navy. This book is admitted to be one of the best, if not the best contributions on the subject of naval policy published for a great number of years. It has been recognized by naval authorities in Europe, and the naval authorities in this country will bear me out, as a standard work. I refer to the work of Captain Mahan on the influence of sea power upon the history of the world which has so largely contributed to shape the naval policy of European powers during the last decade. I commend the perusal of this standard work to hon. gentlemen of this House. There they will see that the growth or rise of the great British empire has followed the growth of the British fleet; that as England has obtained the supremacy of the sea she has become the paramount power of the world. If England should no longer be mistress of the seven seas, the empire is doomed, and I should like some of my fellow citizens to realize this ominous truth that if there is one portion of His Majesty's Dominion which would deplore the dismemberment of the British empire it is the province of Quebec. We are deeply attached, and justly so, to our religion, our laws, and our language, and we know that they have been jealously safeguarded under the British flag, and should any change of regime happen we are sure that no other flag would give us the generous support and protection that we have received from Britain for the last one hundred and sixty years. This explains the devotion of the French Canadian people in the defence of Canada, both in 1776 and in the war of 1812.

In 1776, to be more correct, on the 31st of December, 1775, Montgomery at the head of the United States army attempted to storm Quebec. Toronto, then called Little York, had fallen before the invader. Montreal

was in the hands of the United States and I regret, after that long period, to have to say that the English speaking people of Montreal, the vast majority of them, and a few French Canadians fraternized with the invaders, but the French Canadian people, headed by their clergy, opposed the United States troops. A few days after Montreal and Three Rivers had surrendered, the only spot in Upper or Lower Canada over which the British flag still floated was the old city of Quebec. On that memorable night, when Montgomery stormed Quebec, he fell riddled by the bullets of the French Canadian militia, headed by Major Chabot. On the 26th of October, 1813, the memorable battle of Chateauguay was fought. Hampton with seven thousand United States troops was met by De Salaberry with three or four hundred French Canadians whom he had raised hurriedly for the war and who were entrenched on the shore of the Chateauguay river. Although young, De Salaberry had some knowledge of the art of war. Although only five and thirty years of age, he had served in the British army for eighteen years in Europe and in the West Indies. He managed by strategy with a little more than 300 men to repulse Hampton and his seven thousand men. The battle lasted four hours, and the enemy were routed. So eager were the French Canadians to make prisoners, that some of them swam across the Chateauguay river to capture more invaders. This shows that our province has ever been ready to do its duty. One might suppose that this was only due to their loyalty to England, but there was also a feeling of gratitude, and if hon. gentlemen will bear with me for a moment I will tell them of the noble treatment that the French priests, banished from France, received at the hands of the English people. The French Canadians could not help but contrast this with the cruel treatment by the leaders of the French revolution of their clergy whom they had either barbarously guillotined or banished. The exiles took refuge in several European countries. They were allowed to live within their borders, but to England alone belongs the credit not only of having welcomed the exiled priests with open arms, but actually inviting them to her hospitable shores.

1. In 1794-5 there were no less than 8,000 French ecclesiastics in England alone who had been driven from France and in response to England's generous invitation had sought refuge within her hospitable shores. The celebrated orator Edmund Burke ever ready to espouse the cause of the persecuted, made a stirring appeal on behalf of the unfortunate exiles. His unrivalled eloquence and the excellence of the cause he was pleading had a magical effect on every class of the community.

A national fund was opened under the august patronage of His Majesty King George III., and the Protestant Archbishop of Canterbury, the Primate of all England. Subscriptions poured in from every part of the country and soon the fund reached the almost incredible total of £440,000, a sum which to-day, taking into account the value of money then and now, would certainly be equivalent to at least $5,000,000. In fact so liberal had been the subscriptions that it was found possible to pay the bishops a regular stipend of £10 a month and to all the priests a sum of £2 a month.

2. The French priests had been despoiled of everything before being banished from France. They were absolutely destitute when they landed in England. The first care of the nation was to provide them with some shelter and here again His Majesty the King, set a noble example. He caused his royal palace at Winchester to be thrown open for the accommodation of the French priests, where some 700 priests remained for considerable time. The nobility was not slow to follow such a magnificent example of royal hospitality. Many noble families were glad to have as their honoured guests the French exiled priests.

3. But the crowning act of generosity came from that great seat of learning, Oxford University. The nation had provided for the temporal wants of these exiles. The university thoughtfully provided for their spiritual wants. The French priests had been so thoroughly stripped of all their belongings that they did not even possess that most indispensable book The New Testament. Oxford, though a Protestant

university, actually printed for them, at its own expense, a French translation of the Vulgate. Four thousand copies were distributed gratuitously to these poor priests at the entrance of the little Catholic chapel At Winchester a marble tablet may be seen, commemorating this splendid example of generosity—and remains as a lasting monument of the gratitude of the French clergy toward the English people.

Is it suprising that when a few years afterwards, a subscription was raised in Quebec, in Montreal, in William Henry (now the town of Sorel), in Three Rivers, in St. Geneviève, in the county of Jacques Cartier, now represented by Mr. F. D. Monk, the French priests found it their duty, in gratitude to England, to subscribe these sums, which, with the kind permission of the House, I would like to read them. I have picked out a few names from a very large list of subscriptions, and I hope that the gentlemen from the province of Ontario will also be able to show that that province was equally loyal on that occasion in 1800 when England was carrying on a war against the French.

In order that there may be no doubt about the authenticity of this statement I have here the official letter:

Colonial Office Records, Series Q., Vol. 82.

No. 109. Quebec, 26th June, 1799.

My Lord,—I have the pleasure to inform Your Grace, that voluntary subscriptions have lately been set on foot in the province, towards supporting the just and necessary war in which His Majesty is engaged.

I have the honour to enclose copies of the papers that have been handed to me on the subject from Montreal, and this place, together with copies of the letters which I directed to be written in answer thereto.

I have the honour to be,
My Lord,
Your Grace's most obedient and most humble servant,
ROBT. PRESCOTT.

His Grace
The Duke of Portland.

P.S.—Since the above was written, I have received by the post of this day, an account of a similar subscription being opened at Sorel, a copy of which I have likewise the honour to enclose herewith.

R. P.

Endorsed—Quebec, 26th June, 1799.
General Prescott.
13 September.
By the Mary Packet,
No. 109
(3 inclosures).

List of Voluntary Subscriptions received by Henry Caldwell, Esq., Receiver General.

	£	s.	d.
Monsr. De Guise, curé à S. Michel.	12	10	0
Monsr. Raimbau, curé à L'Ange Gardien	4	13	4
Monsr. Villade, curé à Ste. Marie	4	0	0
Messrs. Desjardins frères	4	0	0
Mons. Derome, curé à Charlebourg during the war p an	4	0	0
Jean Marie Verraud, curé à St. Thomas	£	s.	d.
	12	0	0
Antoine Rinfret, curé au Sault St. Louis	3	0	0
Monsr. Descheneau, curé à l'Ancienne Lorette	13	0	0
Jacques Panet, curé de Lislet	25	0	0
Bernard Panet, curé à la Rivière Ouelle	5	0	0
Mons. Roy, curé à St. Charles during the war p an	5	0	0
Joseph Verraux, St. Roche during the war p an	5	0	0
Ignace Gaspé during the war p an.	10	0	0
Hypolite La Force	2	0	0
Mons. Vesina, curé à St. Valier	5	0	0
Mons. La Motte, curé à la Beauce	1	3	4
Mons. Perras, curé à St. Charles	2	0	0
LeConte Dupré	5	0	0
Antoine Parant	1	0	0
Major Deschambault p an during the war	10	0	0
Révérend Père Cazeaux	25	0	0
Mons. le Courtois, curé à Rimousky.	5	0	0
Nathan Eckart	5	0	0

A GENERAL STATEMENT of the Voluntary Contributions of the Inhabitants of the District of Montreal, in the Province of Lower Canada, towards the expense of the present war.

SUMS SUBSCRIBED.

Names of the Subscribers.	Places of Abode.	Sums Subscribed. £	s.	d.	Remarks.
Louis Plessis Bellair	Sainte Geneviève	0	2	6	Et trois cents livres cours actuel, par an, tant que la guerre durera.
Le Séminaire de Montreal	Montreal	500	0	0	
— Malard, Prêtre	Lac des deux Montagnes.	2	0	0	Per annum during the war.
Ignace Lacroix	Montreal	10	0	0	And £5 per ann. during the war.
J. Bte. L'Affriquain	"	1	0	0	
François Levesque	"	6	0	0	Tant que la guerre durera.
Major Chs. St. Ours	St. Ours	20	0	0	Annually during the war.
— Pouget, Prêtre	Berthier	5	0	0	Per an. tant que la guerre durera.
Lamotte, Prêtre	Lavaltrie	4	0	0	Tant que la guerre durera.
Chevalier de Lotbinière	Vaudreuil	20	0	0	Par an. durant la présente guerre.
Pierre Panet	Lachesnaye	25	0	0	
— Bertrand, Prêtre	Rivière du Loup	5	0	0	Tant que la guerre durera.
Louis Edward Hubert	Saint Denis	3	10	9	
Joseph Duval, Prêtre	Longue Pointe	3	10	0	Par an. durant la guerre.
— Deguire, Prêtre	Vaudreuil	6	0	0	Par an. during the war.
Joseph Deguire Vicaire	"	1	0	0	" "
Jean Baptiste Deguire	"	1	0	0	" "
Joachim D'Abreuil Père	"	5	0	0	" "
Pierre Confroy, Curé	Boucherville	5	5	0	" "
F. X. Bender	Montreal	6	0	0	
— Lemaire, Prêtre	Saint Martin	5	0	0	
François Duburon, Prêtre	Varennes	16	0	0	
— Gibert, Cure	Sainte Anne	2	0	0	
Antoine Girouard, Prêtre	Pt. Aux Trembles	4	9	0	
Louis Montizambert, Peré	Montreal	1	0	0	Per annum during the war.
J. P. Leprohon	Montreal	10	0	0	Per annum and £5 during the war.
P. F. Cherrier, Prêtre	Saint Denis	10	0	0	
P. C. Berthelot. Prêtre	Saint Henry	3	10	0	
— Raimboult, Prêtre	Pointe Claire	5	0	0	Per annum and £2 10s. during the war.
Ls. Chaboillez, Notaire	Montreal.	4	0	0	
— Farribault, Père	Berthier	1	0	0	
Jacques Cartier, Père	St. Antoine	10	0	0	
Réné A. de Boucherville	Boucherville	10	0	0	
Pierre Ls. Panet	Montreal	40	0	0	
Charles Labruere	Boucherville	5	0	0	
S. De Beaujeu	Montreal	10	0	0	
J. F. Hébert, Prêtre		3	0	0	
Jos. Perinault, fils, Prêtre	Rivière des Prairie	4	0	0	
Etienne Dechambault	Longueuil	3	0	0	
F. Laperiere	Boucherville	10	0	0	
Joseph Bédard	Montreal.	6	0	0	
Maurice Blondeau	"	6	0	0	
James Robertson	"	25	0	0	
Pierre Constantin	"	1	0	0	
François Compain, Curè	Saint Antoine	2	0	0	
Christophe Marchesseau	"	0	5	0	
Jean Bte. Levesque	Montreal.	1	0	0	
— Payet, Curé	Verchères	5	0	0	
Thos. Letang, Vicaire	Longueuil	1	10	0	Per annum during the war.
Eustache Parent	Montreal.	2	0	0	
St. George Dupré	"	4	0	0	
P. R. St. Ours.	L'Assomption.	20	0	0	
Jean B. Barcher, Curé	Laprairie	4	0	0	Per annum during the war.
François Rolland	"	4	0	0	
Joseph Hebert	"	4	0	0	
Jos. Ignace Hebert	"	4	0	0	
Joseph Nolin	"	2	0	0	
Simon Baruret	"	0	5	3	
Jean Bte. Perras	"	2	0	0	
Louis Lefebvre	"	4	0	0	
Antoine Dupré	"	0	5	0	

A GENERAL STATEMENT of the Voluntary Contributions of the Inhabitants of the District of Montreal, in the Province of Lower Canada, towards the expense of the present war.

SUMS SUBSCRIBED.

Names of Subscribers.	Places of Abode.	Sums Subscribed. £	s.	d.	Remarks.
Michel Boucher	"	0	5	0	
Veuve Dupuy	"	0	10	0	
Joseph Porcheron	"	0	10	0	
Pierre Perras	"	0	5	0	
Joseph Tremblay	"	0	5	0	
Grant & Laframboise	Montreal	12	10	0	
François Malhiot	Verchères	8	5	0	
Louis Charland	Montreal	2	0	0	Per annum during the war.
Lambert St. Omer	"	2	0	0	" "
J. Bte. Desève	"	1	0	0	" "
Charles Martel, Curé	Saint. Marc	2	0	0	
Pierre Fréchette, Curé	Beloeil	2	0	0	
— Gadebois, Capitaine Milice	"	0	15	0	

Copy.

Quebec, 10th June, 1801.

Sir,

I have the honour to inclose a bill of exchange on the paymaster general for five hundred pounds sterling, with my humble request that your Excellency will be pleased to transmit the same to His Majesty's treasury, as a contribution from the officers and privates of the 1st Battalion of Royal Canadian Volunteers, towards the support of the present war.

I am very respectfully,
Your Excellency's
Most obedient humble servant,
(Signed) J. L. de Longeuil,
Lt.-Col. 1st Battalion R.C.V., R.S.M.

His Excellency,
Sir Robert Shore Milnes, Bt.,
Lt. Governor.

Endorsed: A
In Lieut. Govr. Milnes,
No. 54,
To the Duke of Portland.

I wish to say, after reading this list, that it shows the French Canadian people had not forgotten the hospitality offered so generously in England. Before passing from that, I shall quote from a copy of the resolution which headed this list, and although it was written 110 years ago, one might easily believe it had been written to-day, as it fits absolutely the present occasion :

Resolved that the people of Upper and Lower Canada enjoy all the blessings of the British government and of all the Royal favour without feeling any part of the burden of their fellow subjects in England. Resolved, that it is the indispensable duty of every good subject of Canada to contribute all he can towards defraying the expense of His Majesty's present service.

And we all know what the service of His Majesty in the year 1800 was, and the triumphs won by the British navy. In 1800 we had taken Malta. Only two years before the Battle of Aboukir had been fought and won by the British navy. In 1801 Copenhagen had fallen and Nelson had been unsuccessful in his attempt against Boulogne. If the principle of imperial defence is adopted by Canada, then practical means should be provided for carrying it out. Some agitators, for political purposes, in the province of Quebec have tried to mislead the inhabitants of that province. I do not accuse them of having sought to deceive their countrymen; but I do accuse them of having acted without sufficient reflection and without a careful and necessary study of the question. Since we are all agreed that it is our bounden duty to assist England in her hour of danger, surely one need not be a Wellington or a Von Moltke to know that a body of men, no matter how willing they may be, untrained and unarmed, would be absolutely incapable of rendering assistance in case of emergency. Therefore, if we adopt the principle of imperial defence, we should at the same time, and at once, adopt a practical means

to attain that end. But a few moments ago, the hon. leader of the opposition was, like most of his party, in a state of alarm. If hon. gentlemen will bear with me for one moment, I will show that there is no cause for alarm, and that England will be paramount as a naval power for many years to come. If we but glance at the map we shall see that all the principal coal stations in the world are painted red. The first duty of a power desiring to become mistress of the sea is to find resting places for her ships where they can replenish their coal bunkers, and where necessary repairs can be made. Coal to-day is an indispensable factor in naval warfare. Germany, so far as I know, has very few coaling stations away from her own shores. German ships like land birds—and I may say it now, so that the hon. leader of the opposition will rest easy to-night—cannot fly far from their own shores. The first duty of a nation hostile to England is to imitate her example. It has taken Great Britain 100 years to secure strategical points all over the surface of the globe. Supposing naval operations were carried on in the Mediterranean, where would Germany get its coal, which is so indispensable to a fleet? We hold Gibraltar, Malta and Alexandria. If we move a little further in, and proceed through the Suez canal we have the ports of Aden and Perim, and I do not know that they belong to Germany. If we proceed in the Indian ocean we have Bombay, Colombo and Rangoon—Colombo, the point where the ships of all nations meet, one of the best strategical points on the commercial route, and further east you come to Singapore, one of the most important harbours in the world.

Hon. Mr. MACDONALD (British Columbia)—May I tell the hon. gentleman where Germany would get her supply of coal in case of war?

Hon. Mr. CASGRAIN—Let me proceed, and the hon. gentleman can tell me afterwards. I have selected these few ports from the admiralty list of coaling stations. If we enter the Pacific ocean, we have Hong Kong, the Gibraltar of the orient, impregnable as the rock itself, and commanding that portion of the Pacific ocean. If we cross the Pacific ocean, north of the equator we have Esquimalt on the west coast of our Dominion. I need not dwell on the immense quantity of coal within reach of that port. Crossing the continent of North America, we come to Nova Scotia and Cape Breton, and we know that the immense coal deposits lying within the provinces of Canada will never be used to replenish the bunkers of a hostile fleet. If we move farther south in the Atlantic we have Bermuda, Santa Lucia and Barbadoes. We have glanced mostly at the northern hemisphere. If we look south of the equator we find that a whole continuent belongs to us. In Australia, we have coaling stations and immense coal deposits. At Sydney, Newcastle, and Cookstown we have immense supplies for coaling stations. Where would Germany find coal in all those places? She would be absolutely helpless. In the middle of the Pacific ocean, we have the Fiji islands, where an immense supply of coal is always kept on hand by the British admiralty. If the course is further to the east and a ship is going round the Horn and if she is delayed in that tempestuous sea, where storms rage nearly all the year round, or detained in the Straits of Magellan by fog, a few hours sailing in the Atlantic will bring her to the Falkland islands and at Port Stanley she can replenish her bunkers with coal. Now, if we find it necessary to circumnavigate Africa because the Suez canal might be blockaded by a hostile fleet or rendered impassable by submarine mines, or if the borders of the canal are held by a hostile army rendering its navigation impossible for British ships, in leaving the Mediterranean we come to Madeira, a British coaling station, and moving further south we come to Freetown in Sierra Leone and further on we come to Lagos, in the Niger district, and if it is a Canadian ship it would be welcomed there by Sir Percy Girouard, a Canadian, as Governor General of Nigeria. Then before reaching Capetown we have the Kamerun and St. Helena. So hon. gentlemen will see that the west coast of Africa is well provided with coaling stations and resting places for the ships of the British admiralty, and these stations we are proud to say are all well fortified and strongly

held by British troops. You would search in vain in the annals of naval operations to find a coaling station that had ever surrendered by being besieged by men of war. A landing must be effected, and a landing would be supremely difficult. Hostile ships could not stand within range of our cannon, because, as every one knows, siege guns are much more powerful than any cannon devised, up to the present time, to serve on the war ships.

From Cape Town plying in a northeasterly course along the oriental coast of South Africa, we have Durban, and Mombassa, also two good coaling stations. Germany, as far as I know, has no coaling station in that part of the Indian ocean. Then in the Indian ocean we have Mauritius. There again Germany would be helpless. Can any other country show such stragetical advantages as England possesses throughout the world? Only a short time ago, we all followed with interest the cruise of that magnificent fleet of the United States of America around the world. Volumes have been written about it. The world followed every stage of that event. The most minute details were given in the press, but a very important one was never mentioned, that the fleet was accompanied by British colliers, and that when it did not coal from a British collier it had to replenish its bunkers from under the mouths of British guns at British coaling stations. That voyage would have been impossible but for the help of British colliers. Hon. gentlemen will see therefore, that there is no cause for alarm. We have ample time to make the necessary preparation. We can make scientific preparation. We can also see that a fair distribution of the burden of imperial defence may equally be divided, so that each sub-division of the empire may reap the benefit and profit by it. The principle being decided in the affirmative, and a conflict is necessarily remote, for the reasons I have given, ample time is left to us, and if there was ever a question in which this country should move slowly and cautiously it is this one. If there was ever a question which required technical knowledge, it is certainly that of the creation of a navy, and I find it strange that elsewhere and, to my surprise in this chamber, self-appointed naval critics condemn what the government of Canada has done under the advice of the British admiralty, criticise the purchases which have been made by Canada, but without having any expert knowledge on the subject themselves. These are some cardinal points, some self-evident facts that will appeal to every reasonable man. For instance, if one wishes to build ships it is absolutely necessary to establish shipyards, and the location of these shipyards is a most important question. They can only be established near strong fortifications, well protected by siege guns, because it is evident that without such protection, a hostile fleet would destroy a shipyard, and at the same time the ships under construction.

The location having been decided upon, the workshops must be built according to the requirements of naval architects. The laying out of the yards requires naval experts. All this involves a great deal of technical knowledge. And this government would be doing well, and would be moving with sufficient rapidity if in one or two years it could establish the shipyards. The greatest use could be made of this time in obtaining information from the very best and most reliable sources, and if, after mature deliberation, a plan were evolved which would decide the class of ships that would be the component parts of the fleet, when the keel of the first vessel is laid, the government would be in a position to place before this country exactly the programme it was intended to follow, and I sincerely hope that before producing such a programme, the approval of the British admiralty shall be obtained. Parliament having fixed the amount which the Canadian exchequer was willing to contribute, then the very best fleet available for the money should be had under the advice of the British admiralty. Surely no bone will deny that the British admiralty is the best judge, and knows better than any other authority what would be of greatest service to itself. Canada is eminently well situated for naval construction. In Nova Scotia and New Brunswick we have immense coal deposits, and, thanks to the fostering policy of the present government, we now manu-

facture in Nova Scotia and Cape Breton the very best steel, and it was suggested to me only a few moments ago, that in order that we may have a navy and ships with the most efficient type of armour plate it should be smelted by electricity. That would be feasible in this country, when we remember there are twenty-five millions of hydraulic horse-power in Canada, of which, 17,000,000 horse-power are in Quebec. We have an indispensable alloy for making steel plates in Canada. Canada possesses and supplies almost the entire world with the most valuable alloy, nickel. Nowhere else can nickel be found in any quantity except in New Caledonia, a French possession, and there the production of the metal is very small. Plates manufactured of ordinary steel would be useless in modern warfare, when you consider the force of modern guns with an impact of 53,000 tons at the muzzle. The immense projectile would pass through the sides of an ordinary iron or steel ship with as much ease as the cannon balls of old times passed through the sides of wooden ships. It is needless to say that in time of war the export of nickel would be prohibited, and unless hostile nations could obtain nickel from New Caledonia, they would have to do without it. One does not need to be a metallurgist to know that there is no substitute for nickel in the manufacture of armour plate.

But in the midst of all these warlike preparations, when human genius is bent on inventing fighting machines more and more destructive, and constantly increasing the thickness and hardness of armour plate, and in a like ratio the weight and force of penetration of projectiles, it is refreshing to think that in two years a centennial of peace will be celebrated between the two great Anglo-Saxon nations of the world, Great Britain and the United States of America. Let us hope that both governments will unite in commemorating in a fitting manner that event. Let us hope that a magnificent monument will be erected to the angel of peace to be an example to all the civilized world. Let us hope that our ship yards will soon be converted into modern establishments, where merchant vessels can be built and ships under the British flag plying on the seven seas will carry the golden grain of our immense wheat fields, ground into the finest quality of flour, and that our illimitable forests of soft wood may be worked into excellent paper, and all our national resources, transformed by Canadian workmanship into useful commodities, may be used for the betterment of the world. Let us remember that those who think we do not need a navy to defend our trade, and that in case of war we might ship by the United States, that the trade of the United States is largely carried in British bottoms, that in case of war those ships would be immediately liable to seizure by a hostile fleet. Something has been said about our political status. Some have said, authorities in high places, that Canada is a nation. That was a rather ambitious declaration. When did we change our allegiance? When and how did this colony become independent? One need not be well versed in international law to know that Canada is a colony; that she has never proclaimed her independence, and that she cannot be a colony and a nation at the same time. It is true, we have autonomy of a certain kind. Our parliament has a right to refuse appropriations for the militia or navy; but the moment we have navy or militia automatically thy fall undr the command of His Majesty the King. We must remain within the four corners of the British North America Act, and section 15 of the forces on sea and on land of Canada. All Canadian legislation to the contrary would be null and void. England can call upon us to help in time of danger, and we must respond, voluntarily or otherwise. This very Bill to establish a naval service provides, in clause 4, that the King shall be the commander of the fleet. Why then all this question of shall and may; go we must, and go we shall. I feel in the depths of my soul that we shall go cheerfully to assist the mother country. If we glance at the various strategical points throughout the empire we see they are all necessary for British trade, because British trade today and for the past fifty or sixty years has encircled the world. Let those who would attack the British lion, remember that the sun never sets over the numerous lairs of its vigorous progeny. Let them

remember that wherever the refulgent rays of the rising sun set aglow the orient, on every land and on every sea there is hoisted towards Heaven a British flag.

Hon. Mr. LANDRY—We have just heard the magnificent speech of the hon. member from DeLanaudière. It is a pity we did not hear the beat of the British drum before he spoke, because such a speech reminds everybody of the songs of the Salvation Army which are, in this city, always announced by the drum beating at the post office corner in Ottawa. There is no doubt that the hon. gentleman did not say a word about the question before the House. He forgot it altogether. I know he composed the speech in advance, and that he had help to compose it. A few moments before he rose, documents were handed to him, and the information was supplied to him. The hon. gentleman divided his subject into two parts. First, should Canada participate in the defence of the empire. He never dealt with that first part. The second part was, if Canada should participate in the defence of the empire, then we must adopt the best means, and to prove that, he gave us a long recital of contributions paid in 1799, and 1800, by different parish priests of the province of Quebec and by leading people in the different parishes to assist Great Britain during the Napoleonic wars. He spoke also of the loyalty of the province of Quebec? What has the loyalty of the province of Quebec to do with this matter? When was it questioned? The hon. gentleman said some agitators had been trying to deceive our French population. Who are they? I should like to know who are the agitators that are trying to deceive our people. I have here an extract from a speech made by one of those agitators, and circulated through the province of Quebec. He said:

A fact that cannot be denied is that Canada is now going through one of the most troublesome periods of its history. The national and political complications foreshadowed by those who stood up against confederation are coming to a reality. A wind of discord is blowing over our heads. From one end to the other of Canada one may hear those rumours which foretell the coming cataclysm, and those who as my self in 1867 have abandoned the Conservative party on that grave question (of confederation) may boast that their previsions are to-day realised. They have a right to feel satisfied of the independence shown in those days gone by when they denounced that political change which has brought us the evils they then anticipated.....

We have come to this point that one asks himself if it is not better for us to have the American federation (annexation) rather than the European federation.. .. ..

What is that imperial federation? What is its organization? Its object? It is the union of England with her colonies. Its object is to create between England and her colonies a union for the protection of England, in order to help her in time of war, to establish commercial relations for her own advantage and to turn the colonies into a market for the metropole.

I consider imperial federation as an impossibility. Such a project is nothing but a dream. I ask the advocates of federation if they can conceive that the colonies shall ever tie themselves to the stupid external policy of England and mix themselves up in the quarrels and wars with nations 10,000 miles distant from them.

I say it is our duty to oppose imperial federation because its only clear and evident object is England's interests to be served by, and the only positive result would be for us an increase of our charges and the addition of national and political difficulties the nature and the greatness of which nobody can imagine.

The sole fact that it is stated that the object of the league is to oblige us to share in the expenses of any war England should undertake, is quite sujcient to determine us to fight that project.. .. ..

Let us suppose that England engages in war with the negroes of Africa.... Canada will have to send its contingent of troops at 3 or 4 thousand leagues and our countrymen will be forced to go at the extremities of the world to fight the negroes in rebellion against England.

The whole question rests on our own interests. We are of America and no one has a right to impose upon us political projects outside of the American movement. There is no reason to tie us to the old tree of old Europe when young America has for us a tree full of sap and vigor.. .. ..

I am going to be told: Why such childish fears? Where is the danger? Your liberties are guaranteed. We know the value of such guarantees. The same thing occurred when we had confederation. We received then the promise that French would be spoken in the Northwest and in Manitoba, in parliament as on the shores of the St. Lawrence and that we would have our separate schools. Would we have ever signed that compact if we had then been able to know what is now happening? All those conventions are worth nothing because all the McCarthy's of the future are able to destroy them as they have destroyed the conventions of 1867.

The is my conclusion. I have said that I was not in favour of annexation and that I preferred the British political institutions to the American one.

But I have no hesitation in saying that should we be obliged to choose between an American federetion and the imperial federa-

tion for all the reasons I have given, I would hoist the flag of the American federation.

Hon. Mr. DAVID—When was that said?

Hon. Mr. LANDRY—I see the hon. gentleman has recognized himself.

Hon. Mr. DAVID—When was that said?

Hon. Mr. LANDRY—That was said in the month of March, 1890, when the hon. gentleman was a member of the Quebec legislature. But there are other agitators. On the 21st February, 1890—at a time when strong winds were blowing over our heads, as the hon. member said—one of the ministers of to-day, the Hon. Mr. Rodolphe Lemieux, made a fine speech in Montreal. Let us listen to one of those agitators who are trying to deceive the province of Quebec.

Hon. Mr. CLORAN—Does the hon. gentleman say that the Hon. Rodolphe Lemieux was a minister at that time?

Hon. Mr. LANDRY—I never said that.

Hon. Mr. CLORAN—What did the hon. gentleman say?

Hon. Mr. LANDRY—I said what I intended to say, and the hon. gentleman must not put in my mouth words that I did not utter. I said that Rodolphe Lemieux, now one of the ministers of the Crown, but at that day one of the agitators complained of by my hon. friend, was going through the province of Quebec trying to deceive the people of that province. I find in 'La Patrie' of the 21st February, 1890, under the title 'Club Nationale,' 'The McCarthy Resolution and Lemieux Motion'.

There will be this evening a meeting of the National Club at the rooms of the club. Mr. Lemieux's motion relating to the independence of Canada and Mr. McCarthy's resolution will be discussed.

The following day the same journal said under the same title:

The resolution proposed by Mr. Rodolphe Lemieux a fortnight ago and adjourned for discussion reads as follows:

Whereas the members of the House of Commons have recently voted an address to Her Majesty the Queen in which they affirm the sentiments of the Canadian people towards the maintenance of the British tie;

And whereas the members of the National Club of Montreal have already made known their opinion upon such a question and that it is the duty of the youth of this country to pronounce itself on our relations with the empire.

Resolved, That without committing themselves with regard to the opportunity of such an address to Her Majesty and though protesting their respect for the members of the House of Commons of Canada and their loyalty to the Queen;

We, the members of the National Club, disapprove of any policy which might alienate the American sympathies at a moment when public opinion asks so energetically the establishment of the most intimate commercial relations between the United tates and Canada.

Though professing a sincere admiration for the English constitutional system, the members of this club call for and desire to obtain by all possible constitutional means the independence of this country and its emancipation from any European tie.

After speeches delivered by Mr. Lemieux, Larochelle and Schaffner, the resolution was unanimously carried.

Hon. Mr. CLORAN—When did the hon. gentleman object to these principles—then or now?

Hon. Mr. LANDRY—I have nothing to do with the principles put forward at the time. I am just showing that one of the agitators who contributed towards deceiving the people of the province of Quebec, was my hon. friend from Mille Iles, and the other a minister of the Crown who, at that time, was Mr. Rodolphe Lemieux, advocate.

Hon. Mr. CLORAN—Why did the hon. gentleman not protest at the time?

Hon. Mr. LANDRY—It was not my duty to protest. The hon. gentleman himself was in Montreal, and was a neighbour of the present minister.

Hon. Mr. CLORAN—Then you are not sincere in your declarations now—

Hon. Mr. LANDRY—The hon. gentleman has no right to interrupt me, and he had better keep quiet. The Bill before us is, no doubt calculated to create a naval force for the defence of our country and of British supremacy on the seas. If you look at clause 22 of the Bill it reads:

22. The Governor in Council may place the naval forces or any part thereof, on active service at any time when it appears advisable so to do by reason of an emergency.

This first clause puts into the hands of the government the power to assemble our

forces to repulse an atack on our territory, but clause 23 gives still greater power. It reads:

23. In case of emergency the Governor in Council may place at the disposal of His Majesty, for general service in the royal navy, the naval service or any part thereof, any ships or vessels of the naval service, and the officers and seamen serving in such ships or vessels, or any officers or seamen belonging to the naval service.

The naval service by this provision of the Bill is put at the disposal of the King, and in advance, we accept that by a simple order in council. Our ships will have then to take their place in the squadrons of the empire. This clause does not say anything else. There is nothing else to be deduced from it. It is not the people who will decide. It is not the electors who will say whether we are going to participate in the wars of the empire. It is not the people who shall decide that our navy, our ships, our mariners and our sailors are to go the extremities of the globe and fight the battles of the empire. The governor in council, by a simple order in council, can send our fleet to help the imperial squadron. This is what clause 23 says. Now, what does clause 24 mean? It reads like this:

24. Whenever the Governor in Council places the naval service or any part thereof on active service, as rovided in the two preceding sections, if parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall issue for a meeting of parliament within fifteen days and parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit in like manner as if it had stood adjourned or prorogued to the same day.

It means that parliament will be summoned; but what would be the next steps? Suppose parliament is summoned; the members are all assembled here in Ottawa; then the ministers lay on the table the order in council declaring that we shall participate in the wars of the empire. Suppose that the members of the House do not approve —a mere supposition—of that order in council, a discussion would take place. They may speak two days, three days, a week; they may have a week's sittings; if you like they may discuss it three weeks, or a month, I know a measure that never passed in the House of Commons—and my hon. friend knows it well—because members spoke more than two months on the question; and the Remedial Bill never became law, because every member of the House of Commons exercised his right to speak in committee or out of committee, to oppose and obstruct. Suppose a similar case when the House should meet. The obstruction commences. The government sees that it is going to be defeated; it obstructs by one way only one thing to do, that is to the House. The Governor General then would have only one thing to do, that is to rely on clause 15 of the British North America Act quoted by my hon. friend.

Hon. Mr. CLORAN—What about clause 15?

Hon. Mr. LANDRY—What does section 15 of the British North America Act say? Clause 15 says: 'The command-in-chief of the Land and Naval Militia, and of all Naval and Military forces, of and in Canada, is hereby declared to continue and be vested in the King.' The Governor General having given an order in the name of the King, under the authority of the law, the fleet will go. The fleet is obliged to obey the King or his personal representative here in the country. The fleet will then go. Parliament may discuss the question; but that is not action. We may discuss; we may have a long list of the persons who subscribe for the war; we may have a long list of all the persons who did not subscribe to the war; then parliament may sit a month or two months, but the fleet will be gone.

Hon. Mr. CLORAN—What if the fleet is disabled?

Hon. Mr. LANDRY—If the fleet is disabled we will have no more talking to do. It is undisputed that we are a colony. The hon. gentleman just now admitted that we are not a nation; but those who say that we are, are deceiving the people. The first Canadian who woke up to find that we were a nation was the Prime Minister of Canada. It is he who deceived the people. He may say we are a nation; but we are not a nation; we are simply a colony, and it is because we are a colony that we have this Bill before us. It is because we are a colony, that we want by this Bill to take

from the people of this colony the means to aid the empire in her troubles. That is the object of the Bill; if we were not a colony we would not require this Bill at all. We are a colony, and because we are a colony we are bound by the written constitution which was given us, and that constitution lies in the British North America Act; and when the British North America Act says that the commander in chief of the naval forces and of the military forces of this country is in the hands of the King, no Act of this parliament should supercede the imperial law. I am glad that my hon. friend from De Lanaudière has treated that point—the only point I think that he has treated in regard to this Bill. We have an Act that was passed in the British House of Commons. We have what we call the Colonial Lands Act passed in 1865, to be found in the constitutional documents of Canada. Clause 2 of that Act says:—

> Any colonial law, which is or shall be repugnant to the provisions of any Act of parliament extending to the colony to which such law may relate, or repugnant to any order or regulation made under authority of such Act of parliament, or having in the colony the force or effect of such act, shall be read subject to such act, order or regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative.

That settles the question.

Hon. Mr. CLORAN—What does that mean?

Hon. Mr. LANDRY—It means that it is an imperial measure, passed by the United Kingdom of Great Britain and Ireland. It is our home rule. Now, there are precedents. I quote from Todd on parliamentary Government in the British Colonies, page 380. What do we find? We find that in 1877 the colony of the Cape of Good Hope was threatened with disaster from a war which had broken out on her northern frontier with certain Kaffir tribes, and also from the simultaneous existence of Kaffir rebellion in the Eastern provinces. In this emergency, the Governor, at that time Sir Bartle Frere was of opinion that it was necessary to aid the colonial volunteer force by additional imperial troops. Accordinngly he addressed a minute on the subject to the British government in which he pointed out the need for reinforcements and likewise the importance of an improved organization, and control of the colonial military establishment. The colonial premier who was Mr. J. C. Molteno, in reply to the Governor's memorandum, asserted his belief that the colonists were able to help themselves without assistance from Her Majesty's regular army, whose presence in the colony tended, he thought, to depress the spirit of the people from a dread of military, or, rather of imperial domination. He therefore advised the withdrawal of Her Majesty's troops from the colony. It was the Prime Minnister of the colony who made that move. He insisted moreover upon the right of the colonial cabinet to undertake the entire management of the colonial forces; to place them in charge of a colonial commandant general, who should be uncontrolled by any imperial military authority; and that the governor himself should refrain from interference, inasmuch as he 'has no special powers over colonial forces as commander in chief.'

This arbitrary assumption of power was accompanied by an intimation to the governor that one of the ministry, the Commissioner of Crown Lands—it might be to-day the Minister of Marine, or the acting Minister of Marine—had been deputed to act as commandant-general, in command of all colonial forces whatsoever, and 'under the sole control and direction of the colonial government'. We see what are the pretensions. On one side the governor, who presided as that representative of the Crown; on the other the Prime Minister, wanting to check the governor and telling him: 'You have nothing to do in the matter; I am Prime Minister of this colony; I am responsible to the people, and have given my word to see them safe, and you have to keep quiet'.

Hon. Mr. CLORAN—Who was right?

Hon. Mr. LANDRY—You will see. Todd says:

> In answer to these pretensions, the governor denied the existence of the alleged dissatisfaction in the colony at the presence therein of an imperial military force; he protested against the scheme of his ministers for the direction of the local volunteers as being

illegal and unconstitutional; and he referred to the reasonable and constitutional practice which had hitherto prevailed since the outbreak of hostilities, whereby 'the governor and commander in chief,' was in the habit of meeting the general commanding the forces, and two or three of the responsible ministers for dails consultation and agreement, so that by their joint action and concert all necessary military measures might be authorized and determined upon.

Hon. Mr. CLORAN—Whose authority was there for that? The governor or the government?

Hon. Mr. LANDRY—It continues:

But ministers still persisted in adhering to their expressed opinions in this matter, and proceeded to carry them out by directing certain military operations without the sanction either of the Governor or of the general in command. The general, however, entered a formal protest against this proceeding. Ministers also caused to be inserted in the official gazette divers military appointments and promotions which had not been previously submitted for the governor's approval. At first these appointments were made in the governor's name; subsequently they were gazetted without any reference to this authority.

Now, we are coming to the crucial point:

'After repeated remonstrances with his ministers for their illegal and unwarranted conduct, and after ascertaining that they persisted in continuing in office, declaring that they were only accountable to parliament for their public conduct, the governor at length, on February 2, 1878, notified the premier by a letter sent through a principal officer of the civil service, that he could no longer consent to retain them as his advisors, and that they would remain in office until their successors were appointed.

Hon. Mr. CLORAN—Who was right?

Hon. Mr. LANDRY—It continues.

On February 5 and 11 Governor Frere addressed despatches to Her Majesty's Secretary of State for the Colonies, in which he narrated the preceding events, and mentioned that he had entrusted Mr. J. G. Sprigge, the leader of the opposition in the assembly with the task of forming a new administration.

In his reply, dated March 21, the Colonial Secretary expressed his full reliance on the governor's judgment, and did not question the propriety of his conduct in dismissing his late ministers, a step which appeared to have been unavoidable. Whilst endorsing the opinions expressed by the governor, in denying the right of his ministers to appoint an officer unknown to the constitution, unauthorized by parliament, and in opposition to the judgment of the governor, and to assign to him functions which would give him paramount authority, greater than that of the governor himself, in military matters, the secretary proceeded to point out that the peculiar position occupied by the governor as the Queen's High Commissioner with powers in respect to adjacent territories which were not limited by the system of responsible government, as established at the Cape, entitled him to special consideration and authority in respect to his lawful endeavours to preserve peace in Her Majesty's possessions in Africa, and to prevent any erruption of hostile tribes into those possessions.

Further on, this question was brought up before the legislative assembly of the Cape of Good Hope, a vote was taken, and the position taken by the governor was sustained by a large majority.

Hon. Mr. CLORAN—What is the majority?

Hon. Mr. LANDRY—This is an illustration of what are the powers of a governor in the colonies, referring to the fact that he is the personal representative of the Sovereign, on whom, under our constitution, devolves the command of the militia and navy in our land.

Hon. Mr. CLORAN—Will the hon. gentleman allow me one second as a matter of kindness. He has read here a certain number of documents, official and semi-official, in regard to a very important point. He has placed his interpretation on those documents. He has placed them before the House. What I ask is this: Does the hon. gentleman expect the hon. senators of this House to accept his explanation, his interpretation of those documents?

Hon. Mr. LANDRY—In answer to my hon. friend, I will kindly say that I expect nothing from him.

Hon. Mr. CLORAN—Well, probably others. That is personal.

Hon. Mr. LANDRY—But I am making a point, and I suppose if anybody chooses to answer me, he is at liberty to do so. Now, one word in regard to the province of Quebec. The opposition in the province of Quebec has been misrepresented, not in this House, but in another place and before the public. I will candidly say that in the province of Quebec we are content

with what we have, perfectly contented. Great Britain has been for us all that we expected she should be. We enjoy our liberties. We are not anxious to get independence. We know what independence would mean. Independence means a change of government, a change of constitution, and in any change of the constitution we would be the losers, we would not gain anything at all. We are perfectly contented with what we have; and what I am at liberty to say is this: should Great Britain, in a moment of emergency, ask us to befriend her, Great Britain would find in the province of Quebec the same help, and the same enthusiasm that she found in 1775, and 1812; there is no doubt about that. But this is not the question that has been put before the people. When this question came before parliament, we have asked that the people should pronounce upon it. It was argued that it was a question of emergency. Opinions differ. One man may have one opinion, and another may have another opinion; and, if any other hon. member has a right to his opinion, I have a right to mine. As a matter of fact, is there an emergency or is there not? My hon. friend on my left (Hon. Mr. Lougheed) says there is. My hon. friend from Victoria division (Hon. Mr. Cloran) says there is not. Well, I will take as a conclusion, or as an answer to that question, just what Great Britain has done. Great Britain has accepted the proposals of Canada. The plan now submitted to us—if we are not deceived, and I have no reason to think we are—the plan now proposed to us has been accepted by England. If that be so, in our opinion there is no emergency; because, by that plan, we are asked in ten or twelve, or fifteen years to be ready, and, as the hon. gentleman from De Lanaudiere (Hon. Mr. Casgrain) has said just now, we must go slowly. Well, we in the province of Quebec, did not pronounce ourselves against a contribution to the empire, by a navy or otherwise. We did not pronounce ourselves at all upon the question, but we expect, under these circumstances, that the government of the day should consult the people. If the provinces—I am not speaking of the province of Quebec alone, I am speaking of the Dominion—if the provinces of the Dominion as a whole pronounce in favour of sending our fleet to assist Britain, the province of Quebec would not be behind; the province of Quebec would accept the decision. Supposing the Dominion should give such an opinion, the province of Quebec would yield to the decision of the majority. That is all that we ask. We do not ask more than that, because we have asked not only what the French people of the province of Quebec are asking, but what the English people of Ontario are asking themselves. Look at their agricultural clubs passing resolutions asking for a plebiscite, asking to be allowed to give their opinion on a question that is of such momentous importance. We in Quebec are doing the same thing. Why should we not have the same fair treatment for our countrymen, when we share the opinions of the English speaking population of this Dominion?

Hon. Mr. DAVID—How many in the House of Commons voted for that?

Hon. Mr. LANDRY—I do not care for the number. Is the number, no matter how large it be now given the right?

An hon. MEMBER—It is the quality, not the quantity of votes.

Hon. Mr. LANDRY—Is the number going to give you the right? Do hon. gentlemen think that the Jews who crucified Jesus Christ had the right to do it because they were a large number?—because that is the hon. gentleman's argument.

Hon. Mr. DAVID—We must judge of the feeling of the people by those who represent them in parliament.

Hon. Mr. LANDRY—I deny that in toto. If we must judge of the people by those who represent them, why are the government afraid to go before the people to ask for a plebescite?

Hon. Mr. DAVID—When did they want to go?

Hon. Mr. LANDRY—A plebiscite on this question would not endanger the government. If there was an appeal to the

people during the general elections to consult the people on the question, the members might say: 'We fear the result, for our own sake, we might be beaten in the elections'. But a plebiscite of itself would not endanger the government, would not endanger the members of the House of Commons. It would simply ask for the opinion of the people. The government had recourse to that method some years ago, in 1898, I think, when they asked the opinion of the people on the prohibition question. And they had an answer. They acted the other way, but at all events they consecrated the principle of a plebiscite on imperial matters. I am glad of this discussion, because I think it is my duty to place before the House and the people of the country the position in which we stand in Quebec. It is not the Conservative party that tried to deceive the people by all those cries, of which I gave an illustration at the opening of my remarks. It was the Liberals, and the Liberals in the House at Quebec introduced a resolution, and if my hon. friends remember well, during the vote on that resolution the Conservative party to a man went out of the House. The hon. gentleman knows why, because of the proposal of the previous question, in order to prevent the Conservative party bringing in an amendment to the resolutions presented by the Liberal party at the time.

Hon. Mr. CLORAN—That is what you did in 1886.

Hon. Mr. LANDRY—I beg pardon, I never did that. My motion was made in 1885 or 1886; another party moved the previous question, not myself. I think, in that instance, perhaps the hon. gentleman himself was moving the previous question.

Hon. Mr. DANDURAND—It was Mr. Lafontaine, now judge.

Hon. Mr. LANDRY—With those few words, as the hour is late, I will conclude my speech, and I hope this motion will be carried.

Hon. Mr. CASGRAIN—The hon. gentleman means the amendment.

Hon. Mr. LANDRY—Yes, the main motion is for the second reading of the Bill, and the amendment is that the House does not feel justified in accepting the Bill, until it has obtained the judgment of the people. Surely, if one of the Houses of parliament should defend and safeguard the interests of the people it is the Senate. We are here to guard the interests of the people, and not be carried away by party feeling or party interest. We should judge calmly of the situation and give the people an opportunity of expressing their opinion, and we should accept their opinion. I have no doubt public opinion in this country at the present moment is adverse to the Bill, some people for one reason, and some for another. But the general opinion in the country is adverse to the policy of this Bill.

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

The motion was agreed to.

MONTREAL CENTRAL TERMINAL BILL.

NATURE OF MOTION.

Hon. Mr. BEIQUE—I wish to give notice of an amendment in connection with the Montreal Central Terminal Company Bill. I prepared an amendment and showed it to the promoters. The notice is in the hands of the clerk, and the amendment will have to be moved by another member, because I am to move the consideration of the main question. The notice of motion to amend will be in the name of the hon. gentleman from Mille Iles (Hon. Mr. David) so that it may come in amendment to the main motion.

Hon. Mr. DANDURAND—Is it a notice of an amendment to the report of the committee, or an amendment to the motion on the third reading?

Hon. Mr. BEIQUE—An amendment to the report. It was suggested that it be made as an amendment to the report, and I complied.

Hon. Mr. LOUGHEED—Did the other parties interested agree to it.

Hon. Mr. BEIQUE—They are in possession of it.

REMOVAL OF RUINS OF THE QUEBEC BRIDGE.

Hon. Mr. LANDRY—Before the House adjourns I should like to know if the copy of the contract with Koenig & Company, which was ordered to be laid on the table, has been prepared?

Hon. Mr. DANDURAND—I remember giving an answer to the hon. gentleman some months ago, as to the parties to whom the contract was awarded, so that there must have been a contract, and it must have been signed. As the hon. gentleman lives near the place where the contract is to be carried out, I think, perhaps, he can tell me if it has been carried out.

Hon. Mr. LANDRY—I think the hon. gentleman is labouring under a misapprehension. The House, by decision—not of the Speaker but of the House—has ordered that a copy of that contract should be laid on the table. That was on the 21st of January. That is a copy of the contract made between the government on the one side, and Koenig & Company, on the other. The government is in possession of the contract. I want a copy of the contract. I asked for a copy of the contract. The House ordered the production of a copy of the contract, and I want to get it.

Hon. Mr. DANDURAND—It should be available.

Hon. Mr. LANDRY—It should be available, but it is not in my possession yet.

Hon. Mr. DANDURAND—I want to know from the hon. gentleman if the contract is being carried out?

Hon. Mr. LANDRY—I do not know; that is not the question.

Hon. Mr. DANDURAND—I know it is not.

Hon. Mr. LANDRY—If the hon. gentleman wants me to answer, he must give me twenty-four hours notice.

The Senate adjourned until 11 a.m. tomorrow.

Hon. Mr. BEIQUE.

THE SENATE.

THURSDAY, April 28, 1910.

The SPEAKER took the Chair at Eleven a.m.

Prayers and routine proceedings.

MONTREAL CENTRAL TERMINAL BILL.

The order of the day being called by the Hon. Mr. Edwards:

That he will move that rules 24a and b be suspended in so far as they relate to (Bill 44) intituled: 'An Act respecting the Montreal Central Terminal Company.'

Hon. Mr. CASGRAIN moved the suspension of rule 24a, of which the hon. gentleman for Russell gave notice yesterday.

Hon. Mr. LOUGHEED—I should like to ask if an agreement has been arrived at. It seems to me an assurance was given to the House that an amendment would be agreed upon between the parties concerned, and I understand the arrangement was contingent upon that.

Hon. Mr. DANDURAND—No, I think there was a misunderstanding on the part of hon. gentlemen. There was a hope expressed, but no assurance given, that if there was no agreement then everybody was free to judge of the value of the amendment which will be proposed, on its merits.

Hon. Mr. LOUGHEED—If there is any misunderstanding about it, in the absence of the hon. gentleman from Russell, who I know is in the corridor, the matter had better stand until he comes.

Hon. Mr. DANDURAND—There is no necessity to adjourn the motion, because it was understood the motion would be carried.

Hon. Mr. LANDRY—As a matter of courtesy, the hon. gentleman being in the corridor, I think the motion should stand until he comes into the Chamber.

Hon. Mr. EDWARDS—In regard to this matter, I do not know whether an ar-

rangement has been come to. I do not know what position we are in. If there is no agreement, the House will discuss and judge the value of the amendment on its merits.

The SPEAKER—It may stand for the present.

THIRD READINGS.

Bill (No. 80) an Act to incorporate l'Institut de Notre Dame des Missions, as amended.—Hon. Mr. Ross, Moosejaw.

Bill (No. 105) an Act to amend the Telegraphs Act, as amended.—Rt. Hon. Sir Richard Cartwright.

MONTREAL TERMINAL COMPANY BILL.

The order of the day being called:

Consideration of amendments made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill 44) An Act respecting the Montreal Central Terminal Company.

Hon. Mr. EDWARDS—I think this order should be allowed to stand. There is a contention over this Bill and if the amendments are adopted, the third reading has to be fixed immediately, and until it is understood whether there is an agreement or not I think it is better not to proceed.

Hon. Mr. BEIQUE—There was an understanding that the matter would be taken up to-day, and I was prepared to give notice of an amendment. I spent an hour last night preparing an amendment and putting it in the best shape possible to do full justice to the matter, and I gave it about ten o'clock to Senator Owens. His lawyer was in the room and he submitted it to him, and they said they would have to send it to Montreal, and I have not heard from them since. But the amendment is on the order paper, and it is for the honourable House to deal with. When this Bill as amended was reported to the House, exception was taken to it on the ground that the company being a terminal company the amendment would entirely defeat the object of the promoters if any portion of its works could not be used, unless as provided in the amendment. I rose and said I appreciated the objection which was taken; but it was no reason to object to the clause in toto, it was merely a reason why it should be properly amended. I then suggested that, in my opinion, by inserting the words 'shall not be used by the company' it would remove the difficulty. Last night, on further considering the question, I came to the conclusion that in fairness to the company a further addition should be made. I therefore, prepared an amendment, adding after the words 'shall be used' the words 'by the company' and adding to the clause this provision:

Provided that this subsection shall not be construed as preventing any other company entering into an agreement with the company in pursuance of section 361 of the Railway Act, from using such bridge or tunnel or approaches for the purpose of such urban service, within said city, if authorized to do such urban service by its own charter.

The reason for adding this proviso is that if it were not added, there would be a doubt as to whether such companies as the Grand Trunk railway and Canadian Pacific railway, or any other company with whom the present company may enter into an agreement to give them running rights over their tunnel or bridge works, might not be deprived of the right which they now enjoy of carrying passengers from one point in the city of Montreal to another point within the city. It would not be fair to the company, if we had only in view the saving of the franchise rights of the city of Montreal, and preventing any company from taking possession of the soil of Montreal for the purpose of establishing a city service equivalent to that of the city of Montreal, or a city service such as is contemplated to be established by three different companies that have been chartered by the Quebec legislature for the purpose of establishing a service of that kind without the consent of the city of Montreal, and without the city of Montreal having an opportunity of deciding upon what terms this system shall be established. That is the whole purpose; therefore, I submit that with this amendment we will do full justice to the company and reasonable justice to the

city of Montreal. After the attention I have been able to give to the matter, I fail to see any reason why the company should object to that. The ground of objection was, that if the amendment were adopted it would defeat the object of the Bill and prevent the company from entering into any such agreement as they contemplate with the divers railway companies for the purpose of giving them leave to enter the city of Montreal by tunnel or bridge, and reach the terminal which this company proposes to establish in the city of Montreal, and of carrying passengers from one point in the city to another point in the city. This objection is entirely met, I submit, by the proposed amendment as it is printed on the order paper.

Hon. Mr. POWER—Would the hon. gentleman be kind enough to read to the House the amendment which he moves, so that we can see how this further amendment fits into it, and also to read section 361 of the Railway Act?

Hon. Mr. BEIQUE—Section 361 of the Railway Act is as follows:

Where the company is authorized by any special Act of the parliament of Canada to enter into an agreement with any other company for selling, conveying or leasing to such company the railway and undertaking of the company, in whole or in part, or for purchasing or for leasing from such company the railway and undertaking of such company, in whole or in part, or for amalgamation, such agreement shall be first approved by two-thirds of the votes of the shareholders of each company, party thereto, at an annual general meeting, or at a special general meeting, of each company, called for the purpose of considering such agreement, at each of which meetings shareholders representing at least two-thirds in value of the capital stock of each company are present or represented by proxy.

2. Upon such agreement being so approved, and duly executed it shall be submitted to the board with an application for a recommendation to the Governor in Council for the sanction thereof.

It then provides for the sanction of the agreement by the Governor in Council. The present company has obtained already from parliament power to make agreements of that kind with a number of railway companies, and the Bill now placed before the honourable House seeks to obtain the same power as regards a number of additional companies. It is for that purpose it is referred to in the proposed amendment. Now, to comply with the wishes of hon. members, I shall read the clause as it is proposed to be amended:

No part of the bridge or tunnel or approaches thereto situated in the city of Montreal and which the company is authorized to construct shall be used by the company for the purpose, of urban passenger service for the passage of pedestrians, vehicles, cars, or carriages used for urban service without the consent of the said city obtained by by-law and setting out the conditions of such consent.

And then follows the proviso which I have read to the House.

Hon. Mr. EDWARDS—The position is this: From the first I have taken no part in the division that exists as far as Montreal is concerned over this Bill, none whatever. I have simply acted, the Bill being in my name, taking no part in the principles involved in any way whatever, and simply have received the instructions of those who promoted the Bill, in regard to it. When the amendments were suggested in committee, I was at once notified to withdraw the Bill. I proceeded to do so. Last night, on the understanding, as I had it, amendments would be suggested to the company and, if satisfactory, that that would dispose of the matter. I have my own private opinion in regard to the suggestions of my hon. friend, but I am not authorized in any way to deal with such an amendment, and I think it is only fair that the promoters should have an opportunity of knowing what is suggested. I do not know, but I would suppose it could be decided on before the afternoon meeting, and I do not see any reason why the amendment should be pressed this morning. My opinion is that it should rest until at least the afternoon, and give an opportunity to consult with the promoters of the Bill. As far as I am concerned, I have no feeling in the matter one way or the other, and I sympathise with the view that the interests of Montreal should be protected in every manner that is proper and right. But surely the promoters of the Bill have some rights, and I think it is but proper that they should be consulted.

Hon. Mr. DANDURAND—If the House would state that we will discuss the amendments made in committee and the proposed amendment which has been explained by the hon. gentleman from De Salaberry at this afternoon's meeting, it will give ample time to the representative of the promoters. The representative of the promoters is an Ottawa K.C., and he can correspond with Montreal by telephone, and read the amendments. I would therefore suggest that the hon. member from De Salaberry adjourn this order and let it be the first order of the afternoon meeting.

Hon. Mr. BEIQUE—I agree to that, and I move that the order of the day be discharged, and that it be placed on the order paper for this afternoon.

The SPEAKER—It is moved by the hon. member for De Salaberry that he be allowed to withdraw the motion already made, and move in place thereof that the order be discharged and placed on the order paper this afternoon for the first place among the third readings.

The motion was agreed to.

THE NAVAL SERVICE BILL.

THIRD READING.

The order of the day being called:

Resuming the adjourned debate on the motion for the Second Reading (Bill 95) An Act respecting the naval service of Canada.

Hon. Mr. ROCHE—My apology for rising to speak at this early stage of the debate is that the subject is of imperial importance, that it is closely connected with patriotic and chivalrous sentiment; and thirdly, I had the pleasure of listening to the debate on the naval question in the British House of Commons, and also I have had the advantage of conversing with a number of gentlemen in shipping circles, and connected with the marine of Germany. The chief points of this question are very well marked. First, we have the sentiments and the opinions which are embodied in the Bill, and of which the Bill is resultant. The alternative is the chameleon policy of the opposition in the House of Commons, and in the press, and in the public mind. That policy seems to have shaped itself into this—that there will be a contribution in money or ought to be a contribution in money, made by parliament on behalf of the people of Canada for the building of ships in England; but I cannot say that that is the view of the opposition or of those who entertained the sentiments, because they change with the times. What was to-day asserted as the opposition policy is withdrawn to-morrow. I would call the attention of all who listened to the learned leader of the opposition last night, to the very great discrepancy that was apparent between the argument in his speech, and the amendment which was resultant of his speech. The speech indicated an emergency; it spoke of peril to the empire. It spoke of a grave situation from which we were to extricate the empire. Any one would think that the result of such an appeal as that, such statements as that, would not be based on delayed action. We thought that he was going to hale us with him into the breach; he was going to furbish up his brigandine, and lace up his corselet and go before us. But what was it? He laid it all aside, and there it hangs 'like rusty mail in monumental mockery'. What does his amendment call for? Instant action? Instant construction of ships? Immediate training of seamen, or the immediate giving of money? Is that the alternative? No, his is a policy of procrastination, of delay, of postponement. How is he to carry out his amendment? Is it by dissolving parliament? That will not extricate Britain from the situation of peril. There are the lists to prepare, to know who shall vote upon this question; there are parties to be named to canvas and prepare the public mind; there is the press to be informed, that it may give just views upon the subject; there is all the paraphernalia of an election, if that be his course, or on the other hand if it is to be a plebiscite, that cannot be taken immediately. If a plebiscite were taken it would not extricate the empire from peril. It is not something to be instantly done; it will take time; lecturers must go about the country, patriotic feel-

ings have to be aroused, arguments have to be presented, and, finally, upon a list of the people qualified to vote, the vote will have to be taken. What would happen if the result were to be a close division of the people of the country? What would we do? Nothing. Suppose the friends of the leader of the opposition should be in majority, what would they do? Would they immediately give this money? This money is immediately required. There would be delay in that case. There is delay in the other case. There is delay on every hand, and the argument of the hon. leader of the opposition called for immediate action.

Hon. Mr. LOUGHEED—Will the hon. gentleman pardon me for a moment? I cannot permit my hon. friend to misstate the position which I took. The position which I took was simply this, that the measure before us on this occasion is one involving the building of a separate national navy, of no importance whatever and of no necessity to the Dominion of Canada; and I say that this measure involving only the building of a separate national navy should be submitted to the people of Canada.

Hon. Mr. ROCHE—I must call the House's attention to what the hon. gentleman said. He may have said it in a moment of inadventure, or may have been carried away by his lines, and by the argument which he had in writing apparently; but he did say that exactly, and I took down his words on that occasion, and I think it is in the hearing of all who listened to his admirable speech that that was the ground work of his speech, the gravamen of his speech, the meaning of his speech, and that he intended it to have that meaning; but that somebody had tacked on to that speech, admirable in its execution, the reverse of all that was so admirably set out in the first part. In the first place, the opponents of the Bill have discussed the question of assisting the British government, and they think the best way would be by a money grant to build two Dreadnoughts in England. I think I may say two Dreadnoughts, because of the consensus of opinion that two Dreadnoughts should be built, because Australia and some of the other colonies had offered one or more, that Canada being more powerful and patriotic should offer two. I regret to say that the hon. leader of the opposition, and many of those who agree with him in political sentiment, in parliament and out of it, certainly largely in the press, have insinuated that the opposition are the monopolists of patriotism, that their own suggestion is the only true, loyal disposition of the money, that they are the monopolists of the sentiment of devotion to the mother country and all who hold adverse views to theirs, are actuated by patriotism of a lesser volume, or that they have sinister motives, and are veiling disloyal sentiment under the disguise of defence of our native country, Canada. I say that is a dangerous sentiment, one which should have been withheld by all who love their country. It is a sentiment that the opposition should not countenance, because we are one, and we freely grant to the opposition, while we vary from their views, that they are equally with ourselves animated by the best patriotic sentiments, only that they are mistaken in their ideas. They purpose to give say $20,000,000 of cash to build two Dreadnoughts for the British government; that the two Dreadnoughts be built in England. I think that is a correct resume of the programme of the opposition as expressed, and which the majority of that party endorsed. I say $20,000,000 because the report is that the latest Dreadnought that has been built cost $10,000,000, and, therefore, two such vessels would cost $20,000,000. I consider this plan would not fulfil their purpose to assist the British fleet and government. The burden of the argument of the hon. leader of the opposition last night was that a Canadian fleet would not aid the British fleet, and would not be of sufficient reliance and force for the protection of Canada. In answer to that part of the hon. gentleman's argument, I say that a gift of money would not assist the British government. England has plenty of money. The Chancellor of the Exchequer is about to raise one hundred million pound sterling in ordinary revenue. Therefore, our gift of twenty million dollars would not assist the British government or

British people struggling under a weight of adverse finances or under a weight of taxation. It would be an insignificant sum. Neither would it add at all to their exchequer, for we would proceed to borrow that money from England, and we would pay the interest upon it. That would probably be the ordinary course, so we would not assist them with a cash payment. In the second place, England has not at the present time a sufficiency of yards and private establishments to build more than the government plans of reconstruction and addition to the navy, outside of the government yards, call for. There are in England four or five ship building establishments which have devoted themselves to the construction of ironclads, and I believe are fitted with the necessary appliances for the construction of ships. I do not know whether Harland and Wolfe have prepared themselves at all for the building of ironclads. They have devoted themselves to commercial steamers. There are Vickers & Maxim and the Armstrongs, in Newcastle, and there is Scott, and Swan & Hunter. I say that, outside of the government yards, these are the establishments on which Britain would rely to construct the navy or make an addition to it. Britain has not shops to build guns and prepare them for these large ships in excess of the British programme, and they are behindhand now in the construction of the guns necessary for large ships, which take a long time to build, and only a select number of establishments can produce them. My own opinion is that they are made in the government shops, but with that fact I am not familiar. Further, there is a great scarcity of shops capable of producing armour. I believe the armour supply is behind the construction of ships; and that therefore no matter what exertions would be made with the present outfit, England would not be able to produce any more ships than are outlined in the government programme. England does not possess a sufficient number of shops to produce with rapidity the auxiliary engines and appliances which are required for these vast ships. I see by the 'Engineering Magazine' which deals with the construction of ships in the various yards in England; that there are from 125 to 150 subordinate engines in each ship for the various mechanical appliances, and that they are largely electrical, that there are only one or two establishments able to produce them. So no matter what exertion is made, until those establishments multiply, the British fleet could not be augmented by any contribution from Canada or anything in that direction tending to the augmentation of the British navy; that it must be allowed time to work out this programme, in order that a sufficient number of high class ships may be produced for the purposes of the British navy. I would say by the policy indicated by the hon. leader of the opposition, of having the ships built in England, we would lose the inestimable advantage of starting ship building in Canada; that we would lose the advantage of having the trained officers, the advantage of trained mechanics for repairs, and the advantage of having trained seamen to man the ships after they were constructed; that all that is in embryo as regards a Canadian navy has to be laid aside and discarded, and that we are to make no start in the creation and maintenance of our own defence, but for ever must depend upon the cash we may have contributed on this occasion, and have none of these material advantages which we shall inevitably need in the future. When I was in the Commons in London, I heard the debate on the Naval Bill. A gentleman arose and attacked the government for laxity and inactivity, that they had allowed the navy to languish, that they had not maintained the proper standard, that they were playing into the hands of the enemy. I heard a reply made by the government that the British government had this year, in course of construction, and would finish five ironclads, five battleships, five cruisers, and twenty destroyers; that at the time when this alarming German programme would be worked out to completion about 1912—and my learned friend says they are delaying more or less in the execution of this—they would have thirty-eight British battleships ready to place in the line, beside all those that my hon. friend has indicated were laid off, as of ordinary value, good for whatever purpose they might be

used for, as accessories to the main fleet of thirty-eight modern British battleships ready to defend the shores of Britain against the enemy or to attack the enemy if that should be deemed more expedient. I regret to say that the Conservative party in England resemble to some extent the Conservative party in other countries; that is that they use the navy scare as part of their political programme.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. ROCHE—That they have introduced as one of the planks of their party platform a subject which should be sacred and above party, the defence of the nation, and they use that as a means of catching votes for the Conservative candidates, because the Conservative party favoured a strong navy, and the Liberal party were objecting to the navy and were imperilling the safety of the empire. That was a regrettable feature. It is deplorable, because all parties are united in their view of assisting in imperial defence, although they differ as to the means of execution. But patriotism is never brighter or more sincere in the Conservative than it is in the Liberal ranks.

I also had the pleasure of conversing with some shipping men of Germany, very intelligent and well informed gentlemen. They expressed astonishment at the alarm which was exhibited in England. They claimed that Germany was misrepresented in being singled out as the antagonist of England. They objected that Germany's naval policy should be pointed to as an object lesson for naval preparation in England, made a butt of in the theatre, the subject in the pamphlets and newspapers, the topic for the street and for the politician. They said Germany announced her programme and stated exactly what she would do. There was no concealment about it. At a certain time they would build so many ships, at another time so many more, and they went on with their programme undeterred and uninfluenced. Germany they said, in 1912 will have 18 battleships; Great Britain at the same time will have thirty-eight battleships. Where is the ground for alarm on the part of true British seamen? With 38 ships manned by good British sailors and competent officers with all the traditions of the British navy behind them, are they scared of 18 German ships? Of the 18 ships, there will be some modern ones; but at the present time of modern ships the German navy has but two, the 'Westfalen' and the 'Nassau.' It is true that they are armed differently from the British ships. They have about the same quantity of broadside guns; but they are fitted out with a large number of smaller guns, because the experience of the United States in the Spanish war, and of Japan in the war with Russia, has been that the damage was not done by the great guns, but by the constant shower of projectiles from small guns which destroyed the crews of ships and rendered the service unbearable and caused so much heat, as to set fire to the ships. So we have no cause for alarm because of the German navy at the present moment, so far as the ships in existence go; but Germany is well fitted out with yards for the construction of ships. I do not speak now of the dockyards at Wilhelm's Haven or Kiel, because I do not know their capacity or their programme of construction; but I know that the priavte yards, Blom and Voss, at Hamburg, and Schiseau, the Vulcan works at Stettin, are capable of constructing ironclads. They have, in addition, numerous shops where the subordinate and electric engines can be constructed probably more rapidly than in England, and they have the inestimable and unapproachable advantage of the great Krupp works at Essen, which can turn out ordnance of the largest description with greater rapidity than can be done in England. Krupp has a trained force of 6,800 men in one yard which could be augmented to 30,000 men if necessary, all specializing on that description of work. That is a formidable power in any nation, and we behold it with admiration, wonder and respect. In speaking with these gentlemen confidentially, they said to me Germany has no intention of going to war with England. Germany has not marked out England as an antagonist. Germany is closely allied with Great Britain. The Emperor of

Germany is a nephew of our King. There is no family quarrel; there is no conflict of dynasty; there is nothing which crowned heads go to war about. Germany and England are kindred people. They recognize that they must march along the road of progress in company in the emulation of science, arts and construction, and world subduing if necessary; but there is no antagonism, no burning jealousy, nothing which would occasion the immediate warfare that my hon. friend has pointed out. Furthermore, they said Germany is acquiring colonies. Those colonies may be attacked; we must defend them. Germany is increasing her commerce, we must protect that commerce; Germany is embarking on a shipbuilding propaganda. They essay to have lines of ships running to all parts of the world. It is natural for them to do so. They have the production, they have the engines, they have kindred people in various parts of the world. It is very natural that they should strive to protect their commerce from the aggression from any power which would wantonly attack or injure any of their subjects. They further say that in the Franco-German war they had no war vessels. The French navy predominated. They had to lay up their shipping. They lost the commerce of the ocean; their commerce was set back for years. The French navy dominated. So soon as it was observed that the German navy could not keep the sea, and German commerce was laid up safely out of the way, the French took their guns and seamen to man their fortifications and to aid the army. Germany felt the great deficiency, so they set to protect their shipping and carry out a peaceful propaganda, and it is necessary for them to have a strong and if necessary a formidable navy, so that the wanton aggression of any strong power shall be checked at the outset by the dread of reparation being demanded and of injury being inflicted in consequence of wanton aggression. They said further: 'We are intelligent men; we do not think it is necessary for Great Britain to maintain the two standard navy. Why should Great Britain keep on constantly arming, and why should other nations not protect and defend themselves? Is this great, unmatchable, formidable force on the ocean not to be viewed with some degree of alarm by other powers? When may Great Britain cease to be moderate? When may Great Britain not wish to assert brute force if necessary, and why do they persistently keep on preparing and continuing such a vast force as the inhabitants of Great Britain say is necessary for the vindication of her honour and the protection of her flag?' Now, there can be no answer to this. They regard the fatherland as being of the first importance. We regard Great Britain as being of the first importance. Nations differ.

I think it is but fair to assume that what the admiralty did when there was a feeling that war was imminent the British admiralty would do again under similar circumstances. What did the British admiralty do? When there was a real or imaginary scare with regard to aggression by Germany, they withdrew their ships from the colonies, brought them home and marshalled them in the North sea and around the shore of Great Britain, and left the colonies to their own resources, and to defend themselves if war should be the result of that movement. Now, I do not think there is anybody in this House would urge the opinion that the colonies are of more importance than Great Britain herself. We all believe that Great Britain is the citadel of the empire; that if the citadel falls, the colonies fall as a matter of time and event, and that everything which can be legitimately sacrificed should be sacrificed so as to make the British islands immune, certainly safe, certainly secure. Nobody that I have heard differs from that opinion, but at the same time we must have a regard to what would be our own condition if the fleet of England were withdrawn and what would be our condition if after we had spent all our money, if we had built our ironclads and had placed them in line with the British ships, an attack should be made upon us and we had spent our money and had prepared nothing for our own defence. How would we face the people of the country? My hon. friend suggests a plebiscite; how would he face the country if he said we have spent all the money we should have used in the con-

struction of ships; we have no ships, no arsenals, no place for repairing ships, no seamen, no defence whatever. We are at the mercy of any enemy that may attack us or Great Britain. We had the means and we deluded you with the idea that we were at least doing something in the way of self-defence. Could the hon. gentleman face the country on that? We are all agreed that when Great Britain is at war we are at war. Whether we like it or whether we do not, we are at war and would be subject to attack. Whether the Governor in Council declares us to be in a state of war, or whether the King puts us in a state of war, whether war is declared by England first or whether we are first attacked by another power, we are at war and must bear the brunt of war. We feel the evils of war, and we should be prepared for it. We know that an attack will be made on the battle lines, and we know also that before the battle lines are drawn together, and oppose one another, attacks will be made upon the colonies of England, and upon the commerce of England, the great ship-owning power of the world. A great portion of the wealth of England is in her commerce, and her ships are on every sea. What would be the first object of a power entering on a war with Great Britain? Before her commerce could be defended, before the colonies could be put in a state of defence, attacks would be made upon them first. The battle line may be drawn to meet the fleet of an attacking nation, but the enemy would send ships out to attack the commerce of Britain all over the globe, and to attack the colonies of Great Britain wherever they may be. For that state of affairs we ought to be prepared. I ought to say further, that while the colonies have been reproached for want of patriotism and chivalrous feeling towards the mother country, I assert, and others will confirm what I say also, that Canada at least has been always patriotic, has always been chivalrous in its regard, and has frequently sacrificed herself out of that sentiment of loyalty and attachment to the British Crown and people; and now is the time for reciprocity in sentiment. Now is the time for the British people to see that they regard and value the attachment of the colonies, and no longer isolate themselves, with a programme of defence solely for the British Isles, leaving the colonies to shift for themselves. They should take part promptly in the defence of the colonies, make arrangements for the defence of the colonies, and take such steps as would cement the colonies to the mother country by a generous treatment, by a reciprocity in sentiment in regard to the colonies matching that keen and tender sentiment which the colonies hold to the motherland—that it shall be the golden link holding together the empire everywhere, the profound and genuine sentiment of all parts contributing to the welfare of the whole. That is loyalty, and that is patriotism.

We have frequently heard of the two-power standard for the British navy, and this was dealt with in the British House of Commons by some gentlemen who thought they had the weapons for successful attack on the government. They said that the programme laid out was that Britain should be able with her fleet to match the fleets of any two powers; that is, that England should be equal to Germany and France, or to Germany and Austria, to France and Italy, or any combination of two powers. But they were not prepared to maintain any two power standard against any one power in Europe and the United States combined. The United States have doubled the population of England. The United States has greater resources than England. The people of the United States are maritime. They have prepared a respectable fleet of most formidable ships. I read in the papers the other day—I do not know whether the statements are true or not—that the 'North Dakota,' and 'Connecticut' were able to throw a broadside fifty per cent heavier than the 'Dreadnought.' The British government are striving to augment the calibre of their guns, and the weights of their broadsides, to make them equal to those ships. The experience gained in the Spanish war has been utilized in the American navy by the addition to the broadside guns of small guns enabling their ships to fusilade the enemy, and to reduce them to a state in which they cannot cope with the big guns. The

United States has coal on its seaboard, and it has illimitable resources inland. It is a formidable sea power, and it will be the policy and the interest of the British government to work in harmony with that kindred nation for the benefit of the world, and for the progress of humanity. I concur in every word that was said by the learned leader of the opposition last night in his eulogy of the United States, and also as favouring a disposition towards harmony and peace; that causes of conflict should be avoided, and that we should live with our great neighbour along harmonious lines, tending to the securing of the great objects which these nations have in view. I concur in that, and I commend that portion of the hon. gentleman's speech to the mind of everybody here present as the result of enlightened patriotism and sound common sense. If, however, I commend that portion of the hon. gentleman's speech, I cannot have much sympathy with the facetious way in which he treated our efforts at an embryo navy. He said that we had just eleven ships, and he divided them arithmetically. He had five and a half of the ships on the Atlantic, and five and a half on the Pacific. I do not know whether he divided them longitudinally or whether he divided them transversely, whether he cut them up across the middle, or whether he divided them up the middle; but certainly there were only five and a half ships on the Pacific, and five and a half on the Atlantic. But my hon. friend knows that a nation cannot construct a large navy at once. The British government has been constructing its navy for hundreds of years, and as fast as they build ships they become obsolete, go out of fashion; and it is true, as he said, that there were long lines of ships that had not taken part in the demonstration at Portsmouth, and there are millions of pounds worth of ships that are no use against formidable ships of the modern type. A navy cannot be constructed to beat us in a day or a year. It requires the slow process of evolution to prepare the ship, to prepare the machinery, to prepare the officers, and to prepare the men for the great conflict which will ensue, and for which they are prepared. My hon. friend, as part of his scheme of tactics, said that our navy would be of no use to the British fleet or to Canada. I do not know by what process of reasoning he arrives at that conclusion. I do not know whose views he expressed, if they were not his own; but if those ships are to be of no advantage to the British navy, neither would the British navy employed and handled as he seemed to indicate be the best means, for the accomplishment of the purpose. We know that the British admiralty have British prejudices. We know that some of them have very narrow British prejudices, and we know that some of them have expressed the opinion very freely that the colonies are not worth very much. My hon. friend indicated that it was essential to the defence of the empire and to the successful handling of the fleet that it should be under one head and one management. I beg to differ from the hon. gentleman. If he looks back on history, he will remember that the most substantial triumphs performed and won by the British navy were won under precisely the reverse circumstances. My hon. friend remembers the great battle won by Earl Vincent. Sir John Jarvis had under him a second who disobeyed his orders, and who attacked the rear of the Spanish fleet when he saw that the van could not come down to aid their comrades, and achieved the great victory of St. Vincent, that won for Britain the command of the Mediterranean, that saved India, that led to the battle of the Nile, which vindicated the immunity of the British shores. Does he not remember that time when Sir Hyde Parker signalled to Sir Horatio Nelson the recall, and how Nelson put his eye-glass to his blind eye, and said: 'I don't see it; keep my flag flying for closer action.' Where did the second in command come in? And do you remember the victory of the great battle of Trafalgar when the immortal Nelson divided his ships into two parts, and gave one to his friend, Collingwood, and one to himself, and said: 'No man can make any mistake in tactics if he lays his ship beside the ship of the enemy', and together they went into action. There was no question of

'second in command' there. Each man acted for himself. England expects every man to do his duty, and let every man carry out that command to the best of his ability, for Nelson said that the duty of an Englishman was to kill as many Frenchmen as possible.

In my feeble way I have endeavoured to suggest to my hon. friend how the ships constructed in Canada can be an advantage to the British navy, and secondly how they can be an advantage to Canada. Would it not be a great advantage to a navy drawn up in antagonism to a navy of superior power and numbers, if the commander of that navy knew there was an auxiliary force which might aid him at a time when otherwise it might be mastered by the enemy, or at least when its attention should not be distracted, and a part of that force could not be diverted to the defence of the outlying positions or to the defence of commerce. Here an auxiliary force would come in and be of service. It would prevent the disintegration of the main force, it would take care of the vast British commerce, because, with another base, and with another place of refuge, ships could be maintained and sent out outside the main battle line to protect the interests of the motherland when her own force could not be diverted for that purpose. Consequently, a force originating in Canada would have to command all these seas. If adequate, it could protect the shores of Canada. it could protect our own shipping, it could convoy some of the mercantile fleets of the motherland. In addition to that, the conflict may not always be looked for in the German ocean or in the North sea or in the Atlantic sea or Mediterranean, it may be on the broad Atlantic alone. What advantage would it be to have in a port, immune from capture by a foreign fleet, a safe coaling place? Coal would be a contraband of war. My hon. friend went over a long list of the coaling stations of the British navy in various parts of the world. Many of them would be useful temporarily until the coal stored in them would be exhausted. Who would like to see the fleet locked up in some place where no coal is produced, where the warships would have to depend upon the fleets of colliers when the coal supply in store was shut off?

We have in Nova Scotia valuable coal mines. We have in Halifax a port fitted for the construction and repair of ships on the Atlantic ocean. It is a strongly fortified place. The British government has been working at it for a number of years. They have mounted the best of guns. They have erected forts where the engineering science has shown the best defence that could be afforded. The British government has spent one million of dollars in preparing just such a place to fit the exigencies of our Canadian navy, and at this time we should be awake to those facilities and take advantage of our opportunities in preparing for events which may happen in the near future. The British government have a great deal of coal in Bermuda. I believe they have coal stored there. What would happen to a British fleet after an accident took place, if they took refuge in Bermuda to be repaired, supposing a foreign fleet surrounded the island? No colliers could reach there. They would have to capitulate to the enemy for want of provisions and supplies, for the largest and best ships in the world cannot move unless they have the motive power; and there is no place in the western world, under British rule, which can equal Nova Scotia in the matter of supplies. We have coal inland, and have forts in the harbour which can be defended against an adversary. As a refuge, as a reliance, as an issuing point and basis for operations on the Atlantic, it is unequalled. Perhaps I should not express the views I have expressed, but I have answered some of the remarks of the hon. leader of the opposition. I had looked forward to twenty years of peace in Canada, and to the development of the country, and I hope that our population will be equal to that of Great Britain in that time, that our resources may be so developed that, should a war occur with any European nation, we may have an army and a fleet that we can depend on. I had hoped that the sentiment pervading this continent would be: The war drum throbs no longer, and the battle flags are furled, in the parliament of men, the federation of the world. Canada might have gone forward in years of peace to develop her resources, and all things that make for peace, righteousness

and glory of nations, but the programme may be altered; we may have to resort to arms. We are not confronted by the barracks of other nations, and armed bodies of men. It seems as though the resources of the most enlightened nations of Europe are all directed to devising contrivances for the destruction of a possible enemy. It is a lamentable feature and a blot upon Christianity and civilization that some of the best intellects are devoted to inventing machines to destroy the greatest number of their fellow-citizens.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. ROCHE—I think we may have also to follow the maxim that if you are prepared for war you are in the best position to avert it, and we cannot be prepared for war suddenly. We cannot be prepared for war in a day or year; we must necessarily commence moderately, and in accordance with our means gradually work up and expand our natural resources until we have a formidable power to prevent aggression, and to prevent insult, and at the same time defend ourselves and our commerce and give us security and peace. This measure is precise; it is along practical lines; it is moderate; and I shall be glad to give it my support.

Hon. Mr. MACDONALD (British Columbia)—The right hon. gentleman who introduced this Bill a few days ago said it was a Bill of very great importance. I fully agree with him, but I would like to have seen him attach a little more importance to it. I would like to have seen provision made in this Bill for the immediate assistance to the mother country to show our sympathy and loyalty. However, that was not done, and is not going to be done, and we must just take what we are given. The hon. gentleman from Calgary, in his speech yesterday, pointed out to us in a very lucid manner the progress of Germany from a number of small municipalities up to the world power it is to-day, not only a wonderful nation, but a menace to Great Britain. I may be asked what is my reason for saying that we ought to send money to Great Britain to help her build a navy. I will briefly give my reasons. The hon. gentleman from Calgary pointed out to us the opinions of statesmen in England, not our own statesmen, but the opinions of gentlemen at the helm of state, who see that there is apprehension and danger in the air. What do we find? We cannot and should not shut our eyes to the fact that two mighty nations, separated by a narrow sea, are arming to their utmost, day and night constructing engines of war—not only monsters of the deep, but monsters of the air. What is all this for? Is it for peace? German ambassadors, and other men of note, assert that Germany is building a strong navy to protect her commerce. Such statements do not coincide with common sense, the comity of nations, and daily experience. No nation, however strong, interferes with the commerce of weaker nations in time of peace. How then can such extensive preparations for war mean peace when Europe has had a long period of peace, without the arming and preparation now going on? For many years there have been no war clouds. Now, no one can deny that ominous clouds hang over Europe. As an integral part of the empire are we to sit with our hands folded and watch the shock of battle, crying peace when there is no peace? I do not speak of my own observation, but rather from the opinions expressed by statesmen, members of the British ministry, who admit there is danger and emphasize their opinions by going on as fast as workmen can work preparing engines of destruction. Is all that for nothing? Is it for peace? Is Canada, the largest and most wealthy dominion of the empire, to do nothing in an emergency by strengthening the centre of empire where the shock of battle will first be felt should war come? The British navy is the first line of defence, and our first line. Should that be broken, we are helpless. New Zealand is much more distant from the centre of warfare than Canada, and look what that colony is doing. With a population of 900,000 and 40 millions of a revenue, she is paying the cost of a first-class battleship, compared with our seven million people and $100,000,000 rev-

enue offering no immediate help. If this Dominion had done what many in the country think ought to have been done and guaranteed the interest on the cost of two of the latest type battleships to cost about twenty millions of dollars, the annual interest on which would be at 3½ per cent $700,000—then there would be strong signs of substantial help. Should war break out in one, two or three years from now, how would we appear in our own eyes, and how would we appear to the whole world? Should we stand by without contributing in the smallest degree towards strengthening the first line of defence, which is our own defence—the strengthening of the centre and stronghold of the empire? Should that line be broken through where would Canada stand? Would it not be as a conquered country for anything we have done or could do to avert the calamity? I will now turn to the scheme under consideration. Based on a peace footing within the empire, I give it my full approval. It is a step in self-reliance and will be an excellent thing for many of our boys and men who may be unemployed, and in time, as the force grows, may be of help to the empire. Meanwhile the ships we are getting will be useful in guarding our fisheries, and shores from depredations, and at the same time relieve Great Britain of the necessity for an oversea navy. I did hope the present scheme of naval defence (although useless in an emergency) would have received the full approval of all in parliament and in the country. This important question should have been kept entirely apart from politics, and perfected from the matured opinions of leading men on both sides—unfortunately that was not done. It has been made a political football. There should not have been room for the manufacture of political capital. It has been surrounded by a torrent of language, sharp, recriminative and unbusinesslike, and not appropriate to the question.

Much to be regretted vent was given to expressions treating of separation and independence. Separation from the British empire—what next? A small republic, frequent elections, the country racked with political strife, commerce unsettled and many evils which I will not dwell on. It may be asked what presses heavily on us now? Nothing. Are we not as free as the air we breathe? Can we not say, do, and worship as we like? Who can show the benefits of separation? Thousands living under our present system and imperial connection have much to be thankful for in the freedom we enjoy. The floating of the British flag over us conveys a feeling of security and full liberty. In case of an emergency, we might lay submarine mines in such positions that no hostile ships could land on our shores. This would be an economical and effective means of defence. We have to consider that Great Britain cannot adequately protect her numerous, distant and vast possessions. Her first work will be, in case of war, to defend the British Isles, and, of not less importance, keep the food route open, which is essentially necessary to the sustenance of the nation. Without getting into a panic, I think in common with wiser men than myself, that the present condition of the empire gives cause for apprehension and gives a warning to be fully equipped and ready for the worst. It may not be out of place, whilst on the question of defence, to express the opinion that our land forces should not be crippled numerically or financially. Unfortunately we have to realize the fact that we have within our borders, an unruly, law-breaking element supported and encouraged by a law-breaking element in another country, which necessitates a strong mobile force to maintain law and order at all costs.

Seeing then there will be a heavy strain on our finances externally and internally, will it not be well to abandon large and unprofitable undertakings, such as the Georgian Bay canal, and the Hudson Bay railway, both of which would be blocked by ice from five to six months in the year?

Some hon. gentlemen may not like these economical suggestions, but they will remember they are only suggestions. Nevertheless they are worth considering.

Anything said in this House with regard to the construction of ships in this country will doubtless fall on deaf ears. Nevertheless, I would say that too much care cannot be taken in selecting naval

architects and artisans of good repute and high standing. Some speakers and writers have stated that the United States would come to our assistance in case of war. A member in another place stated that Russia and France would come to the aid of Great Britain if she were assailed by Germany—Russia is not in a position to provoke Germany, and France, however willing, could not move a finger with her poor navy and with an armed force of 3,000,000 ready to cross the borders—whatever we may think, or wish, the two nations named are at present powerless to help us—dominated as they are by a third nation, which aspires to be the naval power of the world—Great Britain has to rely on herself and her dominions. It may be said it is easy to find fault. So it is, and it is doubly easy when there is a weak spot in the armour. I think, however, that every one who criticises the present scheme should be able to suggest a substitute, although the government may not accept it. My suggestion, I repeat, is to strengthen the seat of empire first, for in this lies its defence and that of the dominions, and go on perfecting the Canadian navy as fast as circumstances will permit.

Hon. Mr. LEGRIS—This Bill we are now invited to approve is of the most serious character. It involves entirely a new departure in the political and constitutional aspect of our country. It may bring with it consequences which it is impossible for us to foresee to-day. Canada's wants at present are too numerous and pressing to allow of the idea that we can afford to expend millions of money by assuming the responsibilities involved in the present Bill. To my mind it should not be adopted, for many reasons: first because it will impose upon the shoulders of the Canadian people an unjust and unnecessary burden of millions and millions of dollars; second, it will change our constitutional position in wiping out a part of our autonomy; third, because the question of a navy has never been made known to the public, but has rather been carefully concealed from those who will have to pay for an unnecessary navy. According to the Bill itself, and according to the law as laid down in the British North America Act, the whole of our navy will not only be at the disposal, but practically in the hands of the British authorities, who will control their diplomatic relations with other countries of the world and decide peace or war independently of us. At the same time, it will throw Canada under the flail of the 'vortex of militarism,' so strongly opposed by the Liberal party when in opposition, and so eloquently described as criminal by the Prime Minister himself, on many occasions, and even not very long ago. For my part I can see no pressing necessity to build a navy. On this point let me quote a few words uttered by Sir Wilfrid Laurier. Speaking in the House of Commons, on the 29th of March, last year. He said:

> Canada has no quarrel with any one, she does not desire any territorial aggrandisement, she occupies geographically an isolated position, and she has only one neighbour, with whom she has been at peace for nearly one hundred years.

Hon. gentlemen, this sentence is as true to-day as it ever was. If so, where is the urgent necessity for a Canadian navy? We have had none so far. Our relation is unchanged, or rather is bettered, with other countries of the world. Surely it is useless to speak of having a navy except for vainglory's sake, or the pleasure of spending public money, precisely at this moment when the very question of a general disarming is seriously considered and discussed between leading nations of the world so as to give hope that it will take place before long. Up to date all the Canadian statesmen we have had, whom we have reason to be proud of, have been unanimous in proclaiming that the whole obligation of colonies towards the mother land does not extend beyond the defence of their own territories. This is the way which in the past we have always understood our duty. Both the present Minister of Militia, and the Prime Minister have spoken in the same terms as their predecessors on this question. Why is it that all these principles are so suddenly overthrown to-day? This is what I am unable to understand.

The vast area of this country, the exceedingly costly public works we have had and still have to construct, should justify us in declining to take action now.

Let us consider the peculiar position of this Dominion, a young country with a population of hardly seven millions scattered over a vast area stretching from the Pacific to the Atlantic, a distance of nearly 4,000 miles; a country which has already spent hundreds of millions of dollars in the opening of expensive but extraordinary commercial communications by rail and by water, large public works which are not yet all completed and which are not designed in the interests of Canada alone but in the interests of the whole empire, as proclaimed by Sir John A. Macdonald and other prominent men when advocating the construction of the Canadian Pacific railway, including the present Prime Minister, as I shall show by quoting you a few lines of his speech of the 15th of April, 1902. On that occasion Sir Wilfrid Laurier said:

> I have no hesitation in saying that I share altogether the views which have been expressed by Sir Charles Tupper more than once, that Canada has done more for the defence of the British empire by the construction of the Intercolonial railway and the Canadian Pacific railway than she could have done by spending that money in military armaments.

If the right hon. Premier had to repeat to-day the very same declaration, no doubt he would also mention the construction of the Grand Trunk Pacific railway which will probably cost $250,000,000 before being completed.

Hon. gentlemen this is exactly my contention. We have done our large share in the advancement of the British empire and for the glory of the British flag on the American continent.

Now, let us remember that we are planning other large enterprises, such as the Hudson Bay railway, and more particularly the Georgian Bay canal, which it is estimated will cost another hundred millions of dollars and possibly one hundred and fifty millions, and which has been delayed, according to a declaration made by some ministers of the Crown on the floor of the House of Commons, on many occasions—and the declaration was repeated by the Prime Minister a few weeks ago when addressing a public meeting in Ottawa—only because it would be unwise and imprudent to undertake for the present a work of such magnitude without possibly compromising the financial position of Canada, or at least not before the completion of the Grand Trunk Pacific railway. Considering also the large public debt which is constantly increasing, and on which this country has to pay interest, I say this new departure for the construction of a navy, its origination and its maintenance, will impose upon the shoulders of the Canadian people an unfair, undue and excessive burden.

There are far better investments we can make in behalf of the empire and of Canada than expenditure upon navies or greater military organization in the immediate present.

Canada's best contribution to imperial advancement has been in the past, and still is to-day, in the opening up of her great lines of transportation and the development of her material resources in order to supply the British people with better and cheaper foodstuffs and a home for every British citizen who wishes to come and settle here.

Hon. Mr. DAVID—Must we understand that the hon. member is opposed to the establishment of a naval force, and to a contribution in money or in Dreadnoughts? I do not understand.

Hon. Mr. LEGRIS—I am sorry my hon. friend does not understand; but I will ask him to try and listen to me, and when I am through, if there is something not understood by him, I shall do my best to make it clear.

Hon. Mr. CHOQUETTE—All right.

Hon. Mr. LEGRIS—As to the probable cost of that scheme, we know very little except that the Prime Minister in introducing the Bill, figured it out at $11,000,000, if ships are bought in England, or $15,000,000 if constructed in Canada, with three million of an annual expenditure. A few days later when moving the second reading, he made a jump and figured out the annual expenditure at $4,253,000. On the other hand, we have Admiral Kingsmill's report in which the annual expenditure figured out at over $7,-

000,000. This is another jump but surely not the last. I honestly think that the real annual amount required for the Canadian navy will figure out at $15,000,000 to $20,000,000 within a few years. At all events, this is not in the Bill. The whole organization is left in the hands of the government. Now, if the calculations of the right hon. Premier are, in this case similar to his calculations of the cost of constructing the Grand Trunk Pacific railway, it is very hard to say how much it will cost and where the expenditure will stop. But there can be no exaggeration in saying that the real amount required for a navy is almost unlimited and is increasing constantly. To my mind, to-day the object is plain: get the country once committed to the adoption of a navy, and it will have to face the expense whether it be 10, 15 or 25 millions of dollars a year.

When a child is born it must be brought up, it must be nourished and protected.

As I have something more to say on this subject I move the adjournment of the debate.

The motion was agreed to.

A SATURDAY SITTING.

Rt. Hon. Sir RICHARD CARTWRIGHT —I take this opportunity to give notice that I may to-morrow move that when the House adjourns, that it will adjourn until Saturday. This is merely a matter of precaution. I hope the business will be sufficiently forward to leave Saturday to hon. gentlemen; but it will depend. Meantime I put this notice on the order paper.

Hon. Mr. DANDURAND—I draw the attention of my hon. colleagues and the hon. senator from Ottawa to the fact that we have suspended this motion to suspend the rules on this Montreal Terminal Bill, and I thought that he would perhaps move it now.

Hon. Mr. EDWARDS—That motion can be made when the matter is under consideration.

Hon. Mr. DANDURAND—If there was any one objecting we could not take that step. The notice has been given. The notice is on the order paper.

The Senate adjourned until three o'clock.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

MONTREAL CENTRAL TERMINAL COMPANY BILL.

Hon. Mr. EDWARDS moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill No. 44) An Act respecting the Montreal Central Terminal Company.

Hon. Mr. POWER—I think it is only fair to myself and the House to explain why I seconded the motion of the hon. gentleman from Rockland. The ruling which was given on Thursday last was to the effect that the hon. gentleman from Rockland, in charge of the Bill, having expressed the wish that the Bill should be withdrawn, and having, in fact, moved that the Bill be withdrawn, that the Bill was no longer before the House. The position has changed in the meantime. The hon. gentleman from Rockland, who represents the promoters, has moved that this Bill be reinstated on the orders of the day, and that motion has been carried, and consequently, the measure is now before us, and is open to be dealt with by the House. The position is different from what it was a litle while ago. The hon. gentleman from Rockland is supposed to be in place of the promoter of the Bill and having asked that the Bill be reinstated on the orders of the day, it is now in the hands of the House.

Hon. Mr. BEIQUE—I move in amendment, seconded by the Hon. Mr. David, that the amendments be not now concurred in, but that the Bill be amended as follows:

Subsection 2 of section 1, by adding after the words 'be used' the words 'by the company,' and by adding at the end of said subsection the following words: 'Provided that this subsection shall not be construed as preventing any other company entering into an agreement with the company in pursuance of section 361 of the Railway Act, from using such bridge or tunnel or approaches for the purpose of such urban service, within the

said city, if authorized to do such urban service by its own charter.'

The amendment was carried on division.

Hon. Mr. BEIQUE moved that the report, as amended, be now concurred in.

Hon. Mr. MITCHELL—I would like to ask the mover of this amendment, if it gives the company any more power than was in their Bill when they came before the Railway Committee?

Hon. Mr. BEIQUE—It limits their power.

Hon. Mr. MITCHELL—They have less power than they had with the amendments which were made in the Railway Committee, and recommended to this House.

Hon. Mr. BEIQUE—It adds to the power they would have had if the amendment was left as it was, and for the reasons that I have explained. I think it but fair, because the amendment, as adopted by the committee, would have practically nullified the whole of the charter, it being a terminal company exclusively, not a railway company.

Hon. Mr. OWENS—If the proposed amendment is carried into effect it entirely destroys the Bill in so far as the terminal railway is concerned. The Bill before the House is the Bill of the Montreal Terminal Company. Their business is merely to do a terminal business, to take the traffic from different railways coming into Montreal, for which they have agreements, and carry it from one part of the city to another. They may transfer their passengers, freight, and cars. According to this Bill, they cannot do either. The hon. gentleman from Mille Iles claims that the amendment is much more favourable than the other. It is not any more favourable for the Terminal Company. It provides that other railway companies that have already the right within their charter may move freight or passengers in Montreal, but I fail to see how that in any way would benefit the Montreal Terminal Company. I think the impression has gone abroad that some other members and myself are interested in that Bill. I wish it to be clearly understood that I am not interested in this terminal Bill to the extent of one cent; but I am interested in the city of Montreal, and I fail to see that any company coming into the city of Montreal, which is going to expend, if they obtain their Bill as they should do, twenty-four or twenty-five million dollars, that that is going to do any injury to Montreal, and it is certainly a very great hardship to any company—not referring especially to this particular company —coming before this House with a Bill if outside parties can place an amendment in a Bill and refuse the promoters the right to withdraw. The Senate could ruin parties coming before the House for legislation. Matters would be in such a position in a short time that responsible firms would hesitate before presenting a Bill to parliament, if clauses could be inserted which were foreign to the Bill, and if the House would pass the Bill in that shape. They say the Bill is the property of the House and the promoters cannot withdraw it; but that appears to me to be a strange interpretation, something that was never heard of before in this or any other parliament, and I fail to see why we should deal with the Bill in that way. I would move the proposed amendments. They are not suggested by the promoters of the Bill or any other parties having an interest in it.

Hon. Mr. DANDURAND—I am not discussing the right of the Senate to deal with this Bill as they have been doing the last week, inasmuch as there was a vote taken and a decision arrived at. I will leave that matter aside, but the Bill now, with the proposed amendments, gives greater scope and freedom of action to the promoters than they had when in committee. They heartily agreed with the amendments which were suggested and adopted by that committee.

Hon. Mr. OWENS—Wherein do the greater facilities lie?

Hon. Mr. DANDURAND—The greater facility as the hon. gentleman from De Salaberry stated last night, lies in the fact that a company with whom the terminal company can do business, which

has already certain rights upon the soil or under the soil of the city of Montreal, will be able to freely exercise them under their charter rights.

Hon. Mr. OWENS—Other companies, but not the Terminal Company.

Hon. Mr. DANDURAND—But where the terminal company is somewhat tied up is when the obligation is imposed upon it to apply to the city of Montreal for the right to do a certain thing in or under the city of Montreal. This principle was declared to be a good one by the committee, and I am convinced that two-thirds, and perhaps all of the members of the Senate will agree that that is a sound and business-like principle.

Hon. Mr. OWENS—We protest that.

Hon. Mr. DEBOUCHERVILLE—I asked if a member could withdraw a private Bill?

The SPEAKER—In answer to that I would say I have found this a proposition that a member may ask leave to withdraw a Bill. As a matter of fact it has very seldom been refused, therefore the idea is that a member can always withdraw a private Bill; but where the contrary principle has been contended for, and the question is at issue, the Senate will control a Bill.

Hon. Mr. DEBOUCHERVILLE—Often a member will say: 'I beg leave to present a Bill in the Senate.' He has a right to present it; there is no necessity for him to say: 'I beg.' He can omit that and say, 'I present.' In this case the hon. gentleman asked permission to withdraw the Bill, and we consequently took a vote on the question.

The SPEAKER—We have got past that question now. Therefore there need be no discussion.

Hon. Mr. EDWARDS—May I ask, is the position now that this Bill has been cut out?

The SPEAKER—The House has affirmed that position.

Hon. Mr. EDWARDS—Then if the House has so affirmed, I feel in a very awkward position, because through this whole transaction I have not gone on my own judgment at all, but on the instructions which the promoters of the Bill, as they placed it in my hands, gave me.

Hon. Mr. WATSON—We thought so.

Hon Mr. EDWARDS—Now, it seems to me that it has become a very complicated matter, simply because of the action a few days ago, also because of the agreement which was arrived at last night.

An Hon. MEMBER—There was no agreement.

Hon. Mr. EDWARDS—I was under the impression that the understanding arrived at last night was this, that the Bill was allowed to stand over on the understanding that an amendment would be suggested on which the parties were more likely than otherwise to agree. I have no knowledge now, for the promoters have said nothing to me to-day, and I am in no position to say whether they have or have not agreed; therefore I feel in a very awkward position. On the other hand, I understand that hon. gentlemen sitting on the other side of the Chamber, dealing with this matter understood it entirely otherwise, to this effect, that it would be permitted that the Bill be reinstated as requested by myself on the understanding that to-day it should go through its stages in the ordinary way. Now, I will give my frank opinion for what it is worth. My opinion is that the feeling of the House is that it would be useless to attempt now to withdraw the Bill again; in my judgment the temper of the House would be against that petition, and while I regret that I am not in a position further to maintain the views of the promoters, it seems to me that I have simply to submit to the dictum of the House and allow the Bill to be proceeded with in the ordinary way.

The SPEAKER—The question is on the adoption of the report, as amended.

The motion was agreed to.

Hon. Mr. EDWARDS—Hon. gentlemen, I move that rules 24. (a) and (b) be suspended in so far as they relate to Bill (No.

44) An Act respecting the Montreal Central Terminal Company.

The motion was agreed to, and the Bill was read a third time, and passed.

NAVAL SERVICE BILL.

DEBATE RESUMED.

The order of the day being called:

Resuming the adjourned debate on the motion for the second reading Bill (No. 95) An Act respecting the Naval Service of Canada.

Hon. Mr. LEGRIS—The members of the House of Commons had no mandate from the electors to sustain the government and the leader of the opposition in that House in such a policy which will swallow up, without any profit whatever to the country, enormous sums of money; a policy involving the most far-reaching consequences without allowing the people, who must bear the financial burden and moral responsibility thereof, an opportunity of pronouncing on the question.

No parliament elected at a time when this momentous question was not even thought of has honestly the right to pledge the country to such an enormous capital cost and annual expenditure as will be required for a navy. I have no hesitation in saying that this navy policy will be a surprise to the electors as soon as they realize its importance. It cannot be otherwise, because the Liberal party when in opposition fought time and again against the money voted for militia expenses. We made speeches on the floor of the House of Commons and on public platforms to prevent extravagant expenditures in that way. Since the present government came into power those expenses have considerably increased, but never up to that famous resolution of the 29th of March, 1909, has a single word been uttered by any minister or any one else to lead the public to understand or to suspect that the creation of a navy was contemplated by the government. Far from it, because a number of utterances and declarations on their part have led the public to believe the contrary. It is neither right nor fair therefore, for the government and their supporters to take advantage of the resolution adopted by the Colonial Conferences held in London in 1902 and 1909, and to prtend that the question has ever since been before the country. Their contention is utterly false, because the bearing of that resolution, if it says so, has never been brought to the knowledge of the public in that way, neither by discussion before the House of Commons, nor through the press, nor on the public platform.

Speaking particularly of what took place in my own province, I have no hesitation in saying it is a well known fact that the ministerial papers have constantly until recent date, eulogized Sir Wilfrid for having been so strong and so energetic as to successfully oppose Mr. Chamberlain's imperialism, and thereby save the country from being drawn into the vortex of militarism. More than that, the country knows that on the 15th of April, 1902, the right hon. Premier, on the floor of the House of Commons delivered himself as follows:

> No, sir, I do not admit that view at all; it would be a most suicidal policy for the Canadian people to go into any scheme of that nature. It would be the most suicidal policy that could be devised for Canada to enter into the vortex, in which the nations of Europe, England included, are engaged at the present time, and which compels them to maintain great military armaments. Sir, what are the relative positions of Great Britain and Canada? Great Britain is one of the foremost nations of the world, in many ways, perhaps the foremost nation, certainly the head of the greatest empire which has existed since the Roman empire. Great Britain, by reason of her situation, has to maintain a large and permanent army. Hon. gentlemen are aware how repugnant to the British people ever was the necessity of maintaining a standing army; hon. gentlemen are aware how the British people have constantly fought against that idea, but they have been forced by events, forced by the position which the empire occupies in the world, to maintain a standing army, and to-day the principal item in the British budget is the expenses for naval and land armament. Now my hon. friend says that Canada should follow in the same course, that we should take part in a scheme of imperial military defence. Sir, Canada is in a different position. Canada is a nation with an immense territory, but with a sparse population of five and a third million of souls, scattered over an area of 3,000 miles in extent from East to West. The principal items in the budget of Canada are what? Public works, the development of the country, the construction of railways, and harbours, the opening up of ways of trans-

portation. This is the work to which we have to devote our energies, and I would look upon it as a crime to divert any part of that necessary expenditure to the supply of guns, cannons and military armaments generally.

I must say that I am not aware that the Prime Minister has ever publicly repented that aspiration.

Why is it that those pregnant declarations are to-day trampled underfoot? This is what I am unable to understand, because I think they were true at that time as I think they are still true to-day. And this is not all, the Prime Minister has spoken that way in many other circumstances, as he declared himself by the following words uttered on the floor of the House on the 29th of March, 1909:

On more than one occasion I have said that I would deprecate Canada being drawn into the vortex of militarism existing in Europe. The situation in Europe to-day is one which cannot be characterized as other than madness.

Now, hon. gentlemen, if this Bill becomes law, we are entering on exactly the same path. And this is not all. To show in what way the conference of 1902 and the whole question of military imperialism has been interpreted and placed before the public by the Prime Minister himself, followed by the ministerial papers throughout the country, and also by men who took the trouble and had the duty to say the truth in writing a page of the history of this country, may I mention one of our colleagues, Hon. Senator David, the Prime Minister's most intimate friend, who in his book, 'Laurier and His Time,' written in 1905, writes as follows:

Extracts from 'Laurier and His Time.'—By L. O. David.

He (Chamberlain) met from the representatives of Canada and Australia a resistance which disconcerted him. The sympathetic position which Laurier had taken in regard to England upon the question of the Transvaal and the despatch of contingents, as well as on the preferential tariff, had given him hope. But, faithful to the programme which he had laid down for himself and to the declarations which he had made before parliament, Laurier refused to involve Canada in the path of imperialism. He proclaimed openly that Canada wished to keep her forces and resources for the development of her own prosperity and could not permit herself to be drawn into the gulf of militarism, but that she was ready to do all that was necessary for her own defence.—Page 97.

These declarations were the basis of the resolutions adopted by the Imperial Conference.

Chamberlain had had recourse to all the resources of his intelligence to lead Canada's representatives, especially Laurier, to modify their point of view, but Laurier remained inaccessible to all seductions. He was ably seconded in his struggle against the great supporter of imperialism by his worthy colleagues, Messrs. Fielding, Mulock and Paterson.—Page 97.

One day Chamberlain had taken him aside after dinner where he had met some of the first personages in England, and had confided to him his disappointment and chagrin at seeing him so obstinate in resisting projects destined to assure the future of the British empire. He urged upon him how honourable it would be for him to associate his name with such a great cause; he made him see in the most brilliant colours the rôle that he wanted to make him play. To all his arguments Laurier answered that England's interest as well as Canada's made it his duty to combat projects which might have the effect of weakening the ties existing between the mother country and her colonies instead of binding them closer.

As Chamberlain pressed him warmly, Laurier said to him:—

Perhaps you think I am speaking to you in this way because I am a French Canadian. Well, consult my colleagues, who are English, and you will see that they share my opinion.

Will you allow me then to see them and to try and convince them, said Chamberlain, very much pleased.

Yes; said Laurier.

Chamberlain saw them and reported to Laurier that he had found them as inflexible as he himself.

It was with difficulty that Chamberlain forgave Laurier for breaking down the scaffolding of his imperialistic policy.

Laurier came back to Canada, ill, seriously ill to all appearances, but more esteemed than ever because of the courageous position which he had taken and kept under the most difficult circumstances. In Canada it was then understood that he had not paid too dearly for the right to speak and act so proudly, and one may ask what would have happened if Chamberlain had had to do with a man dominated by the love of homage and of honours.—Pages 98-99.

In all his speeches, in all his writings, as in his conversation, he never ceases to eulogize the English constitution, the benefits which it has given the world, the liberties which we owe to it. He has more than once expressed the opinion that gratitude and loyalty make it our duty to give England tangible proofs of sympathy, but he has set himself a limit beyond which he does not wish to go. He refuses to part with the liberty and independence of Canada, to launch her into the tortuous paths of imperialism, to pledge the future.—Page 137.

In reality is there on earth a happier country than Canada, a country where can be found in greater abundance all the elements of progress and prosperity?

When one sees all other countries continually exposed to the horrors of war and overloaded with taxes to sustain standing armies, one may well put this question and reflect before throwing oneself into the unknown.—Page 139.

I beg also to quote a few lines from another book, 'Lafontaine et son temps,' written in 1907, by one of our foremost Canadian writers, Dr. Decelles, historian and general librarian of parliament, Member of the Royal Society of Canada. At pages 5 and 6, we read as follows:

Extracts from 'Lafontaine and His Time.'—By Alfred D. Decelles.

The Chamberlain plan, under the disguise of an imperialism which was not without greatness in its conception, presented seductive baits to superficial minds.—Page 5.

But this vast project concealed dangerous snares for us and even for the principal party interested. Was it not of a nature to draw us towards a militarism little in conformity with the aspiration of a young country, all of whose financial resources ought to converge on the development of the public wealth? Then, was it not to be feared that the bellicose attitude which imperialism would impose on us might some day be interpreted by our touchy and powerful neighbours as a provocation? It was the merit, and it will be the honour and glory of Sir Wilfrid Laurier's administration to have refused adhesion to the Chamberlain plan and to have seen better than the English government the peril which it would make Great Britain incur.—Page 6.

I shall now quote a few lines from the leading French Liberal paper in the province of Quebec, published in Montreal, 'Le Canada'. In its issue of October 5, 1903, I read this:

It would only be necessary that a few enthusiasts would pass a resolution and ask intervention to authorize England to take Canada at her word and say: 'all right, send your soldiers and your ships.' And our brave Canadians would be obliged to go and fight for the sake of Macedonia and at the greatest glory of Bachibazouczs. While if we remain as we are, no one can ask us to go to the front. Let those who have adopted this resolution go if they like, but the Canadians won't go. Oh, yes, let us keep for a long time to come the statu quo, where is our safeguard. Let us keep firmly in power Sir Wilfrid Laurier who has given to the Canadian people the assurance that he will not let our country run into the vortex of militarism nor meddle in the disputes of other nations. We are well, let us stay as we are.

Each and all of them, and many others I could quote, if it was necessary to go farther on this point, have said to the people and to the country that they can rest assured that Sir Wilfrid Laurier had saved Canada from the evil of military imperialism.

I have read these quotations to show what the feeling existing throughout the country with regard to this navy question is, and to prove that the good faith of the people is challenged by this Bill, and how big a surprise it will be to the electors when they come to realize that a new and heavy burden, surrounded with great dangers, is thrown upon them and will, no doubt, one day or another draw them into the conflicts of Europe and other countries of the world. Moreover, hon. gentlemen, this is done without giving the people a chance to decide for themselves or sufficient time to make their feeling known through their representatives. The people who will have to pay millions and millions should be given an opportunity to say by their votes, or otherwise, whether or not they are willing to pay the price of that gigantic folly.

For this reason, and others that I have already pointed out, I am unable to support this Bill. In not doing so, I trust I am as good and loyal a British subject as any one in this Senate and in this country.

True, we do not see our way with the same eye; perhaps we do not understand our duty in a like manner. However, I feel that I cannot be wrong in following a policy pursued up to a recent date and enunciated in the past by the most prominent Canadian statesmen we have had, including the Prime Minister of to-day and most of his colleagues and supporters.

Hon. Mr. POIRIER—(Speaking in French, of which the following is a resume) said: I would prefer not to take any part in the discussion and simply cast my vote. But, owing to the attitude taken by my compatriots of French origin in the province of Quebec—I mean those who belong to the same political party as I do—I feel that I should stand out boldly and let this House know the opinion of the French Acadians on this question of naval defence. I am not here to find fault with my political friends from the province of Quebec, although their last move seems to have been a blot on their glorious record as defenders of the British empire in times of emergency. Witness Chateauguay, and their attitude in other crises which they take pride in recording. Before I knew what would be the exact position that my

leaders in both Houses would take on this question of naval defence, I consulted leading men of my own nationality in the maritime provinces, as to what is their sentiment on this question, and what position we Acadians should take. The sentiment appears to me to be universal that, if any danger threatens the supremacy of England over the seas, and that we can, in however light a way, give any assistance, be it even of a moral nature, we should unhesitatingly give it.

The Speaker went on to show the analogy that exists between the Boers and the Acadians, both nations having defended their country against England with the utmost perseverance and valour. The Boers to-day are among the staunchest supporters of British institutions at home, for the simple reason that British statesmen trusted them as honourable men, and that they are receiving justice and enjoying liberty at the hands of their conquerors. It took four successive invasions from the English to conquer French Acadia. True, they were the victims of an unparalleled calamity in 1755, when they were deported from their country; but their descendants, who number to-day nearly 200,000 souls in the maritime provinces, have learned to appreciate the generous treatment they have received from the British government, and to love liberty as practised among them by the majority. Wherefore it is that, being satisfied with the conditions, they have become truly loyal and sincere supporters not only of the political institutions as they exist in the provinces, but of the higher power which has bestowed upon them the boon of equality and liberty. War between Germany and England seems inevitable, and that war will be one for supremacy. Continuing, he said: although himself opposed to war, and a firm believer in the blessings of peace, yet, since war seems inevitable, it is necessary for us to throw our sword, however light its weight may be into the balance with England. It is a question whether Britain or Germany shall have the supremacy of the seas.

Now, if the ideals of Germany were higher than those of England, if the political institutions of Germany were in advance of those of Britain, if its ethics, religious, political, civil and social were of a higher standard, then we mght remain neutral, and let events take their course in the assurance that, were Germany victorious, we would not be losers. But, in my opinion, such is not the case. I admire Germany and its people. In science, in music, in poetry, in advanced methods of industry they are possibly unsurpassed, though equalled, but in their conceptions of liberty they do not reach the high ideals of the mother of free nations. We must remember that England to-day not only stands at the head of nations that are free but that it has, after securing liberty at home, spread that boon the world over. Britain is the great sower of liberty throughout the whole world. While continental Europe, up to the French revolution, was curbed under the thraldom of despots and autocrats, the English people alone enjoyed, although in a limited degree, the blessings of liberty. Next to religion and with religion, liberty is what makes this life worth living. The one is the completion of the other. In that sense England has aided in evangelizing the world. Wherefore, England, from what it has done for human liberty in the past and for what it is doing now, is worthy of the support of all her subjects of whatever nationality or whatever creed they may profess. Her general standard in that respect, in my opinion, looms higher than that of Germany. Continuing, he declared that he was a hater of war, believing that all that is built up by the sword will perish by the sword. Every structure that is built and cemented in blood will crumble in blood. As proof of that, you have only to go back to Cain who murdered his brother, and to the kingdoms of antiquity, Babylon, Ninevah, Lacademonia and Rome, which, after having become masters of the world through conquest, became in their turn the prey of other nations more virile than themselves. What has become of the empire of Charlemagne? Broken up and disappeared. The empire of Charles V. of Spain is a thing to-day almost of the past. Napoleon's phenomenal conquests were ephemeral, and no doubt Britain will have its turn; but in my opinion the time has not come yet. So long as the ideals of England remain as

they are now, so long as she stands for justice and liberty, the time will not arrive for England's fall. It can only come when, like most of the empires that have grown up and fallen in the past, it shall from corruption or other similar causes become ripe for destruction. But notwithstanding the fact that war is hateful, and should be avoided whenever possible, in this present case it seems to be inevitable. Therefore peaceful men must prepare to fight for national existence which implies liberty and justice for all. That fight, when it comes, will be of short duration. Twenty-four hours may decide the destines of Europe, and to a large extent of the world. The enemy will come down like a wolf on the fold. Germany will look, or England will look for a propitious occasion to strike a swift and decisive blow, such as Japan struck at Russia in Port Arthur, and when that battle is over, our fate will have been settled. Either Britain will win, which we all hope she will, and are ready to help her winning, and then there will be no use for a Canadian fleet and Germany will have to disarm on the seas, or Germany will win—and let us pray that she may not—and then of what use would our fleet be? It would simply be a pretext for invading Canada when otherwise she might not be interfered with.

We must not delude ourselves as to the extent of the protection the Monroe-doctrine affords. The Monroe-doctrine forbids European powers from acquiring territory in America; but there is nothing in it about the exchange of colonies, and if Germany were to cripple Britain on the seas, she would be so powerful that the United States might hesitate to prevent her from effecting such an exchange of colonies as would not conflict with the Monroe-doctrine. The danger is the greater—and this shows the wisdom and foresight of British statesmen—that Germany may possibly win, because she will not be alone when the critical time comes. Only to-day, at noon, I was reading of the feverish haste with which Austria is building Dreadnoughts. Unknown to the world, but not to British statesmen, Austria has become a formidable naval power and that for no other apparent object than to help Germany in carrying out her designs. Besides Germany and Austria, there is Italy bound by a defensive treaty to stand by her two allies, which might prevent England from striking the first blow at a moment which might seem to be opportune, for fear of bringing, through the provisions of that treaty, Italy into the fighting line with her two allies. Now, who will deny that the array of those three naval powers, Germany, Austria and Italy, is sufficiently formidable to awaken the apprehensions of Britain? True, with England will stand France and Russia in self-defence, just as Europe stood together against Napoleon for the same object. But Russia's fleet is a thing of the past, and France would have all and possibly more than she could do in withstanding both Italy and Austria. Then England would be left alone to meet that great and to a large extent mysterious power at sea, Germany, with Dreadnoughts of equally destructive capacity with those of England, with aerial engines, of whose destructive powers we know nothing, and with all the resources that science can bring to bear in new methods of naval warfare. France was perfectly secure against Germany in 1870, so was Austria in 1866. Both were defeated by an enemy whose resources in war they underestimated and despised. Germany's power, even at sea, is not to be despised by any nation, not even by England, and hon. gentlemen, when you hear Englishmen asking for aid from the colonies doing, in an imperial sense, what is an act of humiliation, it means that she feels the necessity of collecting all her defensive or offensive powers for the day when the battle must be fought. If we mean to help England in an effective way, we must be there when the battle is on. In my view, all other policies will not only be ineffective, but worse than idle. Therefore, I am entirely against the idea of Canada building a fleet. For us to go to the assistance of England in winning the day that will decide her destiny, and then lay down our arms, is altogether different from this country undertaking to build an offensive fleet. The one policy differs from the other as much as a man defending his home, or in a moment of emergency going to the rescue of his friend knocking their common enemy down, and then resuming his peaceful vocation, from

the man that declares himself a professional fighter. By building a fleet, we, in a very lightweight way enter the ring, and range ourselves amongst the military nations of the world. We have no use for that. To what extent would such a fleet defend us on the seas against any first class power? To no extent whatever. It would simply, as I said before, be a provocation to attack. On land we stand to-day with no army, but our volunteer corps. With frontiers better guarded than are the frontiers of Germany itself with its five or six millions of armed men. We have what is better than an army or a fleet. We have the good-will of our neighbours to the south. Customs officers are all that we require to keep ourselves absolutely guarded from any onslaught on the part of the United States of America.

This brings me back to the question of disarmament amongst nations. On that question, I hold views that may seem chimercial, but which I none the less cherish. While all other empires in the past as well as in the present have been born in war and in blood, we have come into national existence without travail, as if born not of woman. The youngest of the family of nations, we are also the privileged one. There is no stain of blood on the charter that made us a nation. We are a child of peace. Why not continue and develop in peace when we have the possibility of doing so. Our country, in size, is the second largest in the world for compact area, the peer of any for wealth and resources, the healthiest in climate, the freest in political and civic government, where religious liberty reigns serenely supreme, whose population is drawn from the sturdiest, the bravest, the brightest of parental stock, English, French, Scotch, Irish, and the new immigrants who will, in the making up, act as reagents in the casting of the best metal. We are the latest of the best nations to come into existence. Perhaps we are destined to become, in some respects at least, the greatest of them all, but with us the cycle terminates. We complete the orbit. We are the last link in the chain of nations girding the world. Beginning of the Orient, civilization at first extended easterly to China, the Gate of Heaven, and Japan, the Land of the Rising Sun, on the Pacific. Westerly it extended to Europe, and thence with Columbus and Cabot and Cartier to America. It is now back to the Pacific coast, facing the Orient. After us no virgin nation remains to be born. At our birth the gates of the Temple of Janus were closed, as they were at the birth of the one who came saying, 'Peace unto men of good will.' In this aspect, our nationality is absolutely exceptional—one might say providential. It seems to me that Providence has reserved us for the experiment of a great country coming into existence, and developing without recourse to the sword, so that it may be an example of peace among nations, and a justification of His word, and a token that Canada may, if it choose, live as a nation up to the end of time. A dream, you say, possibly, but a magnificent dream—one that rises high, founded on the most significant passages of holy scripture. Why not try to live that dream, since we have the possibility of doing it? The building of a navy, in my opinion, would be a national crime. Nay, a crime against Providence, if what I have said is really the case, that we were destined to try the experiment of building up a great nation by peaceful methods.

The hon. gentleman concluded by saying that he would prefer that his leader had moved an amendment to the government measure similar to the amendment moved in the other House, but that he would vote for the amendment, as he considered that a referendum would be equivalent to a condemnation of the building of a fleet which is, above all things, to be avoided if possible.

Hon. Mr. CLORAN—I followed the speech of the very able senator from Acadia (Hon. Mr. Poirier) with a great deal of pleasure and satisfaction, and I can assure the hon. gentleman on my own behalf, and I think on behalf of a vast number of people in this country, that the sentiments expressed by him to-day are those that will find an echo in the heart of every true, honest Canadian who has the courage of his convictions, who is not bound by party ties and a slave to party considerations. I can assure him that his speech, when translated into English, and published throughout the country will find an echo large and deep in the hearts of the Canadian

people. Some of his sentiments were sublime; many of them practical; a few of them contradictory. His allusions to the reign of peace on earth were worthy of the pulpit of any church in this country. His statements in reference to the administration of the country were worthy of any Senate, from Rome down to the present Senate. His last conclusion I am not prepared to condemn nor to accept. The right hon. leader of this House, in proposing this momentous question to this honourable House and to the country concluded his remarks with the following declaration:

I do not intend to dwell at length on this matter, although, of course, there will be no objection to any hon. gentleman who desires to discuss the policy on this question, delivering himself in any way he sees fit.

That declaration is worthy of a statesman. That declaration becomes the leader of the Liberal party in this House; and on that declaration I take the floor. Any member, according to the announcement of the right hon. leader, has a right to express himself and deliver his ideas as he deems best and sees fit. I would hope the doctrine would be emphasized more frequently in the consideration of public affairs, that all men would be free to discuss the affairs of the country as they see fit in the interests of the country, and not of party. As my remarks on this question will not deal with party interests, I shall try to follow on the lines of the hon. member who has preceded me, and deal with it from a higher and a nobler point of view than that of party convenience or party subserviency. I do not know whether he dreamt or whether I dreamt; but his speech was taken from this manuscript.

The ideas that he gave expression to are here in black and white. His mind and my mind run in the same groove. His heart and mine beat in unison; and I am glad to know he is an independent member of this honourable House, and I like to call myself one too, though it does not often pay. In the study and the solution of this naval question which so vitally concerns the Canadian people in growth and prosperity, my guiding star in that study will be solely the development of Canadian national life along the lines of peace and of good will to all other nations, and not along the lines of cruel and bloody warfare against others, with the probable ultimate impoverishment of our own people.

The Dominion of Canada, since its birth 43 years ago, has grown and prospered without so far shedding the blood of any other people either on land or on sea. Let Providence then continue to guide her onward march towards full and free nationhood—and I use the word deliberately. I am one Canadian who feels that colonial ties cannot exist for ever; that Canada has got to become a nation, and probably soon, and that without resistance to Great Britain or to the Crown; for I have authority higher than my own to express that, although not a heart warmer for the purpose. The highest statesmen in England wished Canada years and years ago God Speed on the way of nations. The Brights and the Gladstones and others have stated in their own parliaments that when the day came for Canada to claim its nationhood and a crown for itself, the British government and the British parliament would not stand in its way. These were the views of British statesmen, not petty loyalists of Toronto and other places throughout this country. These were the declarations of men responsible for the welfare of the empire. They cannot here be accused of disloyalty to the Crown or wishing to break up the empire when they made this declaration. I am glad to be heard on the floor of this Senate as echoing those declarations and those sentiments, for, as a young Canadian, I want to see my country, not only free, but independent. That is a dream for me; but I will give the dream to my children, so that they will in time claim Canada as a nation of their own. I have no sympathy, and I have no enthusiasm for this naval service project any more than the highest authorities in this country. I sympathize, not with the opposition, and I sympathize not with the government in creating, as hon. Senator Poirier said in his French speech, a fleet which is a national crime, and I stand here to endorse that statement—let it come either from the opposition, or from the government. The Canadian people have had no need for those engines of war in the past, and the Canadian people have no use for them at present.

In regard to this point let me answer my hon. friend from Acadia when he said in the French language that England was the mother of all liberty throughout the civilized world. As a general statement that is correct, and I hope within a very short time, say a year or two, when the British parliament under Lloyd-George and Asquith will be able to give home rule to Ireland, that it will be universal. England is the mother of liberty for herself in the first place, a most careful, undaunted guardian of liberty at home; but, unfortunately, for her sake, and I am sure for the sake of good influences throughout the world, she has denied to one of the brightest parts of her empire, that liberty which she herself enjoys. But the day is very near at hand when what the Boers enjoy, what the Canadians and Australians enjoy, the Irishmen will enjoy at home, thirty-seven miles from her own coast, and the Liberal party of Great Britain to-day, if it stands true to its promises, and its pledges will take from the Irish nation the chains that have bound it long to a destiny of misery, depopulation, want and starvation. If the Liberal government take the chains off that nation within the next year or two, the Liberal party will not go out of power for years and years to come, because there are no more grateful people than the Irish, and the Liberal party can count on a solid vote from Ireland any time they have an election, of eighty or one hundred, placing in their hands the destiny of the British empire. So that while I admire and approve of all that England has done in the development of human liberty I still call upon her to crown her work by giving the same liberty and same right of self-government to her next door neighbour, her neighbour who was with her in distress, who was with her when she needed help to carry her soldiers through battle; when in need of genius, in need of military valour, who were the heads of the British arms but Irishmen? It has always been a mystery to me that having the brains of the Irish people at her command to prosecute the works of the empire, giving the brains of the country its proper place in the administration of imperial affairs, the same government refused to the ordinary poor people the right to live, to be educated as they want to be educated, as they are seeking to-day to be educated. Casting no reflection on what has been done in the past, we have suffered for it for many and many a century. We are willing to condone all that and willing to forgive. We are willing to wipe out all the bloody statutes that drove Ireland to despair, desperation and starvation. We Irishmen, either at home or abroad, are willing to forget and forgive all on one condition, that we have the right to govern ourselves in domestic matters.

Hon. Mr. CHOQUETTE—You can do it.

Hon. Mr. CLORAN—We have done it for other nations. This matter is not foreign to the subject we are discussing, because this question embraces imperial matters of great consequences, probably of very injurious consequences. We, in Canada, are prepared to do for the empire what we have done right along.

Let Providence, then, continue to guide her ownward march towards full and free nationhood on the salutary and life-giving basis of peace, and let His Majesty's government and His Majesty's loyal opposition of Canada, keep cruisers and Dreadnoughts in the background. Providence, who rules and directs the destinies of nations, has, in these times of unwieldy ambition and of organized disturbance, given to the other nations of the earth our young Canada as an example of a people climbing and winding their way up the hill of national aggrandisement without recourse to arms, and all the nations respect us for our peaceful methods, and, as a consequence, offer us no source of danger either to our national life, our national institutions, or to our national security. God did not give to Canada the best and last grain fields of the civilized world to turn the fruit thereof into engines of war for the purpose of dealing out death and destruction, but to have the fruit thereof meet the needs and requirements of those of the human race less blessed than ourselves. Therefore, let us cultivate the arts of peace, rather than the arts of war. Let husbandry, industry and commerce have their sway, instead of the old barbarous tactics of cruel warfare.

If the Canadian people will follow along these lines, which, to my mind, have been

clearly mapped out to us by a bountiful and beneficent Providence, they will prosper beyond measure, and be a credit to the newborn civilization, which desires to take its key from the 'Celestial voices' of over nineteen hundred years ago, when they sang, in the heavens, 'Peace on earth, to all men of goodwill.'

Let us hearken to that all-saving voice, and let us not in a moment of manufactured foreign scare, or of exuberant and unsound domestic loyalty, cry out in foolish and childish defiance, 'We do not wish for peace, but we want war—at least we want preparations for war.' For remember, that the Highest Authority has declared that he who uses the sword shall perish by the sword. And is history not there to prove, through all the ages, the truth of this divine declaration? Individuals, as well as nations, using the sword have gone to their doom through and under the sword. Let Canada, then, keep away from the use of the sword, and its chances of prolonged and happy existence will be all the greater.

Leo. XIII. has published his opinion of European military preparations, declaring that armies drain the life of the country, withdraw labour from the soil, overtax the poor, impoverish the populace, set the people against each other and intensify national jealousies. Armies are anti-Christian and the doctrine of arbitration is the true principle. But European statesmen, concludes the Pope, do not desire truth.

Let Canada keep to its freight or box cars, as so graphically described by our Secretary of State, and not entrust its fate to cruisers and Dreadnoughts, for the former carry the necessaries of life, while the latter carry the seeds of ruin, misery and death. The moral is evident. Go not on the pathway of war, but on that of peace, and Canada will not be molested either on land or water, for there is still justice and chivalry among nations which keep them from attacking a young nation, who wants and seeks no quarrel with any people, but only desires to be on friendly and peaceful terms with all. Like unto the heroine, described in one of Tom Moore's immortal poems, who with only a collar of gold to adorn her beauty travelled from one end of the land to the other without insult or injury. So will Canada, in her youthful vigour and pride, be able to travel to the ends of the earth without harm or insult, for, as Ireland prized the virtue of a defenceless maiden, and respected and protected her therefor, so will the sister nations of the world prize our unarmed manhood and respect and protect us. If we only had the courage to be men of peace instead of feebly trying to be men of arms, what blessings would not posterity shower upon the memory of the men who would have ensured a permanent reign of peace for this fair Canada of ours, and of theirs. But give to the children of the future an inheritance of war, with its lavish and criminal expenditure and then heed, if you can, the voice of woe, distress and suffering that will arise from the body and soul of generations plunged in the blood of others, as well as of their own, all on account of your action of to-day. Hon. gentlemen, I give utterance to these sentiments not in any spirit of hostility to imperial safety or aggrandisement, nor with any thought that they may prevail in this honourable House at the present moment; but I utter them out of love for my native country and that their echo may ring down the halls of time to the ears of unborn generations, telling them that at least there was one here in the Senate who did not want them to be drawn into the vortex of militarism on land or sea.

Is not Canada taking a contradictory attitude, before the civilized world, in the adoption of this naval warlike policy? Yesterday we sent a Dreadnought of peace to Europe to attend the tribunal of the world's peace at the Hague, in the person of the Chief Justice of the Dominion, Sir Charles Fitzpatrick. His task is to settle international disputes and differences along the lines of reason and justice. To-day we are asked to put Dreadnoughts of war on the seas to settle international disputes according to the amount of human life sacrificed, and according to the amount of injury and damages done to either party; for remember, the success and glory of the victor are gauged according to the number of the killed and wounded, and to the amount of loss and suffering inflicted on the enemy. In the past, the interests of the empire were served by the valour and courage of Irishmen, and I am delighted

that to-day we offer to the King the assistance of a bright Canadian brain and loyal heart, to secure the safety of his empire and to promote the general welfare of the human race, according to the Divine will, and not according to crafty statesmanship, too often influenced by and based on pilfering designs.

We have helped the empire for the past 135 years. The Canadian people have kept Canada close to the Crown. It was French Canadian valour and loyalty that kept Canada tied up with the British empire, not an empire at that time, but the United Kingdom. In all the wars before the last century and during the last century French Canadians kept Canada attached to the United Kingdom. So, when people say that Canada is not doing its duty, I fall back on history and say, 'Yes, we have done our duty, and are still doing our duty in building up this country and making it one of the most happy and prosperous portions of the empire. Then we are asked to go further, to leave the land and go on the seas. That I am not prepared to do. We have been at home within our borders during the past 150 years under British rule, and I am not prepared to go out on the seas and risk the happiness, the welfare and the union of the people by taking part in wars that do not concern us. That is our position and that is the position of millions in this country to-day. There is nothing disloyal in making that statement. Why we have followed that practice for the past 43 years since we were a confederation, so that any government in refusing to be drawn into the vortex of militarism cannot be fairly charged with disloyalty. Entertaining these views and guided by these principles, I cannot enter into the schemes of men who seek, for one reason or another, their submersion and their overthrow, for right, and truth, and justice are eternal and must ultimately prevail. Hon. gentlemen, I appeal not to partisanship but to the inner consciousness of all Canadians to uphold the contentions which I have the honour and the duty to lay before this honourable House. I know, however, they will, under the stress of party considerations, be scouted and put aside as impracticable, by this parliament, but what care the Canadian people so long as they live in peace and not at war. On the other hand, has not Canada out of its labour and bounty since the wars of 1776 helped to build up the prestige of the empire and to give truth and substance to the proud saying that the sun, for centuries past, has not gone down on the British flag? Why involve the Canadian people in uncontrollable, ever increasing and useless expense? Why not use our resources to better advantage? The initial cost of the naval outfit would more than pay, for years to come, the expense of maintaining at all foreign courts Canadian ambassadors, and of sending to the principal trades posts of the world, consuls general, who would labour to secure the trade and respect of nations with whom Canada may have to deal. Therefore I say, let Canada have these messengers of peace and trade, instead of cruisers and Dreadnoughts, and then the star of Canada's liberty and independence will shine brighter in the firmament of the political world, never to be clouded, or its light extinguished by the smoke of battle, or hampered in its upward march by foreign jealousy or aggression. And the sun of Canada's abundance will keep on shining for the special benefit of the empire, bringing hope and enjoyment to multitudes of the human kind. What nobler or more glorious future could a young nation, baptized in the pure waters of peace look forward to? What more useful ends could it serve than to be the bountiful and peaceful purveyor of nature's wealth to the other peoples of the earth. Then let Canada accomplish its destinies in peace, in prosperity and in happiness, giving out of its superabundance that, with which to succour the needy and the bleeding among the warlike peoples of the world.

And my plea for peace may be resumed in two words: 'God save the empire, and God continue to direct and bless Canada.'

Hon. Mr. DAVID—Hon. gentlemen, does the establishment of a Canadian navy deserve our approval?

I have no hesitation to answer in the affirmative and to say that the establishment of such a force is a question of duty towards Canada, ourselves and future generations.

I will first consider that question solely from a Canadian standpoint, having only in view the national interest and the future of Canada.

We are happy to be Canadians, to live in a country whose wealth and natural resources are envied by other nations. We are proud to say that there is no country where life is more agreeable, labour more remunerative, individual liberty and patriotic, social and religious institutions more respected than in ours.

But the more we love our country, the more generous the return it gives us for our devotion and our labour, the more incumbent it is upon us to strive to secure its destinies and preserve it from the dangers of the future.

More happy than all the other countries of the world, this Canada of ours has grown in peace and liberty, its resources as developed, being devoted to the country's progress and prosperity, there having arisen no necessity to exhaust its activity and wealth in warlike preparations.

But can we hope that it will ever be so? Can we expect that we will never be subject to the cruel obligations and painful necessities which seem inherent to humanity?

We are told that war is a calamity, even a crime, the most deplorable evil of humanity. It is true, but it cannot be abolished, and while they are cursing it the great nations of the world are now preparing themselves for the greatest conflict which the world has ever seen. People may say what they like, war will last as long as humanity does, and nations unable to fight will always be more or less ignored and despised. And after all it is a question whether philosophers and moralists who contend that humanity needs it in order to strengthen and reform itself, are not right.

Canada will have, in a few years, a population of 10,000,000 souls. A nation of ten millions of people may certainly be expected to contribute in some measure towards the protection of its coasts and its sea-borne trade, and to do something towards maintaining its dignity and its liberties.

Some few who oppose the creation of a Canadian navy announce as one of their objections, their fear that the adoption of this policy will destroy all chance of Canada ever becoming an independent nation. They say: 'Independence has been the dream, the ideal of all strong and courageous peoples. Why should not Canadians have the same aspirations, the same ambitions'?

If these good people were really sincere, instead of opposing the creation of a Canadian navy, they would be the first to demand its creation.

A requirement absolutely essential to a people desirous of maintaining a condition of independence, is that they must be able to protect and preserve that independence and have it respected. There is not a nation in the world, an independent or quasi-independent nation, that does not make great sacrifices to have an army and a navy worthy of consideration.

Let us glance at the following statement:

Belgium, whose population is 7,000,000, spends, annually, for its army, from 12 to 13 millions dollars.

Switzerland, population about four millions; military budget, ten millions.

Netherlands, population six millions; annual expenditure for its army and navy, $20,000,000.

Norway, population about three millions; four millions for its army and more than six millions for its navy.

Chili, population about five millions; military budget, five millions.

Sweden, population five millions; annual war expenditure, five millions.

I might continue and show that small nations having less population than Canada, but occupying, geographically, similar positions, spend three of four times more than we are asked to do, in order to have war vessels. We must, therefore, admit that if Canada were independent, it would have to spend a large portion of its revenue in armaments. And if we were annexed to the United States, our share in the cost of the maintenance of a navy would be still much more considerable, than our share in the cost of a Canadian navy. So that, considering the question solely from a financial standpoint, we are interested in remaining where we are, under the protection of the British flag and to do what is required to deserve that protection.

There is no serious difference of opinion as to the necessity of having a territorial army. Nobody contests the efficiency of our gallant regiments of volunteers, which have shown on several occasions what they could do for the protection and the honour of our country. Well, the organization and maintenance of a naval force is a necessary accessory of our territorial army.

In almost all the wars which have taken place in the country the navy has played a decisive part both under the French and the English regime, upon the sea as well as upon the lakes and the St. Lawrence.

There is in our history a memorable moment. It was in 1760, after the second battle of the Plains of Abraham. Murray was shut up behind the walls of Quebec and both armies, French and English, had their eyes turned towards the Island of Orleans to see which fleet would come first. It was the English fleet that came and Lévis left Murray in possession of Quebec, and Canada was lost to France.

Later on, in 1776, Quebec was besieged by the American and defended by Carleton and the brave little garrison under his command.

Carleton was saved, like Murray, by the arrival of an English fleet, in the spring.

And remember what took place on the lakes.

Carleton, after driving the Continentals from the frontiers of Canada, in 1776, judged that the next important step to be taken was to secure British mastery on Lake Champlain, and the victory won on that lake proved the most effective means of defending Lower Canada from attack. It forced the armies destined for a second invasion of Canada via the Richelieu to retire, and not only that, but during the war exposed the enemy's country to invasion and all the horrors of war, which would otherwise have been inflicted upon the people of Canada.

This fleet was practically a Canadian naval militia force. Its commanding officers, during the war—Captain Pringle, Schank and Chambers—were officers borrowed by the military authorities from the Royal Navy. I am happy to say that Capt. Chambers was an uncle or great uncle of our Mr. Chambers, to whom I owe some of my information in connection with the Canadian navy. So far was the force maintained on the lakes distinct from the regular naval service that Governor Haldimand, in 1778, instructed Captain Chambers that he was to ignore the orders of the commodore in command of His Majesty's ships in the St. Lawrence and even to refuse to supply him with returns as to the vessels and men under his command. Several Canadian officers and many Canadian seamen and voyageurs served in his fleet, on lake Champlain, with distinction. Conspicuous among the Canadian officers was Captain Laforce, who had served in the old French colonial marine before the cession.

The early British successes in the war of 1812-14 were largely due to the fact that with the provincial marine, a sort of naval militia maintained by the army authorities, it was possible to keep control of the lakes.

The Canadian provincial marine service had its share in Brock's glorious achievement at Detroit, August 16th, 1812, the 'Queen Charlotte' covering Brook's right when it advanced against the fort, and detachments of both officers and men from the other provincial marine ships on Lake Erie, under the French Canadian hero Rolette, assisted to man Brock's four field guns.

Without entering into all the operations of the war of 1812-13-14, I may say without any fear of being contradicted that it was clearly shown that the command of the lakes was of the utmost importance to the defence of the country.

At the time of the Fenian excitement, in 1866, so important was a naval force deemed in this emergency, that besides the extemporized gunboats, others were hurried up the canals from sea, and strong detachments of officers and men of the Royal Navy despatched to lakes Erie and Ontario. Eventually, there were 8 or 10 armed vessels on service above Cornwall. A river steamer, the 'Royal,' was armed, made into an extemporized gunboat and manned by a crew from H.M.S. 'Pylades.' Two more gunboats were hurriedly fitted up to patrol the St. Lawrence in the immediate vicinity of Montreal.

The hurried creation of this naval force was very costly; and that it was undertaken by the experienced army generals charged with the defence of Canada shows what

great importance attaches to a naval force in the plan of national defence. If a similar crisis occurs again, we should not have to squander money to create an extemporized and probably inefficient naval auxiliary to our land forces.

When the second Fenian Raid occurred, in 1870, another squadron of gunboats was extemporized by the Militia Department.

Before leaving this aspect of the case, I may be permitted to quote the Duke of Wellington, who, in a letter to Sir George Murray, December 22, 1814, wrote: 'I have told ministers repeatedly that a naval superiority on the lakes is a sine qua non of success in war on the frontiers of Canada, even if our object should be wholly defensive.' (Gurwood, XIV, 244.)

It is useless to show that in our time a marine hastily prepared under the cannon of the enemy would not be worth much, and that in order to have an effective naval force it would be necessary to have it prepared in advance of the breaking out of hostilities.

A country where courage, patriotism and honour exist cannot consent to be placed in a position not only disastrous but ridiculous.

Well, let us imagine what would happen now if a war vessel, manned by filibusters, should undertake to attack our cities and towns in the maritime provinces. What would prevent it from bombarding Halifax, St. John—what is there to prevent it going up the St. Lawrence to Quebec, destroying every town and village, and returning to the high sea? And is it not true that on the Pacific ocean, as on the Atlantic, in British Columbia, as in the maritime provinces, our towns are exposed to the same danger?

No, a country like ours, extending from one ocean to the other, having a water frontier of 2,000 miles, must have a navy to protect the great maritime routes of its trade.

There has never been a commercial nation situated as Canada is, that had not a strong navy. Canada cannot think of being independent before it has an army and a navy in order to repel, at least, the first assaults, to resist long enough to allow the protective power to come to its rescue.

But if we have no reason to be unsatisfied with our present condition, if we desire to remain as we are under British rule, how can we do what England requires of us if we expect her to continue to give us her support and protection?

Some people say: 'England does not want our help. She will continue to provide for the defence of Canada as she has done in the past.' It is true that the Imperial Eagle has covered us with its great wings, and that, owing to its powerful protection, we have progressed and thrived in the most beneficent peace. But we cannot forget that at two different periods England has been able to defend Canada because she has had our co-operation. What would have happened if our ancestors, using the argument which is now urged in some quarters, namely, that what we could do to help England was so little, that we had better refrain from doing anything at all—had refused to organize the militia and the regiments of volunteers which, in 1776 and 1812, saved the country? And if that argument is so strong, how is it that all the prominent men, French or English, who have governed the country from the time of the cession and confederation, have spent so much money to organize a Canadian militia, and, mind you, at times of national emergency, marine as well as land militia? If the reasons given for opposing the establishment of a navy are good, they would apply with just as much force to our militia. In our times, a commercial nation needs a navy just as much as it does a territorial army. If then, taking into consideration solely the interest of our country, the creation of a navy is necessary, whether Canada remains under the British flag or becomes independent, why should we refuse to approve the proposal of the government to put into execution—having now the means to do so—the ideas which have occupied the minds of our public men since confederation?

Is it because England asks us to do so? Is it because the navy which it is proposed to build would co-operate in defending England when we would deem it proper? It seems preposterous, nay, absurd to put such a question, but it is justified by the extraordinary utterances of certain public men and newspapers. Our navy will be at the disposal of England when we shall so

decide, when we shall deem it advisable to lend her our assistance. Is it so criminal on our part to prepare ourselves to help England to defend herself and her colonies, to defend Canada? If we are not loyal enough to aid England in time of danger, we ought to do so in our own interest, in order not to give England the right to say that since we do not appreciate the advantage of living under her flag enough to make the slightest sacrifice to help her to protect us, she had better abandon our country to its fate. She would really have the right, in the event of us holding aloof, in the way suggested, to address us in the terms indicated; and she would be within her undoubted right were she to withdraw her protection, reserving all her resources for the protection of herself and for such of the other oversea dominions and colonies as were prepared to make their share of the sacrifices which must be made to assure their safety. And then, no better able to defend ourselves than a herd of cattle, we would find ourselves at the mercy of any power that would consider us worth the while to round us up. Those who long for annexation and would have no objection to Canada passing under the American flag, are not afraid naturally, of such a result. But is it the sentiment of the great majority of the people of this country? History teaches us that there was a time when France, engaged in a terrible war in Europe, informed our ancestors who were fighting so bravely to save Canada for her, that she could not send them the help asked for. England would have the right to speak to us in similar terms, and with more reason and less scruples, for she would not have to regret, as France did, that she was forced to abandon a people who had done their duty.

No, we cannot allow the impression to be created that we refuse to do what our interest, our honour and loyalty require, because England might benefit thereby. If we refuse to act in the matter, how meaningless become all these enthusiastic declarations and professions of loyalty which we hear, every day, from one end of the country to the other; how absurd for us to proclaim with our lips that we are happy and proud to be British subjects and to enjoy the free and glorious political institutions of England? Shall we give the people of England and of the world the right to cast in our teeth the reproach: 'Words! Words! Nothing but words."

Our refusal to build Dreadnoughts or contribute to their construction or to have a navy under the control of England is reasonable, and is justified by our determination to preserve our political autonomy, and the large annual expenditure required for the development of our country does not allow us to make such a sacrifice. But how can we refuse to build a Canadian navy, which we need so much, when by doing so we can reconcile our duty towards Canada with our duty towards England.

A few words now regarding the objection that Canada, by contributing towards any scheme of imperial naval defence, courts the danger of being drawn into the maelstrom of militarism, arouses the distrust of foreign countries and invites attack. It seems to me that this objection is met by conditions which at present exist throughout the world and have existed ever since humanity has been grouped together in distinctly defined nations. Various powers combine together for their mutual advantage and form coalitions, defensive and offensive. It has been and is so common a practice, that I need not mention any of these alliances. If nations, often remote from one another, and having nothing in common but their ambitions and their dangers, can, without exciting the active hostility of their neighbours, form such alliances and maintain armies and navies to protect themseles, surely Britain and her oversea dominions, bound together by the ties of blood, of freedom, of common interest, of fervid loyalty to one Throne, have just as much right, at least, to do the same thing.

The British empire, as it stands to-day, is a league of free countries, the vastest in extent the world has ever seen. And it is the staunchest, for it is held together by the silken bonds of liberty, of mutual esteem and of self-respect. Not one of the independent units of this empire, least of all Canada, is so craven that she will fear to assume rights which less favoured na-

tions have not hesitated to avail themselves of.

To those who contend that our weakness shall be our strength, I would apply the words of ex-President Roosevelt: 'There are people,' he said, 'who prefer that their country be too weak to avenge an insult and avoid all difficulties because of the disdainful pity it inspires in foreign nations.'

I believe, with ex-President Roosevelt, that there is more honour for a country to be the cause of fear than of pity. I think that a nation is more respected on account of its courage than of its weakness. The most illustrious and respected nations are those that have relied upon their swords.

It has been stated and published in the province of Quebec that there were some English Canadians who did not fear to proclaim that we should keep all our money for ourselves, for more useful and more practical objects than national defence. As if there was something more useful than the honour and safety of a country. But there has always been and there will always be men whose mentality differs from that of other people, whose hearts do not open to the noble notions of patriotism or loyalty. They are few, fortunately, and their opinions do not count.

Speaking in the name of the French Canadians, I have no hesitation in saying that they think and feel differently, that they will not be influenced by mean and selfish considerations and that they will not refuse to do what the interest and safety of the country require for fear that England might benefit by it.

Being happy and enjoying under the British flag all the rights, liberties and privileges of free citizens, they will do what their fathers did to prevent their country from passing under foreign rule. They know that they would not find elsewhere the protection which they enjoy as British subjects under sacred treaties entered into between France and England.

There was a time when French Canadians had reason to complain of England and especially of those who governed our country in her name; their grievances were serious. Well, even in those times of agitation and trouble, in 1776 and 1812, following the advice of their clergy and of their political leaders, they ran to the frontier and repulsed the enemy. History has chronicled the eloquent appeals made to the honour and loyalty of the French Canadians by their bishops and priests. And amongst those who then gave to their countrymen the example of loyalty we find the names of Joseph Papineau and of his illustrious son, Louis Joseph Papineau, who thought that the best means of serving the sacred cause for which they were fighting was to give undeniable evidence of their loyalty to the British constitution. It is an example and a lesson for those who to-day are fond of proclaiming to the world that they have in their veins the blood of these two great Canadians. If when they were persecuted the French Canadians did not hesitate to do their duty, and to fight in order to remain British subjects, how could they refuse now, when they are enjoying all constitutional liberties, to follow the example of their fathers and to take the means of helping England to defend their country?

No, they will take into consideration the position of the government, which, being placed between two extremes, between those who contend that it does not do enough and those who say that it does too much, has adopted a middle course which ought to satisfy reasonable people. They will realize that if they refuse to support the policy of the government, their motives would be attributed to feelings of hostility or of indifference towards England and the majority of the population of this country.

If we were asked to sacrifice a parcel of our religious or national rights, of our political autonomy, it would be quite different, and we would oppose any such scheme. But how can the establishment of a Canadian navy affect our national or political rights? On the contrary, the slight sacrifice which we are called upon to make to pay our share--a small share—of the cost of creating and maintaining a national navy will do us good, will arouse in our favour sympathies which we need in our present political situation. Let us be just towards England and our English fellow-citizens, and they will be just towards us. We must not forget that we are not the majority in Canada; we are the minority and those

who have placed us in that position should be the last to forget it. I am always surprised to see the Conservatives, whose hand made confederation, forget so easily, under the influence of partisanship, the exigencies or necessities of that regime and the examples of conciliation which their venerated chiefs gave them. They forget that if Cartier was living, his policy, under the circumstances, would be that of Laurier; they forget that the establishment of a national navy is the sequence, the outcome of the political programme of Macdonald and Cartier. Cartier said in 1868: Three principal elements constitute a nation: population, territory and marine. And in the Militia Act of that year he provided for the organization of a naval militia. While the Conservatives repudiate the policy of their leaders, the Liberal party endeavours to have it adopted by the country and carried out. They forget also their violent denunciations against those who thought proper to oppose certain articles of their programme; they were denounced as traitors, annexationists. If we were as violently aggressive as they were, we would return them the compliment.

Hon. Mr. DeBOUCHERVILLE—Did the hon. gentleman say there was a Bill introduced in 1878 providing for the construction of a navy?

Hon. Mr. DAVID—I have cited the words of Sir George Etienne Cartier viz.: 'The three principal elements constituting a nation are population, territory and marine.' And in the Act which Cartier laid before parliament in the same year, there was a proposition made for the organization of a naval force. I cite that in order to show it is not a new question, and if the hon. members who have so much esteem and veneration for the fathers of confederation and for the old chiefs of their party, were faithful to their record they would vote for the Bill which is now before parliament, because it is the outcome of the programme and the policy adopted, and accepted by the Conservative party in the last thirty years.

Hon. Mr. DeBOUCHERVILLE — Does the hon. gentleman remember that when Cartier proposed his Bill for the militia, that the government was defeated on the question?

Hon. Mr. DAVID—I speak of the Bill of 1868.

Hon. Mr. DeBOUCHERVILLE—The Bill was lost, and the government went out of power and Sandfield Macdonald took the place of the Prime Minister.

Hon. Mr. DAVID—That does not deprive me of the right to say that it was the policy of the leaders of the Conservative party, which the Conservatives repudiate now.

I move the adjournment of the debate.

The motion was agreed to.

MORNING SITTING.

Hon. Mr. DANDURAND—Last night I made a motion for the sitting of the House this morning, but it only covered to-day, and I desire to make a similar motion for to-morrow. I move that when the House adjourns to-day, it stand adjourned to eleven o'clock to-morrow morning, the sitting to be from eleven to one, and there be a second sitting of the House at three o'clock in the afternoon.

The motion was agreed to.

The Senate adjourned to 11 o'clock a.m. to-morrow.

THE SENATE.

FRIDAY, April 29, 1910.

The SPEAKER took the Chair at Eleven a.m.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (No. 204) An Act to authorize the erection of certain wharfs and buildings in the harbour of St. John.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 208) An Act to provide for the payment of bounties on crude petroleum.—Rt. Hon. Sir Richard Cartwright.

NAVIGABLE WATERS PROTECTION BILL.

ORDER OF THE DAY POSTPONED.

The order of the day being called:

Third reading (Bill 103), An Act to amend the Navigable Waters Protection Act.—Rt. Hon. Sir Richard Cartwright.

Hon. Mr. DANDURAND—I move that this order be discharged and that it be placed on the orders of the day for Monday, the first sitting.

Hon. Mr. LOUGHEED—May I ask if the government is giving consideration to the representations made by the shipping interests of Montreal, the Montreal Board of Trade and other public bodies?

Hon. Mr. DANDURAND—The right hon. leader of the House said he wanted a little time to examine the value of the representations made by the Board of Trade in Montreal.

The motion was agreed to.

MINERAL RESOURCES OF CANADA.

CONSIDERATION OF REPORT POSTPONED.

The order of the day being called:

Consideration of second and final report of the Special Committee on Mineral Resources.

Hon. Mr. WATSON—If there is no objection to this report I will move that it be adopted. It calls for the printing of two thousand copies of the evidence taken before the committee. In the absence of the chairman, I asked the clerk to obtain from the Printing Bureau an estimate of what the cost of the printing would be. I have not received it yet, but I understand it would not cost a great deal and the chairman assures me that the information will be very interesting to members of the Senate and House of Commons.

Hon. Mr. DOMVILLE—I have been absent because of illness and I am not able to take charge of this report. There are a large number of applications in now for copies of the report, and I do not think the expense of printing it can be very much.

Hon. Mr. POWER—There are some points about this report as to which we should have a little more information. The committee recommends that the map of the coal areas in Saskatchewan and Alberta be printed in the report. Inasmuch as the Department of Mines deals with these things, is it not a fact that this map will be printed for distribution anyway?

Hon. Mr. WATSON—In regard to that I may say that it will not cost anything. The map has been printed, and it can be inserted in the report. However, this report may stand.

The order of the day was allowed to stand.

SECOND READING.

Bill (No. 25) An Act respecting the Water-carriage of Goods.—Rt. Hon. Sir Richard Cartwright.

SECOND READINGS.

Bill (No. 101) An Act to provide for the investigation of Combines, Trusts and Mergers which may enhance prices or restrict competition to the detriment of consumers.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 192) An Act to amend the Fisheries Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 198) An Act to amend the Industrial Disputes Investigation Act, 1907.—Rt. Hon. Sir Richard Cartwright.

Hon. Mr. LANDRY—I suppose it is understood that these Bills may be discussed in committee.

Hon. Mr. DANDURAND—Yes, that is what I stated.

NAVAL BILL.

HON. MR. DAVID RESUMES.

Hon. Mr. DAVID—Hon. gentlemen, before continuing my speech, which I will finish in a few minutes, I beg the hon. leader of the opposition to tell me if the amendment which he has moved means that the question of the Naval Bill or the establishment of a marine will be laid before the people immediately, or at the next election?

Hon. Mr. LOUGHEED—I would say to my hon. friend that that would be within the judgment of the government.

Hon. Mr. DAVID—The judgment of the government; so that the government may do it when they like?

Hon. Mr. LOUGHEED—Oh yes, it cannot be done otherwise.

Hon. Mr. DAVID—I would draw the attention of some hon. members of this House to the fact that the government may bring the question before the people as soon as they like, immediately, if they like, not in the usual general election, but immediately, and, in voting for the amendment which is moved there, they are exposing themselves to a situation they would not like, perhaps.

Hon. Mr. LOUGHEED—No, certainly not; that is the reason we voted.

Hon. Mr. DAVID—I shall now continue my speech of yesterday. When the debate was adjourned I was trying to show that in view of the feeling which existed in England, and of the attitude taken by the different colonies of the empire, Canada was bound to do something; it could not remain indifferent when all the empire had decided to endeavour to put England in the position of preserving its supremacy on the sea, which supremacy is essential to the greatness and conservation of the empire and of the different parts of the empire. I was trying to show that Sir Wilfrid Laurier, being placed in face of great difficulties and of great diversity of opinion, did what was proper under such circumstances, and that he decided to put before the country a scheme which gave satisfaction to England without imparing our national autonomy. Deplomacy, which is the characteristic of the political genius of Sir Wilfrid Laurier, served him well in this case, as in many others demanding sound statesmanship, and by introducing this Bill he was giving effect to the policy advocated by the Conservative party since confederation. The hon. gentleman from Stadacona speaks of contradictions, when everything they do and say is a flagrant contradiction of everything they had done and said previously, and the destruction of the policy of their old chieftains. In order to find a contradiction between the position which he thought I would take under these circumstances, and the views which I had expressed at another time, he quoted a speech which I made in 1890 in the local House at Quebec. Hon. members of this House must remember that in 1890 an imperial league was being organized, to have a commercial union between the colonies and the mother country, and to have a general system of defence for the different parts of the empire. The questions of general policy of war and trade were to be decided by a council where Canada would have been represented by a small minority. I regret that the hon. gentleman has not thought proper to recite the whole speech, because it would not have had the same bearing—after having repeated many times that we wanted to live under the British flag, after having said that we were happy to live as we were living under the protection of the British flag, I added that in view of the sentiment which prevailed at the time, it was dangerous to bring forward such a scheme, because the discussion of imperial federation, would bring up another scheme, the scheme of an American federation, and that there would be many probably who, on account of the progress and prosperity of our continent would prefer American federation to imperial federation. At that time, the national policy had not done what it has since accomplished, and there was a general feeling that we wanted the American market after all, and that our interests were to treat with the United States. It was for those two reasons—that that scheme deprived us of our national autonomy, and that it would endanger our relations with the United States—that I proposed the resolutions which were adopted unanimously by the House. To show what the feeling was at the time, when those resolutions were moved in the local House, the Conservative party who were then pretty strong, did not think it proper to vote either for or against them. As a pretext or excuse, they said the previous question having been put, they could not move an amendment, and they could not vote for or against the resolution.

Hon. Mr. LANDRY—Was it a question which came under the local jurisdiction?

Hon. Mr. DAVID—That is another question.

Hon. Mr. LANDRY—It is another question, but unanswered.

Hon. Mr. DAVID—It is a question itself. I do not say whether it could be done constitutionally or not. Anyhow, I have a right to repeat, what I said yesterday, that the Conservative party and the leaders of that party are repudiating the policy of their old and venerated leaders, the fathers of confederation, and that, while they are repudiating the policy of their leaders, the chiefs of the Liberal party, very strange to say, are putting into execution that policy of the Conservative party.

Hon. Mr. CHOQUETTE—But we have always been fighting that programme.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DAVID—I come now to another point which is raised, not very openly, but which may have some effect on the people. The national flag is hoisted in some quarters, and the scheme is fought on the ground of patriotism. I have been told by some people that they cannot understand how a man who is called a patriot could vote for such a Bill. My answer is this, and when I answer this question, I give a reply, not merely for myself, but for some of my friends who are in the same position. There are two ways of being a patriot.

Hon. Mr. LANDRY—There is a third question.

Hon. Mr. DAVID—The other question is not worth being considered. The question of doing nothing at all, of refusing to do anything, is an unpatriotic position. As a representative of the province of Quebec, I would be ashamed to take a position that would make the whole world believe that the province of Quebec had not the patriotism and courage to do what was necessary for the glory and the surety of the empire, and the preservation of the supremacy of Britain on the sea. It would be a shame for the province of Quebec to take such a position, and it is because I think I have patriotism, and because I have always tried to do what I thought proper for the honour and dignity of my nationality, and of my countrymen, that under these circumstances, in spite of the critics, and of the criticism which has been expressed with regard to my taking the position I took, I proclaim that, as a French Canadian, as a citizen of the province of Quebec, I am obliged to vote for such a Bill. That is my answer.

Hon. Mr. LANDRY—Does the hon. gentleman contend there are only two questions now?

Hon. Mr. DAVID—There are only two serious questions; the other is not serious.

Hon. Mr. LANDRY—It is because it is serious, that the hon. gentleman is getting so warm.

Hon. Mr. DAVID—I am getting warm because some of our adversaries are making a shameful abuse of patriotism in the present instance.

There are two ways of being a patriot and of practicing patriotism. The first consists in throwing the minds of the people into a ferment of discord and of anger, in preaching the holy war night and day, and in making people believe that we are hostile to everything which is English. The other system consists in respecting in others sentiments which we esteem in ourselves, in giving them what is just and reasonable and keeping our influence and energy for important matters and circumstances, in order that we may then have the support and sympathy of broad minded people. Along this last line we would be following the examples of Lafontaine and Cartier. The first method is full of dangers, of serious complications, of elements of friction which would bring us to a powerless isolation. The second plan is the only one which will allow us to occupy in the confederation, a place worthy of our ambition, of our aspirations. These are the views of our representatives in the government and in parliament, and of the majority, the great majority of our population. It would be, I am sure, the opinion of France at the present moment.

I would call the attention of my countrymen to an hypothesis which strikes me. If there were a war between England and

Germany, on which side would France be? It is evident that we would see once more the Union Jack and the Tricolour united as they were so gloriously on the battlefields of the Crimea. And if we had a navy, we would see our vessels fighting by the side of the French warships. Would that be so great an evil? And if we had refused to make the necessary preparations in order to be able to assist our two great old mother countries, France would be the first to express her regret.

Our sailors, it seems to me, would be proud to show that the blood of Jean Bart, of Duguay Trouin, of Tourville and of Iberville is flowing in our veins, and that they have not lost the courage and valour which characterized their ancestors, who fought so heroically on land and sea.

Anyhow, all reasonable men in the province of Quebec will do their duty courageously; they will refuse to bear the heavy responsibility which certain men assume with so much levity. They will understand that there are alliances and sympathies which are worth more than millions of dollars, and that, as Catholics and French Canadians, they are even more interested than their English Canadian countrymen in remaining under British rule, in order to safeguard the rights which are guaranteed to them by solemn treaties and which independence or annexation would endanger. What are millions of dollars compared with the advantage of living and thriving under the protection of those treaties? And those millions, spent on Canada's navy, will be given back to us by the creation of an industry which will support thousands of people, by the opening of a career—a noble career— for our young men. I bow in advance to those naval schools, I applaud the noble characters which they will form, the brilliant and useful careers which they will produce. As to the compensation which we will receive in return of our monetary sacrifice let us remember what took place on the occasion of the South African war. Before the war was over, England had given back to us three or four times the money which we had spent. She bought our horses, our cattle and farm products and placed our funds on the list of trust funds. Now, if our parliament and our population had listened to the same weeping voices which we hear to-day, the province of Quebec would have been placed in an inglorious isolation.

And we cannot forget that we have to choose between two proposals, between the establishment of a national navy, which we must have sooner or later, and the gift of Dreadnoughts or of money contributions for the benefit of the imperial navy. Nobody imagines that a government could be formed and maintained upon the negative and socialistic policy of those who refuse to do anything either for England or Canada. It is useless to wander in the region of dreams, of suppositions; we must choose between these two proposals. Well, which is the best? Which is the most patriotic, the more in accord with Canadian interests, with our national autonomy, with our aspirations and the needs of future generations? I have no hesitation in saying that it is the scheme proposed by the government and now under consideration.

Now let us admit for a moment that some of the members of the government and of our public men generally, who are responsible for the welfare and the destinies of the country, are willing to do more than they were before, are they to be blamed for taking into account the changes which have taken place in the conditions of our country and the political requirements which have arisen since the federation of the various provinces? Could they refuse to listen to the appeal of the imperial government when they could comply with its wish by following a most patriotic policy and adopting a plan of naval organization which the authors of confederation and the leaders of the Conservative party considered as the necessary consequence of the establishment of a territorial army, and which they would have carried out if they had had the means which we now have of doing so? No, they could not refuse—and the ministers representing the province of Quebec less than the others—without incurring a serious responsibility, especially in view of the position taken by the leaders of the Conservative party.

In conclusion, I will sum up my views as follows:

Considering that the establishment of a Canadian navy is necessary for a country situated geographically as Canada is; that

such a navy would be an element of moral force and energy; that it would increase our importance in the eyes of the whole world; that it would be the means of reconciling what we owe to England with the best interests of Canada; that it would create a national industry and open a noble career to our people; and that it would increase our confidence in the high destinies of our country and widen the horizon of our thoughts and aspirations, that an appeal to the people on this question could have no beneficial result. I have no hesitation in voting against the amendment moved by the hon. leader of the opposition.

Hon. Mr. CHOQUETTE—I would have been very glad to deliver in English the few remarks I have to make on this question, but, as quotations are to be made to justify the position I am going to take on this important measure, I feel that I have to speak in French, because all those quotations are in French, and I have not time to translate them. I will only say one word, before resuming my speech in French, in answer to the question which has been put by my hon. friend who has just sat down, to the leader of the opposition. I think, in putting that question, he had in mind something that I told him yesterday, that I would rather favour an appeal to the people at the general election than a plebiscite. I will give you my reason for that. I will say in French why I would rather support the amendment, which is for an appeal to the people, but that it would go to the people at any rate at the next election. I would not be in favour of a plebiscite at once, because, if you put before the people the question of the naval service only, it might rouse feelings of race and nationality, whereas at the general election, the naval policy would be included in the platforms of the government and of the opposition, and the people would then be able to judge between the two policies on their merits. I will now continue my remarks in French.

Hon. Mr. CHOQUETTE (speaking in French, of which the following is a synopsis):—As I stated at the beginning, I shall try to define the position the Liberal party has held on this question for a great number of years, and I shall quote speeches, letters, &c., by the leader of the government, the Hon. Messrs. Lemieux and Brodeur, articles from the ministerial papers such as 'Le Canada,' 'L'Electeur' and others. I do not pretend that the Liberal party must not change its attitude. Far from that, I say it is the duty of the party to change its attitude if the government thinks it better for the country; but I claim that we have no right to do so without giving good substantial reasons for the change, and that even these reasons should be submitted to the electorate in due time. That is the position the Liberal party has held since confederation, the position it took on the Canadian Pacific railway, on prohibition and other issues. I maintain that the leader of the government has greatly increased his popularity by always objecting to throwing Canada into the imperial turmoil, and at the last general election the Liberal party directly opposed the principle incorporated in the present Bill. The leader of the government said himself, in my presence, in Montmagny, when speaking in favour of the present member for that county, then the government candidate, that he had succeeded at the Colonial Conference of 1907 in preventing the passing of a resolution requiring the colonies to contribute to the establishment of a local naval defence. Referring to this I might specially put before the House the speeches and declarations of the Liberal leaders on this question by first citing what was said in 1896 by the Hon. Mr. Brodeur, who, by the irony of fate, is now the man in charge of this Bill. I may say, in passing, that I deeply regret the sickness which has compelled him to remain out of the House; but I am also glad to hear that he is improving in health and we all wish him a complete recovery that he may continue to retain the prominent position he holds in the government. Mr. Brodeur, speaking in the House of Commons on April, 1896, said:

> Mr. Speaker, I cannot allow the proposition before us to pass without protesting in the most energetic manner against its adoption. The government asks us for credit of a million dollars to purchase guns. They pretend that they need this million to pay a certain

debt contracted towards the British government; a debt which has been contracted during the present session.

Well, Mr. Speaker, I regret to learn that under the circumstances the government has purchased guns from England not for one particular purpose, not for a particular company, but that it has purchased arms from the English government and that the government now asks us to reimburse them for the cost. Is that the protection promised by England to Canada? Is that the position in which we are placed as a colony? I believe that we shall have reason to look for all other things on the part of England.

Parliament is asked to spend this sum of a million dollars while our debt has increased to nearly three hundred millions. I believe that the debt is sufficiently heavy and that it is useless to enter upon a jingo policy and augment in that way the debt of the country by several millions without being able to justify in a serious manner that expense. I do not believe that that expense will be required under the circumstances, and for my part I am energetically opposed to voting any such sum as that which they demand of us now.

If it was a great mistake for the Tory government to spend a million on guns when our debt was three hundred millions, how much greater a mistake is it for this government to spend several millions on buying cruisers and munitions of war when our debt in round figures is $478,000,000? What did Sir Wilfrid Laurier say in the House of Commons in April, 1902:

It will be veritable suicide for the country to throw itself into the gulf of expenditure where the European nations, including England have been drawn by the need of formidable armaments.

The situation of Canada is quite otherwise. It is an immense country having a population of five millions and a third scattered over an extent of three thousand miles from the east to the west. What are the heaviest articles in its budget? Public works, colonization, construction of railways, the deepening of harbours and improvement of transportation routes. That is a field in which we ought to exercise our activities. It would be a crime to divert any portion of the money necessary for the construction of these works to buy cannons, guns and munitions of war.

The leader of the government was right. It was better for this country to spend our money in public works, colonization, railway construction, deepening of our harbours. &c., but then at that time the country had not undertaken the construction of the Northern Transcontinental railway which will certainly cost not less than $150,000,000. The government at that time had not in view the construction of the Georgian Bay canal and the Hudson Bay railway. Therefore, if in 1902 it was a crime and suicide to take our money for preparation for war, it is still more apparent to do so now, when our country requires three or four hundred millions more for public undertakings that were not contemplated at that time. What was the opinion of the Hon. Rodolphe Lemieux in 1902? He was not then a minister of the Crown, but he had a most important position in the ranks of the Liberal party, and was also a prominent figure in the House. He declared that the obligation for the colonies to participate in the wars of the empire was an absolutely false principle, and writing to Mr. Henri Bourassa on the 4th of August, 1903, he referred Mr. Bourassa to the above speech of Sir Wilfrid Laurier which I have quoted. What did 'Le Canada,' a government organ, say on the 5th of October, 1903? The statu quo, he said, was the salvation of the country:

It happened that certain exalted persons passed a resolution demanding intervention, because England had passed the word to Canada and said 'That is good, send your soldiers and your vessels.' And our brave Canadians will be obliged to go to fight for the happiness of the Macedonians and for the great joy of the Bashi Bazouks. Whilst had we remained as we were, nobody would have though of asking us to march. Let those who pass the resolutions go there if they please, but Canadians will not march. Ah, yes, let us continue to maintain the statu quo; that is our safety. Let us maintain firmly in power Sir Wilfrid Laurier who has given the Canadian people the assurance that he will not permit our country to be drawn into the vortex of militarism nor into the quarrels of others. We are doing well; let us remain as we are.

At the last Colonial Conference, Dr. Smart moved the following resolution:

That this conference, recognizing the vast importance of the services rendered by the navy to the defence of the empire and the protection of its trade, and the paramount importance of continuing to maintain the navy in the highest possible state of efficiency, considers it to be the duty of the dominions beyond the seas to make such contribution towards the upkeep of the navy as may be determined by their local legislatures—the contributions to take the form of a grant of money, the establishment of local naval defence, or such other services, in such manner as may be decided upon after consultation with the admiralty, and as would best accord with their varying circumstances.

To this resolution Sir Wilfrid Laurier made the following reply:

I am sorry to say, so far as Canada is concerned, we cannot agree to the resolution. We took the ground many years ago that we had enough to do in that respect in our country before committing ourselves to a general claim. The government of Canada has done a great deal in that respect. Our action was not understood, but I was glad to see the First Lord of the Admiralty admitted we had done much more than he was aware of. It is impossible, in my humble opinion, to have a uniform policy on this matter; the disproportion is too great between the mother country (you must remember they have no expenses to incur with regard to public works), whereas, in most of the colonies, certainly in Canada, we have to tax ourselves to the utmost of our resources in the development of our country, and we could not contribute, or undertake to do more than we are doing in that way. For my part, if the motion were pressed to a conclusion, I should have to vote against it.

So you see that since this government has been in power, the Liberal party has always stood against the very principle embodied in this Bill, which is contributing to the wars of the empire. I still stand for the same principle; my views may be wrong now, the government has a right to change its view. I am not going to say now, on the second reading of this Bill, that I am opposing the measure itself. I claim, however, that before adopting this Bill we should call a halt and wait until we ascertain the opinion of the electorate. If the government succeed in that appeal, so much the better for them, though I am not prepared to say so much the better for the people. Now, I may address just one word to those who claim that it would be disloyal for Canada, and especially for the province of Quebec to oppose this measure. I maintain that this word 'loyalty' has been used very often for selfish purposes. I do not take stock in those who are always raising the cry of loyalty. They do so very often to pass bad measures. I do not take stock in their cry any more than I do in the professions of those who have always on their lips the words religion and honesty; because loyalty, religion and honesty are natural in the hearts of all, and the best proof we have of a man's attitude on that point are his deeds, and it is not always necessary to make profession of having those virtues. But on this question the province of Quebec does not stand alone. When the vote was taken on Mr. Monk's amendment, many representatives from other provinces voted for it. I know that in Ontario the Grangers, a farmers' organization, are against the measure. All the leading weekly papers, Liberal and Conservative, are against it, and I have in my hand a declaration from Mr. James McEwing, local member for Wellington West—a good Liberal, I am told—who said, like myself, that he is not in sympathy with either party on this question, and he thinks that the people of the country should be consulted. If I were going to discuss the question of the enormous expense that this policy will entail, I might cite Sir George White, a member of the British parliament, who said, when the appropriations for the navy were brought in by the chancellor in the imperial parliament, that it was a terribly wicked and useless expenditure. And the 'Daily News' added that Germany and England are not only moving towards barbarism, but at the same time towards bankruptcy. I just cite these opinions in passing to show that even from a financial point of view I am in good company, as I am also in very good company in this country. I referred a minute ago to the question of loyalty, and to the fact that it would be said, if we objected to the Bill especially in Quebec, it would mean that we refused to contribute towards the protection and maintenance of England. It is well, in the consideration of this question, to bear in mind the fact that Canada is a population of between 7,000,000 and 8,000,000 sparsely settled in half a continent, with enormous public works in course of construction and to be undertaken, that with this sparse population we have to protect and defend our territory, while England, with a population of 40,000,000, has no great public undertakings such as ours, and can utilize its immense revenue for the protection of its coast and its trade routes without leaving any portion of the United Kingdom undeveloped. I believe that the large works we have constructed, including the Canadian Pacific railway, and what we are now doing for the National Transcontinental railway, are a hundred

times more important for England than a few cruisers that we may build now, and we have done more in this country—and Quebec has done its share—to promote the welfare of the empire than any other colony. That is what 'Le Canada,' the government organ in Montreal, contended for on the 26th of November last. On that day, in a strong editorial, 'Le Canada' quoted from letters published by Sir Charles Tupper and Lord Strathcona and endorsed their views, in support of that contention. The following extract from an article by Sir Charles Tupper in the 'Canadian Magazine' for February, 1896, is reproduced by 'Le Canada' in its editorial:

'I deny that Canada owes a single dollar to England for any reason whatever, whether civil, military or naval; much less than she is a source of weakness and expense. I contend that if Canada were forced to enter the American Union, England would lose her best strategic harbours on the Atlantic and on the Pacific and would need, not a weaker, but a much stronger fleet than she possesses now.'

At a banquet in Quebec on the 31st of March, 1900, Sir Charles Tupper repeated the same sentiments:

'I have said and I say again that it is false to contend that Canada has done nothing for the unity of the empire. Canada has spent millions to create a national route on the Atlantic, to organize a militia, &c., and under these circumstances I feel that it would be a mistake to attempt to make the people of this country contribute to the maintenance of the army and of the navy of the empire. I contend that our conduct in the past should be a guarantee of our conduct in the future, but that it should be left entirely to the judgment of the Canadian people themselves.'

In a letter to the Montreal 'Star' in November last, Sir Charles Tupper said:

'Permit me to say—notwithstanding the representative of one of the principle Canadian newspapers has held Canada up to public misrepresentation—that Canada has done more than all other British possessions to assist in the defence of the empire. Your journal of the last November has accused me of using foolish language and endeavoured to depreciate the greatest efforts that have yet been made by a population of 5,000,000 souls.'

'Le Canada' also quotes the following from a speech delivered by Lord Strathcona at the University of Aberdeen:

'It is quite popular to contend that the colonies contribute nothing to the expense of the army and navy as well as to say that the army and navy exist for imperial ends. With the exception of Australia the colonies may not make direct contributions; but they have contracted and accumulated for the development of territories and for the construction of works as useful imperially as they are locally, debts that they alone had to support and for which they alone are responsible. And these debts represent railways, telegraphs, forts, communications by steamer and by cable and the establishment of their militia and their organization for defence. In the case of Canada, the construction of the I.C.R. and the C.P.R. constitutes an annual charge of more than a million pounds sterling. They forget to recall these facts in the discussion of the subject.

So I think from this point of view my case is proved irrefutably—and I am proud of the position I am taking now as a Liberal, because it is the position which the Liberal party by its leaders and its newspapers have always held. Once more I say I may be wrong and the government may be right. The leader of the government, in whom I have great confidence, may be acting wisely to do what he is doing, but I have still more confidence in the judgment of the people, and I beg the government which has changed its views on this question, to submit its policy to the people. In view of all I have cited in the way of expressions of opinion from 1896 to last fall, knowing what was coming up on this naval question, as a good Liberal I took the liberty to send an article for publication in the government organ 'Le Soleil' of Quebec under a nom de plume; but I gave the editor my name. A few days afterwards the question of the embargo having been discussed in the paper, I wrote a second article. Both were rejected. I suppose it was not considered friendly to the government, though it was written in the most friendly spirit. I then sent the first of these articles to Sir Wilfrid Laurier, on the 4th of November, 1909, telling him what had happened and I considered it my duty as a Liberal and a friend of the government to put my views before him. The following are the articles and Sir Wilfrid's reply to my letter:

Caveant Consules.

Are we menaced by a war? One would say nearly from reading the newspapers for some time past. The question is no less than naval defence. Dreadnoughts, millions spent for the construction of warships. That which is taking place, above all since the conference at London, has rejoiced the jingoes and in-

sensiby we are thrown into the grind of imperialism.

The movement was commenced last session by forcing the adoption of a resolution which appeared gentle but which in reality opened the door to that which it is sure to produce. In fact, the government appeared decided to spend millions on the construction of warships. Why this expense, when we are peaceful and when no irritating question exists? At the same time, if we were menaced with war it is not the two or three warships that we are going to possess that would protect us against the fleet of an enemy. Now there is no ground for this expense. If we should ever be menaced, it will be the duty of England—if she intends to keep us as a colony—to protect us; if she does not do so, leaving us to our own resources, we shall be powerless to defend ourselves. Now of what use will the millions be to us that we are about to expend for the construction of warships?

To guild the pill, the ministers assure us that the government will keep control of these ships. All that is nothing but a trap; we see already the first indications of imperialism in the fact that England is sending us naval officers to take charge of these ships. Once they take possession they will be utilized for the purposes of England and not for ours. The end of the play will be, we shall be put to an expense of millions to aid in the defence of England. We may cry aloud and protest; we shall be simply running up against an accomplished fact.

No, we are of the opinion of the Hon. Mr. Murphy, the Secretary of State, who on his return from the West, said that the people wanted freight cars to transport grain and not Dreadnoughts. For a country like ours, in the course of development, we need to employ millions for the construction of railways, the establishment of experimental farms and directing immigration towards our unoccupied lands, which are so fertile, and to improve our agriculture.

It is enough to say that we are opposed to the expenditure by the government of money for the construction of war vessels which will be merely vessels destined to be used to carry officials that we may send to London. England does not ask us to make any such sacrifices; the demand is from our Canadian jingoes who have commenced this movement.

Let our ministers take care; they are entering upon a wave which may be carrying them further than any dream of at present. Once they admit that we are bound to contribute to the naval defence of England, if a war should occur it will be our soldiers that we will be sending to fight against enemies that we have never made. It will be but the first step that costs on the road to militarism, as in the case of crime and imperialism is a political crime. Now this step the government should hesitate to take, but they have taken it. Beware now of that which will arise later. Caveant Consules.

The second article is as follows:

'It is amusing to see all the jingo newspapers expending floods of ink to invite us to show our generosity towards England. But what more do they want us to do to show our loyalty; we have proved it on many occasions. Did not the French Canadians repulse the advance of Arnold who wanted them to range themselves with the Americans in order that they might remain faithful to England? During the Boer war, did not the children of Canada fly to Africa to defend the menaced flag of England? Has not the Canadian government taken over and maintained the ports of Halifax and Esquimalt? Now behold we are asked to spend millions to construct war vessels destined in case of need to defend England. At the same moment when the demand is made on us to sacrifice ourselves to England she maintains an embargo on our cattle. Why? It is not because they are infected with disease, because it has been proved that they are perfectly healthy; no it is simply to protect the farmers and the cattle raisers of England against the competition of our herds. When we are treated in that manner it is an unfavourable time they have chosen to ask us to show still greater generosity. It is not a time when we should be invited to lose the strings of our purse. Do ut des—Give in order to receive—is a great principle in business.

Before the Canadian government obtained the right of making treaties, our interests have invariably been sacrificed by England to please the United States, as witness the Ashburton treaty and the more recent Alaskan boundary settlement. Canada has always been in the estimation of the English ministers a negligible quantity. But since we have increased in population and in wealth they demand of us new sacrifices in defence of the empire, that nobody dreams of attacking since the achievement of the famous entente cordiale.

Canada is loyal to England and has proved it always, but she does not want to be overburdened. Before undertaking the construction of warships to defend our coasts, which no one menaces, would it not be better to enlarge our canals, to build others, to construct railways with a view to giving a greater expansion to our commerce, to establish other experimental farms, &c.? All that rises before one. Do you not see by the newspapers that the trades unions are disposed to rise against the commencement of militarism? D. J. O'Donohue, the parliamentary representative of the labour unions, said to a representative of the Toronto 'News': 'The workingmen's organizations of Canada and of all America are preparing to aid in the most vigorous manner possible the movement in favour of peace to have unchained itself recently; we contend that, as the capitalists are the cause of wars, they should do the fighting and pay for it. At the approaching congress in Quebec on the 20th of September, an energetic resolution will be proposed in opposition to the agitation for the gift of a warship and the increase of the military forces.'

Behold then the working class which utters a cry of alarm; the Ministry will do well to keep their eyes and their ears open. If they allow themselves to be dragged into the militarist movement, they will have good reason to repent it at the next election.

Let us not forget that the day when our sailors will fight on the sea for the benefit of England our soldiers will be obliged to go under fire on land. Are the people ready for

that? To-day it is money that they demand of us, and later it will be the blood of our children. I repeat 'Caveant Consules.'

The following is the reply which I received from Sir Wilfrid Laurier when I sent him the above articles:

Ottawa, 6th Nov., 1909.

My dear Choquette,—I have your letter and your remarks on the question of the navy. You are wrong in saying that your opinion will neither make me hot nor cold; on the contrary I always like to have an expression of opinion from my friends. I may say nevertheless that I am not surprised at your attitude; but at least you might wait until our policy is brought before the public before condemning it.

Yours truly,
WILFRID LAURIER.

It seems to me that I then acted as a good Liberal and a good friend of the government. My advice has not been followed. I only now ask the government to let the people judge between the government and those who for the time being are opposed to their policy on this question of local naval defence. This Bill has passed the House of Commons by a strict party vote. In this House, I am glad to say that we are not discussing the question from a party point of view. Yesterday I heard Liberal senators speaking against the Bill, and one Tory senator spoke in favour of it. Moreover, I may add we are free to do as we like with a measure in this House, because, contrary to what my hon. friend from Mille Iles has said, the government are not going to be defeated if this House should reject it. I read in a good ministerial paper—a paper well fed by the government and the National Transcontinental railway, 'La Vigie,'—on the 14th of March last, that the Naval Bill was going to come before the Senate which has the right and the duty to scrutinize the measure, to modify it if necessary, and to block it if it is not considered to be a good measure. I do not go as far as saying that: I only ask that it be suspended until we have a general election. It was not submitted to the people at the last election; quite the contrary, it is just because of the position that Sir Wilfrid Laurier and his colleagues took at the Colonial Conference, and all occasions in the past, against throwing Canada into the vortex of militarism and contributing to the wars of the empire that he carried so great a victory; and I am bound to say that if the present measure had been submitted to the people at the last election without being studied more fully than it has been yet, and without being longer before the public than it has been, not five members from the Quebec district, which returned some twenty-five members, would have been elected to support that policy, and I dare say it would have met with the same fate at the hands of the farming districts of Ontario and the west. Even now, with all the explanations that have been offered, I think the Bill would be defeated. In fact, everybody is against it for one reason or the other. If you look at the 'Star' of the 26th of March—a rather independent paper, inclined to be friendly to the government, especially on this question—what did it say:

THE CANADIAN NAVY—PATRIOTISM VERSUS PARTYISM.

It must be toterably evident to all concerned that the Canadian Navy Bill has aroused no enthusiasm in Canada. It has satisfied nobody, and does not appear to be taken very seriously by its strongest advocates. The best thing that can be said for it is that the measure is not much worse than the alternative proposition put forward by the opposition. Both were compromises designed not so much to please everybody as to avoid displeasing anybody, and like most compromises of this character, both were failures.

So you see papers like the Montreal 'Star' which have always stood for imperialism and contributions to the empire, condemn the present Bill as a failure. The Liberal party is divided on the subject. The Tory party is perhaps still more divided, and I am not surprised, because the policy of the Tory party, as put before the other House by its leader, is worse than the policy of the Liberal party. On the whole I think this Bill is very unsatisfactory and the principle is especially bad. My hon. friend from Mille Iles has said that the Liberal party is now putting into operation the policy of the Conservative party. In support of that he has cited the views of former leaders of the Conservative party. I am astonished to hear, from the hon. member especially, that in order to maintain his position he is obliged to quote from Tory speeches to prove that he is now doing right. He

knows that we have always been fighting this very policy that is now indicated, so it is better for me to stand on the ground I have always held, as a member of the Liberal party, and to quote as proof of the soundness of my position the speeches and declarations of my hon. leaders. The hon. gentleman has also said there was just a few agitators in Quebec who are opposing the Bill. I suppose he uses the word 'agitators' in a bad sense, but he is wrong. I do not approve of agitators whether they be Tories, Nationalists or anything else; but if a man is an agitator because he is opposing a measure which the Liberal party has always condemned, I am willing to be called an agitator. My hon. friend fought against confederation, we fought together against the construction of the Canadian Pacific railway, on the Manitoba school question and other issues as Liberals, asking that these important measures should be first submitted to the people, and when we were doing so the Tory government also called us agitators. Perhaps we were wrong; but at least we were agitators in a good sense of the word, and from a sense of duty. Our object was to prevent bad measures, as we conceived them to be, from becoming law. That is what I am doing now. To act as I am acting now is to be a good agitator in enlightening the people and showing them the dangerous position into which the government is drawing us by this Bill; the bad agitators are those who, like my hon. friends, though personally good men, are deceiving the people and imposing on them measures of this character without consulting their views.

I must add one word on the subject of the answer I got from the leader of the government when I sent him the articles which were refused publication by 'Le Soleil.' He told me he was not surprised at my attitude. At the time I was a little perplexed at that expression: I did not know exactly what he meant. I thought he meant that I was a kicker or something like that; but when I read the speech he delivered in 1902—I was not then in the House—I saw that he used in that speech the word 'crime' to describe imperialism. You will observe that in the article I have quoted I use that very word myself. That convinces me that he could not be surprised at my attitude, which was the one he had assumed himself some years before. In view of this Bill, and looking over its provisions and especially after the speech of the right hon. leader of the government, who said that when England is at war Canada is at war, I still more strongly believe that it is a crime and a suicide to enter upon that policy, and it is a crime against the people not to consult them.

In closing these remarks, I may say I am going to support the amendment of the hon. leader of the opposition. It is the very amendment that I would have moved myself if I had been a member of the House of Commons. I would have moved it here as a sub-amendment if the leader of the opposition had moved the same amendment that was moved in the other House, by Hon. Mr. Borden, But as the amendment here conveys my views with respect to submitting this policy to the people, I shall vote for it. I may add another word: Last winter, under certain circumstances, my letter to Sir Wilfrid was utilized against me, and Liberals were told that I was opposing Sir Wilfrid's policy and were advised not to support me when I was a candidate for a public office. In spite of that, I declared that I am not actuated in this instance by spite or discontent because of the action I refer to. The leader of the government, I think, has personally done what he promised me he would do—to be quite neutral, and I think he was. I was satisfied with the way he acted. He has done exactly what I asked him to do—remain neutral. He asked me at the time, as you will see by his letter, to wait until the Bill was introduced before condemning it. I did that, and refused frequently to give my views on the question, because I had promised that I would not express them. That is the first occasion on which I have made public my views and I give them publicly and frankly. I am sorry to disagree with my leader and my friends, but having a duty to perform, I shall perform it regardless of consequences.

Hon. Mr. DANDURAND—I move that the debate be adjourned till the next sitting of the House, to be the first order after third readings.

The motion was agreed to.

The Senate adjourned till three o'clock this afternoon.

SECOND SITTING.

REMOVAL OF QUEBEC BRIDGE RUINS.

Hon. Mr. DANDURAND—I should like to inform the hon. gentleman from Stadacona that a copy of the contract with Koenig Bros. that he seems to be very much interested in, was laid on the table yesterday or the day before, when the hon. gentleman was absent.

Hon. Mr. LANDRY—I will inform the hon. member that I have almost finished reading the report. I took it into consideration immediately, and I thank my hon. friend for being so energetic as he has been while acting in place of the leader of the House.

Hon. Mr. DANDURAND—I concerned myself to remind the right hon. gentleman of the demand of my hon. friend, and it was the right hon. leader himself who brought down the document.

SATURDAY'S SITTING.

Hon. Mr. DANDURAND—There is a motion on the order paper for a sitting tomorrow, but I should like to defer consideration of it until later on in the day, because if we make good progress with the order paper it may not be necessary to sit on Saturday. There is only one Bill on the order paper which may occupy the attention of the House for any length of time, the Anti-Combines Bill, and I thought, possibly, we might deal with that this evening. We may find there is a dispositon to accept the principle of the Bill, and if we can dispose of it to-night, we might adjourn until Monday.

Hon. Mr. LANDRY—What about the anti-race track Bill? I understand there is a desire to choke it.

Hon. Mr. DANDURAND—On the contrary, I understand there is a desire on the part of many people interested that we should grapple with it, if that is a correct expression.

Hon. Mr. CASGRAIN—As to the Anti-Combines Bill, I have just seen some of the parties opposed to the passage of the measure as it now stands; but I understand that their opposition to the Bill is not quite as strong as it was at first. Perhaps they did not exactly understand the purport of the measure. It was explained to them, and I have some hope they will accept the measure in its present form, in which case there will be no opposition.

Hon. Mr. CHOQUETTE—I should like to have the race track Bill stand until Monday, because the Quebec Turf Association are very much interested. I am going back to-night to see about it, and perhaps they may accept the Bill as it is.

The motion was allowed to stand.

SUSPENSION OF RULES.

Rt. Hon. Sir RICHARD CARTWRIGHT—I beg to move that from to-day on to the end of the session, the following rules be suspended 30, 63, 117 and 119.

Hon. Mr. LANDRY—As a matter of procedure—and it is one of our rules—that when a motion of this kind is made, the hon. member states what is desired to be accomplished by the suspension of the rules.

Rt. Hon. Sir RICHARD CARTWRIGHT—They are the rules which have usually been suspended during the last few days of the sesison for the purpose of facilitating business.

Hon. Mr. DANDURAND—These are the rules which make it obligatory to give a day or two days notice before the first, second and third readings, and going into committee, and these being dispensed with, of course the Bills may go on from step to step without delay. I know the rule the hon. gentleman would cite, but I do not suppose that he would object to the form of this motion when he agrees with the result sought to be obtained.

Hon. Sir MACKENZIE BOWELL—The objection the hon. gentleman makes to it

is, there is no reason why the rules should be suspended. Why does the hon. gentleman not add to his motion: 'For the purpose of enabling all Bills that may come up to the Senate to be passed regardless of any rules or regulations of the Senate'?

Hon. Mr. DANDURAND—If the hon. gentleman will allow the motion to be amended in those terms——

Hon. Sir MACKENIE BOWELL—I will as far as I am concerned.

The motion was agreed to.

NAVAL BILL.

DEBATE CONTINUED.

The order of the day being called.

Resuming the further adjourned debate on the motion for the second reading (Bill 95), An Act respecting the Naval Service of Canada, and the motion of the Hon. Mr. Lougheed in amendment thereto:—That this House is not justified in giving consent to the said Bill until it has been submitted to the judgment of the country.

Hon. Mr. DANDURAND—I should like to preface my remarks by saying that the hon. gentleman from Grandville (Hon. Mr. Choquette) addressing me in French, spoke of me as if I represented in this Chamber somebody else than myself. It is unnecessary to state that I represent but myself in this House, and that the views I hold are my own.

Hon. Mr. CHOQUETTE—I beg pardon, I never said that.

Hon. Mr. LANDRY—I think the hon. gentleman does not understand French.

Hon. Mr. CHOQUETTE—I said, speaking of the newspaper 'Le Canada,' there is somebody who has jurisdiction over 'Le Canada.'

Hon. Mr. DANDURAND—The spending of large sums of money upon army and navy represents for many people, among all nations, a most disagreeable necessity. It is an unproductive outlay which paralizes at the same time the human effort towards bread earning.

This thought needs no development; it is present in every mind. This fruitless expenditure is on a parity with money paid for police protection, which nobody desires to discard. But there is this considerable difference between foreign and domestic protection: the latter is necessary to guard against the crookedness of the depraved and low elements in the community, and against deformed and unbalanced brains; while the former is only needed to repel the assaults of nations governed by what is supposed to be the best elements in the community, the wisest and most cultured.

In the 20th century, after 1900 years of Christian teaching, the great European powers are still reluctant to accept the principle of arbitration for the settlement of all questions. They are ready to arbitrate upon all matters not affecting their honour or territory. With this door so widely opened upon fatal dissensions and conflicts humanity is at a standstill and armaments continue.

A tribunal has been created for the settlement of international disputes, to which all nations have adhered. It has already rendered good service. Public men from all countries have come together and have striven for better relations and better solutions of international difficulties than the resorting to the sword and gun. They have formed an interparliamentary union, which can boast of a certain measure of success. They claim the credit for the ratification, during the last ten years, of 67 treaties which contain the recognition of the principal of arbitration; but all this good work will be in vain if the first-class powers do not include in their treaties the obligation to arbitrate all their differences without reservation.

The men who want to abolish war by the best possible means would readily accept, as a first step, leading in that direction the recognition of the principle contained in our Industrial Disputes Investigation Act.

A resolution was passed at the interparliamentary congress held at Westminster in 1906—which I attended—on motion of Mr. Wm. J. Bryan, pressing all nations to agree to refer to the Hague Tribunal all matters of disagreement for investigation and report, in the hope that time would thus be gained and that the passions

would cool down and that public opinion, better enlightened, would help towards pacification.

But whatever strides are made in the right direction the blunt reality of this day and of the morrow must be faced. Since the supposed-to-be civilized nations—dominating the world—still stand for the law of might, the obligation is thrown upon all of preparing for defence.

It is argued that our situation saves us from that obligation, that we are without any contact with the outside world, that our neighbour to the south is the sole possible enemy and that we need no navy to protect ourselves against him. It is added, in certain quarters, that we will never involve Great Britain in war—that we never did—and that it is untrue that Canada is at war when Great Britain is. We have never involved the metropolis in war, we may never do so; but how can we affirm it with certainty?

A riot in British Columbia where some foreigners are killed and the refusal by that province to help the federal authorities to redress a just grievance, thus caused to another power, could very possibly involve Great Britain in war.

But how can sensible men deny the fact that Canada is at war when Great Britain is? If not we would have our own flag; we would be an independent state. Did we not find, to our cost, that we were at war in 1812 because Great Britain was at war?

Those who want Canada to be immune from Great Britain's wars, dream of a status for this country which resembles very much independence. If their dream or their delusion was a reality, I would perhaps be found among those who would take the risk of adjourning for some years the creation of a navy, in order to devote all our energies and capital to developing our country and organizing for the reception and maintenance of the millions of people who are flocking to our shores; but, so long as the situation of the world is what it is, Canada would have some day to make a start in the defence of its coasts and ports.

But this postponement which I would perhaps accept, would be but adjourning the day when we must begin to build our own navy. I heard the hon. gentleman from Grandville (Hon. Mr. Choquette) this morning read extracts of speeches and newspapers on events which took place in 1896, and try to put somebody in the position of contradicting himself as having taken a stand in 1896 which is not the stand which he takes to-day. In 1896 our income was $40,000,000; our income to-day is beyond one hundred millions. Responsibilities which we could not assume in 1896 we can well take up to-day. And responsibilities which we may undertake to-day, I am sure we can increase in the years to come.

Hon. Mr. CHOQUETTE—My quotations were from speeches and articles in 1896, 1902, 1905 and 1907.

Hon Mr. DANDURAND—Those quotations merely go to show that people remained in a certain state of mind until the cold reality dawned upon them, and they must open their eyes to a changed situation and condition. If policing the seas and defending our ports and coasts is a necessity, I do not believe in leaving others to do it for us. I want Canada to do it for herself. But that semi-independent state dreamed of by some people who would like to maintain the statu quo, as they say—and the hon. member from Stadacona (Hon. Mr. Landry) is one of them—is simply a delusion. We are not independent; we are tied up to Great Britain by articles of partnership which no one in Canada from south to north, from east to west, wants to abandon or modify.

Hon. Mr. LANDRY—Does the hon. gentleman contend that I want to weaken the ties that bind us to Great Britain?

Hon. Mr. DANDURAND—No, I said the hon. gentleman was in favour of the policy of statu quo. If I am wrong, the hon. gentleman can contradict me.

Hon. Mr. LANDRY—I said I wanted the policy of statu quo only until the people could be consulted.

Hon. Mr. DANDURAND—Is the hon. gentleman himself personally in favour of the policy of statu quo?

Hon. Mr. LANDRY—Certainly I am, until the people are consulted.

Hon. Mr. DANDURAND—Until there is a majority found against the hon. gentleman.

Hon. Mr. LANDRY—I contend that the only way to know the will of the people is to consult the people.

Hon. Mr. DANDURAND—But the hon. gentleman thinks the will of the people is his own will, and he is in favour of the statu quo, and it is because he is in favour of the statu quo that he believes there is a majority of the people in the country who share his opinion.

Hon. Mr. LANDRY—Quite the contrary, because I think the majority of the people do not want a change.

Hon. Mr. DANDURAND—So the hon gentleman has no opinion of his own.

Hon. Mr. LANDRY—I have that opinion

Hon. Mr. DANDURAND—That he will follow the majority.

Hon. Mr. LANDRY—That is what the hon. gentleman is doing every day.

Hon. Mr. DANDURAND—I said the policy of the hon. gentleman is opposed to the policy of his own leader, favoured by the hon. member from Calgary (Hon. Mr. Lougheed) and against the present naval policy, and while the hon. member from Mille Iles (Hon. Mr. David) was speaking this morning and saying there were but those two questions, the hon. gentleman said there was a third, the statu quo. I cannot force the hon. gentleman to say what policy he is in favour of; but he is in favour of the statu quo, if he can convince the majority that the statu quo is the right thing.

Hon. Mr LANDRY—Certainly

Hon. Mr. DANDURAND—I am glad to know where the hon. gentleman stands. If he is in favour of the statu quo, I hope he will, at another stage, explain how he reconciles that with the last phrase of his speech the other day when he said Quebec was not against helping Great Britain in time of need, and if my hon. friend is not against helping Great Britain in time of need, I want to know what way we could help England in time of need if the hon. gentleman's policy were followed?

Hon. Mr. LANDRY—When Great Britain asks our help, in case of an emergency, I said we would give it freely and cheerfully, but I say that England recognizes that she is not in need of our help. That is recognized by the fact that she accepts the policy of the present government, and if Great Britain is not in need I do not see why we should declare here that she is in need.

Hon. Mr. DANDURAND—Does the hon. gentleman deny that Great Britain has asked the colonies to do something?

Hon. Mr. LANDRY—We are doing what she asks; we are always doing what she asks. If the hon. gentleman will look in the archives he will find the policy laid down by England for her colonies.

Hon. Mr. DANDURAND—Does the hon. gentleman deny that at the last conference, Britain, through her ministers, asked that the colonies should begin doing something for their defence and the help of the empire?

Hon. Mr. LANDRY—I know that England has accepted the proposal made by the government, and the fact that England accepted that proposal proves that she is not in an emergency.

Hon. Mr. DANDURAND—And with very good grace the hon. gentleman answers the demand of Great Britain by saying 'No, we will do nothing.' I said that we were tied up to Great Britain by partnership articles which no one wanted to change, and my conviction is, and it is apparent to every one, that because of our connection with a European power, we are not as free to fix the date at which we shall begin the building of a navy as if we were a separate entity. The risk of war is greater, and our big partner is very much desirous that we should begin now. The other dominions beyond the seas have assented to this wish, and Canada, by its representatives, author-

ized by a unanimous mandate of the House of Commons, has done likewise.

The other dominions beyond the seas have willingly accepted the obligation of bearing their share of the defence by relieving the empire of the necessity of protecting them in time of war.

Hon. Mr. DeBOUCHERVILLE—What nations have consented, outside of Australia and New Zealand?

Hon. Mr. DANDURAND—Outside Australia and New Zealand, there is the confederation of South Africa.

Hon. Mr. DeBOUCHERVILLE—They have not done anything yet.

Hon. Mr. DANDURAND—No, but their representatives have agreed to the scheme of defence which they will discuss when the first parliament of the confederation meets shortly.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman admits it is not done yet. Can he show me any other dominion which has done anything?

Hon. Mr. DANDURAND—If the hon gentleman reads the report of the conference, he will see that the representatives of South Africa agreed to the scheme of defence accepted by all the members of the British family, and will join in when they are able to bind themselves and act for themselves.

Hon. Mr. LANDRY—Where are the others?

Hon. Mr. DANDURAND—I think I can safely affirm that all the other scattered colonies outside of Canada, have with alacrity, I will not say with pleasure, but with a real sense of their duty, and with a certain amount of satisfaction, at being able to do something for their motherland, agreed to enter into the scheme of defence.

Hon. Mr. DeBOUCHERVILLE—Name them?

Hon. Mr. DANDURAND—We had representatives there with a mandate from the whole people of Canada, after the resolution of the 29th of March was passed, and it is because of that resolution of the 29th March, that they went there and agreed to a certain scheme of defence. I have heard the leader of the dissentients (Mr. Monk) since say that he perhaps too hurriedly joined in that resolution and in that vote; but he, in conjunction with all the representatives of his province, by their actual presence, or by their silence, bound Canada to that resolution of the 29th March, and we must to-day implement the resolution which we did pass, and under which obligations were tentatively assumed —I say tentatively, because they had to be ratified by parliament. Now, what has taken place since the 29th March which would justify this Senate in saying that public opinion does not ratify that resolution? The Senate of Canada is asked to set at naught the vote which was taken in the other House, and reject this Bill, or postpone it on the resolution which the hon. gentleman has moved, in order that the question may be laid before the people. What has taken place since the 29th March to lead this Chamber to believe that the people's representatives did not truly represent the people? The majority in the other House has approved of this Bill—less than eight members dissenting. The minority in the other House have agreed upon an alternative policy which does not put in question the resolution of the 29th March, but which has simply the effect, in their view, of implementing it by adding a present of $20,000,000 to Great Britain. That is the state in which this Bill has left the House of Commons, and I claim that the House is practically unanimous in favour of starting now and doing something for naval defence. Did our representatives at the conference represent Canada as completely as the representatives of the other dominions beyond the seas? Perhaps not, if I can judge by the affirmation of Mr. Monk and Mr. Bourassa, the leaders of the dissentients, who are supported in this House so far as hon. members have spoken, by the hon. gentleman from Repentigny, and the hon. members from Grandville and Stadacona. How is that dissentient sentiment to justify the Senate in rejecting this Bill and appealing to the people for a decision? As I said a moment ago, there was unanimity on the

29th March, and this year there was practically unanimity amongst the eight provinces outside Quebec. It is true that 18 members voted for a plebiscite in the other House; but, as I said this morning, to the hon. member from Grandville, 10 out of the 18 turned round afterwards and voted for the amendment of Mr. Borden.

Hon. Mr. LANDRY—Which demanded also a plebiscite.

Hon. Mr. DANDURAND—Which demanded a plebiscite on the building of a Canadian navy, but excepted from the plebiscite the $20,000,000 which Mr. Borden wanted to give Great Britain for the building of two Dreadnoughts. I stated that the House of Commons, representing the people, have acted in such a way up to this moment, as to preclude the right of the Senate to appeal to the electors to see if the members of parliament truly represented the public opinion of the country. It is true that there is a certain section in the province of Quebec represented by the gentlemen named who are against the public policy which is contained in this Bill, and against the policy which is contained in the amendment of Mr. Borden; but I claim that this section is but a minority and a small one of the province of Quebec, and I think I can affirm that the other eight provinces are practically a unit in favour of doing something now to relieve Great Britain by either building a Canadian navy or contributing to maintain the imperial navy. What are we asked to do? We are asked by the hon. leader of the opposition not to vote upon this Bill until it has been approved by the people. This is the Lansdowne amendment to the Lloyd-George budget. Is there a precedent which can be cited by any hon. gentleman here in favour of the action which he wants this House to take? He cannot cite the precedent of Lord Lansdowne upon the budget, because there that gentleman had the whole of the Concervative party against the budget, and he had, as well, the largest landed proprietors of Great Britain against it. The Lords, by a vote of 470 to 75, rejected the budget by appealing to the people. The Lords could appeal to a party that has dominated in Great Britain for years, and they could hope that their friends would follow them against the Lloyd George budget. They had most of the influential newspapers in London and throughout England in their favour. Have we the same condition here? We have a certain section, we have a certain element, practically all in one province, which I say does not represent the opinions of the majority of that province, which asks for a plebiscite on the assumption that there is a majority in favour of the statu quo. The hon. gentleman from Calgary stands up as representing his party and says this policy is not satisfactory, and we should submit it to the people; but he prefaces his declaration by saying that the people of the country should make a gift of two Dreadnoughts, or six, because he has not mentioned the number, to Great Britain, because of an emergency having arisen.

He is in favour of doing something. He does not side or sympathize with the 'do-nothing' party. He represents in that the whole Liberal-Conservative party of the eight other provinces; yet he has, to second his amendment, the hon. gentleman from Montarville (Hon. Mr. DeBoucherville), who, I think, by his behaviour, in some interruptions he has made, is with the hon. gentleman from Stadacona (Hon. Mr. Landry), in favour of the statu quo and the 'do-nothing' policy. If I am stating his position incorrectly, he can challenge my statement now; but, although he seconds the amendment for an appeal to the people, he is at the antipodes of his leader. The hon. gentleman, with a certain group from the province of Quebec, want to do nothing. The hon. gentleman from Calgary wants to do more than there is in this Bill. He shares the views of Mr. Borden and represents the Conservative party at large. The hon. gentleman from Grandville (Hon. Mr. Choquette) who spoke this morning, rested his case on newspaper clippings, and the statements of parliamentarians whom he accuses of changing their mind on this question. He neglected to take into consideration one important factor in the settlement of this question. It is the strong British sentiment which permeates through this land. This is not a question which can be settled by the rules of

mathematics or even of logic. The opposants seem to fail to consider the fact that the sons of Britain want to do something for their mother country. They fail to take this racial sentiment into account. I have heard some of them; one of their leaders and perhaps the most brilliant, say that he does not want to isolate Quebec; yet he would have us take a plebiscite of the country to show that Quebec is on one side and the other provinces are on the other, if he really, truly gauges the sentiment of Quebec, which I think he does not. These gentlemen will rise after me and say they don't want to isolate Quebec; yet they are face to face with this situation, that there is but one member of the Commons, outside of Quebec, who expressed some sympathy with the 'do-nothing' policy. The measure is now before this Senate composed of eighty-seven members. I have yet to hear a member of this Senate hailing from another province than the province of Quebec declare that he favours the statu quo policy, be he on the Conservative side or on the Liberal side. The 'do-nothing' party is now facing the representatives of parliament with but one member of the Commons outside of Quebec—I think it is Mr. Clare—declaring in favour of the statu quo policy and not one from the other provinces in this Chamber, as far as I can learn the sentiments of those who surround me. Yet they hold the delusion that their 'do-nothing' policy would be sustained and endorsed by the majority of the people. I said that by many of us, it was thought but a question of time when we should begin; and I have no objection to repeat that if we were an independent state — as some opponents think we are—I would be quite ready to take the risk of Canada postponing for a time going into this heavy expenditure; but that is not the situation.

Hon. Mr. LANDRY—I rise to a question of explanation. The hon. gentleman has no right to impute to us an independence policy; he has no right at all to do so.

The SPEAKER—The hon. gentleman will please address himself to the question.

Hon. Mr. DANDURAND—I did not say that. The hon. gentleman has not understood me. I said that those who affirm that Canada is not at war when Great Britain is, simply dream of a status for Canada which has had no parallel in history, and has none, at all events, at the present time. I say that the only divergence of opinion in this country outside of the group represented by the hon. gentlemen from Stadacona, from Montarville and from Grandville——

An. Hon. MEMBER—And Mr. Poirier, a small group.

Hon. Mr. DANDURAND—The hon. gentleman says truly a small group. If they want to go to the best test when the election comes in three years, they will find whether they are not a small group. I think, and I hope that they are but a small group.

Hon. Mr. CHOQUETTE—Is my hon. friend of the opinion himself that when England is at war Canada is at war?

Hon. Mr. DANDURAND—I am surprised to hear my hon. friend put such a question. He has sat on the bench of this country, and is a lawyer. When I was a law student in the first year, I knew that when Great Britain was at war Canada was also.

Hon. Mr. CHOQUETTE—I am asking the hon. gentleman's opinion. Then, has the King of England the right, in the case of any war, to come here and order the militia out to fight?

Hon. Mr. DANDURAND—No, we have been granted by the British North America Act the exclusive control of our militia. We have been graciously granted that power by Great Britain; and when I heard the hon. gentleman, or perhaps the hon. gentleman from Stadacona, say that our navy and our militia were under the command of the King, they stated what is legally true; but there is such

a thing as the King represented in Canada by the Governor, advised by his council. This parliament has the same powers as the British parliament, not one whit less nor one whit more. The King, it is true, is in command of the navy and army, and he says: 'My navy' and 'my army'. But let him try and declare war without his parliament voting the necessary supply——

Hon. Mr. LANDRY—That is quite a different question.

Hon. Mr. CHOQUETTE—That is a different question. It is just because I know that we are not practically at war when England is at war, that we are not obliged to fight. I say that we are not then at war practically, and we should not stand the expense.

Hon. Mr. DANDURAND—My hon. friend says that practically we are not at war. Practically we do not bear the effects of war, because too far away from it, in most cases.

Hon. Mr. CHOQUETTE—That is a most important point, and I am just of the same opinion as the hon. gentleman. I am asking him to explain this, because we are not practically at war. The King is master of the situation. If we are at war, it is only when we please to be at war, and we send our men when we want to. It was so in the Boer war, and parliament declared that in sending our troops it was not to be regarded as a precedent, so we are at war only when we want to be at war, and, therefore, the hon. gentleman could suspend a decision on this question until we can have an appeal to the people.

Hon. Mr. DANDURAND—When war is declared, we are liable always to be attacked by the enemy, as we were in 1812. If Great Britain does not need our help, and fights its battles in some other corner of the world, we are still at war, though we do not feel the effects of it here. When Germany invades France, the people living near the Pyranées are at war as well as the people of the east, though the German armies are not upon them. When Great Britain was at war with our neighbour, we were the first to be attacked, and we quickly found we were at war. Among ninety per cent of the people of this country, there is no divergence of opinion except as to the form of help we should give to Great Britain. There is a difference of opinion as to whether that help should be in the form of a contribution, whether we should relieve Great Britain of the care of protecting our coasts and ports, and this is another form of help to Great Britain. The hon. gentleman from Grandville has spoken of the 'no precedent' clause in the order in council (not in an Act of parliament, as he said), when the first contingent went to South Africa. But even if parliament had passed it, there would have arisen a cry among the people of this country that would have destroyed the precedent clause and would have made for the creation of another precedent. That is what did really happen, because three other contingents were sent to South Africa after the 'no precedent' order in council was passed. We are a democratic country; the majority rules, and whenever Great Britain calls upon us, or even when Great Britain does not call upon us, if the sentiment of the majority is that we should go to her help, the will of the majority will prevail. It has been said that a contribution is a better form of help from Canada to Great Britain than building a navy ourselves. It is our view that Great Britain should be mistress of the sea. We are all agreed that Great Britain should be all-powerful at sea. Even the hon. member from Stadacona, representing the 'do-nothing' party, said that if Great Britain were in peril, Quebec would do its duty, and if that is the sentiment of all—and I am glad to be able to affirm that it is the sentiment of my province—we should all do what is necessary to maintain that supremacy. Those who affirm that we should contribute money, claim that an emergency has arisen, and that a money contribution should be given to relieve the situation. I will not discuss that point. I think it has been clearly proven that Great Britain is not in danger to-day. I am convinced that Great Britain will not be in danger for a decade or two, if she continues her ship building programme as explained by

the naval authorities in parliament, and for which money has been provided. The British authorities are not alarmed in the least. They have said so officially in parliament, and I have another authority, whose voice I heard yesterday through the press, Lord Kitchener, who said Great Britain could take care of herself, and was afraid of no one at the present day. He went further and said that Australia was putting her defences in order, and he was glad to be able to think that Australia could take care of herself if any impending peril should loom up. If that statement can be made of Australia, it can well be made of Canada. We will put our house in order, begin our navy along our own lines, and cease to depend and rely upon Great Britain for the defence of our coasts and ports. Not only will we build our own navy, but I hope we will build it in our own shipyards, and that our ships will be manned by our own sailors. We owe it to our own dignity, not to allow others to do our fighting, and protect our own shores. But when Great Britain is in need, there will always be a strong sentiment throughout this land in favour of Canada going to her rescue. Many good reasons have been advanced why Canada should build and control its own navy. There is one which, if it stood alone, would win my preference for a Canadian navy.

For nearly one hundred years we have been blessed with absolute peace within our borders. Our people from one generation to another have come to disbelieve in the possibility of war and of bloodshed. They have lived in perfect happiness, side by side, as members of one family, although of different origin and creed, and their feelings of brotherhood have predominated to the point of obliterating the contingency of armed conflicts. They covet not their neighbour's land and riches. Their avocation has been mostly agricultural and the ancestral military spirit has long ago vanished. The average Canadian-born cannot conceive that human beings will shoot at each other because they fail to agree on a given question.

Not so with the European. He lives in an armed camp and he smells and sniffs powder incessantly. Individually he may be a very humane being, but when in authority as representative of the nation he is quite another man. In international relations he may be as much a barbarian as his ancestors who died 500 years ago. He it is who refuses to agree to a limitation of armaments and to submit all disputed questions to arbitration.

As war is repulsive to the majority of Canadians, they will look with favour upon a policy which may in a measurable future protect them against the European inclination to war when Canada becomes a factor to be reckoned with in the shaping of the policy of the empire; instead of passively taking the law from its European partner, it may, jointly with the other dominions beyond the seas, impose its own ethics on the metropolis and thus contribute to the maintenance of peace throughout the world. I cannot help thinking that we were most unlucky in our first participation in imperial wars. I would have wished that Canada should have been first called to arms for an unquestioned holy cause. Over ten years have elapsed since we were asked to draw the sword on South African territory. The historian has not yet analysed the causes which led to this conflict. I fear his conclusions.

Up to 1870 the law of England refused to admit that a British subject could ever renounce his allegiance to the Crown and his country. 'Once a British subject, always a British subject.' This principle was only abandoned when twice the number of British at home had passed under a foreign flag. If this was a tardy concession to the inevitable, we will behold the pendulum rapidly swinging to the other extreme. In 1899 a war broke out between Great Britain and the Transvaal republic, because the latter would not consent to modify its naturalization laws. The Bloomfontein conference was abortive because the Transvaal would only concede seven years as the time limit of residence, while Mr. Chamberlain's delegate wanted it reduced to five years. The British government started its mobilization, and Kruger followed suit by his ultimatum. Great Britain went apparently to war because the Transvaal would not make Britishers into aliens rapidly enough. I confess candidly

that this dispute raised no enthusiasm in my breast, but we had nothing to say beforehand and when we were at war, time for discussion had passed, and it was only then that Canada was asked to help.

I have since met Europeans deeply interested in South African affairs, who affirmed that war was inevitable because it was a life and death struggle for the predominance of one race over another. So would a European think, but not a Canadian. If this question of Anglo-African relations had been handled by the colonial premiers instead of by Mr. Chamberlain, I have a profound conviction that the desolation and devastation of South Africa would never have been dreamt of. The predominance of a race over another should not be brought about among civilized nations through bloodshed, and it is because I feel that our whole moral and mental make-up is different from that of the average European, that I favour a Canadian naval policy.

Half a century is a small period in the life of nations, and I hope that within fifty years we may be strong enough to claim a voice in the diplomacy of the empire, so as to curb the spirit of those men who still worship brute force when they think they can wield it with success in the solution of international difficulties.

Towards attaining the goal of peace and good will we may naturally rely upon the men brought up in the Gladstonian school, who form the vast majority of the Liberal party of Great Britain.

If Canada, in later years, can help to keep in check the jingoes it will have done much for humanity.

Against this Canadian policy of navy building it has been urged that it was to be on so small a footing that it would be ridiculously impotent. This country is making a beginning in naval defence on a reasonable basis according to its population. It has already done considerably for the organization of its militia.

I claim that with this measure we are doing our full duty. We are spending seven million dollars on our militia, while we propose to spend three or four millions on the yearly up-keep of our navy.

Hon. Mr. DANDURAND.

Hon. Sir MACKENZIE BOWELL—Will it not be more than three million dollars? I understood the calculation was that the navy would cost about seven million dollars.

Hon. Mr. DANDURAND—Four millions has been mentioned. Even if it were five millions, that would be twelve millions we would be spending on our army and navy, and I think that is a beginning of which we should not be ashamed.

Hon. Mr. CLORAN—It is too much.

Hon. Mr. DANDURAND—We are to-day burdened with heavy responsibilities which we recognize. The hon. member from Grandville (Mr. Choquette) has spoken of the necessity of building the Georgian Bay canal and the Hudson Bay railway. I understand there is already enough money in the exchequer of Canada from the sale of lands to build the Hudson Bay railway. As for the Georgian Bay canal, I hope that in the next few years our resources will be sufficient to justify parliament in beginning the building of that waterway; but come what may, Canada will not go back upon its decision to build a navy for the protection of its ports and coasts. We have been asked by the metropolis to relieve her burden. All the other dominions beyond the seas are answering the call. I am convinced that the people of Canada will approve of the action this parliament is now taking.

Hon. Mr. ROSS (Middlesex)—A couple of days ago I had no intention of taking part in this debate. However, on the opening of the subject in the House by the hon. leader of the opposition, and after listening to the admirable speeches delivered in the House since the debate opened, my egotism prevailed over my feelings, and I thought I could, perhaps, profitably add a few ideas to this important discussion. I confess that in listening to the arguments advanced so far and in, shall I say, sizing up the standard of the debate, I am satisfied that not at least during my time in the Senate have we had a debate that has been conducted in such admirable temper and in which the Senate has considered the issues before it with such a full sense of its responsiblity.

In the remarks I am about to make I propose following more closely the line taken by my hon. friend the leader of the opposition than the line taken by other speakers, and I hope to be able in doing so to express myself with the same consideration for those who differ from me. My hon. friend said in his opening remarks that this is a very important Bill. I agree with him. He said it is one of the most important Bills presented in this parliament since confederation. It may be so. It is important not only as dealing with the question of Canadian policy, but also as dealing with a question of imperial policy. It is important because it crystallized what I believe is the almost unanimous opinion of the people of Canada. We are an important people, and therefore the Bill may justly, emanating from us and the parliament of Canada, be designated as important also. It is important in various ways. In the first place, we are assuming a burden on capital account of four or five millions, and an annual expenditure of three or four millions more. Expenditures usually grow as a project grows. It means the establishment of a large industry in this country, an industry in shipbuilding which has made Belfast, Glasgow, Liverpool, Newcastle-on-Tyne, and other centres in England the greatest centres of industry of the kind in the world. A start in a line of that kind is in itself important. It is important too, because it is an assumption in a degree never attempted by Canada before, of the insignia of manhood. We are ripe in years, we are increasing in wealth, we are receiving recognition as a nation, if not in fact a nation in theory, and any measure dealing with the future of a nation must necessarily be one of very great importance. I regard it as such. I rejoice that the Bill has been brought in, not as a menace to the peace of this continent, not as an indication that Canada is assuming proportions and responsibilities beyond what her circumstances and dignity would warrant, but as an evidence that we recognize that, if we are to take our place as a part of the empire, we must do our duty to ourselves and to the empire, and bear part of its burdens as well as share in its responsibilities, its protection and its honour. My hon. friend in referring to the way in which this Bill was presented in the House indulged in an implied censure with regard to the speech delivered by the leader of the House. My hon. friend has forgotten, or for the moment did not assume at least that this Bill had been before the other House for many months. I am told that eighty-four speeches were delivered in the other house on this Bill, that it was discussed during five weeks, and the members of this House, with the industry which usually characterizes them, must have read those speeches and must have been so well informed of the nature and purpose of the Bill that to repeat what was said in the other House would have been a work of supererogation. My right hon. friend, the leader of the House is never guilty of anything like that. My hon. friend opposite proceeded to discuss the purpose of the Bill. The position which he takes with regard to it is somewhat vague. The opposition have shifted their ground since the question first came before the parliament of Canada. To refresh the memory of hon. gentlemen who are not in sympathy with this Bill, I should like to quote the resolution of the 29th March, referred to by my hon. friend who preceded me, in order that we may see the position taken by the members of the opposition at that time. I rejoice, as I am sure every member of this House rejoices, that on March 29, 1909, when this question first came before the parliament of Canada, both parties recognized the duty and necessity of naval defence. It will be regarded in the future as a good omen that in all matters pertaining to the defence of the Dominion there is no division in Canada. We may divide on matters of tariff and administration, but it is a sign of national strength and spirit that when an enemy is at the gate, or war is apprehended, parliament, irrespective of party, should unite as one man in defence of their common country.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is speaking of the resolution of 1909?

Hon. Mr. ROSS—Yes, of 1909. Let me read part of that resolution:

The House is of opinion that under the present constitutional relations between the mother country and the self-governing dominions, the payment of regular and periodical contributions to the imperial treasury for naval and military purposes would not, so far as Canada is concerned, be the most satisfactory solution of the question of defence.

Notwithstanding this resolution, those who were opposed to periodical contributions in 1909 now favour furnishing one or more Dreadnoughts. Now, were they right in 1909, or are they right now? Then the resolution goes on to say:

The House will cordially approve of any necessary expenditure deigned to promote the speedy organization of a Canadian naval service in co-operation with and in close relation to the imperial navy, along the lines suggested by the admiralty at the last imperial conference, and in full sympathy with the view that the naval supremacy of Britain is essential to the security of commerce, the safety of the empire and the peace of the world.

In 1909 they were in favour of a speedy organization of a Canadian naval service, and this year they are in favour of delay until there is a reference to the people, as a test of public opinion. What was so urgent last year is not urgent now. A year has already passed. Reference could not be had to public opinion for another year, and the action that was to be taken last year with expedition is now to be further delayed. Was the party right then, or is it right now? On the same subject the leader of the opposition (Mr. Borden) said:

In so far as my right hon. friend the Prime Minister to-day outlined the lines of naval defence of this country I am entirely at one with him.

But he is not entirely with him now.

I am entirely of opinion, in the first place, that the proper line upon which we should proceed in that regard is the line of having a Canadian naval force of our own.

Now, we must send two Dreadnoughts. No naval force of our own now, or if at all not until after the reference to the public.

I entirely agree with that. The other experiment has been tried as between Australia and the mother country, and it has not worked satisfactorily in any respect.

Hon. gentlemen will remember that the proposal of Australia was to send one or two Dreadnoughts for the defence of the empire.

Hon. Mr. ROSS (Middlesex).

Hon. Mr. DeBOUCHERVILLE — What is it now?

Hon. Mr. ROSS—Now, I understand Australia is going to build a navy of its own, partially supplemented by a grant from the imperial treasury, for the protection of British interests in the Pacific ocean. At the same time, Mr. Foster, speaking on the same subject, said:

The first and greatest objection which I have to a fixed money contribution is that it bears the aspect of hiring somebody else to do what we ourselves ought to do; as though a man, the father of a family, in lusty health and strength, should pay his neighbour something per month for looking after the welfare and safety of his home instead of doing that duty himself. That seems to me, when you work it out, to be a basic objection to this form of aid.

From these quotations it will be seen that hon. gentlemen opposite have changed their course both as to the form of aid and the matter of urgency. I prefer to stand by the resolution of 1909. A general halting on the battlefield in the face of an enemy always fails. Hon. gentlemen are reforming their ranks now in the face of an emergency that is as great this year as it was last year; and this divided policy is but an indication that they have not yet made up their minds as to what policy is best for the Dominion of Canada. My hon. friend refers to the German scare. I never was much impressed with it myself. I do not think England need be much alarmed about Germany or anybody else She has stood the brunt of continental wars since the days of Cromwell, and has never failed, and what she did in those days with a population of about six or seven millions, surely she can do to-day with about 45 millions, supported as she will be by the 12 millions of Britons in her colonies over the seas. I agree that the present Emperor of Germany is a man of wide ambitions. He has the blood of the great William in his veins, who marched from the Rhine to Paris in 1870 almost without interruption, and perhaps, glorying in the victories of his ancestor, he thinks there are other worlds and other empires for him to conquer. That may be so. England is alive to the situation, and is prepared to meet Germany on her own ground. And while I am not much impressed with what is called the German

scare, I think the duty of England is plain, and our duty is equally plain; for the conquest of England means the conquest of Canada. Let the British throne totter; let London be in possession of the enemy; let her ports be filled with foreign seamen, and foreign men-of-war, and Canada would be blotted from the map as an English dependency and her autonomy would be forever destroyed. And although I do not think the emergency is great, still I think it is sufficiently great for us to be guided by the judgment of the admiralty of England, to prepare ourselves for all possible contingencies.

My hon. friend also raises the point that the government of Canada is not in sympathy with the defence of the empire. I do not think that is a fair complaint to make. I do not think that charge can be sustained by the evidence. I remember the time when all our leading men took that ground, Sir Charles Tupper, Sir John Macdonald, Sir Alexander Campbell, whom I heard speak on the subject in England a few years ago—that because we were developing our resources and expending enormous sums of money in building our railways, populating our cities, and increasing our industrial wealth, that that was sufficient to warrant us in refusing military aid to Britain. But individual conditions have greatly changed in the last fifteen or so years. We are on a higher plane than we were then, and with the change of position the conditions and responsibilities have changed. But what has the Liberal party not done that lays us open to a charge that we are indifferent to imperial defence? Look at the increased expense of the Militia Department in the last 13 or 14 years. From a little under two million dollars it has risen to seven millions. Does that indicate indifference to the defence of the empire? When we defend ourselves, are we not defending the empire? We took over Esquimalt and the Halifax Citadel. Did not that relieve the empire of two or three millions per annum, and does it not indicate that we are in sympathy with the empire; and when Britain was grappling with the difficult problem of disposing of the Boers in South Africa, did not the people of Canada respond at once to the call to arms? We were not directly asked. We offered our services, and as an indication of the readiness with which that offer was made, although war was declared on the 19th October, by the 30th November, or inside of a month and ten days, a thousand Canadian volunteers were on their way to the seat of war. Did not that indicate sympathy with the defence of the empire? What ground has the hon. gentleman to say this government is not in sympathy with the empire? Does he not know that in every city or town, I should say in almost every village, armouries are being built for our protection? Does he not know that organizations of boy scouts under the Baden-Powell system are being formed, that in our high schools, military cadets are being drilled in Ontario and Nova Scotia, aided by the local government in each case? And while I do not believe in magnifying the glories of war, I do believe that for physical as well as military purposes, we should cultivate in the young men of Canada that sense of utility to the country, which means in the long run personal defence if war is undertaken. Then my hon. friend says we have not adopted the recommendation of the admiralty as to naval defence. Of course, when the question first came before the admiralty board, the idea was that a very large contribution should be made by the colonies, and that perhaps the colonies might undertake the construction of Dreadnoughts, and of the other large munitions of war which are only undertaken by a great nation. I have here a memorandum of the admiralty which was issued just before the conference of 1909, and in reading these few paragraphs, I want it to be understood that the British admiralty laid no obligations upon us. They assumed we were a self-governing colony. Their propositions were in every case tentative. They were dealing with a people who had secured for themselves by the British North America Act practical independence in the administration of their affairs, and in the management of their own militia, and their proposals were not made as from an arbitrary board. They did not issue as from the Palace of the

Czar; but they came with that deference which the British government has lately shown towards Canada, and in that spirit I think we should accept them. The admiralty had said prior to the meeting of the conference:

It has, however, long been recognized that in defining the conditions under which the naval forces of the empire should be developed, other considerations than those of strategy alone must be taken into account. The various circumstances of the oversea dominions have to be borne in mind. Though all have in them the seeds of a great advance in population, wealth and power, they have at the present time attained to different stages in their growth. Their geographical position has subjected them to internal and external strains, varying in kind and intensity. Their history and physical invironment have given rise to individual national sentiment, for the expression of which room must be found. A simple contribution of money or material may be to one dominion the most acceptable form in which to assist in imperial defence. Another, while ready to provide local naval forces, and to place them at the disposal of the Crown in the event of war, may wish to lay the foundations upon which a future navy of its own could be raised.

That statement of the Lords of the Admiralty raises them very much in my opinion. They might want a contribution for an additional Dreadnought or two; that might be preferable to them, but they leave the matter to be finally determined by the colony concerned. A Dreadnought was given by New Zealand. That suits New Zealand. General Botha has indicated that probably a Dreadnought or two would be given by South Africa. That may suit them. The system in Australia is composite, partly a navy built at the expense of Australia, and partly an imperial contribution. If anything else is more suitable to those colonies than the others have adopted, let them work out their own policy, and the admiralty will be satisfied with anything they may recommend. Then they finally suggested to the conference:

The main duty of the forthcoming conference as regards naval defence will be, therefore, to determine the form in which the various Dominion governments can best participate in the burden of imperial defence with due regard to varying political and geographical conditions. Looking to the difficulties involved, it is not to be expected that the discussions with the several defence ministers will result in a complete and final scheme of naval defence, but it is hoped that it will be found possible to formulate the broad principles upon which the growth of colonial naval forces should be fostered.

Hon. Mr. ROSS (Middlesex).

While laying the foundations of the new Dominion navies to be maintained in different parts of the empire, these forces would contribute immediately and materially to the requirements of imperial defence.

There you have a statement by the admiralty that they do not want a Dreadnought, that they did not indicate exactly what they would require, but they did indicate that they wanted something to be done in the form of naval defence, leaving it to the various colonies to work out the problem to suit their own political conditions. What can be more fair? That is exactly what we are doing. My hon. friend would lead us to suppose that we were not complying with the wishes of the admiralty. The admiralty did not bind us by any hard and fast rules.

Contribute immediately they say. Just what was said in the House of Commons, a speedy contribution for the naval defence of the empire. The admiralty assumed that the parliament of Canada would comply with that resolution, and they did not bind us as to the exact form in which that policy should be carried out. And again in the House of Commons, when the policy of the admiralty was disclosed by Mr. Asquith, as you will remember from the reports at the time, Mr. Asquith, the Premier of England said:

As regards Canada, it was considered that her double seaboard rendered the provision of a fleet unit of the same kind as proposed for Australia, unsuitable for the present. It was proposed accordingly.

The original proposition was a fleet unit on the Atlantic and Pacific. We thought that was impossible for us as our ministers said, and what we thought was impossible was acceped by the admiralty, so that I cannot find in the reports of the conference, no matter how carefully I read them, that we are contravening the wishes of the admiralty. We are rather working in harmony. We are given sea-room. We are given the opportunity of formulating our own policy and that policy has been formulated. It has been before the country and before the people of England for many weeks, and we have not had a single remonstrance from the admiralty, nor do the English papers say in a single case, so far as I have seen, that the Canadian people are not complying with the wish of the highest naval authori-

ties in England, or neglecting to do their duty. My hon. friend says the Canadian fleet would not be of any use in case of war with the United States. Who is going to war with the United States? If there is going to be a war with the United States, with a Canadian fleet, would we not be in a better position to defend ourselves than without a Canadian fleet? Only one of two conditions is possible. If we delay in this matter indefinitely, do nothing, refer the matter to the people, dally with the question, because if the United States people are going to war with us, as they may, but as nobody supposes they will, our position would be more helpless without a navy than with one, so that if my hon. friend dreads a war with the United States, I think the natural inference from such a suggestion would be that we should place ourselves immediately in the position of defence, and say that so far as we were concerned, and so far as it was possible for us to go, that defence would be as complete as we could make it; but nobody dreads war with the United States. It is an impossible supposition. Are we not of the same blood, animated by the same desire to develop democratic and popular institutions, and professing the same broad principles of christianity? Do we not believe that peace hath her victories not less renowned than war, that only under the flag of peace can a nation be properly developed? Is there human probability that Canada and the United States can ever go to war? I would much prefer that my hon. friend had omitted that suggestion, or supposition, from his speech. Then he says the navy could only be called out in case of an order in council. That is very true. In what other way would you call it out? Somebody must be above the commodore, the admiral of the navy, somebody must tell him when the navy is to be called out, somebody must put it under marching orders. How is it done in Great Britain? How is it done in the United States? In Great Britain the King theoretically declares war, but he declares war on the advice of his council. In the United States the president declares war on the advice of his congress.

Are we to change all the precedents and practices of other nations in the matter of the declaration of war? There can be no other way of declaring war that can be properly enforced, except by order in council--order in council in Canada as in Great Britain, subsequently supplementing it by calling the Canadian parliament together. The order in council is necessary. The Bill says so; that in the event of an emergency or of a danger of war, real or apprehended, the order can be issued. Clause 22 provides that:

> The Governor in Council may place the naval forces or any part thereof, on active service at any time when it appears advisable so to do by reason of an emergency.

He may place the naval force, or any part thereof, on active service at any time when it appears advisable so to do by reason of emergency, and emergency means war, invasion or insurrection, real or apprehended. You would not put them on active service unless there was a war, real or apprehended, or unless there was an invasion or insurrection. Then clause 23 reads:

> 23. In case of emergency the Governor in Council may place at the disposal of His Majesty, for general service in the royal navy, the naval service or any part thereof, any ships or vessels of the naval service, and the officers and seamen serving in such ships or vessels, or any officers or seamen belonging to the naval service.

See the comprehensive character of that; in case of emergency the Governor in Council places the whole naval service of Canada at the disposal of His Majesty. That is precisely the relation in which we stand towards the militia of Canada. If I am not wrongly informed, the militia of Canada may be placed at the disposal of His Majesty under somewhat similar circumstances. What more could be done? His Majesty, under ordinary circumstances, does not want our service. If the Governor in Council thinks—and it is for us to say—that the naval service should be placed at the disposal of His Majesty, it does so by order in council, and thereupon parliament may be called in fifteen days to approve of the action of the council. When the Boer war was declared, the British parliament was called. When it was intended by President McKinley the Spanish war should be entered upon, Congress was called, and we are in precisely the same position as the

two great nations, and probably as the other great nations of Europe are, if I took time to examine the conditions under which they declare war. So that hon. gentlemen who proclaim that this naval force is not for the benefit of Canada are wrong. Its first duty is to defend Canada. No higher duty can be imposed upon it. Its second duty is, if there is an emergency and British interests require it, that the force should be put at the disposal of the imperial parliament and used for the defence of the whole empire. God forbid that such an occasion should arise, and at the same time, God forbid that Canada should ever be recreant to the duties which she owes to the empire when such an emergency arises, or that she should neglect to do her duty and place every man, every gun and every shilling at the disposal and for the maintenance of the greatest empire of the world. Let us hope that this is a government of the people by the people and through the people, and that the people are supreme, and without the consent of the people we can have no legislation whatsoever. If in minor matters, in the construction of a railway, or the extension of a subsidy, parliament is to have the final word, surely in major matters involving the lives of our citizens and the liberty of our country, parliament ought to be appealed to, and the theory that those who control the army or those who pay the bill, practically, are the people who control the army, is sustained by the Premier of Great Britain, the Hon. Arthur Balfour, when he says:

> It must be clear that under the constitutional theories which we all share in common, the minister of the parliament which raise, which equip, which pay, and which are responsible for the troops, is the minister which must control the movements of the troops and not some other minister.

Could there be anything more conclusive? You have the authority of the Hon. Arthur Balfour, who for many years was Prime Minister of England, in saying that those who pay must control. That is the fundamental principle of responsible government. It was for that our fathers fought. It was that which drove John Hampden to prison, and which raised the revolution which cost King Charles his head, and which made Cromwell protector of Great Britain. Those who pay must govern. We pay for this, and the Premier of England says we ought to govern. We agree with the Premier of England; we propose to govern, and we trust to the public opinion and good sense and loyalty of the people of Canada that when our troops are called we shall send them and they will be sent at our expense, and we share their burden or honour, whatever else may follow. And that view was supplemented by some of the addresses in the House of Commons which followed the remarks of the premier on that occasion. This was on the 19th April, just the other day. Sir Wilfrid Laurier then said:

> The Canadian people under all circumstances will gladly go into war when the supremacy of Great Britain is in peril. How is that to be determined?

There is only one way of determining these questions, and it is by the will of the government, the will of parliament, and the will of the people. No Czar will send our fleet to war; no Governor in Council will issue orders and say to them: 'You must assemble you fleet on the coast of France, or you must assemble your fleet on the Pacific ocean.' Only the parliament of Canada will decide. I am sorry that the leader of the opposition, who should be well schooled in the principles of responsible government, has so far departed from it. Here is what Mr. Fielding says:

> Let us suppose that that German scare, which has kept so many hon. gentlemen awake at night during the early part of this session, results in a war with Germany. I say that the people of Canada, who have built and paid for these ships, are the persons to determine, through their constitutional government and parliament, what part they shall take; and therefore I stand for the principle laid down in this clause, that the right of the people of Canada through their government to determine that question shall be maintained in this Act. But while I maintain that that right is necessary and proper, I have no doubt as to the manner in which that right would be exercised. I say that whenever the British nation shall become involved in a war with a great power. I do not stop to consider whether it is a just or an unjust war—so long as we are part of the British empire, I care not what government is in power in Canada, it will be its duty instantly to join and help the mother country; and I say the government in power in such a crisis, be it Liberal or be it Tory, which will fail to respond to that sentiment, will be swept out of existence, and will deserve to be.

That is what Mr. Fielding says. We have the opinion of the Premier of Great Britain and the opinion of the premier of this country, and of the Finance Minister, first, that when Britain is at war, Canada is at war; that the troops shall go for the defence of the empire only on the authority of the Canadian parliament, and I think they could go in no other way. Then my hon. friend says that the creation of a navy would mean the severance of Canada from Great Britain. This is a scare. This is not a Canadian scare, hon. gentlemen, this is a little local scare. He says it would make us more self-contained and independent in spirit and so on.

Let me take the first proposition: Does it mean severance from Great Britain. Is it not the very reverse? If we sat supinely and said 'no, we will do nothing'; if we withheld defence at the time of the Boer war when New Zealand and Australia sent over about 12,000 men for the defence of the empire; if we acted in this crisis, if you call it a crisis, with utter contempt for the situation as it is understood by the admiralty, then people might say: 'Oh, Canada is quite indifferent to the fate of the empire. Canada is prepared to let Britain sink or swim just as she can'. But in the face of this preparation for the defence of the empire, my hon. friend seems to think that this will mean an overt act which practically will cut the tie. Now, that is an old scare to some of us who are up in years. It was the scare in Canada before we got responsible government. Hon. gentlemen who have read the history of Canada will know that before the Constitutional Act of 1841 was passed, that whenever we proposed to the imperial government through the colonial office in Downing street, particularly under Lord Godrich, to ask the control of the patronage of the Crown to be put in the hands of the government, not in the hands of the Governor General they said, 'Oh, give control to the Canadian people and you will sever British connection, then you will cut all imperial ties. We must have that control. You will become independent, and then you will pull out for yourselves.' Then we wanted the collection of our own revenue through our own customs officers, the old practice being that the customs revenues were under the control of officers appointed by the imperial government. Then they replied: 'You cannot get that, for if we cannot collect the customs what would become of the revenue? You will cease to sustain the Civil Service'. Then we wanted that the collection of the revenue from our Crown lands should be placed at the disposal of the Canadian parliament, but that was opposed. Then the movement for responsible government was alleged to be an Act for the severance of empire. When Lord Elgin came to this country and said he would, acting on the suggestion of Lord John Russell, take the advice of responsible ministers, there was a greater alarm still, and we were thought to be on the eve of the dissolution of the colonial tie. What followed—and this fact ought to be known to every Canadian, that the greater the extension of independent self-government for Canada, the greater the loyalty that was shown by Canada towards the imperial government. Every advance made in our liberties; every concession to the principle of responsible and self-government; every act of confidence exhibited by the imperial government in the people of Canada, increased their loyalty; and today, instead of the cry of olden days that self-government would absolutely sever us from the empire, Canada is more loyal today because of those concessions than she ever was in any period of her history. And that is the true theory of Saxon government. Make a man free, and he shall exercise that freedom, with his British traditions, and in the British spirit, for the development of the country of which he is a citizen.

Then, there was the other objection made by my hon. friend that we would become more self-contained. And why not self-contained? Is there any reason why Canada should not be self-contained? What are we? Are we underlings? It is not in our stars, but in ourselves if we are underlings. Are we to crawl, to say that we are incapable of self-government? That we are unequal to the task of developing this

country? That we have not grown up to that constitutional—or shall I say intellectual—advancement which would warrant the imperial government in giving us the control of our own institutions? Surely no? Take the history of England. Every step that England has taken, say since the time of Elizabeth, has been towards making her self-contained. Even before the time of Elizabeth, when the national industries of England were at a low ebb, what did she do? She imported weavers from Flanders. She imported skilled artisans from France and from the Netherlands, and built up her own industries, then by a protective system. Why? So that she would be independent of the industries of Europe. And suppose there were some effeminate Englishmen in those days who would say to the government: You are importing weavers and skilled workmen from the continent, that would make you self-contained, that will make you independent. What would the true born Englishman say? 'That is the goal to which we must aspire if we are ever going to be a country of any importance on the face of the globe.' And then when Von Tromp, about the time of Cromwell, nailed a broom at his masthead to indicate to the world that he had swept the British commerce from the sea, what did old Oliver do in those days? He laid the foundation of a navy; he began to build that navy which has been growing ever since. Why? To make England self-contained so that she could protect her own commerce, independent of the concert of Europe; independent of alliances holy and unholy, and the sires live in their sons, and they pay their father's debt, and the lion has left a whelp wherever his claw has set. Are we one of those whelps? And do we want to follow the same course and maintain the same independence? Look at the United States and you find practically the same history. Prior to the revolution they could not manufacture hats or caps, they could not establish any iron industry, they could not trade directly with any foreign port, they must trade directly with the ports of England. After the revolution, what did the United States do? Adopted, perhaps unwisely, the theory of protection, under Clay, and kept it up until to-day, and what is their position to-day? They have their navy, they have their army, they have their industries; you could blot the whole universe with the exception of the United States from the map of the world, and they would be self-contained. Is it not the ambition of every man to be self-contained. If you have a son, what do you do with him. You send him to the best schools. Why? That he shall crawl? That he shall be effeminate? No, you send him to the classical university for an education, so that when he attains the years of manhood he is self-reliant as you are, and perhaps more so. The joy of every father's heart is to see his sons, and daughters too, take care of themselves. And if there is one thing that Great Britain admires to-day more than any other in the history of Canada, I think it is the fact that every year we are becoming more and more self-contained. If there is anything remarkable in the history of the last decade or two, it is the other fact that the concessions made to the autonomy of Canada have been greater than in any fifty years of the previous history of this country. Just let me run over two or three facts. In 1871, Sir John A. Macdonald was on a commission to Washington—the first concession ever made to Canada as a self-governing colony. True, he was a commissioner for Great Britain, he was in a dual capacity, embarrassed by it, still he was there on the Canadian side, and no doubt his presence there was of immense importance to us, perhaps more than we fully realized. Then again in 1885, Sir Charles Tupper was at Washington on the Fisheries Commission, then we had a Canadian at Halifax to settle the indemnity which the United States should pay to Canada for the use of the in-shore fisheries, and we got three or four millions out of that, and a Canadian Commissioner helped us to get it. Then we had the Behring sea controversy, and the Alaska boundary, and within the memory of the latest file of our newspapers, we have the fact that two Canadians went to Paris and negotiated a treaty with France, a treaty which we believe to be in the interest of Canada, with the unanimous support of the British government. Would that have been done ten or fifteen

years ago? No. There were ominous representations made away back in the early thirties or forties by Disraeli, when he hoped the colonies would be separated from the empire, that they were the millstone around the neck of the mother country. There was a declaration made to Lord Dufferin when he sailed for Canada in 1872, by W. E. Foster, that he hoped he would succeed in cutting the connection between the Dominion of Canada and the Imperial government. Things have changed. The forces that are at work for the unification of the empire have grown stronger and more important as that union has extended; and as our privileges have increased more and more does the loyalty of Canada continue. There is less cry for annexation than there was twenty years ago. I remember when my old and beloved chief, Sir Oliver Mowat, was Premier of Ontario, there was quite a movement about 1892 in favour of annexation. It was nipped in the bud. An officer of the government was discharged because he declared himself somewhat in favour of annexation. We know of the great movement that existed in 1849. There is not such a movement in existence now. We have no words so harsh as were expressed in those days, because we are more self-contained and have within ourselves more of the important resources of the empire. Then my hon. friend says that he would prefer a contribution to the policy which the government proposes. I will briefly read from a high authority as against the views of my hon. friend. One is the view expressed by Lord Selbourne, who was Governor, I think, for South Africa for some time, in which he dealt with the question of a contribution versus a naval force established by the colony itself. Lord Selbourne said:

> The Australian governments pay us a certain contribution; for this contribution we supply them with a certain article. Now, this is good so far as it goes, but it does not, to my mind, go far enough. It does not give our New Zealand and Australian fellow countrymen the sense of personal interest, of personal possession, in the British navy, which I most of all desiderate for the future, and I want, not only the colonial government to understand that on the naval protection of the empire, exercised through a wise naval strategy, depends our future existence as a united empire, but I want them to regard the navy as their own, at least, as much as ours, and with that object I wish to see in the navy more colonial officers and a contribution of colonial seamen. I want, in fact, if I may use such a term, to increase the maritime spirit of the empire. I want to bring Australasia, Canada, and South Africa to understand, in the sense that the average Englishman understands it, that the sea is the one material source of our greatness and our power; the main bond of union; the real source of our strength—if I may use such a mixed metaphor—that the sea is to the empire as the breath of life, but it cannot be done, I opine, so long as we are only receivers of money. I want to see from all parts of the empire a personal contribution to the navy, so that it may not only be an abstract admiralty to govern the navy but an admiralty that has won the confidence of the colonies, because the colonies understand its policy, and because in each colony there are officers and men belonging to the navy—an integral portion of the navy.

What Lord Selbourne—and he is a very sagacious statesman—indicates in that report is that the contribution, as was suggested by Mr. Foster, would be a dole to the British empire for the maintenance of the navy; but, if we start a navy of our own, then we would be interested in it, first through the Canadian parliament voting the supplies, secondly, our seamen would officer that navy, and, thirdly, the personal interest that we would have in the navy so situated would form a bond of interest and attachment to it that could not be got in other ways. I object to the principle of contribution, largely because it appears like a dole. England is not decadent. England is not in need of money. If she were able to give to Canada in the last five years $608,000,000, as she has given for Dominion purposes, provincial purposes, industrial and municipal purposes, surely she is not short of money. To give a contribution is, to my mind, like assisting a nation that has lost its own powers of recuperation, whose wealth has been squandered, and who is in a position practically of mendicancy. What does Lord Kitchener say upon that point? The hon. gentleman who preceded me referred to Lord Kitchener. In a published interview Lord Kitchener expressed himself in this way as to the charge of the decadence of England:

> England is not decadent, whatever anyone may say or think. Her sons are as good as ever, and as full of heart. She is quite able, under God, to determine her own destinies.

She is not in need of help, either from any of her children nor from any strangers. She is quite able to take care of herself, and she is yet in full youth of her days. I assure you that so far as my observation goes, she is in no sense decadent.

That is Lord Kitchener's opinion of England, and it is undoubtedly true. It is the judgment of one of England's great men. Instead of sending her a dole or a contribution as is proposed, let us emulate her spirit, because she is not decadent, and is doing something to protect herself. Let us imitate her example, and do something that is worthy of us, and lastly—and with that I must close. I want to notice another remark made by my hon. friend. He asks that this Bill be not now read a third time, but that a resolution be passed asking for a reference of the question to the whole people. Now, on the face of it, that is democratic, but it is not responsible government. A government that does not feel that its policy is controlled by parliament ought to retire. If this government does not represent the people, and does not voice the opinion of the people, then it should retire. The whole theory of responsible government is based on this principle —that the men in power have the confidence of the people. In the face of the result of the last general election, in the face of the very substantial majorities at the back of the government in the House why should you adopt that timid, halting policy of referring a matter which is evidently the wish of the people of the country, represented by responsible government, back to the people at all? In Switzerland, of course, they have the referendum; they have adopted it in some of the states of the republic to the south of us. It is not the British theory of government. It has something of the timid element in it. It may be necessary, and has been adopted in some cases in Canada; but on great questions of policy, show me an instance in the history of Canada, or in the history of England, where the government so far abdicated its own functions as to shirk its responsibility and refer a question to the people? When we entered into confederation the parliament of Canada assumed the responsibility of federation for the whole people—assumed it voluntarily, assumed it successfully. Some constitutional thinkers say that in the change of the constitution there should have been a reference to the people. I think there is a good deal to be said for that view; I think it would have been more strictly constitutional if parliament had referred that question to the people at the general election. Sir John Macdonald and those around him, in their wisdom took the other course. It was successful in Canada; it was not satisfactory in Nova Scotia or New Brunswick. In the evolution of events, however, it succeeded in all four provinces. But on questions of policy not affecting a constitutional change, there is no instance known to me of a reference to the people such as this amendment proposes. The building of the Canadian Pacific railway was not a constitutional question. The change of the franchise in 1885 was not a constitutional question, and yet it partakes of something of that element. The re-arrangement of the constituencies in 1882 was not a constitutional question, and yet it had some of the element of that in it. These are questions that come closely to what you may say is the danger line; yet parliament in its responsibility assumed to discharge its duty, and acted within its right, and carried these measures successfully through. The Militia Act was never referred to the people by a referendum, and that involves an expenditure of seven million dollars a year. That is a precedent in point. Now, if with those precedents before us, the government persued a certain policy, surely we are not acting unconstitutionally or violating a fundamental principle of government if we act on the same lines under similar circumstances. In view, then, of what I have said, and my convictions on the question, and in view of the most careful consideration, I concluded that if we had done less than we are doing now, it would be unworthy of us; if we endeavoured to do more, the burden might be too great. I think we have acted on the golden mean: Canada can afford to build a navy. It is due to her dignity, and her self-respect that she should be found upon the wide sea with her flag wherever duty or commerce may call, showing to the nations of

the world that on this continent a new power has arisen that is to be reckoned with in the days to come. Do you think that the United States will respect us less if we have a navy? Do we respect them less because they have one? Do you think France, Germany or Spain, or any of the old kingdoms of Europe will respect us less because we have a navy than they respect us now? On the contrary, it will be to the whole world an evidence that there is growing up, as I said before, in this western continent a whelp of the old lion who not only has the resource and the manliness and the power to develop his own industries but who has the spirit of the Briton in his veins, and who is prepared to defend those industries and those resources at any cost. I believe in the individual independence of every man. I believe the man who is not prepared to work out his own destiny with his own right hand, no matter what the difficulties may be, is not of the same race, nor of the same blood that has made the British army puissant the world over; that has established the supremacy of Britain on every parallel of latitude, and that makes her the mistress of the sea, as well as the strongest power by land; and if we wish to represent the best forces which make for the growth of Canada, we shall endeavour to inspire young Canadians with the same spirit. No better example can be given us. There must be no craven fear within us of being a great nation. We are going to be a great nation. I heard a distinguished politician say a short time ago that in fifty years Canada would have a population of a hundred millions of people. A hundred millions of people with no navy! We would be the laughing-stock of the world. Fifty millions of people, and no navy, and other nations would point their finger of scorn at us for our indifference and our contempt of the common principles of self-defence. With five millions in the days of Queen Elizabeth, England swept the Spanish armada from the sea. Canada with eight millions can give an account of herself, even under the most modern conditions, although I believe there should be no menace in this movement, and although I deprecate war and the shedding of blood as much as any man can, yet the first duty of a man is to protect his home and his house, and the first duty of a nation and a people is to protect themselves and their industries from every enemy, no matter from what quarter of the globe that enemy may come.

Hon. Sir MACKENZIE BOWELL—I do not intend to follow the example set by those who have spoken on this question. I rise simply to put myself on record as opposed to the policy which has been laid before parliament and the country by the present government. Every one must have listened with a great deal of interest to the debate, and to many of the statements made with a great deal of pleasure. The hon. gentleman from De Lanaudière gave us a history of how the clergy had shown their loyalty in the province of Quebec, and many illustrations of what England had done in recognition of the services of the clergy in this country, and the liberality they had displayed. He also gave us a list of the contributions which had been made under the instructions and advice of the clergy of the province of Quebec. I would suggest that it would be well to print the first portions of the hon. gentleman's speech in an edition of a primer to be used in our schools of Ontario, to show what the French people had done in the past, not only to defend the country, but to aid in the maintenance of British supremacy on the northern part of this continent. Then I would suggest, that the latter portion of the speech should be utilized in a similar manner in the schools of Quebec, in order to show the good relations that have existed between the English and Protestant portion of Canada, and the French and Catholic people of the province of Quebec. It would enable the younger portions of the Canadian people to grow up with broad and liberal ideas of the relations that have existed between these two races in this country. I listened with no little degree of pleasure to the remarks made by the hon. gentleman from Mille Iles. It was a literary production quite worthy of the hon. gentleman. He laid down principles to which few of us would object; but there is one portion of his speech, and also of that of the hon. gentleman who has just spoken, in which the whole of Canada must con-

cur—that is, if the policy of the government is to be confirmed, either by the people, or by parliament, of having an independent navy for Canada, then it is proper that we should extend our means in order to establish it if we are to be an independent country. If, however, we are to be in the position of being at war the moment war is declared by England with any country, then the question arises as to how far the Canadian navy should be utilized in defence of the empire. Nearly every one who has spoken on the subject, both in this House, and in the other chamber, has admitted this important fact, that if England is at war with any nation of the world, Canada becomes automatically, at war with that nation. If so, then what is the use of this Canadian navy unless it forms part and parcel of the British navy? Let us suppose that war is declared between Britain and Japan, and we had one of these Bristols on the Pacific coast, and a Japanese warship should attempt to capture a Canadian vessel, what would be the position of the Bristol in that case? She would have no power or authority, in fact it would be a contravention of the principles admirably advocated by the hon. gentleman from Middlesex, if she dared to fire a shot in her own defence. Unless she violated the very principles on which this naval force is based, she would have to wait until she got, by some means, instructions from Canada, that Canada had declared, by order in council, confirmed by parliament, that we were taking part in the war. Let us consider the position assumed by the Premier of the country. He has declared openly and repeatedly on the floor of parliament during the present session that he was not in sympathy with the war which took place between England and France against Russia. What would our position have been under those circumstances? Let us suppose for a moment that war is declared by England and France against Russia, to enforce what they believe to be that which is in the interest not only of their own countries but in the interest of the peace of the world. Then we would have the Premier of Canada, if he acted upon the principles he has laid down, refusing to aid the empire. Take the Canadian navy without its being a unit of the British navy, and unless it is to become as is the navy of Australia, automatically a portion of the British navy, to say the least of it, it would be a gigantic farce. If the intention and policy of the government is, as I believe it to be, separation, then I can understand the object of this policy of establishing a totally independent navy. Much has been said, and a great deal of credit has been taken by every gentleman who has supported this Bill, not only here but elsewhere, as to the aid which Canada rendered to England in the Boer war. No one knows better than the hon. gentleman who has just spoken so eloquently and learnedly on that question, that no aid was volunteered in connection with that war until public opinion in Canada became so strong as to force the government to consent to send a contingent to South Africa. He also knows that the Premier, when interviewed by a correspondent of the Toronto 'Globe,' declared that it was against the policy of the country to send aid to South Africa until parliament met. If there is one man in Canada who more than any other deserves credit for having urged the government to come to the aid of the empire at that time, it is Sir Charles Tupper. While in Nova Scotia, he wired to the present Premier telling him that if he would consent to the organization of a military force in this country to be sent to South Africa to aid in the Boer war, that he would pledge the support of the whole Conservative party to it. Then, and not until then, and not until communication had passed between England and this country when it was well known that the then Governor General took very strong grounds on the question, did the government yield to the demands of the people? Yet we constantly hear supporters of the government, on every occasion, taking credit for having done that which they were compelled to do. But that is not all. When they did consent to the organization of the first contingent that left this country for South Africa what did they do? They passed an order in council declaring that it should not be considered as a precedent. What did they mean by

that? They meant the adoption of the same policy which we now have proposed by the present government. Public opinion was so strong in this country that, notwithstanding the fact they had declared by order in council that the sending of the first contingent should not be considered as a precedent, other contingents were sent to take part in the Boer war. The credit claimed by the present government for what was done at that time in aid of the empire, has just as much foundation as the credit they are constantly taking for the prosperity of this country on account of their fiscal policy. That policy to a greater or less extent had been laid down by the former government, and under that policy the country prospered, and yet we are constantly being told that the prosperity of Canada arises from the fiscal policy of this government. I would not be surprised ere long to be told that they inaugurated the national policy, and to them belongs all the credit for the growth and prosperity of this country. True the country is prosperous. It has prospered under that policy and has prospered on account of the great success which has followed the adaptation of the people of the Northwest to the cultivation of the soil. That with the genial sun of the summer and the rain falls have brought great prosperity to the country, and to hundreds of thousands of people whose energy, industry and intelligence are the real causes of that prosperity. My principal reason for objecting to the naval policy of the government is this—and I may go farther probably than many of those with whom I am associated—that I am, consistent with the autonomy we enjoy to-day, an imperialist to the fullest possible extent of the word. I hope the time is not far distant when the wish of the hon. gentleman opposite (Hon. Mr. Dandurand), will be realized, when we will have an opportunity of being consulted and giving advice in connection with the general management of the navy as an intrigal part of the British empire.

And just as long as we are an integral part of the British empire, just so long should a navy that may be established in this country automatically take part in any war that may take place, without having to wait for an order in council or for the approval of parliament. I recognize that parliament should be called together afterwards to ratify anything that might have been done; but unless such is the case, the navy of Canada, whatever it may be, will be useless to a great extent, unless it is in such a position as to act immediately, as I have already pointed out. My hon. friend from Delorimer pointed out that the different independent nations in the world had their navy—even the smallest of them had their navy. That is quite true, but those are totally independent countries, and they are not called upon to take part in the war or troubles that may exist between any other two countries. Being independent themselves, they should have their navy, however weak it may be, if it is only for the defence of their own commerce and their own shores; and it is just so with Canada, and if Canada is to have a navy, and I am glad to know she is to have a navy, it should be part and parcel of the British navy, and not independent like Brazil or the smaller countries in the Pacific. I can appreciate the absurdity of having an independent navy, and I would like my hon. friend to tell us what would be the result or in what position would one of our 'Bristols' be in the Atlantic if England were at war with Austria or any other country? If the warships of the country with which they were at war were sailing in the Atlantic ocean for the purpose of capturing British vessels, and she met or overtook a Canadian vessel, I presume the Canadian vessel would fly the British flag, and so long as she would fly it, she would be subject to attack by the warships of the country with which England was at war, would she not? Or would she at once, until she received instructions from the government of Canada, hoist a white flag, and say they were neutral, or hoist some neutral flag that might be adopted by this country? The Austrian man of war would seize a commercial vessel flying the British flag, and if there was a 'Bristol' alongside of her, she would not dare take action without first having received instructions from the Canadian government.

Hon. Mr. DANDURAND—I am surprised my hon. friend would put such a question,

because I do not believe any set of men called Canadian sailors who would not get into action.

Hon. Sir MACKENZIE BOWELL—I quite concur in the remarks made by the hon. gentleman. I was speaking of the legal effect, if it might be so termed, of the relations which we hold towards England under the circumstances. Does the hon. gentleman pretend to say that the Canadian vessel, the 'Bristol,' would have any right to interfere in such a war? Take the Crimean war, for instance, which the premier of this country declared he would not be a party to, would a Canadian vessel have a right, under the policy adopted by nations, to enter into warlike relations with a Russian fleet until she got instructions to do so? I can understand well that a British vessel flying the British flag and that a 'Bristol' flying the British flag, if her officers partook for a moment of the character of their ancestors would fight whether they got instructions to do so or not, and I should be very much surprised if they did not do so and take the consequences as others have done in the past. That does not meet the point that I was endeavouring to impress upon the minds of the hon. gentlemen of this House. I am strongly in favour of the construction of vessels, or of rendering such aid as might be deemed proper and necessary in defence of the country. My own impression is that a contribution of money for the construction of vessels for the British navy, with the understanding that these vessels should be utilized as they were formerly in the protection of our own ports, Canada not only having a certain interest, but should take part in the maintenance of and the manning of those vessels.

Hon. Mr. DANDURAND—And in the building?

Hon. Sir MACKENZIE BOWELL—I have no objection to that at all. They should be built here. On the contrary I would prefer to see them built here if it could be done at all at any reasonable expense, and I would go further and say that in order to encourage the shipbuilding interests in this country I would rather pay more for the construction of them in Canada than I would pay in any other port of the world. At the same time, in doing that, I would come back to the same point that they should be a part and parcel of the united force of the British empire. That is no new policy. Under the administration of which I had the honour to be a member, I know we were found fault with and very strongly because when Sir Charles Tupper was Minister of Railways and Canals he paid the difference between the tariff rates that were imposed upon engines for the Intercolonial railway to Canadian manufacturers for the purpose of encouraging the manufacture of those engines in Canada, but that principle was condemned by the Liberal party at that time. The same principle I would apply to the building of these warships. I should like to know what there is to prevent a mutual understanding as to the manner they should be built, under proper supervision and under the guidance of those who really understand and know what a war vessel should be. There would be no difficulty in making arrangements of that kind. In Esquimalt we had British ships. Canada contributed towards the building and maintenance of the dry dock there, and the construction and maintenance of the force which manned the fortification which was built in Esquimalt but not to the same extent as in Halifax. I concur in the necessity and duty of this country, so long as she is a part of the British empire, and I trust that will continue for all time to come, to pay a certain proportion of the maintenance of these dock yards, wherever they may be necessary, to be kept in a state of repair or to build them wherever they may be necessary, to be utilized in defence of the empire and particularly of Canada. I speak under correction when I say I am not sure whether we contributed anything towards the maintenance of the fortifications in Halifax, but the same principle could be applied to that as was applied to the case of Esquimalt. What has been the policy of the government in taking over Esquimalt under its own management, and allowing the British fleet to be taken from Esqui-

malt harbour and also from Halifax. Has this country been strengthened by that policy? It was reported only a short time ago—and I have no doubt my hon. friend read it—that those magnificent works constructed at Esquimalt are going into ruin and decay, that they have been utterly neglected, and if that is to be the policy pursued by this government in reference to the maintenance of dock yards and of fortifications, what position would we be in, in case of difficulty between Great Britain and any other country? What condition the fortifications at Halifax are in I am not prepared to say; but those are the reports which have been made officially of the state of the fortifications and the defence works on the Pacific coast. We all know that the policy between nations at the present time in declaring war is not that which prevailed a number of years ago. Not many years ago, before war was declared sufficient time was given for the subjects of any other country to leave it. Japan did not adopt that policy, nor has any other country. Japan prepared for attack upon the possessions of Russia, and she had her war vessels at the points to make the attacks before she declared war and before Russia had an opportunity of really knowing what Japan intended to do, and to the surprise of the world that country had taken possession of a portion of Russian territory before it was known generally that a state of war existed. That would be the case to-morrow with any great power that would be likely to declare war. Time would not be given to enable the other nation to prepare. The facilities for war, the means of carrying on war, the armaments of the present day, are entirely different from what they were fifty years ago; consequently the mode of carrying on hostilities between countries is altogether different; hence the necessity for being prepared for all contingencies.

My hon. friend drew attention to a reference made by an hon. gentleman as to the possibility of war with the United States. Any person living in this country and reflecting for a moment upon the consequences of a war between these two countries, could not help deploring it, and we trust it shall never take place. But let me ask this question; supposing difficulties did occur between the United States and Canada, what would be the good of the two or three Bristols that we are to have, or the other vessels which are to be built? Our danger would not be from the sea where the Bristols would be located, but on the inland waters, and that is the great reason why the Canadian government, to my mind, has been derelict in its duty, severely so, in not drawing the attention of the British government to the violation of the Rush-Bagot treaty, by the United States which has been going on for years. It is said that the United States authorities are building in the upper lakes vessels for commercial purposes. They are building vessels only to be kept in their harbours, but supposing difficulties occurred, these vessels having been built, could be equipped and manned in a very few days, and the whole of the western waters of the lakes would be flooded with men of war, and the whole of our frontier would be not only subjected to attack, but sure to be captured and taken possession of by the United States. I do not anticipate war between the United States and Canada, but as has been indicated, the safety of our country lies in being prepared for any difficulties that may arise. Does any one suppose, knowing the character of the population of the United States, and the government of that country that Canada would have been allowed to go on building war vessels on the north shore of Lake Superior, or of Lake Huron without their protesting violently against it? I have a distinct recollection when I had the honour of being a member of the cabinet of Mr. Blain requiring permission from us to allow war vessels which were then building in Chicago to pass through our canals ostensibly for the purpose of reaching the Atlantic ocean. It was possible that the request was then made honestly, and that they were building vessels for that purpose, because they were erecting docks and shipbuilding facilities in Chicago, but if permission was given to them to sail their vessels through our canals, and they were building them in the dock yards in the western states, they would be prepared at any moment in

case of difficulty between the England and the United States to float them on the larger lakes, not to our advantage certainly, and it is unnecessary for me to predict for a moment what the result would be. So far as the reference made by my hon. friend to myself is concerned, it is not pertinent to the question. The war vessels being constructed in England are not being built so much on account of the fear that may exist of an attack, but to have them built and ready at any moment to repel attacks if made. Reference has been made to the declaration of Lord Kitchener. Does any one suppose that Lord Kitchener, with the reputation he has, would ever give expression to any other opinion than that to which he gave expression and to which the attention of the House has been called. Though a civilian, in the confidence I have in the British race, I have no fear whatever what the result might be ultimately, even if Germany did declare war against England. The result, to my mind, would be just what the result has been over and over again in former wars, and that would be that the British nation, and the navy particularly, with her soldiers would come out victorious. But that is not the qeustion we have to decide. I may be wrong, but I firmly believe that the premier of this country, from the declarations he has made over and over again, looks forward to the time when, as he himself expressed it, this country will fall from the empire as the fruit ripe from the tree. During the discussion which has taken place in the Commons, the question was repeatedly put to the premier as to whether he still entertains those opinions or not, and he has failed on every occasion to either deny or affirm the principle or to intimate that he had changed his mind.

It being six o'clock, the Speaker left the Chair.

After Recess.

Hon. Sir MACKENZIE BOWELL—There are one or two points to which I think it is well to draw the attention of the Senate. I noticed in the remarks made by the hon. member from Middlesex (Hon. Mr. Ross) that he ridiculed the idea of donations being given by the colonies in aid of the British navy; that England was sufficiently rich, that she did not need any aid in that particular direction. If my recollection serves me correctly, in all the correspondence that took place, the request of the admiralty and of the British government, it was held that the colonies, being portions of the empire, should contribute, in proportion to their wealth and ability, towards the maintenance of the imperial navy. They did not indicate in what manner that should be given. It was also intimated in the resolution that was passed in the House of Commons of March, 1909, read by my hon. friend, whether intentionally or not I am not prepared to say, but he certainly omitted the last sentence or two of that resolution, in which it is declared that while there was a unanimity on the part of the Commons, on both sides, that something should be done by Canada in aid of the navy of the empire, it wound up by stating—I am not quoting the exact words, because I have not them before me—that it should be in accordance with the request from the admiralty of England. Any one who has taken the trouble to read the correspondence which has taken place, and the proceedings of the conference held in England, cannot but come to one conclusion, and that is they desired that whatever was done by the colonies should be in accordance with the plans laid down by the admiralty, and that would be to create a unit. In fact, that whatever Canada would do under the circumstances should be in accordance with the rules and plans adopted in the construction of a naval force by the admiralty; that in case the ships whether they were built by this country, or by donations which might be made by Canada to aid in the construction of Dreadnoughts in England, that they should act in unison with the British fleet whenever circumstances required their aid in defence of the empire. Upon that principle, every member of the opposition both in the Commons and in this country, probably with one or two exceptions, agreed. It has been pointed out to us—and here in particular, and very eloquently by the hon. gentleman from Mille Iles (Mr. David), that the Conservative party were fearfully disrupted on this question, that no party had ever presented such a disunited front as they had upon this subject. That there may be differences of opinion in reference to the

best mode of defence of this country, and a navy to defend the empire in case of necessity I would not be very much surprised. I would be very much surprised if the manner in which that should be accomplished would be concurred in by two or three hundred men, who, perhaps, take the same interest in the welfare of the empire, I was going to say, as I do. Although taking a lively interest in the defence of the empire, it seems somewhat strange to those who have paid attention to what has occurred lately to hear gentlemen who are supporting the government on this question talk about disruption amongst the members of the Conservative party.

I quesiton very much whether that disruption exists to the same extent as it does upon the ministerial benches, for if the ministerialists who have expressed their opinions on this subject upon various occasions were as honest as those of the Conservative party, or of the few of the Conservative party who have given utterance to their sentiments, there would be presented to this country a much greater divergence of opinion than exists in the Conservative party to-day. There is but one policy, to my mind, which actuates the Conservative party, and that is as liberal a policy as could possibly be adopted to aid in defence of the empire. There may be difference of opinion as to the best mode of accomplishing that. I would be surprised if it did not exist. My own view is that it would be infinitely better if Canada were to enter into an arrangement with the British government by which we should contribute a million or two every year in aid of the maintenance of the British navy, giving us certain rights in the management of it, and in the manning of it; than our spending the amount of money we are about to expend to create what has been called, and I think properly termed, a tin pot navy for this country which would be utterly useless in case of war unless it became a unit of the imperial force. Now, what of the financial position? To go back a little; at Confederation one of the conditions of the union of the four provinces was that Canada should expend so much per annum, I think about two millions a year, if my recollection serves me right, in the maintenance of a militia force. We have enlarged that amount, so that at the present time it is about seven millions a year, and to my mind we have not been so derelict in our duty in making preparations for the defence of the country as has been laid at our charge, even by English statesmen. I have always contended, and I think those who have watched the events of war in the different parts of the world will admit the fact, that transportation from one portion of the country to the other is as much an expenditure in aid of the success of an army as it is to give the money direct, or to give individuals to form and constitute the army. Only a short time ago, when the present government introduced a measure for the construction of the Grand Trunk Pacific Railway, what was one of the strong reasons and arguments advanced in favour of that expenditure? It was that there should be a direct communication between the seaboard on the Atlantic, and the provinces of Manitoba and the Northwest and British Columbia, so that troops should be transported from England by a direct route, from the great depot at home, across the continent without touching the American border. Now, what I contend is that in the construction of the Intercolonial Railway, in the construction of the Canadian Pacific Railway, and the Grand Trunk Pacific, the facilities they afford for the transportation of troops, constitute to a greater or less extent an expenditure in aid of the defence of our own country, and also of England. Supposing for a moment there was war with Russia; or with any of the Asiatic countries, would it not be in the interest of the Empire to have facilities by which troops could be conveyed from England direct across this continent to the Pacific coast, because it is there where the attacks would be, either by the Russian fleet in the Pacific ocean, or by the Japanese fleet, or by the Chinese fleet. To my mind, every transcontinental road which has been built is to a certain extent in aid of the empire, in case she should have to enter into a conflict with any of the nations on the eastern and western coasts of our country; so that, strongly as I feel in connection with the maintenance of the connection between this country and

the mother country; strong as I feel it is our duty as Canadians and British subjects, as an integral part of the British empire, that we should render every assistance possible whenever it is necessary, I cannot overlook the fact that there has been created, and particularly as announced by the present government in connection with the transcontinental railway systems a material aid in defence of the empire in case of difficulties with foreign powers.

As I have already intimated, we are incurring an expenditure of about seven millions per annum in the maintenance of our land forces. We are establishing permanent corps. We have our volunteer force, and now we are to expend about seven millions a year, if my recollection serves me right, although some gentlemen said in the course of debate that the annual expenditure was supposed to be three or four millions of dollars on creating a navy. But bear in mind that is only a beginning; no one knows where it is going to extend. Gentlemen who have discussed this question have expressed not only disapprobation but they approached this subject with a great deal of fear, and almost horror, of giving a million or two a year as a contribution to the British navy.

What does the seven millions a year which we are to pay towards the establishment of the naval force proposed by the Bill now before us amount to, when capitalized at 3½ per cent? What debt shall we incur in doing that? Over two hundred millions of dollars. Supposing that we gave a couple of millions or three millions a year to England to aid in the construction of war vessels, with the understanding that I have already intimated, would it not be better financially for this country than to incur the expenditure that we are about to enter upon, unless, using the language of my hon. friend opposite, we are preparing for a separation between Canada and the mother country. It is sufficient for me to know that I am a British subject. I think that should be sufficient for any one, for the declaration that he is a British subject implies all the freedom, civil, political or religious, that any man can enjoy in this world; and as long as we have the protection of the Union Jack when difficulties arise; that we as a portion of the empire should have protection, it should be sufficient for every Canadian, whether he be of British or French origin. He is a British subject and he is a Canadian, and a Canadian British subject. To talk of Canada as a separate portion of the empire is heterodox; worse than that. When my father left England to come to this country, he simply moved from one portion of the empire to the other. He did as many of our citizens do. The father of a family who is born on a farm in one of the townships and raises a family there desires to change his location, buys a farm in another part of Canada and settles his family there. He does not become an alien because he goes to the Northwest, neither does he become any less a Canadian. The man who leaves England to come to this country, though he may call himself a Canadian is no less a British subject than when he lived in England—at least, that is the view I take of this matter. Looking at it from a financial standpoint, apart altogether from the sentiment of having a navy of our own, from a financial standpoint you would accomplish more with the taxation which is to be incurred for civil protection and our rights and privileges, by contributing to the British navy, with something to say in its management. I repeat again that I dislike this talk—the loyalty of this race and the disloyalty of the other. No one questioned the loyalty of the French Canadians, yet it has been heralded forth in almost every speech that has been made. We have had history quoted to us. Most of us know of the courage that was displayed in the time of need by our French Canadian fellow subjects, as well as by our English fellow-subjects in the west.

De Salaberry immortalized his name. The late Chief Justice Robinson of Toronto, an Upper Canada boy, immortalized himself when he fought with Brock at Queenston Heights. Let us forget for the moment if we possibly can where we were born, in England, Ireland or Scotland, or Lower or Upper Canada, or in the Northwest. Let us come to this conclusion, that we are British subjects, and as such an integral part of

the empire our duty is, upon all occasions, to render whatever assistance we can, financially or otherwise in defence of that empire. Those are the views I hold upon that question. We have heard a good deal about the willingness, particularly from my friend who is smiling in front of me, of his particular race to spend any amount of money to establish, and I presume continue in existence, the naval force. We have not forgotten the elections of 1896, when the then government of this country proposed to spend a pretty large amount of money, considering our resources, some half a million in the purchase of armanents to place our volunteer force in a position that in case of necessity they would be prepared to take their own part. There was scarcely a church door, scarcely a rural settlement in the whole of the province of Quebec in which that policy was not denounced in the strongest possible language, and Sir Chas. Tupper was at the time held up as being prepared to squander a million of money to furnish volunteers with arms to go off if necessary to fight the negroes in the western and southwestern states. I am pleased to know that there is a change of sentiment in the minds of those that took that extreme view, and I will tell you how I account for it. I account for it from the fact that they are now in power, and that is one of the advantages of our system by which governments change; parties in opposition advocate extreme, I was going to say absurd theories, and propound policies that it is impossible for them to carry out when they get into power. The opinions of hon. gentlemen now on the treasury benches have marvelously changed, since they got the purse strings in their own hands. That is one of the advantages of a change of government, and a few more rapid changes would be beneficial. My hon. friend is inconsistent in the position he took. He told us first of all that the dockyards and manufacturing establishments in the old country were not sufficient to produce the Dreadnoughts that would have to be built in case we adopted the policy of contributions to the British navy; but before he closed his remarks he told us that they were building in England at the present moment sufficient Dreadnoughts and ships to maintain their independence and to protect the country against any possible invasion from any other country.

That being the case, my hon. friend might properly answer that time was of no consequence in this case; but he forgot to say that before ships can be built in Canada, dockyards must be constructed at great expense, and after they are constructed without the mechanical genius which characterizes the shipbuilders of the old country, it would be years before we could have a ship ready to put on the seas for the protection of our coasts in case it was necessary. The hon. gentleman from Middlesex says that no such thing as a plebiscite was ever heard of under our constitution. I agree with him that a direct plebiscite would be a controvention of the principles of responsible government; but when, as in the case of Gladstone's Home Rule Bill, an appeal is made to the country that is an indirect plebiscite. Gladstone had carried his Home Rule Bill in the House of Commons, it being one of the planks of his platform at that time; but it was thrown out by the House of Lords on the ground that the terms on which Home Rule was granted had never been submitted to the people. Gladstone went to the country and was defeated. Salisbury was returned to power with one of the largest majorities given to any government in a number of years. The House of Lords did precisely the same thing with Lloyd-George's budget. It was regarded by those who held large estates as a scheme to confiscate property and the Lords threw it out. The government went to the people; that is another indirect plebiscite. The people decided against the House of Lords and the result was Asquith remained in power; the budget was reintroduced and has been passed by both Houses.

Let us come now to our own country: plebiscites, even when affirmed by the people, are not always acted upon. The present government submitted the question of prohibition to the whole Dominion, and though a majority of over 15,000 voters decided in favour of prohibition, the government turned it down and said 'No.' Why? Because the province of Quebec had given a large majority against prohibition. When you look at the statistics

of that province, you find that Quebec has less licensed houses and more indirect prohibition than any other province of the Dominion; yet the government did not consider the will of the people of sufficient importance to justify them in acting on the principle which they themselves had laid down, and which assisted materially in electing the Reform party in Ontario in the election which took place at the same tme.

Hon. Mr. DANDURAND—Did more than one-third of the people go to the polls on that occasion?

Hon. Mr. LOUGHEED—That does not make it any less a plebiscite.

Hon. Mr. DANDURAND—But it justified the government in not acting.

Hon. Sir MACKENZIE BOWELL—I can give the hon. gentleman instances in which some of his own colleagues have gone to the poll, and though not one-fourth of the electors voted, they took their seats in the House and acted as though they had been elected by a majority of the voters in their constituency. As my hon. friend beside me points out, in the elections of 1896, as was the case in the province of Ontario on two or three occasions, the government held power with a minority of the votes cast; but the votes cast in the different localities were sufficient to elect enough representatives to keep the government in power.

Hon. Mr. DANDURAND—The hon. gentleman speaks of the legislature.

Hon. Sir MACKENZIE BOWELL—I have been speaking of the Dominion.

Hon. Mr. DANDURAND—The results were brought about after the gerrymander of 1882.

Hon. Sir MACKENZIE BOWELL—I will not be diverted into a discussion of the gerrymander just now. If I did, I could tell the hon. gentleman that his gerrymander in the province of Ontario at the last election had precisely the result that has been pointed out. I could tell him how he fixed my old county, but that is irrelevent. The government went to the country on the question of prohibition, and the Dominion cast over 15,000 of a majority of votes in favour of that principle, yet the government declined to give effect to the expressed will of the people.

Now as to the question of donations to the Imperial navy, it has been ridiculed by the hon. member from Middlesex in the truely eloquent style in which he can place his points before an audience. His words rolled from his tongue as sweet oil would flow from a bottle, but what are the facts? England did not refuse to take from New Zealand £20,000 per annum in aid of the naval force. Cape Colony, poor as it is, contributed £30,000, and raised it a short time afterwards to £50,000 per annum. Australia paid £200,000. Natal, small and insignificant as it appears on the map, had soul enough to contribute £12,000 and afterwards increased the amount to £35,000. Newfoundland, lying as she does at the very mouth of the St. Lawrence, with a small population and limited revenue, contributed for some little time £3,000 per annum, and then raised it to £4,800. When we were asked to give anything, the present premier declined to give consent. Referring again to the Boer war, when the demand was made upon England for the payment of everything connected with that contingent, even the furnishing of food and hay by this country, I said in this House that I thought Canada, although she had given her sons in defence of the empire in connection with that war, ought to have had magnanimity enough to pay the expenses of the contingent.. The then leader of the House asked me quietly, 'Would you recommend the payment of the expenditure in connection with that contingent by Canada.' I answered 'certainly', and that is what we should have done at the time, particularly when we knew what our fellow colonists in the different parts of the empire were doing. Let me add that Canada was the very last in the whole empire to render England assistance in that struggle. Even the smallest colony lying in the Pacific, commencing with New Zealand, every portion of the colonies—I have a list of them and the base upon which they ten-

dered their services—but not until the last moment did the principal colony of the empire, looked upon as the wealthiest, strongest and most important, consent to send a contingent. If there was ever any portion of the empire that occupied a humiliating position in connection with that great struggle in South Africa, it was Canada, yet we find upon every stump, and in almost every speech that would be made, even of my hon. friend who addressed the House so eloquently, they boasted about what Canada under a Liberal government did in the Boer war. I admit she did her duty, but the party in power were not entitled to any credit for what was done. It was forced upon them by the public sentiment of the country, and then, they would not pay a red cent towards the expenditure. It is said that England has adopted the policy proposed by Canada. That is true. What else could they do? Taking the declaration of the Premier at the conference in England, and his declaration in the House of Commons, it was that or nothing, and it was better that they should acquiesce, conceding our right to deal with this question, this portion of the empire having its own legislature, recognizing to its fullest extent the autonomy of the country, they would certainly accept what was offered without any cavil. But what has been proposed is not in accordance with what should have been done, or what the admiralty intimated was required to be done. I notice in late press despatches that the 'Saturday Review,' a very important journal in England, published the following:

Referring to the separate nature of the Canadian Naval Bill, the 'Saturday Review' says: Sir Wilfrid Laurier's position is hopeless, even from a Canadian standpoint. If war occurred, a foreigner would assume what every Briton must assume, that England's war was Canada's war.'

Now, if that be the case, that England's war is Canada's war, then a Canadian navy, such as it is, should be a unit with that of the British navy, and should as soon as war was declared, become automatically a portion of that navy under the control of the empire. I do not say that they should take from her the command of her ships. They would go with it; but the Manchester 'Guardian' takes another view of the question, and we all know the important position the Manchester 'Guardian' holds towards political parties in England. I think I am safe in saying, and I think the hon. leader of the House will agree with me, that the Manchester 'Guardian' stands upon the same footing, in expressing the opinions of the people of England as does the 'Times,' and in some regards, so far as speaking for the Canadians, perhaps a little better.

The Manchester 'Guardian' supports Laurier's policy in connection with the naval Bill, and says incidentally, 'that it means Britain's course in 'ordinary wars' will be relieved of any responsibility for the defence of the colonies. They will have fleets to defend themselves if attacked, but so long as they remain neutral, the enemy will have more to lose than to gain by attacking.'

If that view is to be accepted as the opinion held by the public men, or by the government of England, in case we should by any misfortune get into difficulty with any country, and we declare ourselves in our defensive position as independent of England, and would not render to England any assistance unless parliament had so decided, or an order in council had so decided, England would say, 'Very well, if you want us, we are not under any obligation whatever to come to your aid.' I think that is the view every sensible Englishman would take under the circumstances. If you assume for yourselves the position of independence and will only render aid when you think in your wisdom that we are right in any trouble we may get into, in all common sense and fairness we should occupy the same position. According to the utterances of members of the government, some of them would not render their aid if we are to accept their declaration as being in favour of the separation of Canada from the empire. I take that from the remarks made by the Minister of Justice. In discussing that question in the Commons that gentleman said:

I only want to say that if I thought there was anything else which insidiously, secretly, and colourably was endeavouring to introduce the thin edge of the wedge of any division between Canada and Great Britain, to make for disloyalty towards Great Britain, or to make even for voluntary separation between Canada and Great Britain, I not only would not be supporting this measure, but I would not remain for one single hour in any

government that would introduce it into the House.

That is good strong language—langauge which I would expect to fall from a Bay of Quinté man. The Bay of Quinté having been originally settled by the old United Empire Loyalists, who left their homes and property in the United States in order to maintain their connection with the mother country, and live under the flag which they believed would give them the greatest freedom that men can enjoy in Canada. I confess that I never use the word United Empire Loyalists without feeling a good deal of veneration. Men who will leave their homes and go into the wilderness for the sake of their fealty to their country and king, or to the institutions that they revere must be men who have some regard for their country, and its institutions, and Mr. Aylesworth being a descendent of those, I am not at all surprised that he should use that language, yet he is a member of a government, some of the members of which have openly announced as their desire, their wish and their day dream that Canada should separate from the mother country. The premier uttered such sentiments in the House of Commons. Anybody can read in the official report of the Commons the statement that he made when he openly declared that the day dream of his life was that Canada should become an independent nation. True, he said he hoped it would be through peaceful means. He never would advocate an attempt at separation by war; but it would come naturally, and it was the day dream of his life. Take the utterances of the Postmaster General. Take the utterances of the hon. gentleman who was sitting opposite some years ago. Take the evidence of the Liberal press of this country at the present moment. I have extracts that would fill columns if I wanted to take up the time of the Senate by reading them, showing that the whole policy of the party at the present time, is with the ultimate intention of establishing a navy, and secondly of having a permanent and volunteer force in Canada so as to prepare for the time when this country shall drop from the parent stem as the ripe fruit falls from a tree. The present Minister of Railways and Canals, only a month or two ago, expressed sentiments of a similar character at a public dinner in Montreal. It is true—and I give him credit for it—he says he was misreported. It is very strange. I have the report of the speech as published in the Montreal 'Gazette' and the Montreal 'Herald,' which paper certainly would not for a moment be considered a journal that would misrepresent the statement of a minister of the Crown.

I have an extract from the Montreal 'Witness,' much stronger than any of them and they all report that gentleman to have made certain statements that the time is not far distant when we would have no Governor General here from Britain. He may have been misrepresented—people are misrepresented occasionally in the press; of which represent the policy and opinions of the supporters of the government of the day publishing similar reports, you can scarcely believe for a moment that they deliberately misrepresented a cabinet minister on so important a question as that. My principal reason for taking the position I do against the present policy of the government is not that I object to the expenditure of any reasonable sum—I would say any unreasonable sum—in order to place Canada in a position in which she can be pointed to as an outlying portion of the empire that is ready to sacrifice her means and her sons for the defence of the empire. I care very little about the taunt that I have heard certain gentlemen make, in this House and privately, 'You gentlemen are always prating about your loyalty.'

Hon. Mr. POWER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I have only this to say to the gentleman who cried 'hear, hear.' I would like to know what he ever did personally, when difficulties presented themselves, in defence of the country? When it was invaded by a horde of scoundrels from the other side of the border, did he shoulder his musket and go to the front and risk his life in defence of Canada? He says, 'Hear, hear.' If talking will do it, my hon. friend no doubt can accomplish as much——

Hon. Mr. POWER—I did what I was expected to do; I turned out as a member of

the military forces in Halifax to do my duty. There was no attack made there, and I did not have to risk my life, as it happened.

Hon. Sir MACKENZIE BOWELL—I am glad to know that the hon. gentleman even went that far.

Hon. Mr. POWER—Why say 'even that far.'

Hon. Sir MACKENZIE BOWELL—Even went that far, yes, I will put it that way if you like—even went that far. But I know that in my own experience in the country in which I live, I know the parties who were foremost in rushing to the front when their services were required. I know who they were who originally formed the volunteer forces in that portion of the country. I have a distinct recollection when the Liberals at that time sneered at the idea of a volunteer force. I remember also when the officers of the force to which I belonged used to go down the back street on their way to the drill hall so as not to have those of the Liberal party sneer at them as they went along. That time has passed away, and I am very glad to know that it is so; and I could give the reasons why it has passed away. But I am speaking of the parties as they existed in the past and as they exist to-day. The Conservative party and those that belong to it never have been backward when their services were required, while the party in opposition to the government at that time made constant complaint about the amount of money that we were expending in aid of the forces in this country, although it is nothing in comparison with what you are expending to-day. I am delighted to know that this is all changed, and I believe that to-day and for the reasons I have already given, the desire of Canada is to constitute a force, both naval and volunteer, not for Canadian defence alone, nor to keep out of any difficulties the empire may get into, but for the defence of the empire. I do not speak for the present government, because they have declared that they are not to be expected to join in any war in which England is engaged which those who for the moment rule Canada shall consider unjust; and yet, in the same breath, they give utterance to the sentiment that when England is at war Canada is at war. How they can reconcile the two statements is something that I leave to my hon. friend from Middlesex to do, for I confess my inability to reconcile the positions taken by the present government. Speaking for myself individually, a provision in the present Act similar to that contained in the Australian Act would have my warmest support, to the effect that when England was at war the Australian forces automatically became a portion of the force for the defence of the empire.

Hon. Mr. BEIQUE—Unless I misunderstood the hon. gentleman who has just taken his seat, he does not take issue with the government so far as the building of a Canadian navy is concerned. He would be quite in accord also in having the Canadian navy built in Canadian ports, even if it was to cost something more than in being built out of this country; but he takes issue mainly on the present Bill and with the government, because of section 22 of the Bill, which provides that in case of emergency the Governor in Council shall declare as to whether this navy Bill will be placed at the disposal of the British admiralty. The hon. gentleman has drawn the attention of this House to the fact that the building of United States war vessels on the lakes was a threat against Canada, and that it might become a very serious danger. For my part, I do not share his apprehensions, but if they are well founded and the present Bill is not to be put in force for a year or five years, but is intended to be placed on our statutes to govern the future and to answer all circumstances which may arise, and if such dangers should arise as he apprehends, would it not be useful that Canada, represented by its government for the time being, should have a voice as to whether the whole Canadian navy, in case of emergency, should be placed at the disposal of the British government, or whether some ships should not be kept in Canadian ports for the purpose of meeting any danger which might be apprehended at the time? I think that the hon. gentleman and the country may safely rely upon the government of the day, whether

it be Conservative or Liberal, to do its duty in all cases of emergency. There is no reason to apprehend that if need be the help which is due by Canada will not be given to the mother country. The hon. gentleman has, to my great surprise, insinuated that the Prime Minister, and possibly some of his colleagues, have ulterior motives in presenting this Bill; that it is intended to create a Canadian navy in view of the future independence of this country. I respectfully suggest that it is hardly becoming for an hon. gentleman occupying the position he occupies to make an insinuation of that kind.

Hon. Sir MACKENZIE BOWELL—I made no insinuation. I stated my firm belief that that was the ultimate object they had in view. I may be wrong, but that is my honest conviction, and I hesitate not to express it.

Hon. Mr. BEIQUE—I accept the hon. gentleman's statement. In my humble opinion, however, much as I may respect the hon. gentleman, he is not warranted by the facts in expressing an opinion of that kind. I say without fear of contradiction, that the premier of this country is held in too high esteem from the Atlantic to the Pacific, and in England as well, as a Canadian and a true British subject to be suspected of any such ulterior motive. This measure is presented to the Canadian parliament by the present government as being in the interest of the country and nobody has any right to assert that there is any other object in view, and it is not making for the unity of the nation to throw out charges of that kind. It is in a way a repetition of the cry of disloyalty, which we so often hear, for the purpose of producing political effect. Whether we be French speaking British subjects, or Anglo Saxon British subjects, we are all of one mind in this country. We appreciate the British institutions which we possess, and I am not aware that anybody in this country has any thought of independence or of breaking the British tie.

My main object in rising to speak on this question, was to answer some of the remarks of the hon. member from Repentigny (Mr. Legris), the hon. member from Grandville (Mr. Choquette) and the hon. member from Victoria (Mr. Cloran). They have taken this position in saying that they would vote against the present measure, that it is a new policy, that the country had never had an opportunity to pronounce as to this new departure, and that it is in direct opposition to the opinions heretofore expressed by the premier and several leading liberals in the country. I desire to take issue with that statement, and after I have shown how groundless that statement is, I desire to point out that, even if it were so, the present circumstances would justify the Prime Minister and other gentlemen who have been alluded to in adopting the opinions which they now entertain on this Bill. I do not deny to any hon. gentleman whether they be members of the Liberal party or members of the nationalists or the Conservative party—because under two appelations they are the same thing—the right of voting as their conscience dictates. If they really believe that this measure is not in the interest of the country it is not only their right but it is their duty to vote accordingly; but what I would expect of them is that they give to the House and to the country their reasons why they cannot approve of this measure, and show how it is against the interest of the Dominion. That would be a manly position to take; but what I cannot understand is their coming before this honourable House and trying to justify the vote they propose to give by showing that it is not in accord with the declaration of the premier or of the hon. member from Mille Iles, or other members of the Liberal party made in 1890, 1896, or 1902. That is no reason, and it is liable to raise a doubt as to the motives by which they are actuated. For my part, I cannot suspect their motives; but it is important that no member of this House be suspected of being actuated by anything other than the true interst of the country. The hon. member from Repentigny referred to the colonial conference of 1902, and stated that the Prime Minister in England at that conference had taken a position which was not in harmony with the meas-

ure before us. He stated that in 1907, at the other conference, he likewise took a position which was not in accord with this measure. I shall not take much of the time of this honourable House by reading quotations, but will refer for a moment to the proceedings at the conferences of 1902 and 1907. On referring to the summary of the proceedings of the conference of 1902 made by the Hon. Mr. Foster in the other House, I find that after Lord Tweedmouth had stated what he had expected from the colonies, the Canadian government, represented by the premier, stated the position the Canadian government was willing to take, and intended to occupy. He said:

> At present Canadian expenditures for defence services are confined to the military side. The Canadian government are prepared to consider the naval system of defence as well. On the sea coast of Canada there is a large number of men admirably qualified to form a naval reserve, and it is hoped that at an early date a system may be devised which will lead to the training of these men and to the making of their services available for defence in time of need.
>
> In conclusion, the ministers repeat that, while the Canadian government are obliged to dissent from the measures proposed, they fully appreciate the obligation of the Dominion to make expenditures for the purpose of defence in proportion to the increasing population and wealth of the country. They are willing that these expenditures should be so directed as to relieve the taxpayer of the mother country from some of the burdens which she now bears; and have the strongest desire to carry out their defence schemes in co-operation with the imperial authorities, and under the advice of the experienced imperial officers, so far as this is consistent with the principle of local self-government, which has proved so great a factor in the promotion of imperial unity.

I ask is there anything in this which is in conflict with the present measure, or if the present measure is not exactly in accordance with the intention of the Canadian government as expressed at that conference by the Canadian Premier?

Hon. Mr. LOUGHEED—Come down later to the conference of 1907.

Hon. Mr. BEIQUE—I am coming to that. The hon. gentleman from Repentigny (Mr. Legris), and Granville (Mr. Choquette), lost sight of that very important fact. The issue, at the conference of 1902, between Mr. Chamberlain and Sir Wilfred Laurier was not on what is the subject matter of the present measure, was not as to whether a Canadian navy should be built and placed at the disposal of the British authorities in case of emergency, but was as to whether an imperial council should be formed, composed of English and colonial statesmen, who would have the decision of all matters of that kind. The position taken by Sir Wilfrid Laurier was that the creation of a council of that kind would impair our autonomy, and he refused to be a consenting party. It would have meant, and it was so understood, that not only could war be declared with the assent of a majority of a council of that kind, but that expenditures of all kinds could be decided by the majority of that council, and that the colonial parliaments would have nothing to say. I have a perfect recollection that the movement was started by Mr. Chamberlain himself as far back as 1886 or 1887 and it was started by such men as Lord Roseberry and other leading men of England, but they were unable to devise any scheme which could seriously appeal to the good judgment of the country. After labouring for years they could make no progress, and the scheme remained to this day a dream. That was the issue in 1902 between Mr. Chamberlain and Sir Wilfrid Laurier; and it was because of the firm position which our Premier maintained at that time that he was received as he was by the Canadian people on his return from England. The hon. gentleman has invited me to refer to the proceedings of the conference of 1907. I have here also given in the summary of the Hon. Mr. Foster, the declaration made by Mr. Brodeur, who was at that time speaking for the Canadian government. What did he say?

> We are very glad to see that Lord Tweedmouth has recognized that in this matter it should be left almost entirely to the colony. I may say in conclusion that we will be very glad to work in co-operation with the imperial authorities under the advice of an imperial officer, so far as it is consistent with self-government.

These references have been given time and time again. The position taken by Sir Wilfrid was a reaffirmation of the stand which he had taken in 1902 and nothing more or less. There was a resolution presented at the conference which was intended to go further than the resolutions

which had been adopted in 1902, and Sir Wilfrid Laurier declared that, as far as he was concerned, he would not be a party to such a resolution, but he remained of the opinion which he expressed in 1902, and he was not willing to go any further, although willing to do what he had stated the Canadian government was prepared to do at that time. The hon. member from De Lorimer has referred to and quoted the resolution passed unanimously by the House of Commons in March, 1909, and he has called the attention of this honourable House as to whether the terms of that resolution did not bear a mandate on the part of the Canadian government to go to the conference of 1909, and take the position suggested by that resolution. As the quotation is very short, and in order that my remarks may be more complete, I will give the text of the resolution. It is as follows:

> This House fully recognizes the duty of the people of Canada as they increase in numbers and wealth to assume in larger measure the responsibilities of national defence.
>
> The House is of opinion that under the present constitutional relations between the mother country and the self-governing dominions, the payment of regular and periodical contributions to the imperial treasury for naval and military purposes would not, so far as Canada is concerned, be the most satisfactory solution of the question of defence.
>
> 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, along the lines suggested by the admiralty at the last imperial conference, and in full sympathy with the view that the naval supremacy of Britain is essential to the security of commerce, the safety of the empire and the peace of the world.
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> The House expresses its firm conviction that whenever the need arises, the Canadian people will be found ready and willing to make any sacrifice that is required to give to the imperial authorities the most loyal and hearty co-operation in every movement for the maintenance of the integrity and honour of the empire.

I repeat, following the language of the hon. gentleman from De Lorimier, was that not a mandate to the government, and is there anything in this resolution which is not in perfect accord with the present Bill, and it is the surprise of the country, and will remain the surprise of the country, that His Majesty's opposition in this Canadian parliament, when this Bill was presented, was not found to be in accord with the resolution which had been voted unanimously in 1909.

I ask hon. gentlemen if these proceedings of 1902, the proceedings of 1907 and the resolution of 1909 are not all in accord? I therefore ask if any hon. gentleman in this House or outside of this House can say with any truth that Sir Wilfrid Laurier has not been consistent in the position that he has occupied throughout on this question at the several conferences, as well as in the measure that is now engaging the attention of this honourable House? But I say that even if the government had changed, if it were true that they had changed their position, and modified their opinion, what of it? It is only men of small minds that do not change their opinion. In England, Mr. Balfour took issue with Mr. Chamberlain when the latter tried to introduce his protective policy; and has not Mr. Balfour modified his views in the course of three or four years—because he acted as a statesman, and thought he should give expression to the desire of the people of England. What statesmen, either in this country, or England, or any other country have not modified to a certain extent, as conditions change their opinions? Happily, in the present instance, I am able to state without fear of contradiction that the position which was taken by the government throughout is the position which is taken to-day. The contention that this measure is a new departure is not correct, since it has been before the country from at least 1902, and it has received repeatedly the unanimous approval and sanction of both parties. If there have been any differences of opinion, it would have been made an issue in some of the constituencies at the general elections which took place in the meantime on two or three different occasions; but because the people were a unit on that question, it was not spoken of; and now it will be pretended that because it was not discussed before the electors in any of the general elections or by elections, that it should be made the subject of a plebiscite. Well, the hon. member from Hastings has given his own condemnation of his own party as to that. He admitted a

few minutes ago that a plebiscite would not be in accordance with responsible government.

And here I desire to speak more particularly to the people of my own province, and to call their attention to the question whether it is in the best interests of the country, and especially of the province of Quebec, which is in the minority in this Dominion of ours, whether it is in the best interests of the community at large that questions of that kind should be referred to the people. I say no. I say that it is the duty of any statesman worthy of the name to present a policy which will commend itself to the country. It is admitted to be a question which might give rise to national feelings, and where would be the wisdom of presenting to the country an issue of that kind and thereby provoking in other provinces an expression of opinion contrary to that of the province of Quebec. Surely it would not be in the best interests of Canada, and it would certainly not be in the best interests of the province of Quebec, and I call the attention of the people of my own province to this, that they are short-sighted who suggest adopting a precedent of that kind. If it should be done in this case, it should have been done when the contingent was sent to South Africa. I ask whether the majority of the people would not be liable to be carried away on such occasions by questions of sentiment? I desire to add a few words on the merits of the measure itself. This measure, to my mind, is in the best interests of Canada. There are two groups in my own province, anyway, who are disposed to criticise the measure; one group take the position that Canada is not bound to do anything for the British empire; that the revenues of Canada should be confined to the development of Canada's resources; and another group takes the position, that in case of emergency we can depend upon being protected by England, and in case of necessity even by the United States. Well, hon. gentlemen, for my part, I do not think that is a position which is consonant with the true interests of Canada. I do not believe that it is a dignified position to take. We form part of the British empire, and, as such, it becomes not only our duty, but our interest to protect that empire, and to do our fair share for its maintenance. There is not a French Canadian in the province of Quebec who does not appreciate the institutions under which we live. There is not a French Canadian who would be willing to change his allegiance to the United States, and I do not know any who would be prepared to advocate independence. In the province of Quebec, as in other provinces, we are all satisfied because we are a free people protected by the best institutions known to the world, because we are enjoying the benefit of the prestige and of the strength of the British empire. But the British empire is not England. It is not Canada, nor Australia, nor South Africa, it is England and all her colonies, and what is in the interest of one is in the interest of all. It is therefore our duty, whether we be French Canadians or whether we be Anglo-Saxon, English-speaking people—it is the duty of every citizen of this country to do his fair share towards maintaining the integrity of the empire. The creation of this Canadian navy is in the interest of Canada, because it will be the means of developing and protecting our commerce. The hon. gentleman from Montarville (Mr. DeBoucherville) asks how it will develop or protect the commerce of the country? Let me tell him that there is no other country having so large a commerce which has not a navy to protect it in case of need, and let me remind him that if this country has deemed advisable to vote some fifteen million dollars for the purpose of fostering the iron industry, it is no wonder that the Canadian people should be prepared to make a sacrifice for fostering the ship-building industry which will be involved by the creation of this Canadian navy.

Hon. Mr. DeBOUCHERVILLE—I was not asking in regard to the industry. I was asking how this navy would protect?

Hon. Mr. BEIQUE—The navy would protect Canada. It is intended to protect Canada, and to protect the empire at large, because Canada forms part of it. If the empire were to be disrupted to-morrow is it denied that we would suffer from the disruption?

Hon. Mr. DeBOUCHERVILLE—I was asking how this great navy which is to be built will protect our merchant marine?

Hon. Mr. BEIQUE—If there was war, does the hon. gentleman not understand that our mercantile ships could be taken and destroyed by the enemy, and in that case would the Canadian navy not protect our commerce?

Hon. Sir MACKENZIE BOWELL—Not unless the government had decided we should take part in it.

Hon. Mr. BEIQUE—Is it seriously suggested bv the hon. member from Hastings that any government would hesitate if there was a case of emergency. to pass the necessary resolution?

Hon. Sir MACKENZIE BOWELL—I am not speaking of what the government would do; I am speaking of what the law provides.

Hon. Mr. BEIQUE—The law makes it a duty for the government to consider and consider at an opportune time whether there is an emergency, and as to whether in the interest of Canada—and when I speak of the interest of Canada, I say that with the interest of Canada is involved that of the British empire,—as to whether the Canadian navy should be placed at the disposal of the British admiralty, and I say that it cannot be supposed that an instant would be lost in taking the proper action in that regard. I believe it is in the interest of Canada, because this navy will give to Canada a status becoming its importance and the rapid growth which is taking place. We are suffering in this country for want of real Canadian sentiment and nationality. I am happy to say that we of the province of Quebec 25 or 30 years ago were very much exercised as to what would be our future destiny. At that time we were afraid that confederation might prove to be a great danger to our cherished institutions, and we were discussing in private conversation, in clubs and elsewhere, the question as to what would be the future of this country, and especially of the province of Quebec, and I quite remember that at that time the opinions were somewhat divided; some thought that our inevitable destiny was to form part of the United States republic; others thought that in the near future it would be independent, and generally there was a strong feeling that we French Canadians were inevitably doomed to be absorbed, and see our institutions disappear. This feeling very soon gave way to another, that our institutions would survive; that they would survive provided we remained a part of the British empire, and what we had to do was to make of our country a great nation and try to build a Canadian sentiment. From that time—I am speaking of 25 or 30 years ago—the French Canadians of the province of Quebec set an example in building up that Canadian sentiment, the true nationality, because they had no other interest in any other country. English-speaking people came in a great measure from England, and they look upon this as their home, and they are liable to be carried away at times further than they otherwise would be. What we need in this country is to build up a Canadian sentiment which will look to the interest of Canada primarily.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to desire a Canadian sentiment independent of British sentiment?

Hon. Mr. BEIQUE—No. Canada forms part of the British empire. Canada first, Canada as a part of the empire, because the Dominion cannot occupy the position it deserves without being a part of the British empire. Hon. gentlemen will remember that not more than fifteen or twenty years ago a true American sentiment did not prevail in the United States and people asked themselves what would be the outcome of the Republic. The country was divided into three or four sections. There was the south, the north, the eastern and the western states, all having different interests, and it was generaly believed that it would bring the destruction of the Republic; but within quite a recent date a sentiment of true American nationality has arisen which has had the effect of blending all those different interests and sentiments and creating a true American nation. What I expect in Canada, which in time will have not a population of six or seven millions merely, but a population of fifty

millions, is that a like sentiment will be created consonant with British sentiment, and which will tend to truly unite all the different sections of this country into one nation. I am also in favour of this Bill for this additional reason to which I call the attention of this honourable House and of the people of my own province. Suppose that we did not do our duty as part of the British empire; suppose we should refuse, as is suggested by certain members of this House, to do anything at the present juncture—and those who take that position also take the position that we should not make any contribution for the building of British ships—suppose we do not do anything in the way of self defence and that in four or five years an emergency arises, would we not be ashamed of the position we would occupy, and would not the sentiment of this country lead strongly towards repairing the neglect of the past by voting a large sum of money towards helping the empire? That would happen, and what would be the consequence? We would have nothing. The ships which would be built would belong to England, and Canada would have to commence creating a navy some time or other. Hon. gentlemen opposite may suggest that it is premature to build a navy at present; but it has not been suggested that when we have a population of thirty or forty millions it would be becoming of Canada to have no navy at all. It is merely a question of time, and the question is whether we should commence now or later on. I say it is our duty to do our share as part of the empire by building a Canadian navy which will in cases of emergency protect our own coasts and the interest of the empire at large. It has been suggested that Sir Wilfrid Laurier is not by this policy promoting the best interests of Canada. I ask what greater ambition he can have than to crown his brilliant career by promoting the best interests of Canada and the empire at large.

Hon. Mr. DeBOUCHERVILLE—The question before us now is the motion made by the hon. leader of the opposition that this House is not justified in giving its consent to the Bill until it has received the sanction of the country. I have listened to almost all that has been said on this question. It must be remembered that the amendment before us is that an appeal should be made to the people on this Bill. The hon. member opposite said he was astonished at my seconding this motion. He would have good reason to be astonished if I did not favour it. Are we not taking a new and unexpected departure which will lead to enormous expense, without consulting the people. I do not think any one can say this is not a new turn. Had the country ever heard of this Bill until it was brought before us? I do not pretend to give my opinion for or against the measure; but I ask why are we taking this new departure without consulting the people? Under our Militia Act, the militia force cannot be sent out of the country. Is not that a new turn in our politics? The people did not know that they were to establish this navy, which the government intends to form, which it will form, on a different basis from that on which our militia is formed. Even our navy of 1812, when we had a few gunboats, were armed with small cannon. They certainly did not resemble Dreadnoughts, because those boats were designed merely for navigation in our inland waters. But even that little navy would never have been ordered out of Canada any more than our militia. The principle existed always in the minds of the authorities and in the law, that our militia could not be ordered out of the country. Under the provisions of this Bill, by a simple order in council, in what you call an emergency—war or any other thing—the government may put this navy immediately under the order of the nearest commander of the British navy, and this commander can send the ships to Japan or anywhere else beyond the limits of Canada. Is not that a new departure? In the last election it was not known that such legislation as this was contemplated. On the contrary, in my province I think everybody was glad, was happy, was even proud to know that the Hon. Sir Wilfrid Laurier insisted on preserving our autonomy, and by autonomy we mean the right to keep our navy and our militia under our own control. Therefore, I think that that is a sufficient reason to ask that this Bill should not come into force be-

fore there has been a consultation with the country. I expected that hon. members would speak to the question before us. Unfortunately, instead of doing that, some of them discussed matters that were not relevant to the Naval Service Bill. For example, my hon. friend, the member from De Lanaudière, made a capital speech I must admit; I will be proud to preserve it amongst my books; it is very interesting for the anecdotes he gives, but has nothing at all to do with the Bill, nothing at all, not a word about the Bill. Other hon. gentlemen spoke in the same way; they spoke of the French Canadians, lauding them. Well, I have no objection, for I am a French Canadian myself, but I don't think that had anything to do with the Bill either. Some, and a very few, the hon. member who spoke last, just said a few words about this Bill, the important question, because it is the question before the House. I don't think that he gave out all his reasons for the position he has taken, and if he would do so I would willingly sit down and give him my attention. Well, as I said just now, this is a new departure. The last elections were held with the idea that Sir Wilfrid Laurier was altogether in favour of autonomy, not this change. Therefore, he had reason to go to the people, and there are many ways of consulting the country. I would leave it to the government——

Hon. Mr. BEIQUE—Is the hon. gentleman speaking of the Bill now?

Hon. Mr. DeBOUCHERVILLE—I am speaking on the amendment to the Bill, and the amendment is the motion just now before the House. I am speaking of the proposal for a plebiscite of the people. A few of the hon. gentlemen who spoke on the question said, 'By a plebiscite you would rouse an objectionable racial feeling in the country.' Why say so? There is an immense majority of the members of the province of Quebec in the House of Commons in favour of this Bill. We have the hon. gentlemen in this House saying that there is no doubt that when explained to them, the people of Quebec will approve of this measure. Of course there are some characters you cannot control, who are always in opposition. Some of those may object, but the majority will be in favour of the Bill if it is as good as the hon. member says. Then what will follow? We shall have the opinion of the majority in all the provinces, even in the province of Quebec. These hon. gentlemen who are very numerous, members of the House of Commons, pretend to be sure of the opinion of their constituents. In the other provinces it seems—and it looks very much like it—that they are in favour of a navy also. Under such conditions, if there was a plebiscite taken there would be a decision in favour of this Bill. Everybody would be satisfied, even those they accuse of being disloyal, of always wishing to overthrow the government. Even those would say, 'It is all right, this is the Bill we approve of now.' But we cannot approve of it until it has been submitted to the country. Although I am not willing to discuss the Bill itself, I will make a few remarks as to part of it. When the conference of ministers of the different colonies was called in England to discuss this question, I think the birth of the panic was the news given that the Germans were building Dreadnoughts and big ships of war, and there was danger for England. I hardly believe that the higher and more intelligent classes in England were afraid of Germany. I dare say many of the poorer class did not understand this question and thought, 'Those Germans are big fellows, and they will be eating us up.' The result was that an order was given to concentrate the British navy as much as possible in the North Sea to be ready to meet the Germans if they did come. Well, they did begin to concentrate, taking their ships away from other parts of the empire. There are two British possessions, Australia and New Zealand, that are islands. Australia has nothing to fear and New Zealand is in about the same position, for the Maoris are friendly now, and even send members to the House of Assembly; but the people in Australia, and more particularly in New Zealand, are obliged to do all their business by sea.

I believe there is a railway crossing Australia; but the principal business is done at the sea ports along the coast. There is fear of pirates, of which there are a great

number in China, who not only waylay commerce on the sea, but who have a good deal of money and can buy steamers, so that the British government have to keep armed vessels on those seas in view of possible attacks on her colonies, and difficulties that might arise. When New Zealand and Australia saw those British ships leaving on account of the order of concentration, of course they were alarmed. They were accustomed before that to pay a certain sum of money by way of subsidy for protection. Then they said, we will do this: 'We will build you a Dreadnought, and pay the expenses.' I thought they had offered more at first; but my latest information is that it was only one. It is understood that they will undertake to pay all expenses up to £200,000 for Australia, and £40,000 for New Zealand. That is only $1,200,000. It does not look as large as it did at first. The scare has diminished. I have read in the papers that this German menace has vanished entirely, and that eminent men in politics have declared that the British fleet is double in strength that of the German fleet, and that when the construction programme of Germany is finished, the British fleet will still have an immense preponderence over them. Well, as the scare has diminshed, as war is not imminent, as the government has not to build a navy immediately to meet an emergency, it will take four or five years before the docks, ships and aramament can be prepared. There is plenty of time. If it were an emergency, we should act promptly; but there is no emergency; it is not urgent, and as there is plenty of time, why not accept this proposal to submit the question to the judgment of the country? Why not? It is not such a difficult thing. The government would choose their own time. They might do it by a plebiscite or by postponing the Bill until next year or the year after, when there shall be a general election. It would depend upon them. The government had a plebiscite taken once. It did not cost much; it did not take a long time to do it. Nothing prevents it from being done now, and the result would be to settle an important question of public policy. For my own part, I have a little more doubt than these hon. gentlemen as to its wisdom. There is no doubt in their minds that the people will approve of the proposed navy; then we must say, 'We cannot object. We are willing to go on since the people have been consulted and the majority have given their assent.'

Hon. Mr. BOYER—The only point at issue before the House is the motion of the hon. leader of the opposition, asking that this Bill be not now read a third time, but that it be submitted to the judgment of the people. When this question of a national navy first came before the Dominion House of Commons, parliament had then been elected 5 months. The last general election took place on the 28th November, 1908, and on the 29th March the House of Commons unanimously decided that Canada should have a navy to co-operate with the navy of Great Britain in the protection of British and Canadian interests. We are now asked to submit this measure to the people. Only 12 months have elapsed since parliament has decided that Canada should have a navy, and it strikes me that the point has been forgotten that the people of Canada have had ample opportunity to signify their consent to the wishes of the House of Commons. We have had, in the course of the last year, eleven elections in Canada. Five went by acclamation, of which the government carried four, and six were contested, the government carried five. Two of them were held in the province of Quebec, and the first one was held in the county of Montcalm, where two Liberal candidates were contesting the seat, no opposition candidate having had the courage or pluck to come before the electors of an old Tory constituency, as Montcalm has been.

Hon. Mr. DANDURAND. Hear, hear.

Hon. Mr. BOYER—The government candidate was opposed by another Liberal and no longer ago than to-day I was asking the candidate elected if the question of a navy had been discussed during the election, and he told me that in one of the parishes, speaking one day from a public platform, the mayor of the town of Rowdon had interrupted, and asked him to be kind enough to state what position he intended to take on the navy question, and he said: 'I told him I was running as a

straight Liberal and as a supporter of Sir Wilrid Laurier, and, as such, I was bound to favour the navy in every way.' This constituency was rendered vacant by the appointment of Judge Dugas, and Mr. Lafortune, elected in January last, said that Judge Dugas carried the village by ten of a majority, and Lafortune carried it by 90. We had another election in the county of Lotbinière. If the country desires information, why did not the opponents of this national navy make their voice heard in Lotbinière? Again, no Conservative candidate dare show his face. Two Liberals joined issue, and the old candidate carried the day. But we have a later fact, a more significant fact; in the city of Ottawa, the capital of the Dominion, an election took place on the 29th January last. Three candidates were mentioned, two on the Conservative, and one on the Liberal side. All the forces of both parties joined issue. Twelve inch, ten inch, eight inch guns, down to toy pistols, joined in the fight in that constituency. One Tory got torpedoed and put out of the fight, so that both sides could meet in fair battle. What was the result? We were told that if the Conservative were elected it meant the end of the navy. Sir Wilfrid carried the constituency at the last election by a majority of 625 votes, and on the 29th January last Mr. Allard carried it by a majority of 658. Have the people not spoken on the navy Bill? This election was held in Ottawa on the question of the navy, not so much on the navy Bill, as creating a navy for Canada. Both sides joined issue on the naval policy, and the vote in the city of Ottawa was increased by over 40 votes over the number of votes obtained by the premier in the last general election. It strikes me the Dominion parliament has been informed that Canada wants a navy. The people have given their consent to Canada having a navy. The motion or amendment of the hon. leader of the opposition strikes me as coming with ill grace when the people of Canada have had such fair warning for the last twelve months that the intention of the government, backed by parliament and the electorate, was to create a navy for the defence of Canadian rights. The hon. gentleman from Montarville (Hon. Mr. DeBoucherville) spoke of Australia. That country is following exactly what we are dong to-day in Canada, and no later than Thursday the 10th day of February, the first ship of the new Australian navy was launched on the Clyde. Lady Asquith christened the vessel 'The Paramatta', and she said:

> First born of the Commonwealth Navy, I name you 'Paramatta. God bless you and those who sail in you, and may you uphold the glorious traditions of the British Navy in the Dominions over the sea.'

Capt. Collins, representing the government of Australia said:

> That the launch marked the beginning of a defined colonial, he might also say imperial naval policy. The colonies had never failed to recognize their debt to the mother country. The question as to the attitude of the colonies towards the empire on defence was regarded for some time merely from the point of view of their contributing to the imperial exchequer. A cash contribution without any control or voice in management was not in harmony with the spirit of nationalism, which was the most marked feature of colonial development. Last year, it would be remembered to the credit of the present government, that they in Mr. Haldane's conception of an imperial general staff, and in the naval conference, had helped people to cast from an era of talk to an era of action that would develop and consolidate the defences of the empire. In Australia they were heartily in sympathy with the forward movement. The Commonwealth government, backed by the strong public feeling, were pressing forward all practical measures to place their military and naval forces in such a position of efficient organization as to form valuable units of strength and assistance to the whole empire.

This is the answer of Australia to the hon. gentleman from Montarville. What is the government asking by this Bill? That we create a navy as an insurance effected upon vast and widespread interests; as a necessary precaution to be able to hold up our heads among the nations, and to be able to speak to the enemy, if any of them present themselves. We do not wish to rule the seas, but we desire to occupy a position commanding respect commensurate with our interest as a colony with our commerce. That is the object of the Canadian government. In speaking the other day, the leader of the opposition referred to the German scare. One important point he did not mention in that connection was that an enormous German fleet sails out of New York three times a week,

vessels subsidized by the German government, and each one carrying, burried in their holds, from three to ten guns. What is our position? We have not for the defence on our coasts one single gunboat. My hon. friend said: 'Supposing hostilities should break out between England and Germany, on receipt of a telegram or cable in New York every one of these large boats would clear out of New York, and a few hours afterwards mounting their guns on the deck, would come to St. John or Halifax with every facility to bombard the town, come up the St. Lawrenrce, and we have nothing to stop them. Why, Sir, with a few 'paltry cruisers' never will an armed merchant vessel dare approach our coast. Her aim is mostly to destroy, and a merchant vessel, although armed with a few guns is no match for a third rate cruiser. We do not propose to master the seas; what we do propose to do is to imitate the mother country. No nation has ever been great without a navy. No nation can protect its commerce without a navy. When people out on the prairies pass resolutions that we do not want a navy, they should ask themselves this question: Supposing the St. Lawrence should be blocked, supposing Halifax and St. John should be blocked by an enemy, how will the produce of the west be sent to the markets of the mother country? They are our best markets, and unless we do something to protect our shores should danger come, then the people in the west who passed those resolutions will have time to see what a mistake they have made. We are accustomed to military service. We have in this country a force of which we are all proud. Why should we not become accustomed to a navy? Not longer ago than the other day an hon. member of parliament belonging to my city, the Hon. Colonel of a regiment from Montreal came to Ottawa specially to vote against the Navy Bill, and the next day he made the offer to his regiment that if they would complete their battallion and perfect their drill, he would take that regiment to England to show what kind of men we could produce in Canada. I will ask the Hon. Colonel would he not be proud to be able to take that regiment across the Atlantic in a Canadian bottom, and say: 'These are the men that are ready to defend Canada on land, and this is the ship with which we will defend our coast if an enemy attacks us.' Nothing that I say will change a vote. We are unanimous on the question. The only point at issue is as to consulting the people. They have already been consulted, eleven times last year, and ten times out of the eleven they said: 'We are in favour of a national navy.' Let us carry out the wishes of the people without waiting. In one year we can get our docks ready and in another year we can build our ships, and we will be proud of what we have done and we will have a navy a pride to those who created it in 1910.

Hon. Mr. ROSS (Halifax)—My hon. friend from Middlesex (Mr. Ross) spoke about England, but he had no words to say about Ireland or Scotland. That from a Scotchman himself is most unreasonable. When they had a rebellion in India, they had to send Scotchmen to quell it. He made another mistake in saying that New Brunswick was opposed to confederation. New Brunswick had two elections on the question and Sir Leonard Tilley carried the second election, and without carrying that election New Brunswick would not have entered into the confederation.

How different it was in Nova Scotia. Howe said to Adams Archibald, 'Give me your hand that you will put this question before the people, and I will never raise my voice against it.' The amount of bribery going on at that time was something awful. I was behind the scenes and knew it. They did not spend as much money as Castleragh spent in bringing Ireland into the union with Great Britain; but the means were exactly the same, and not only that, but Lieutenant Governor Fenwick Williams was daily using means to get people to support confederation. I will give you one illustration. There was a miserly man from King's county named Caleb Williams, and he sent for Caleb Williams, who was opposed to confederation, and he said, 'Mr. Williams, I have a message from Her Majesty the Queen to you? The Queen is not pleased to hear that you are opposed to confederation, and in order to relieve the grief of the Queen, plus a seat in the Senate, he changed his mind. I might dwell on this question further, but it is a little

foreign to the subject under discussion. I was delighted the other night listening to the speech of the hon. gentleman from DeLanaudière (Mr. Casgrain). I sat alongside of him and listened with delight and attention to his fine speech. To me it was a piece of history of what the French Canadians had accomplished, and something that I never knew, the liberal subscriptions made in those days by men who were perhaps not overblessed with too much money. They sent their money through their priests and bishops, I was going to say extravagantly for those days. Among the names he mentioned was one De Boucherville, who gave ten pounds, and another De Boucherville who gave five pounds, and the thought occurred to my mind, could he have been the grandfather of the hon. gentleman who seconded the amendment now before the House? I do not suppose they were far removed from him in any case. The hon. gentleman (Mr. Casgrain) went further, and described the coaling stations that Great Britain had in every part of the world, and that if Germany should attempt to go to war, having no coaling stations abroad would be forced to stay at home. I do not think the Germans will ever cross the Atlantic to take Halifax, which is well fortified and torpedoed when necessary. Suppose war should be declared by Germany, France would be with Great Britain, and would seize the oportunity to reconquer the two provinces of Alsace and Loraine that she lost during the last war.

There is nothing in modern history more creditable to a nation than the way France paid the indemnity levied on her by Germany, without going outside of its own border to borrow the money. The loyalty of the French in the province of Quebec can never be doubted, and the history which my hon. friend gave the other night would be repeated if necessary. Some sneering remarks have been made in the other House, casting a doubt on the loyalty of the province of Quebec. I think the French Canadians are as loyal as the English, Irish and Scotch in Canada, and as ready to do their part if the occasion should arise. Some remarks were made about the Fenian raids, and I heard the senior member for Halifax (Hon. Mr. Power) say that he was on duty as a volunteer at that time. I was at Halifax myself at that time. The raid was got up purposely, in order to influence the people to enter confederation. Not a Fenian came over from Boston or New York, but the people turned out, and guns were moved about, and for two or three days there was the utmost alarm. It was merely a plot contrived to influence the people to carry confederation. I was sorry to hear my hon. friend from Hastings stating very broadly that this navy is calculated to separate Canada from the empire, and make it an independent nation. I have a different view from that. I think it is calculated to unite Great Britain and the Dominion more firmly than ever. No one has reason to doubt the loyalty of our premier, and he would be the last man in Canada to suggest separation. If I thought that the tendency of building those ships would be to separate us from Britain, I would oppose it; but I repeat I regard the navy as making more for union than for separation. Suppose we should agree to give Great Britain twenty-five million dollars, what are we going to do? Are we going to remain idle ourselves? Are we going to be like the two boys who got upset in the river. One said to the other, 'Can you pray?' and the other replied, 'No.' 'Well,' said the first, 'something has got to be done, and that damn soon.' It would look childish, worse than childish, highly improper, if we were not prepared to do our part. I was sorry to hear my hon. friend from Hastings speak of this proposed navy as 'a tinpot navy.' Eleven ships, equipped with all modern improvements, may be a small navy, but we must not despise the day of small things. We must make a commencement, and with Canada's growth in population, prosperity and wealth, our navy will increase in a few years. Let us make a commencement. The hon. member from Hastings told us that Gladstone appealed to the people on the question of home rule for Ireland, and I was pleased that he approved of that method of doing things. He would have been pleased had the people of Nova Scotia been appealed to be-

fore confederation was carried in that province. I would remind the House that this Bill was carried in the Commons by a larger vote than any other question that came before that House. Six or seven members who were elected to oppose the government, supported this measure. We are going to build a navy, and here is where I agree again with the hon. gentleman from Hastings. He favours a building of the navy on this side of the Atlantic, even though it should cost more money than if it were built on the other side. Where should the ships be built? At Halifax, of course. We have there the harbour, the fortifications and the dockyard.

In preparing men for the naval course, the buildings there are of solid brick with slate covering, and would only need to be changed internally to fit them for the naval college. You would get sailors from Nova Scotia, New Brunswick and Newfoundland. If you build the ships at Quebec or Montreal, they may be tied up in the winter at the very time an emergency would require them to be ready to go to sea. Halifax has been the naval station of Great Britain for over a hundred years, and the dockyard is there. I was rather amused at the sneering remarks of Sir Montagu Allan about the smallness of the drydock at Halifax. That drydock is 598 feet long, over 80 feet wide, and 30 feet deep on the sill. It is not very long since the United States had to send one of their largest war steamers, the Indiana, there to be cleaned and painted. At that time, the United States had not a dock large enough to admit that vessel. Our dock is large enough for any merchant ship that crosses the Atlantic, and should it be necessary to use it for war purposes, it could easily be extended twenty or thirty feet. There is no part of the Dominion so well fortified as Halifax is to-day, with all modern improvements. The magazine is built underground, so that there would be no danger in time of war. We are urged to appeal to the people on this question. Well, the representatives in the other House came from the people, and their constituents read the newspapers, yet we find the largest majority for any government measure of this session was given for this Bill—a larger vote than has been given on any question since the last election. I did not hear any one taking up the Bill and discussing the Bill itself, but it refers to an Admiralty. We have the Admiralty House in Halifax, a splendid building, with everything round about it all ready for the Admiral to enter into, whenever he will be here to take charge of the ships? I do not know that I would approve of Kingsmill being the Admiral.

Hon. Sir MACKENZIE BOWELL—He is a Canadian.

Hon. Mr. ROSS—There is many a Canadian not worth a great deal. There was a young man named Hackett from North Sydney who had charge of one of the ships under the Marine and Insurance Department in the Pacific, and His Excellency the Lieutenant Governor was sailed about wherever he wanted to go by Hackett, from Vancouver. When he got back he got his secretary to write Hackett. I read the letter myself—commending him for his kindness and his attention to him on the different trips to different places that the Lieutenant Governor went to. The Admiral took charge of Hackett's ship. He got Hackett to put the coal and provisions on board. Hackett obeyed him in everything. Then he sent him ashore and said His Excellency did not want him to be in command of his ship. Now, Hackett had the letter written by His Execellency praising him for his attention to him while sailing around the coast. Now in my opinion that man is not fit to be admiral of our navy. Then you want barracks. The barracks are there already built. You only want to get the men to go into them. I must say frankly that we are going to incur pretty large expenditure and we cannot calculate just now how much it is going to be. It is like the building of the National Transcontinental Railway. It cost double the calculation at the outset. I desire to correct the statement made by the hon. gentleman from Victoria. He states that France has no navy. He is mistaken. France's present navy is equal to that of the United States, and in case of any danger from Germany they would be hand in hand with the British navy. I do not think we need be in the least alarm about a German scare, or that we shall

ever find German sailors or German troops setting their feet in British harbours or British shores with warlike intentions. In the dockyards there there are plenty of solid buildings which have been constructed by the British government where they have spent hundreds of thousands of dollars in putting the place in order, and that we would save money by having ships built in the port of Halifax where they would be near the coaling district and where they would be ready to go to sea if an emergency arose at any time.

The amendment was declared lost on division.

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

ANTI RACE TRACK GAMBLING BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into committee of the whole on Bill (6), An Aact to amend the Criminal Code.

(In the Committee.)

Hon. Mr. DAVIS—When this Bill had its second reading, we did not get much information from the hon. gentleman in charge of it Apparently, at that time, he was not able to give us the information we desired with reference to the different clauses of the measure, and for that reason we would like to have further explanation. I was just going to suggest that we should have a thorough explanation of each clause of the Bill from the hon. gentleman in charge of it. It is a very important measure, one that has received a great deal of attention in the country, and that occupied six or seven weeks in the House of Commons. Surely we have a right to a better explanation of the clauses of the Bill than we have received up to the present time.

Hon. Mr. CASGRAIN—We had better put the clauses in when we have something to discuss.

Hon. Mr. WILSON—We were to have an explanation to cover the whole Bill. We were informed that when we came into the committee stage the mover of the Bill would explain fully its nature. We are now to proceed clause by clause, and the chairman will have a perfect right to prevent us from discussing the general principles of the Bill, and he will confine us to the clause under consideration. Now, I object to that. If we are to get a full explanation of this measure we certainly expect to get it now before we take it up clause by clause.

Hon. Mr. DAVIS—Before we proceed with this Bill any further, I might inform my hon. friend that some hon. gentlemen who have amendments to move with reference to this Bill have left the House, and they informed me that they had an understanding that the Bill was not to be brought into the committee stage until Monday.

Rt. Hon. Sir RICHARD CARTWRIGHT—No, no such intimation was given.

Hon. Mr. DAVIS—I am just stating what they told me; that is all I know about it.

Rt. Hon. Sir RICHARD CARTWRIGHT—They have no business to make any such statement. I suppose a dozen different members from the House of Commons approached me to-day, my name having been on this Bill, and asked me to let it stand over till Monday, and I said no, it was the order of the House to proceed with it as soon as the Naval Bill was disposed of, and we would proceed with it in the committee stage.

Hon. Mr. DAVIS—Has the hon. gentleman any objection to give us now the information we wanted, and which we understood we were to get when we moved into Committee of the Whole? The hon. gentleman had better do it now than on the third reading.

Hon. Sir MACKENZIE BOWELL—That was understood.

Hon. Mr. DAVIS. My hon. friend, the ex-leader of the opposition, informs me that it was understood we were to discuss the principles of this Bill when we went into Committee of the Whole. We allowed it to get a second reading without discussion on that account. I would like to make some remarks, however. If the hon. gentleman from Marquette has any explanation to make about the Bill, I would like to hear him, and would then reply to him.

Hon. Mr. WATSON. There is no objection to giving a short explanation of the whole Bill. I think hon. gentleman understand the object of the Bill very well. It is for the purpose of doing away with gambling or betting on race tracks. That is the whole object of the Bill.

Hon. Mr. DAVIS. Will it accomplish that?

Hon. Mr. WATSON . Well, we expect it will. The first section, which has been read, is going to define the place where betting may take place. This Bill provides that the only place where bookmaking can be carried on is at the race track. For a number of years, the press have been condemning the system of gambling that has been carried on in different parts of Canada on the race track. We had an example last year in Vancouver, where races were conducted 43 days, in Victoria, 60 days, Windsor, 30 days, and the press, the pulpit, the judges on the bench, bank presidents, and bank managers condemned gambling practices that had taken place on those race tracks. Public sentiment has been aroused to such an extent that it has been found necessary to bring in a Bill for the purpose of restricting gambling on the race track. They have done so in this Bill. They have tried to do it without injuring the horsemen's idea of encouraging the breeding of horses. It is claimed by a number of men who are interested in fast horses that it is the best possible way to encourage the breeding of such stock by having those race meets, where tests of speed of endurance can be made. This Bill does not interfere in any way with horse racing. You can have horse races on any track in Canada, for three hundred days in the year if you wish; but it does interfere with the gambling that takes place on those race tracks. A question has been raised and has been discussed in another place, and I suppose will be discussed here, as to how far this Bill will interfere with racing on small tracks. Exception has been taken to the fact that if this Bill passes, a new track starting without a license, without incorporation or a race track association, will have to be within three miles of a town or city of 15,000 inhabitants. That is for the purpose of preventing Americans from coming over into Canada, along our border line and establishing race tracks where they might carry on a gambling process, that is prohibited practically in the United States to-day.

We know that those gentlemen who are called bookmakers have an organization which comes over to Canada and takes possession of the tracks of racing associations. They have to get license to do business, and they pay about a hundred dollars for the privilege of making books on those tracks. It is claimed—and I think claimed on good authority—that if there was not some provision inserted in this Bill to prevent such organizations from coming over and establishing race tracks all along the boundry line, there would be a system of gambling, by bookmaking carried on between here and the United States practically for six months of the year. That should be prevented, and what it is intended by this Bill. Stringent legislation has been passed on the other side, and those people are driven over to Canada. Now, we purpose that they shall not conduct in Canada those gambling operations. This Bill provides also for the closing of the pool rooms, and provides that pools cannot be sold any place now except on a race track. The doing away with the pool room is probably of much more importance even than the limiting of bookmakers privileges on the race tracks, because the pool room is the place that encourages gambling and nothing else. Few of the men who go to pool rooms and buy pools, as they have been conducted in Canada and the United States, ever see a horse race. They probably buy pools on a race a thousand miles away from where the pool room is situated. The man who wants to gamble, probably walking home from his work with two dollars in his pocket, walks into a pool room and puts a dollar on a long shot on a horse race. That is the end of the dollar; and I believe hundreds of thousands of dollars are filched from people of that class at the various pool rooms. The pool room feature will now be entirely done away with.

The time of racing is limited, because any one acquainted with horseracing knows that the extending of the time for the race meet is one of the great causes of the injury

that is done by the bookmaker, because it is well known that any person who follows a circuit has got to get some money from some place occasionally; he has got to win a race, and after a time the bookmakers get acquainted with the horses, the horsemen, and the speed of the horses, and are able to frame up a race so as to give, not the best horse, but to give practically every horse in the circuit a race, so as to be able to win a little money to pay the expenses of keeping him in the ring. I am not much of a sport, but I have gone to horse races and have observed what takes place there, and I know that that is done. I believe that by shortening the racing meets period to seven days you will have a better class of racing and a better class of horses, for there will not be time for the bookmaker to frame up his books in such shape as to enable the poorer class of horses to win money. There is no question that the shorter the time, the less opportunity for the professional bookmaker to frame his books in such shape as to rob the public. Objection has been made to this Bill because it is claimed that it will interfere with the small race tracks of the agricultural fairs where they encourage the breeding of horses, and have contests of speed. Now, so far as the west is concerned, and that is the only place it can affect, I venture to say that the class of people living in the western country to-day, while they enjoy seeing a horse race, and enjoy and encourage speed contests, do not wish to introduce the gambling element into those agricultural societies. Ontario and Quebec will not be so affected, because practically every town or place that has a population large enough to have a race track, has one practically established to-day. In Manitoba, we have a model Bill for the incorporation of agricultural societies, and from the evidence we have through the press, and in other ways, I observe that they are satisfied with this Bill now before us as amended.

Hon. Sir MACKENZIE BOWELL—Do they prohibit horse-racing at the agricultural fairs in Manitoba?

Hon. Mr. WATSON—No. Exactly the contrary. I was just going to explain

Hon. Sir MACKENZIE BOWELL—They do in Ontario, you know.

Hon. Mr. WATSON—Yes, but they don't in Manitoba. As a matter of fact, in Manitoba they rather encourage a horse-race meet at the agricultural fairs. They do not have the fall fairs as you have in Ontario. We have the summer fair in the holiday season, and, as a rule, the fair is arranged so that the circuit horse race meet takes place at the same time as the fair. In several incorporation Acts that I have looked up and got information from about Manitoba, they have practically a model Bill there for the purpose, and in incorporating agricultural societies they provide for holding the agricultural fairs for the usual purposes, and in addition for contests of speed, for speeding horses, which of course will take in the races. I am sure that none of those agricultural societies will suffer on account of this Bill, even if in some places they wish to give a license to a bookmaker. As to this cry over the small agricultural society, where they may have race-meets, not ten per cent of the members of the agricultural societies would ask for the privilege of giving a bookmaker a license if they knew what his operations were. In those small places where an agricultural association might be deprived of having the right to grant a license to a bookmaker for making books at the races, if they knew the operations that were to be conducted under such licenses, they would not wish the bookmaker there at all. I do not know that there is any further explanation necessary. The general terms of this Bill are well known. It has only one object; that is, to prevent the bookmaker and the operation of gambling on the race track, not to interfere with horse racing at all. As I said when introducing this Bill a few days ago, the Bill is a compromise measure. It does not bind this House, but is in the nature of a treaty as between the opponents and the promoters of the Bill. It is not as drastic as the Bill was when introduced, known in the House of Commons as the Miller Bill; it is a compromise. I understand it is acceptable to the leaders who are in favour of the reform of stopping the bookmaking and stopping gambling. I understand it is also acceptable to

nearly all the horsemen on the race track, men who are interested in racing horses. I hear very few objections from them. I know there are objections from some who are not in the association, men who have half-mile tracks, but are not in the circuit, and where they wish to have the bookmaker operate; and they claim they cannot get sufficient horses for a seven days' meet. I think there are only one or two complaints of that kind; there is one track in Ontario, and one in Quebec, and one in the city of Montreal. These people may suffer, and have to suffer on account of this Bill; but I do not think there is any question that the conditions of the measure must commend themselves to every well-thinking man in the Senate and in the country, because there is no question at all that the evils which have arisen from the encouragement of gamoling by the bookmaker and the poolseller must be apparent to every well-thinking man in the Senate and in the country, because there is no question that the encouragement of gambling by the bookmaker and the poolseller has done a great deal of injury to many young men of Canada. That has been demonstrated, I think, from the evidence we have had through the press and elsewhere; and that being the case, I don't think we can engage ourselves in better legislation than in passing this Bill as it is now before us.

Hon. Mr. DAVIS—I listened with a good deal of attention to the explanation given by the hon. gentleman who has charge of this Bill, but I think he has dodged all around the question and has not touched the vital points of the Bill. I have given my opinion before of this class of legislation, and I repeat that it is vicious legislation, that we should not pass. Surely in the 20th century, people have some rights. My hon. friend has given us an idea that we should stop gambling; but when I asked him whether this Bill will stop gambling, he cannot answer my question. I claim that this Bill does not stop gambling, for it allows a certain class of people, in certain portions of the country, to gamble as much as they please, while in other parts it does not permit them to gamble. I venture to say you could not find such a piece of legislation as this on the statute book of any civilized country in the world? You say that gambling is bad, that it should be stopped, and yet you are granting a certain class or associations of men in certain parts of the country a monopoly of the gambling business. Race track people are one hundred per cent better off now than before this Bill was brought in at all, for then you had free trade in gambling to a certain extent; but now these gentlemen, and only a few tracks in the country, have an actual monopoly. They can say to a man who wants to make a book, 'You will pay us $500 or $600 or $700—as the case may be—to get inside this fence to carry on this illegal business; if you don't do it you can't do business at all.' As it was before, the bookmaker could go outside the fence and do that sort of business. Now it is all confined to certain parties and those gentlemen are going to be the beneficiaries. If that is doing away with gambling, I would like to be informed on that subject.

Hon. Mr. WATSON—It is limiting it.

Hon. Mr. DAVIS—My hon. friend tells about the class of men that came in from the other side of the line, gamblers, and disreputable characters, that were flooding the country; that they should not be allowed in the country, and all that sort of thing. If this Bill becomes law, he will find that very same class of gentlemen flourishing like a green bay tree. It appears to me to be the height of absurdity to say that inside an inch board fence it is not a crime to do a certain thing, but if another man does the same thing outside the inch board fence, he becomes a criminal and is liable to a year in jail and a thousand dollars fine. If this gambling that my hon. friend talks about is wrong, we should stop it entirely inside the racecourse as well as outside the racecourse. Why should a few people in the city of Toronto, and certain other parts of the country, enjoy privileges that are denied to their fellow citizens elsewhere? One of the clauses of this Bill provides that if there are fifteen thousand people in a town or city, one can commit all these criminal acts; he can gamble or bet; but if it is a place of only five thousand people one must

not gamble. That is, they want to make the small towns good, by this Bill; but there can be freedom to gamble in the larger places. If that is good legislation, I would like to be informed on the subject. I have heard in this House and in the other House certain gentlemen always talking about provincial rights; but I don't see any of those gentlemen in evidence to-night. If provincial rights should come in any place they should come in here. It was not necessary for these gentlemen to come here for an amendment to the Criminal Code such as this; they should have gone to Mr. Whitney and to the legislatures of Quebec and Saskatchewan and got legislation with all these things in it. It would be just as logical for us to amend the Criminal Code and say that the people who run the Russell House, if they don't close their bar at twelve o'clock at night, would be liable to fine or imprisonment, or provide that if a pound-keeper did not close his pound at a certain hour, he would be liable to a year's imprisonment and a thousand dollar fine. You could load up the Criminal Code with matters of that kind. That is not the beginning. We had a sample of it in the Lord's Day Act, which is simply an Act of persecution. I know of a woman out west who had two or three diapers hung on a line, and a policeman who saw it was going to arrest her, because these gentlemen of the Lord's Day Alliance had instructed the policeman that work of every kind should be put a stop to on Sunday. In the city of Ottawa, an order has been issued that gum boxes shall be removed from the corners of stores and put inside the shops for fear some person might put a cent in the slot and get a piece of gum on Sunday. Where is this sort of legislation going to end? We are not likely to see the end of it till these gentlemen come down with legislation to make it a criminal offence to have a man stay away from church.

Hon Mr. YOUNG—That might be a good provision.

Hon. Mr. DAVIS—Then you have restrictions on the right of the press. There is one clause of this Bill which restricts the press, and they are not permitted to publish things in a paper that nobody considers a crime. Of course, it is wrong to publish obscene matter; but if a man publishes race-track news he is liable to a thousand dollar fine and a year in jail.. We manufacture crimes wholesale, and the end is not yet. You might just as well start in with the license system and say, 'We will enact certain provisions in regard to the license system creating certain crimes.' There would be just as much sense in that. I find in the first clause the word 'place' is inserted. My hon. friend mentioned the word, but did not give us the definition. What is the meaning of that word? If a man stands up on a soap box it is a place; or if he is under an umbrella it is a place. My bedroom is a place. If my hon. friend and I were to make a bet in my bedroom, we would become criminals and be liable to one year's imprisonment and a thousand dollar fine; and the charwoman that cleans up the room would be liable also, because anybody who takes care of a place where betting is done is guilty, although the poor woman would know nothing about it. If a friend hands me fifty dollars and says, 'Keep this for me,' he is liable. The word knowingly has not been inserted. By this Bill we grant a monopoly to gentlemen who are in this gambling business. I do not know how to reconcile the provision that it is a crime to do something on one side of the fence and not a crime on the other. A crime in the kitchen, but not in a woodshed. A crime to take a drink in the Windsor but not in the Russell House. If those people want to do away with gambling, why do they not go to the bazaars, where patrons are invited to put in a quarter and get a grab? If we stop gambling in one instance we should stop it all the way along the line. These gentlemen have advanced the idea that gambling was necessary on the race-track in the interest of horse-breeding: in other words, they want to get a larger revenue, and they have been granted a monopoly. I have been given to understand that the Toronto Racing Association have property at the Woodbine race track worth half a million, and producing an enormous revenue, and if this Bill goes through it will double their revenue. If this legislation had been carefully prepared

we should have provided that a portion of the revenue that the association were taking out of the pockets of the people who attend the races, and a portion of the money received from the bookmakers would be set aside to promote this horse-breeding about which so much evidence was given in the other House.

If I had framed the Bill, I would have suggested that ten per cent of the earnings at these tracks should be handed over to the province to promote horse breeding, I do not see why the horse-racing associations should be given a monopoly and allow them to keep all the proceeds of it; some of it should be handed over to promote the breeding of high class horses in the province. Evidently the Bill was prepared for Toronto and Hamilton. In the district I represent, we have turf clubs, but they do not own the tracks; they belong to the agricultural society, and under this Bill if the association does not own the track they cannot use it. In the city of Saskatoon, with a population of about eleven thousand, they have a magnificent track belonging to the Agricultural Society, I have the poster in which they advertise the races for this year, and I find that the bill is out for the Saskatoon fair to be held in August under the auspices of the Agricultural Society. They own the track, and have gone to a large expense to put everything in shape, and whatever revenue they receive they have to use to pay off their indebtedness. They have been getting a certain amount of revenue from the bookmakers, which this Bill will prevent. If they had said, 'In the interest of the public and of morals, we will do away with the whole thing,' there would not have been so much objection. But here they say that an agricultural society in the west cannot have the same privileges as are granted to associations in Toronto and Hamilton. The people of the west will not take kindly to such a proposition. In Prince Albert, we have a driving club, but the track belongs to the society, and under the provisions of this Bill they could not allow bookmaking on the track. Why should not five thousand people have the same rights as 15,000 people?. Evidently the promoters of the Bill never looked beyond the four corners of Ontario. If each province were permitted to take up the question for themselves, we might have suitable legislation; but we are not allowed to do that. If the gentleman who promoted this Bill in the first place—I do not know whether this is the Miller Bill, the McCall Bill or the Dewart Bill—had consulted the people all over the country, if they were bound to load up the Criminal Code, they would have produced a better Bill than this kind of stuff. If each province had dealt with this question, as the provinces should have dealt with it, there would have been no trouble about it. If the people of Saskatchewan want betting on their tracks they should have it. How many people in this country look upon betting on a race track as an offence? Very few. Parliament has been stampeded into this legislation by a flood of petitions; but when you analyse the petitions you find that there are not many names on them, and most of those who do sign such petitions would as readily sign petitions on the other side. The members of the Lord's Day Alliance just handed down the petitions among their friends and got people to sign them in that way, but you never hear of any agitation in the country for legislation of this kind. A couple of gentlemen come down here at the beginning of the session to lobby for the legislation, and this Bill is the result of their work.

Hon. Mr. WILSON—I suppose they are paid for it.

Hon. Mr. DAVIS—No doubt they are. I have a lot of amendments to move to this Bill, but I suppose it will be impossible to get them. I claim that where an agricultural society owns a track that society is an association, and if you cut out racing they are denied the privileges granted to other people.

The clause was adopted.

On clause 3.

Hon. Mr. WILSON—This clause deals with betting, pool-selling and book-making. Sub-clauses F, G and H may interfere very materially with the press. Suppose there is a race in New York, and the Canadian press publish reports of it, as they

usually do, the clause would make it an offence, subjecting the reporter or the newspaper to a penalty.

Hon. Mr. SPEAKER—That has nothing whatever to do with it. The person employed must be one who is connected with a common betting house.

Hon. Mr. DAVIS—Any place where you make a bet may be regarded as a betting house.

Hon. Mr. SPEAKER—Oh, no.

Hon. Mr. WILSON—If I secure somebody to report a betting transaction, I am liable, under this clause, to a fine. The clause is dangerous, and no newspaperman would feel safe in reporting a horse-race. With the doubts existing as to the probable effect of this Bill, I think we had better wait until we have an opportunity of looking over it.

Hon. Mr. WATSON—The hon. gentleman will be interested to know that this is the existing law, and the clause merely applies the Act which is on the statute-book now to bookmaking.

Hon. Mr. DAVIS—Then what is the object of re-enacting the existing law here?

Hon. Mr. SPEAKER—The change is in subclause 2.

Hon. Mr. DAVIS—If I want to make a bet while standing on a soap box, that can be regarded as 'a place.'

Hon. Mr. WATSON—The hon .gentleman cannot do an illegal act on a soap box or anywhere else. He cannot sell pools or make books, even when he is standing on a soap box.

Hon. Sir MACKENZIE BOWELL—It seems to me the clause is wide enough to prevent gambling in any place used for that purpose.

The subclauses were adopted.

On subclause 2.

Hon. Mr. DAVIS—My hon. friend has just told us that you must not commit an offence against this Act even on a soap box. I should like to know why this Bill permits an act to be done on one side of the race track fence without infringing the law, when it would be an offence if done on the other side of the fence. Does the hon. gentleman think that is good legislation?

Hon. Mr. WATSON—I do not think the hon. member from Prince Albert is serious in taking up the time of the House in this way. The Bill provides that certain things can be done in a certain place under this Act, and the House of Commons has so decided by passing the Bill,—and I trust the Senate will decide in the same way. People who are going into certain things that are perhaps a little shady and require a license to do them, must do them in certain places, and this Bill decides that the place shall be on a race track with an inch board around. They can stand on a soap box inside the place if they wish and do crime, but he cannot do it outside.

Hon. Mr. DAVIS—You might as well legalize stealing, and say that a man can steal inside a fence, and it will not be a crime, but he cannoot do it outside.

Hon. Mr. WATSON—The hon. gentleman knows that almost everything that requires a license has to be regulated in a certain way, and if bookmakers are going to be tolerated at all, they will only be tolerated on the track and not on the street. It is the same principle as that on which the liquor law is administered. A man gets a license to sell liquor.

Hon. Mr. DAVIS—Where does he get the license?

Hon. Mr. WATSON—From the provincial authorities.

Hon. Mr. DAVIS—Why not get this Bill from the provincial authorities?

Hon. Mr. WATSON—The hon. gentleman is getting away from the question. You only obtain a license to keep a hotel in a certain place, and to sell in certain parts of that hotel during certain hours. This Bill regulates the betting in the same way. This is not a new matter. The English law known as the Page Act says that every one

is guilty of an offence who frequents or loiters on a street on behalf of himself or any other person for the purpose of bookmaking wagering or agreeing to wager, or paying or receiving bets, and so on. The clause the hon. gentleman criticises has been on the statute-books for years. Parliament has seen fit in its wisdom to apply the Criminal Code to bookmakers, and to limit the time and place at which these gentlemen can make books. The hon. gentleman makes light of the petitions presented. I do not think the tens of thousands who signed those petitions did so for fun.

The CHAIRMAN—This is not discussing the clause.

Hon. Mr. WILSON—They say this law has been in existence for a long time; but we find that it starts out with the statement that this section is repealed. If repealed it cannot be in existence. The word 'place' is used in subsection two, and it includes any place whether inclosed or not, whether used permanently or temporarily. If two people get together and make a bet, the place is certainly being used as a betting place and they are violating the law. We are reviewing something which has been repealed, and I think it should be explained.

Hon. Mr. DAVIS—My hon. friend mentioned the fact that people are restricted in the sale of liquor to certain places and buildings and certain rooms. That is very true; but I do not think that if my hon. friend searches the four corners of the Criminal Code he will find anything about confining the sale of liquor to certain rooms, or anything of that kind. He might as well place it in the Criminal Code also. That is regulated by the provincial law. I have not been able to get that word 'place' into my head. It might include a man's bedroom, and I do not think it wise. An Englishman's room is his castle.

The subclause was adopted.

On subclause (e) of clause 2,

(e) being the owner or other person in control of premises occupied or used as a disorderly house, knowingly allows any contrivance whatsoever upon the said premises for the purpose of preventing, obstructing or delaying the entry of any constable or officer authorized as aforesaid into any such disorderly house, or any part thereof.

Hon. Mr. DAVIS—I want an explanation. Do they mean bombshells or what? There is a provision in the Criminal Code, that any one who prevents an officer duly authorized from entering a disorderly house or any common gaming house by any contrivance of this kind is guilty of an offence. It seems to me that everything is covered by section 230 of the Criminal Code.

Hon. Mr. WATSON—If it is covered, there is no harm in it.

Hon. Mr. LOUGHEED—Under the present Act, the placing of a contrivance to prevent the entrance of a constable is not provided for. The using of a contrivance is provided for. I suppose it never occurred to the fertile mind of parliament that it was necessary to enact the provision against the placing of such a contrivance.

The clause was adopted.

On clause 3.

3. Section 235 of the said Code is repealed and the following is substituted therefor:

235. Every one is guilty of an indictable offence, and liable to one year's imprisonment, and to a fine not exceeding one thousand dollars, who—

Subsection (c),

(c) becomes the custodian or depository of any money, property or valuable thing staked, wagered or pledged in any case or transaction in which such staking, wagering or pledging is itself contrary to the provisions of this Act; or,

Hon. Mr. DAVIS—I think we should insert the word 'knowingly' before the word 'becomes'. Any person who might receive fifty dollars from me and another gentleman would be liable to prosecution.

Hon. Mr. LOUGHEED—It would have to be done knowingly. That is the law as it is at present.

Hon. Mr. DANDURAND—Does it not seem pretty clear that when a party is asked to receive a deposit for a wager, that he is told to whom he will have to pay it,

and the event must be stated to the party so that he will know whether he has to pay it to A or B. That is the reason why the third party is asked to hold the money.

Hon. Mr. DAVIS—I want to ask the hon. leader of the opposition, supposing two gentlemen came along and said to me: 'Will you keep this fifty dollars for the week', and did not give me more information——

Hon. Mr. LOUGHEED—That would not come under the Act.

Hon. Mr. McHUGH—Subsection two shows that such private betting is not unlawful.

The subclause was adopted.

On subclause (d),

(d) records or registers any bet or wager, or sells any pool upon the results,—
(i) of any political or municipal election;
(ii) of any race;
(iii) of any contest or trial of skill or endurance of man or beast.

Hon. Mr. ELLIS—It seems to me to be a very severe law. I am afraid I have violated the law several times. One year's imprisonment or a fine of a thousand dollars if a man bets on an election is rather drastic.

Hon. Mr. KERR—It is exactly the present law.

Hon. Mr. ELLIS—The prisons are full of people put in for trifling offences. The Moral Reform Society have put them there. There are moral reform societies for the purpose of getting them out, and establishing homes in which they can be taken care of and started on the right track.

Hon. Mr. LOUGHEED—Which track does the hon. gentleman refer to?

Hon. Mr. ELLIS—There is a row between the Minister of Justice and one of the great newspapers, because of the exercise of some pardoning power which he has for offences of this kind for which the punishment is severe. I do not think we should continue that fine of a thousand dollars for betting on elections.

Hon. Mr. KERR—It has been added to the Criminal Code. It is one of the means for securing a pure election. It is a common way of bribing.

Hon. Mr. DAVIS—Would it not be well to make provision for municipal elections?

Hon. Mr. KERR—That is the old law—provincial or municipal elections.

Hon. Mr. WATSON—I think it refers to pool-making or book-making on elections.

Hon. Mr. KERR—It is adding pool selling to the election law. Up to the present time, we are simply re-enacting the law and it is being re-enacted for the purpose of adding a subsection which does not deal with book-making.

Hon. Sir MACKENZIE BOWELL—My hon. friend in charge of the Bill, states that this applies only to book-making.

The CHAIRMAN—That is a mistake.

Hon. Sir MACKENZIE BOWELL—There is no question that it is a common way of influencing a man's vote in an election.

Hon. Mr. ELLIS—In order to punish a crime of that kind, you may strike some one else.

The subclause was adopted.

On subclause (f),

(f) advertises, prints, publishes, exhibits, posts up, sells or supplies, or offers to sell or supply, any information intended to assist in, or intended for use in connection with, book-making, pool-selling, betting or wagering upon any horse-race or other race, fight, game or sport, whether at the time of advertising, printing, publishing, exhibiting, posting up or supplying such news or information, such horse-race or other race, fight, game or sport has or has not taken place; or,

Hon. Mr. DAVIS—That is the clause restricting the powers of the press, and it makes it a criminal offence for any person to advertise, post up, supply or sell, which means if any newspapers publish information about certain things they would come under provisions of this section of the Code. I would not like to see my friend the editor of the 'Toronto Globe' picked up in the patrol wagon and carted off to jail. Mr. Miller said it was not in-

tended to apply the clause to newspapers, but I would ask any lawyer if it is not ambiguous. It might put people to a lot of trouble. Mr. Miller might be in Africa, and this amendment embalmed in the Criminal Code. I suggest the following amendment, by adding these words thereto:

The provisions of sections 2, 3 and 5 shall not apply to newspapers publishing as a matter of news anything regarding any horse or other race, fight or sport, or any political or municipal election.

Hon. Sir MACKENZIE BOWELL—It seems to me that that clause only applies to the advertising or publishing of any information that relates to pool-sellers.

Hon. Mr. WATSON—That is all.

Hon. Sir MACKENZIE BOWELL—If that be the case, I can see no possible objection to it, because a great deal of injury is done by filling the columns of the newspapers with advertisements which would be inducements to persons betting and engaging in this pool-making business. Plenty of money is roped in by the newspapers by publishing that kind of information. I do not understand that this clause prevents any newspaper from giving an account of a race, or publishing races or advertisements of races that are to take place at some future time, or to give any information relating to the races after they are run; it is simply for the purpose of preventing advertising which leads to gambling on races.

Hon. Mr. WILSON—I think my hon. friend from Hastings is mistaken as to that clause. He will find that if any one in his office sent out information about races that have taken place, say to London or to some other part of the Dominion, he would be liable to a fine of $1,000 and be imprisoned. It is giving information upon which bets may be made or pools may be sold, and other information that my learned friend would advertise. We find that all over there are men who employ themselves in obtaining information about races from other parts.

Hon. Mr. LOUGHEED—Would my hon. friend approve of the press using information to assist in or intended for use in connection with book-making, pool-selling, betting or wagering? It must be expressly with the intention of assisting the book-making, pool-selling, betting or wagering upon horse-races, &c.; that is expressly stated.

Hon. Mr. DAVIS—But who is to decide about the intent? The onus of proof is on whom? You may be pulled up and say that the intent was so and so.

Hon. Mr. LOUGHEED—The person laying the charge would have to establish the intent.

Hon. Mr. WILSON—Suppose the book-making or printing took place in New York, and it was information sent from New York to a printer here, and my hon. friend would publish it. That publication would be utilized for information by the parties here, and if they are benefited by the information that had been published in my hon. friend's paper, for it would give them an advantage and enable them to gain a point, my hon. friend would find, perhaps, that he would be committed or fined $1,000.

Hon. Mr. DAVIS—I would draw attention to this, that while we ourselves may consider this does not interfere in any way with the papers, still we should make it quite plain. Evidently the newspaper people of the country are nervous on account of this clause, for they do not know just where they stand. Is there any reason why the Senate should not make the language so plain that an ordinary person could understand it?

Hon. Mr. WATSON—You understand it all right.

Hon. Mr. DAVIS—No, I do not; nobody understands half the clauses of that Bill. One of the newspaper men from Toronto has written me speaking of the ambiguous wording of subclause (f) and he refers to pages 7425 and 7426 of the 'Hansard', where Mr. Miller, in replying to questions put by Mr. J. A. Currie, M.P., stated emphatically that this does not apply to the newspapers or to newspaper publishers

or writers who may print the customary racing intelligence for the benefit of their readers. While Mr. Miller said the language used here is intended for bookmakers, the clause in question is very ambiguous and might give some overzealous parties an opportunity to harass an unfriendly newspaper publisher; therefore, this newspaper man who writes respectfully suggests that an amendment be introduced making the language perfectly clear. Is there anything wrong about making it perfectly clear?

Subclauses (g), (h) and (i) were adopted.

On subsection (2),

Hon. Mr. WILSON—If I am in my office and receive a telephone from persons who want to know the result of a race, would I be liable to a fine or imprisonment under this section? If my hon friend Sir Mackenzie Bowell should want to publish in his paper the incidents of a horse race, he could not get a telephone message or telegram, and, according to this clause, he would have to do without publishing the information.

Hon. Mr. McHUGH—I would call attention to the two classes of horses mentioned in this Bill, saddle horses and carriage horses. It would be unfortunate if it should go out that parliament has not as great an interest in the harness horses as it has in the saddle horses. They are both almost indispensable to the country, but if there is any greater value in one than the other, I should say the greater value is in the harness horses, because 90 per cent of the horses of the country are harness horses, whereas not ten per cent of them are used for saddle. If it were not so late in the session, I am satisfied this Bill would not be allowed to go through in this form; and if it is found to militate against the harness horse, as I believe it will, there should be a very reasonable demand made at the next session of parliament to have this clause repealed and to place the harness horse on the same footing as the saddle horse in reference to racing. They have overlooked the point in regard to the breeding of harness horses in this country, and I hope that the two classes of horses will be put on an equal footing.

Hon. Mr. DAVIS—Where races are arranged for three days or seven days, it is necessary to get out programmes in order to secure the attendance of the people from a long distance, who will bring their horses for the purpose of racing. These people may come hundreds of miles. Supposing it should rain on one of the days fixed for the meet. You have the people and the horses there, but the track will not be in condition for the races, and those people, after having come, at an enormous expense, must go home because there is no provision in this Bill to allow them to complete their programme.

The CHAIRMAN—The clause says 'more than three days.'

Hon. Mr. DAVIS—Continuous days.

Hon. Mr. LOUGHEED—No, the days are to be 'in any one calendar week.'

Hon. Mr. DAVIS—When I was discussing this clause (2) ' any person. by reason of his becoming a custodian, &c., I was told that it provided that any one accepting money, not knowing what it was for, would be liable under this Act. I was told there was provision in section (2). Now, here is the provision and it does not apply to that at all. I do not think that is provided for at all.

Hon. Mr. WATSON—The other provision is for an unlawful race.

Hon. Mr. DAVIS—But suppose a man was holding money on an unlawful race—supposing I were standing on the street and somebody came and asked me to hold $50 for him?

Hon. Mr. LOUGHEED—It would have to be for a particular purpose.

Hon. Mr. DAVIS—I have already alluded to the fact, that in our part of Canada the agricultural societies own the race-track and the racing associations do not own race-tracks. I have had legal opinion that if a racing association does not own a track it cannot use a track.

Our agricultural societies are all incorporated. If you strike out the word 'racing', it would admit agricultural societies. There is no place in our province where we have enough people to avail ourselves of the privileges granted to large centres.

Hon. Mr. WATSON—For the time being, the agricultural societies track becomes the property of the racing association.

Hon. Mr. DAVIS—I have had the best legal opinion in the country on that point, and I am told that is not so. I therefore move that the word 'racing' be struck out of the clause.

The amendment was declared lost.

Hon. Mr. DAVIS—If my amendment had carried, I would have been satisfied. I ask now to make another amendment. I move that the words 'fifteen thousand' be struck out, and that the words 'one thousand' be substituted. That would remove a very objectionable feature from the Bill, and make it more general in its application.

The amendment was declared lost.

Hon. Mr. DAVIS—An argument has been used in favour of this Bill that it is absolutely necessary to allow book-making on the ground for the purpose of increasing the receipts, so that good prizes may be given, and in this way the breeding of race-horses encouraged. I have pointed out that this Bill gives a few people a monopoly. Under this legislation, they will have much larger receipts than they get now. As they have advanced the argument that book-making is necessary for the encouragement of horse-racing, I move the following as a proviso to be added at the end of the Bill:

Provided also that ten per cent of the total takings at any race-meeting be paid within thirty days after the holding of such race-meeting to the provincial treasurer of the province where such race-meeting shall be held, to be applied to the encouragement of horse-breeding within such province.

This is nothing new. It is done in other countries. Some of the money is used for charity, and some of it for encouraging horse-breeding. The racing associations in Toronto are making a large amount of money. They profess that one of their objects is to encourage horse-breeding, and I am sure that they would not object to this amendment.

The amendment was declared lost.

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

Hon. Mr. WATSON moved the third reading of the Bill.

Hon. Mr. DAVIS moved in amendment, that the Bill be not now read the third time, but that it be amended by adding the following words at the end of subsection 2 of clause 3:

Provided also that ten per cent of the total takings at any race-meeting be paid within thirty days after the holding of such race-meeting to the provincial treasurer of the province where such race-meeting shall be held, to be applied to the encouragement of horse-breeding within such province.

Hon. Mr. WILSON—I object to the Bill being read the third time now.

Hon. Mr. CASGRAIN—All the rules have been suspended.

The House divided on the amendment, which was rejected by a standing vote.

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

BILLS INTRODUCED.

Bill (No. 206) an Act respecting escheates.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 207) an Act to amend the Judges Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 209) an Act to amend the Canada Temperance Act.—Rt. Hon. Sir Richard Cartwright.

Bill (No. 217) an Act to amend the Prisons and Reformatory Act.

The Senate adjourned to eleven o'clock to-day.

THE SENATE.

SATURDAY, April 30, 1910.

The SPEAKER took the Chair at Eleven a.m.

Prayers and routine proceedings.

NAVAL SERVICE BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (No. 95) an Act respecting the Naval Service of Canada.

(In the Committee.)

On clause 6,

Hon. Sir MACKENZIE BOWELL—Does this clause mean that a deputy head for this department will be appointed in addition to the deputy head of the Marine and Fisheries Department?

Hon. Mr. DANDURAND—That means another deputy head.

The clause was adopted

On clause 9,

9. There shall be appointed an officer, not lower in rank than Rear Admiral, to be called the Director of the Naval Service of Canada. If a suitable officer of such rank is not available then an officer of the rank of captain may be appointed, who shall have the rank of Commodore of the first class.

2. The Director of the Naval Service of Canada shall, subject to the regulations and under the instructions of the Minister, be charged with the direction of the Naval Service.

Hon. Mr. LOUGHEED—I should like to know what the intention of the government is as to the appointment of a Rear Admiral? Will it be obligatory that he shall have served a certain length of time in the British service, or what qualification will be required of him?

Rt. Hon. Sir RICHARD CARTWRIGHT—It was thought expedient, and I think my hon. friend will agree with me it is expedient, that in the initial stages, while creating our navy, the officers in chief command should be men of experience, and with a certain rank in the British service. We could hardly have an officer of much less rank than Rear Admiral. A commander might do.

Hon. Mr. LOUGHEED—Have any regulations been promulgated yet concerning the appointment of this officer?

Rt. Hon. Sir RICHARD CARTWRIGHT—None other than that he should be an officer in the British service, of that rank. That is the only qualification known. Of course, we will consult with the admiralty with respect to the best officers to be appointed. Much as we have done, and as I believe our officers did with respect of the appointment of the Commandant of the Royal Military College, for instance, he, as my hon. friend knows, is usually an officer of considerable position in the British service. At first it is desirable, I think, as we have no officers in our service who could possibly be considered as experienced men in naval affairs, we should have officers from the British navy.

Hon. Mr. LOUGHEED—Is it the intention of the government to appoint a Rear Admiral at once, or to await the building of the ships, or put him in charge of the ships already owned by Canada?

Rt. Hon. Sir RICHARD CARTWRIGHT—I think it is probable he will be appointed within a reasonable space of time; but that is under consideration. We have at present only two ships, the 'Rainbow' and 'Niobe', at our disposal; but we shall shortly increase the number.

Hon. Mr. LOUGHEED—Is it the intention of the government to appoint a special designer for this department, or get designs from England?

Rt. Hon. Sir RICHARD CARTWRIGHT—I think the government will obtain designs from England. The British government, as hon. gentlemen probably know, have very elaborate designs for the several classes of vessels in the British service, which are quite numerous. It would be our interest and duty to see that the vessels we construct are in all respects made equal to vessels of the same class in the British service. There will be no

difficulty at all about that if they are built in England; if they are built here we would certainly employ the designs used by the British admiralty.

The clause was adopted.

On clause 10,

10. The Governor in Council may appoint a Naval Board to advise the Minister on all matters relating to naval affairs which are referred to the Board by the Minister.

Hon. Mr. LOUGHEED—May I ask my right hon. friend what the constitution of that board would be, or what are the views of the government as to who should constitute it? I suppose we shall have a first lord of the admiralty, and junior lords of the admiralty.

Rt. Hon. Sir RICHARD CARTWRIGHT—No, I think that, anxious as we may be to rank as a sea power, we shall not go into the business of having first lords and second lords or third lords or fourth lords of the admiralty, for some little time to come.

Hon. Mr. MACDONALD—The Lord knows who we will have. We don't know.

Hon. Mr. ROSS—The less you have to do with lords the better; that is, lords temporal, I mean.

Rt. Hon. Sir RICHARD CARTWRIGHT—This board will be constituted somewhat after the fashion of the Militia Council, or at least the Council for Defence, which is at present acting as adviser to the Minister of Militia. In various ways this Bill, as the hon. gentleman will see, is modelled on the Act which regulates our military affairs, and this will be made to a considerable extent on the same model.

Hon. Mr. LOUGHEED—I suppose the council will consist chiefly of naval officers?

Rt. Hon. Sir RICHARD CARTWRIGHT—Oh yes, that is the intention.

The clause was agreed to.

On clause 12,

12. The Governor in Council may authorize the engagement of officers and seamen in the naval service upon such terms and conditions as may be prescribed, and may from time to time fix the maximum number that may be so engaged.

2. Every officer and seaman shall take and subscribe the following oath upon engaging to serve in the naval service:—

'I, A.B., do sincerely promise and swear (or, solemnly declare) that I will be faithful and bear true allegiance to His Majesty.'

3. Such oath may be administered by any commissioned officer in the naval service.

Hon. Mr. ROSS (Halifax)—I was going to remark on this item that it would be necessary that the wages given would be equal to what are given to-day in the United States, otherwise the seamen would be very apt to run away to where they would be better paid than with us.

Hon. Mr. LOUGHEED—Have a string on them.

Hon. Mr. DERBYSHIRE—They do not run away very swiftly.

Rt. Hon. Sir RICHARD CARTWRIGHT—Due care will be taken, no doubt, to see that fair remuneration is given to the officers and seamen.

The clause was agreed to.

On clause 16,

16. Any person who has voluntarily engaged in the naval service shall be entitled to be discharged at the expiration of the time of service for which he engaged, unless such expiration occurs in time of emergency, in which case he shall be liable to serve for a further period of not more than twelve months, and for such further service he shall not be entitled to any increase of pay unless, in the opinion of the Governor in Council, the circumstances of the case and the conduct of the person concerned merits it.

Hon. Mr. LOUGHEED—Can my hon. friend say what the conditions of service will be?

Rt. Hon. Sir RICHARD CARTWRIGHT—In what respect?

Hon. Mr. LOUGHEED—Length of service for instance.

Rt Hon Sir RICHARD CARTWRIGHT—I think that is prescribed a little further on. If the hon. gentleman looks at clause 21, he will see the general idea as to those engagements.

Hon. Mr. LOUGHEED—No, that does not provide for the normal term of service.

Hon. Mr. KERR—Clause 29 provides for that.

Rt Hon Sir RICHARD CARTWRIGHT —Clause 29 provides as follows:

29. Every naval volunteer shall be engaged for a term of three years and, provided his conduct and qualifications are satisfactory, shall be eligible for re-engagement for further periods of three years up to the age of forty-five years; at the expiration of each term he shall be entitled to his discharge, save as hereinafter mentioned.

If I recollect right, in the British service, though some of the hon. gentlemen here may be better informed, they do not engage the crews of the ships for an indefinite period I think they are engaged but for a moderate term, and are paid off when the ship, after its cruise, returns to the port, in case of long voyages.

Hon. Sir MACKENZIE BOWELL—Clause 49 provides the time and also the pay, and clause 16 provides the continuance for a certain length of time in case of emergency.

On clause 18,

18. Officers of the naval service shall provide their own uniforms and equipment, with the exception of officers of torpedo vessels and of the submarine service, to whom special clothing may be issued as prescribed.

Hon. Mr. ROSS (Halifax)—I was going to remark that it was rather hard on the officers that at the outset they would have to provide their own uniforms. They might not be, like some of us, very flush in means, and after they were engaged they would have to pay for their uniforms themselves. I remember when, under the Militia Act of Nova Scotia, I had to provide my own uniform and saddle cloth, which was quite a large amount at that time.

Rt. Hon. Sir RICHARD CARTWRIGHT —The saddle cloth more particularly. The point which the hon. gentleman brings up should receive attention. I may remind him that we have not as yet provided for the uniforms of the officers, either of the permanent force or of the active militia, and we could not very well make an exception in the case of the naval officers, unless we are prepared to consider the other question, which is a pretty large one.

Hon. Mr. LOUGHEED—How is it done in England? Are the officers compelled to provide their own uniforms?

Hon. Mr. MACDONALD (British Columbia)—Yes, that is so.

Rt. Hon. Sir RICHARD CARTWRIGHT —I have always regarded it as a pretty expensive tax, and, personally, I would be very glad to see much more liberal allowances made to the officers of the other permanent force, or the militia, in the matter of assisting them in the matter of uniforms; but that has not been the policy, as far as I know, of the British government in any case, and has not up to date been our policy at all.

Hon. Mr. KERR—The great difficulty is that the moment you open the door, the volunteer officers will want to be provided also.

Hon. Sir MACKENZIE BOWELL—Clause 17 makes provision for the uniform, under regulations to be issued by the department.

Rt. Hon. Sir RICHARD CARTWRIGHT —In certain cases only; but it does not provide that they should buy them in the case of officers.

Hon. Sir MACKENZIE BOWELL—But the regulations provide for the supplying of them at the actual cost price.

Rt. Hon. Sir RICHARD CARTWRIGHT —If hon. gentlemen will look at clause 18, they will see that officers of the naval service shall provide their own uniforms and equipment, with the exception of certain officers.

The clause was agreed to.

On clause 19,

19. The naval reserve force shall consist of such persons as join the said reserve after naval service or after undergoing such training as may be prescribed. All members of the said reserve shall be liable to active service upon an emergency.

Hon. Mr. LOUGHEED—Can my hon. friend tell us what the character of the

naval reserve will be in contradistinction to that of the active service?

Rt. Hon. Sir RICHARD CARTWRIGHT —What you may call the permanent force?

Hon. Mr. LOUGHEED—Yes.

Rt. Hon. Sir RICHARD CARTWRIGHT —It is expected to bear the same relations to that as our volunteer militia bears to the permanent force.

Hon. Mr. LOUGHEED—How is it intended to train the reserve?

Rt. Hon. Sir RICHARD CARTWRIGHT —We have proposed to make regulations for these. Training ships, I think, are expected to supply a reasonable amount of training to volunteers who will join the service if they see fit, and, as provided in section 21, these volunteers are not expected to serve for a longer term than one year.

Hon. Mr. LOUGHEED—What provision has already been made as to training ships? I understand the 'Rainbow' is a training ship?

Rt. Hon. Sir RICHARD CARTWRIGHT —No. It must be used as a training ship, but I understand it is largely to act, in the first instance, as a sort of protective cruiser on the Pacific coast.

Hon. Mr. LOUGHEED—And the 'Niobe'?

Rt. Hon. Sir RICHARD CARTWRIGHT —I understand exclusively as a training ship.

Hon. Sir MACKENZIE BOWELL—Has the government considered the question of naval schools or training ships for the younger portion of the community? In Australia they have training ships in which youngsters, the waifs, you might say, of the city, and those who have been brought before the police court for minor offences, are punished by being placed upon a training ship for the purpose of making sailors and seamen of them, and it has proved very successful in the Australian colonies, and particularly New South Wales. They have a large training ship in which they have fifty or one hundred or more of this class of boys picked up off the street and educated on board the vessel and taught whatever is necessary to teach and make good seamen of them. They are utilized afterwards sometimes on trading ships and other times on the war vessels.

Rt. Hon. Sir RICHARD CARTWRIGHT —I may say that, at present at any rate, whatever may afterwards be done, it is not likely we will adopt that plan. There is a good deal to be said for it from one point of view; but I think we can obtain, particularly in our maritime provinces, quite a sufficient number of youngsters and men of unblemished character without taking up the waifs and strays.

Hon. Sir MACKENZIE BOWELL—I quite agree with my hon. friend; but upon a moment's reflection he will see that it is a capital way of reforming the waifs. When they are young and commit minor depredations, who might otherwise probably be sent to prison, they are sentenced for a term on a training vessel, where they are taught the arts of seamanship and how to become useful citizens. It is principally confined to boys who have no parents, and who are thrown upon the public in large cities such as Melbourne and Sydney. It is a modified reformatory.

Rt. Hon. Sir RICHARD CARTWRIGHT —That is just the reason why I should hesitate, and why I think the government should hesitate, about introducing such an institution in the first place. What may be done at a later period, I will reserve my own opinion upon; but I think in the first instance it would hurt the service materially if it could in any shape or sense be said that we are inviting such persons to join the service as a reformatory.

Hon. Sir MACKENZIE BOWELL—I am not advocating the adoption of the system; but I am saying that if any one studies the system and makes inquiries as to the result of the adoption of it, he will see that we could not have a better system on which to bring up that class of boys.

Rt. Hon. Sir RICHARD CARTWRIGHT —That may be.

The clause was agreed to.

On clause 23,

23. In case of an emergency the Governor in Council may place at the disposal of His Majesty for general service in the royal navy, the naval service or any part thereof, any ships or vessels of the naval service, and the officers and seamen belonging to the naval service.

Hon. Mr. ROSS (Halifax)—I desire to explain that when the imperial steamers came from the West Indies to Halifax they would go out every fine day for target practice and return in the afternoon. I say every fine day, because equally with St. John, Halifax is sometimes afflicted with fog, and in foggy weather they would not be able to go out. I think if you have a navy in Halifax they would go out every fine day and come in in the afternoon without being impeded by tide or anything else, and that is one of the reasons why Halifax should be the port in which the navy would be fitted up.

Rt. Hon. Sir RICHARD CARTWRIGHT —I have no doubt its advantages will not be overlooked.

Hon. Sir MACKENZIE BOWELL—This is really the contentious clause of the whole Bill. That is, if England is at war we are not to engage in war until the government decides by an order in council that we shall go to war. I read a question and answer on this point between the premier of the country and the hon. leader of the opposition in the Commons, which is somewhat interesting, and to my mind—and I think any one who reads it will come to the same conclusion—an inconsistent position was taken by the government upon this question, that is in declaring that while Britain is at war as part of the empire, we must be also at war. That declaration was made a number of times during the debate in this House, and yet, while we are at war, we are not permitted to use guns on our ships until an order in council has been passed ordering us to fire them. It strikes me very forcibly as a condition such as is illustrated by a joke I read in the paper the other day. A little boy was given a diary and was told to keep a record. About the same time his grandmother presented him with a pea shooter. The diary subsequently fell into the hands of his mother, who found the following entry: 'Very fine,' and on the next day: 'Dark, could do nothing, shot grandmother.' This is about the same thing. A merchant ship may be chased by a war vessel belonging to a country with which we are at war, but a Canadian cruiser is not to interfere until an order in council is passed declaring that the Canadian war ships are to take part in the defence of the empire, and to become a party to that war. Fortunately, by the wireless system it is possible to communicate with ships at sea; otherwise a merchant vessel might fall into the hands of an enemy, and the Canadian vessel could not interfere without having first received authority from the government of Canada. If she did interfere, and any one was killed, I suppose the captain would be guilty of murder.

Rt. Hon. Sir RICHARD CARTWRIGHT —I think I may relieve my hon. friend's mind. If any Canadian cruiser sees a British merchant ship pursued by an enemy, I have not the slightest doubt she would clear for action quicker than the hon. gentleman could take his seat.

Hon. Sir MACKENZIE BOWELL—It is quite unnecessary for the hon. gentleman to relieve my mind on that question. I have as high an opinion as he has of the British sailor, and I am satisfied if my hon. friend himself were placed in such a position he would take the course he points out; but the question I put is this: Would he have authority—I know he would assume the power—or would it be his duty, other than to defend himself if he were attacked, to take action under the circumstances? It would avoid all difficulties and discussions which have taken place on this Bill if there had been a clause in it similar to that in the Australian Navy Act, that when Great Britain is at war we are also at war. That is the position Canada ought to take unless we are to be considered a totally independent

nation and will only take part, as a foreign country would do, as an ally, in Britain's wars.

Rt. Hon. Sir RICHARD CARTWRIGHT —My hon. friend is raising phantoms which will never trouble any British sailor or officer. What I understand by this, and what I think is the fair construction to be put upon it, is not if the British government go to war we in Canada can escape being at war at the same time, but simply as to the disposition of the forces. The plan is to have two squadrons, one on the Pacific and one on the Atlantic coast, and it may possibly be the case that the Canadian government may deem it inexpedient to allow those forces to be detached on any other service than the service of protecting the two great coaling stations of Halifax and Esquimalt. The object is clear enough, I think, that the Canadian government desire to reserve in their hands, in the interest of the whole empire, the power of protecting and defending those coaling stations which, mark you, may be of enormous importance, and which the British government are aware are of enormous importance to the British service. As everybody knows now, the practical power of a steam fleet depends on its being able to renew its coal in convenient places. In the case of our Pacific squadron, the possession of a coaling station at Esquimalt, in British Columbia, may prove to be of incalculable value, and similarly on the Atlantic the possession of Halifax may prove also of incalculable value to the empire. We may deem it expedient to keep all the ships we have in a position to protect these coaling stations against the possible attack of an enemy's cruiser. That, I think, is the reason of the provision to which my hon. friend refers. I do not think the government have the slightest intention of debarring our seamen from taking a share in the protection of any ship flying the British flag which may be in danger of being captured by an enemy.

Hon. Mr. LOUGHEED—May I ask my right hon. friend's view of this supposititious situation? When this clause was being discussed in the Commons, I understood from some of the premier's remarks that a discretion would be exercised by Canada in ordering this fleet into active service in view of a war between the empire and say some power with which Canada might not be directly in touch. That is to say the war might be so distant as to in no way excite interest in Canada, and the government of the day would therefore exercise its discretion as to whether the fleet should be placed in active service. It is utterly impossible to assume a position of that kind, for this reason: The enemy is not going to consider what Canada's attitude will be; the enemy, of course, will regard all the British possessions as at war.

Rt. Hon. Sir RICHARD CARTWRIGHT —There is no doubt about that.

Hon. Mr. LOUGHEED—Therefore, an attack may come from any quarter. It will inevitably necessitate the Governor in Council placing the fleet in active service immediately war breaks out between England and any nation, no matter how distant we may be from the seat of war or how little interest we may have in it.

Rt. Hon. Sir RICHARD CARTWRIGHT —That may be. The point I was endeavouring to make, and I think my hon. friend understands fully the importance of it, is this, that it may or may not be expedient to allow our squadrons, which are none too strong for the purpose, to be detached from their bases where they will be exercising a very useful function in defending the coal supply stored at the points named.

Hon. Mr. LOUGHEED—I appreciate that.

Rt. Hon. Sir RICHARD CARTWRIGHT —Information might reach us through a variety of channels which at the moment might not have reached the British government, and which might lead us to anticipate an attack. Our primary duty, and the interest of the empire also, would require us in such case to keep our force well in hand in order to protect these valuable coal bases.

Hon. Mr. LOUGHEED—A question was put to the Prime Minister as to what the position of a Canadian ship would be in the event of meeting an enemy, and that enemy not attacking. I understand the Prime Minister, that instructions to that ship might possibly be that the officer in command was not to engage in action. I fail to see how any such orders can be given. The moment England is at war, the fleet must be in action. I am speaking of the possibility of meeting an enemy's ship, whether a merchant or war vessel.

Rt. Hon. Sir RICHARD CARTWRIGHT —The reasonably fair object is, that we should have in the first instance, and unless a very great emergency arose altering our views, the right to dispose of the force at our command in such a way as we thought most advantageous to the general interest.

Hon. Mr. LOUGHEED—How about instructions to engage in action or not engage in action?

Rt. Hon. Sir RICHARD CARTWRIGHT —The hon. gentleman must believe that the government of Canada will not be absolutely and utterly devoid of common sense. In his position as leader of the opposition, I admit he is warranted in regarding us as a set of unregenerate idiots.

Hon. Mr. LOUGHEED—I am dealing simply with the situation laid down by the Prime Minister, that instructions to engage in action could possibly be withheld though England were at war. I fail to see how that can be done.

Hon. Mr. DANDURAND—If the hon. gentleman will recall the history of the last hundred years, he will find that in nine engagements out of ten with an enemy there was no danger of a sea attack. Great Britain was tackling a land power with no vessels on the sea. There would be no necessity for the mobilization of the Canadian fleet in nine cases out of ten where there would be a rumpus somewhere on land, an occasion where no sea action would be possible.

Hon. Mr. LOUGHEED—I am not talking about mobilization at all, or the disposition of the fleet. I am speaking of the bald instructions which will be issued by the Governor in Council, placing the fleet in active service. I can very well conceive of the fleet being in active service and yet protecting the coal bases; but the instructions which will be issued to the fleet must necessarily leave it to the officer in command as to when he shall or shall not engage. The government of the day cannot define to the officer of the ship when he shall engage in action if England is at war, no matter where he is placed.

Rt. Hon. Sir RICHARD CARTWRIGHT —I do not think he will need to have it defined.

Hon. Mr. MACDONALD (B.C.)—It depends on the position of the enemy. It cannot be fixed in a Bill of this kind; it must be settled at the time. About defending the coal stations, should our small squadron be called to England, our coal bases could be protected by submarine mines, so that no ship would dare to come near our coast. The system is adopted by England and Germany. The British government have employed a number of dredgers to dredge German mines in the North Sea. Submarine mines are easily laid; they are inexpensive and vessels would not dare approach a coal base where they are laid.

Hon. Mr. POWER—I think the meaning of those clauses is reasonable enough. Clause 23 reads as follows:

> 23. In case of an emergency the Governor in Council may place at the disposal of His Majesty, for general service in the Royal navy, the naval service or any part thereof, any ships or vessels of the naval service, and the officers and seamen serving in such ships or vessels, or any officers or seamen belonging to the naval service.

Now take the case referred to by the right hon. gentleman who leads the House. In case of war, it might be possible that the Governor in Council would place the great majority of ships and sailors at the disposal of the British admiralty, but they would have the option to retain the services of two or three vessels for the purpose of protecting the coal stations, or any object of that kind, and that, it seems to me, is really all that is meant by the discretion which is given to the Governor in Coun-

cil, and I think it is a reasonable and proper discretion. We know that in England and elsewhere, panic sometimes occurs, and the home government might be a little bit panic stricken—and they might denude Canada of all her naval defences, which might happen to be really required here, and not needed there. I think it is a perfectly right and proper thing that if Canada is paying for the ships, she should have the right to retain some of them at any rate, on service for Canadian defence.

Hon. Mr. LOUGHEED—Yes, but my hon. friend fails to draw the distinction between clauses 22 and 23. I say there is marked distinction between the two. One deals with placing the naval forces only in active service. Now, that is the controversial question. The other is not subject to so much disputation, because that simply deals with the placing of the ships, the mobilization of the ships, permitting the admiralty of Great Britain to say where the ships shall be placed; but the all important point is that embraced in clause 22. Now, I fail to see how it will work out that Canada cannot possibly be at war when England is at war, thus necessitating the action of the Governor General in placing them in active service.

Hon. Mr. DANDURAND—But there are nine cases out of ten where there will be no necessity?

Hon. Mr. LOUGHEED—I am not talking about necessity. My hon. friend must appreciate the fact that the element of necessity would not necessarily enter into it. It is the principle, it is the theory, it is the possibility, the remote possibility, that is to say, when England is at war, this fleet must necessarily be at war, notwithstanding——

Hon. Mr. DANDURAND—Theoretically.

Hon. Mr. LOUGHEED—Notwithstanding the absence of the order in council of the Governor in Council. Can my hon. friend point out a possibility by which this fleet belonging practically to Great Britain, or at least belonging to the overseas dominions of the British empire, is not in service, and is not at war, notwithstanding the Governor has not issued his order in council? The fleet would be subject to attack by the enemy.

Hon. Mr. DANDURAND—If the enemy had ships; but if the enemy had no ships—and that has been the case in the last hundred years, nine times out of ten——

Hon. Mr. LOUGHEED—My hon. friend surely does not presume that I am talking about the act of war happening, or referring to an enemy that has not the ships. If my hon. friend assumes that of course he is right; but in discussing this matter we are assuming that the enemy has ships, and an enemy that may be at war with Great Britain is not going to send a diplomatic note to Canada requesting the honour of knowing whether an order has been issued by the Governor General in Council placing this fleet in active service, so that under favourable circumstances they may attack. That is not going to be done. This is not going to be a five o'clock tea party in the event of Great Britain being at war; consequently there will be no diplomatic exchange of notes as to whether the order has been issued. I say that most decidedly when England is at war the Canadian fleet must necessarily be in active service, notwithstanding the absence of the order of the Governor in Council, and if my hon. friend can controvert that position——

Hon. Mr. DANDURAND—If there is any danger on the high seas, there is no question that the position taken by my hon. friend is the correct one.

Hon. Mr. LOUGHEED—It is not a question of danger at all.

Hon. Mr. DANDURAND—But we must credit the government of Canada with common sense to act in consequence.

Hon. Mr. POWER—If the hon. gentleman will turn to the Militia Act, he will find that the language used there is almost identical with that used in clause 22. Section 69 of the Militia Act says:

The Governor in Council may place the militia, or any part thereof on active service anywhere in Canada, and also beyond Canada for the defence thereof at any time when

it appears advisable to do so by reason of an emergency.

Hon. Mr. LOUGHEED—Yes, but my hon. friend will appreciate the distinction. The militia is within our own boundaries, while the Canadian fleet is on the high seas.

Hon. Mr. POWER—Yes, but they can send the militia outside at any time—'Anywhere in Canada, and also beyond Canada.'

Hon. Mr. LOUGHEED—Of course, they may, and that would be very reasonable. The militia must receive their marching orders from some particular source. Our fleet is on the high seas subject to being attacked momentarily by the enemy before the government of the day may know that there is war; and yet it is prescribed that the fleet shall not be in active service until the Governor in Council deliberately issues an order in council. Now, I say that that situation is impossible.

Hon. Mr. DANDURAND—Although it may be in action?

Hon. Mr. LOUGHEED—Yes, certainly the fleet must be on active service immediately war is declared between Great Britain and a foreign country.

Hon. Mr. ROSS (Halifax)—I believe that the government will have a very efficient admiral at the station. They must place confidence in him as to when to go to sea or when to remain in port; and the duties will not be confined to protecting the two coal stations, but they will also protect our merchant ships that would come in, say, to the port of Halifax. When the steamers in winter time come from St. John with the mail, and when they go away with their passengers, they would be engaged in the protection of those steamers of so much importance, to see that they would safely arrive at their proper destination, and at this day with telegraphic facilities in every direction, there would be no move of the enemy that would not be known by the government or by the admiral at the station at the time.

Hon. Sir MACKENZIE BOWELL—The proposition stated by the right hon. leader of the House did not seem to me practicable or possible, because he laid down the principle that it was necessary for the Governor in Council in Canada to have control of the disposition of these ships. If they are to be of any value at all, they must act in unison with the orders of the admiralty. We can all understand the necessity for protecting the coal depots in different parts of Canada, as well as in other parts of the world. I take it for granted that that would be one of the first acts of the admiralty of England in order to obtain supplies necessary to propel their vessels; but supposing the government of Canada takes the responsibility of declaring how the Canadian ships shall be disposed of, and the admiralty plan might be of a different character altogether, then the one would come in conflict with the other. The proposition that has been laid down by my hon. friend, about issuing the order and stating where the ships should go and what they should do, is what is done by any independent nation. History teaches us that in the past, when allied forces come together, one joins the other which is at war and places not only its naval force, but its land force, at the disposal of that country. Are we to be in precisely the same position? It seems to me that the principle laid down by the right hon. the leader of the House tends to that end, and to that end only, because we may consider—and when I say we I mean the government of Canada—it necessary to place the Canadian naval force in certain ports of the Dominion to protect what we consider necessary to be protected. The admiralty may have other schemes, and other plans by which they would utilize their forces in making an attack on some other part of this continent, and they may require the aid and assistance of what Canadian forces we may have; but the Governor in Council steps in and says: 'You must remain in the harbour of Esquimalt, or in the harbour of Halifax, to protect the coal stores.' That is the position in which the proposition laid down by the right hon. the leader of the House would place us. It seems to me that if the force is to be of any practical value at all, whenever it

acts it must act in unison and conjunction with the British force, otherwise we will be coming in contact with each other, and will not know what position we occupy with the empire or with ourselves either.

Hon. Mr. ROCHE—It seems to me the argument here is based upon the confounding of municipal law with the international law. All these matters with regard to becoming belligerents are laid down in Wheaton, and other authorities on international law, where the duties and obligations of belligerents, and how they are to become belligerents, are set forth in the regulations, with which we have nothing to do.

Hon. Sir MACKENZIE BOWELL—That is quite true; but it does not meet the point.

The clause was agreed to.

On clause 25,

25. When the Governor in Council declares that an emergency has arisen in which it is expedient for the public service that His Majesty should have control of any dock, shipyard, pier, wharf, machine shop, repairing or salvage plant, factory, warehouse, store or other building the minister may, by warrant under his hand, empower any person named in such warrant to take possession thereof in the name and on behalf of His Majesty, and to use it for the service of His Majesty in such manner as the minister directs, and all persons, officers, servants and employees employed thereon shall obey the directions of the minister in connection with the management or operation thereof.

Hon. Mr. LOUGHEED—Can my hon. friend say what the government intends to do in connection with the building of shipyards in connection with the navy proposed to be built?

Rt. Hon. Sir RICHARD CARTWRIGHT—These matters are all under consideration. I could hardly presume to give my hon. friend an outline of what may be done; a good deal will depend on whether it is found possible and within reasonable bounds to build ships in Canada, or whether they have to be constructed and purchased in England. I may say that it is proposed, as we will see by the resolutions laid on the table of the other House, to have facilities for the creation of dry docks and floating docks in various parts of the Dominion. That will be in connection with probable construction here.

Hon. Mr. LOUGHEED—The reason I ask the question, I notice the last few weeks that applications are being made for the incorporation of dry dock companies, and also applications to the government for subsidies for the building of such. I have not seen anything yet as to whether the government has committed itself to the policy of handing over the graving docks to private companies, or whether it is the intention to build them as government docks.

Rt. Hon. Sir RICHARD CARTWRIGHT—The resolutions to which the hon. gentleman refers have reference chiefly to the construction of these docks by private parties.

Hon. Mr. DANDURAND—A resolution has been laid on the table in the House of Commons in regard to increasing the subsidy for dry docks.

Hon. Mr. ROSS (Halifax)—The advantage of building in the port of Halifax would be that the steel plates could be manufactured down in Sydney, where they are now shipping cargo upon cargo of steel rails to Sydney, New South Wales, and also around the Horn to Puget Sound. There is no doubt that the decision of the government would be that the ships would be built in our country instead of on the other side. A good deal of the material required could be made by the steel industry in Sydney, C.B.

The clause was agreed to.

On clause 32,

32. There shall be an institution for the purpose of imparting a complete education in all branches of naval science, tactics and strategy.

2. Such institution shall be known as the Naval College of Canada, and shall be located at such place as the Governor in Council may determine.

Hon. Mr. ROSS (Halifax)—Assuming this is an economical government, although it has been accused of being extravagant, the buildings are there in Halifax dockyard, solid brick buildings, built by the im-

perial government, and there would be no necessity of going to the extravagance of building a naval college, because these buildings are ready to be occupied, and all that would be required would be some internal improvements. If the government want to save money, they need not build a naval college.

Hon Sir MACKENZIE BOWELL— It is not characteristic of the government to save money. Their policy is to spend it. Might I ask the right hon. leader if any calculations have been made as to the cost of the naval college? It would be about on the same basis as the Kingston college, I suppose.

Rt. Hon. Sir RICHARD CARTWRIGHT —It would be mutatis mutadis very much on the same lines, and probably would cost in proportion to the number of cadets much the same as the Kingston college. As nearly as may be, I think that would supply the best guide to the possible expenditure.

The clause was agreed to.

On clause 44,

44. The Governor in Council may from time to time direct that the Government Vessels Discipline Act shall or shall not apply to any ship or vessel in the naval service, or to the officers, seamen or persons engaged for service thereon. Until otherwise provided the said Act shall continue to apply to all ships and vessels in the fisheries protection service and the officers and persons engaged for service thereon, and to all ships and vessels employed on the hydrographic survey and tidal survey and the officers and persons engaged for service thereon.

Hon. Sir MACKENZIE BOWELL—I notice that provision is made here for the fisheries protection. I suppose that includes fisheries protection in the great lakes to the west of us?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes, I understand it includes all the vessels now employed in what is known as the fisheries protective service, whether they be on the Atlantic or Pacific or Great Lakes.

Hon. Sir MACKENZIE BOWELL—I hope the vessels to be placed on the Great Lakes will be able to overtake the poachers. Of late years our protective cruisers have been too slow and not as effective as they should be.

Hon. Mr. LOUGHEED—Before the chairman rises, may I ask what appropriation is being made during the present session for this particular service?

Rt. Hon. Sir RICHARD CARTWRIGHT —There is a general appropriation, as my hon. friend will see, of about $2,000,000, under a very comprehensive clause which would enable the government to use it for any of these purposes, for the purchase of war vessels, or for the construction of war vessels. It is out of that vote that any expenses which may be incurred will be defrayed.

The clause was agreed to.

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

The Bill was read the third time and passed.

CIVIL SERVICE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (No. 205) An Act to amend the Civil Service Act.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL— Would the hon. gentleman give us a general outline of the provisions of this Act?

Rt. Hon. Sir RICHARD CARTWRIGHT —I may say that one of the more important provisions, perhaps the most important provision in the whole Bill, has reference to the transfer of officers from the outside service to the inside service. That would necessarily dispense with the examination in certain cases. It is, however, provided that no such transfer shall be made unless the officer has served a very considerable period, not less than three years, in the outside service. It has been found that in certain branches of our service it is often expedient to transfer an officer of proved capacity to the inside, and while, of course, it is obvious that if this were allowed to be done with-

out some restriction it might be abused to the detriment of the whole civil service competitive examination system, it is also equally clear, as I think my hon. friend's experience will enable him to corroborate me in saying, that it very often happens that ministers are better able to judge of the capacity and quality of men, particularly for special work in the department, after they have been employed for a reasonable space of time in the public service, than could be under any possible system of examination. Perhaps that is the only thing that may be said to be a departure in principle from the existing Civil Service Act. The greater part of it is taken up with amendments to the inland revenue, to the post office service, to the customs service, and some small details which have been thought desirable and necessary to promote the better working of the Act.

Hon. Mr. LOUGHEED—How does it affect the standing of an officer in the outside service with respect to examination in view of promotion? Take, for instance, an officer in the outside service who would be promoted without submitting himself to examination under the present system.

Rt. Hon. Sir RICHARD CARTWRIGHT —In a great many cases, not in all, but in a good many cases undoubtedly he would.

Hon. Mr. LOUGHEED—Will it involve his submitting himself for examination for promotion in all cases?

Rt. Hon. Sir RICHARD CARTWRIGHT —Not when he is brought in. After he becomes a member of the inside service, then he would be subject to the same restrictions and regulations as his fellow officers; but at the point of entering the service, he would be free from competitive examination if recommended as provided herein by the head of the department and the deputy head apparently.

Hon. Mr. LOUGHEED—My hon. friend means he is transferred to the inside service?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes.

Hon. Mr. LOUGHEED—Not upon entry?

Rt. Hon. Sir RICHARD CARTWRIGHT —He gets into the outside service in a great many cases without examination. The Civil Service Act has not been applied in the main to what we may call the outside service. It has not been made to extend, as my hon. friend is aware, to various branches of the outside service.

Hon. Sir MACKENZIE BOWELL—As I understand, if an officer who has been in the employ of the government for three years is required in the inside service, he can be transferred without going before the Civil Service Board for examination. The department, being the judge of his qualification for a position, they may appoint him.

Rt. Hon. Sir RICHARD CARTWRIGHT —That is the object, as I understand it myself.

Hon. Sir MACKENZIE BOWELL—Under the present Civil Service Act, it cannot be done.

Rt. Hon. Sir RICHARD CARTWRIGHT —Under the present law I think it could be done without any limitation as to time.

Hon. Sir MACKENZIE BOWELL—Without examination?

Rt. Hon. Sir RICHARD CARTWRIGHT —I think so. An officer could be appointed to-day to the outside service, and he could be technically within the law brought into the inside service to-morrow.

Hon. Mr. LOUGHEED—Special qualifications?

Rt. Hon. Sir RICHARD CARTWRIGHT —Special qualifications or anything else.

Hon. Mr. LOUGHEED—That Act can be interpreted pretty broadly.

Rt. Hon. Sir RICHARD CARTWRIGHT —In that way, I think the Act could be surrounded, so to speak.

Hon. Sir MACKENZIE BOWELL—That has been the law. For special qualifications we can bring a clerk into the depart-

ment either as first or second class. This Bill provides that he must have served for three years. I think it is a good provision, and will prevent improper promotions, such as have been made in the past.

Hon. Mr. POWER—Could the right hon. gentleman inform the committee whether the Bill has been submitted to the Civil Service Commission?

Rt. Hon. Sir RICHARD CARTWRIGHT—I understand it has, but I cannot speak positively. I think the Civil Service Commission have drawn the attention of the government to the precise matter that I have mentioned, that the civil service examination might be entirely dispensed with if the minister saw fit, by putting in a man and keeping him for a short time in the outside service, and then bringing him in. I understand they quite approve of this provision; but I was speaking from recollection without having seen them myself.

Hon. Sir MACKENZIE BOWELL—I cannot for the life of me see why it should be submitted to the Civil Service Commissioners. The government assume the responsibility, and I take it for granted they know what is required in the service as well as any one else. The commissioners have nothing to say as to what is required in the departments. It is all very well for them to examine a man's qualifications.

On clause 6,

6. Any officer or employee in the outside service may, by order in council, be transferred to any position in the inside service for a period not exceeding six months, but he shall, during such period, notwithstanding his duties in the inside service, remain subject to the law relating to the outside service.

Hon. Sir MACKENZIE BOWELL—Why is the limitation of six months made?

Rt. Hon. Sir RICHARD CARTWRIGHT—Sometimes it is convenient—it might be in the Department of Customs, over which my hon. friend used to preside—to bring a man here from the outside service for a few months in order to obtain special information which he alone may possess Similar cases occur in several other departments, the Interior for example.

Hon. Sir MACKENZIE BOWELL—I am not aware that there is anything in the law which prevents a minister from using the services of his employees where he wants them. I know it was a common practice in the past—in the statistical branch particularly—to bring a specially qualified man to Ottawa, and keep him here until the duties assigned to him were performed. This Bill gives authority by law to do that which has been constantly done in the past. Would that imply that the employee is to receive remuneration in proportion to that of clerks occupying similar positions in the department? I can see no other reason for making a provision of this kind, unless there is something in the Civil Service Act as it now exists preventing the government from doing so.

Rt. Hon. Sir RICHARD CARTWRIGHT—That I understand to be the case, that they require this extra power.

The clause was adopted.

On clause 9, salaries of Inland Revenue officials.

Hon. Sir MACKENZIE BOWELL—In what respect do these salaries compare with the salaries paid under the law as it is to-day?

Rt. Hon. Sir RICHARD CARTWRIGHT—In a general way we increase them, I should say in the case of the higher officers, by a matter of three or four hundred dollars. In the case of inferior officers not quite so much.

The clause was agreed to.

On clause 12,

12. When it has been determined by the Governor in Council that any post office not under the Civil Service Act is to be brought under the said Act, any clerk or other employee then employed in such office, and who has been continuously employed for a period of two years immediately preceding the date on which the office is brought under the said Act, shall be considered as eligible for appointment under this Act irrespective of age and without having to pass the civil service examination, and such clerk or employee may

be paid the same salary as he had theretofore received in such office; provided that such salary shall not exceed the maximum salary of the class in the civil service to which he is appointed.

Hon. Sir MACKENZIE BOWELL—I hope provision will be made for paying the clerks in town and city post offices much better than they are paid at present. I understand very well what the result will be where you have such a numerous staff, but the small pay given to post office clerks in towns of ten to fifteen thousand inhabitants leads to constant changes. A smart active boy goes into the service, but finds the pay so ridiculously small that when he reaches the age of sixteen or seventeen, after he has become really efficient, and knows his duty well, he leaves the service, and goes into some other employment. That has been the experience in the town where I live. No capable energetic man will remain long in the service with the rates paid him. I realize the enormous additional expenditure involved if public servants were to be remunerated as the employees of business concerns; still, if we desire to have an efficient staff in our post offices and retain the clerks who have learned their business, an increase of pay is absolutely necessary.

Rt. Hon. Sir RICHARD CARTWRIGHT—Pro tanto this will remedy it.

Hon. Sir MACKENZIE BOWELL—I thought I would avail myself of this opportunity to call attention to the practical results of the principles on which our post offices are managed.

Hon. Mr. DERBYSHIRE—The same thing occurs at Brockville.

Hon. Mr. ROSS (Halifax)—I can endorse all that has been said by the hon. gentleman from Hastings. Post office clerks are under paid. They receive less salary than is paid to bookkeepers in business offices throughout the country, and if defalcations occur occasionally, it is because the salaries of those men are not large enough to enable them to maintain themselves and their families. The Post Office Department has an increasing revenue. It is not like some other departments that are not able to square accounts at the end of the year, and, with a surplus revenue, the claims of the clerks of the inside and outside service should be liberally considered.

The clause was adopted.

On clause 21,

21. Section 38 of the said Act is repealed and the following is substituted therefor:—

38. In the absence of special authority of parliament no payment additional to the salary authorized by law shall be made to any deputy head, officer, clerk or employee permanently employed in the Civil Service, in respect of any service hereafter to be rendered by him, whether in the discharge of his ordinary duties of office or of any other duties which may be imposed upon him, or which he may undertake or volunteer to discharge or otherwise perform; and no vote expressed to be made generally, though qualified by the words 'notwithstanding anything in the Civil Service Act,' or words to the like effect, shall be deemed to authorize such a payment: Provided, however, that nothing in this section is intended to prohibit the payment to any officer, clerk or employee in the outside service of a separate annual salary from each of two or more departments or distinct branches of the public service in respect of separate duties performed in the outside service for each of such departments or branches respectively, if one of such salaries is not sufficient to compensate him for his whole time, and if the aggregate salaries do not exceed reasonable compensation for the discharge of all the duties so performed; and provided further that nothing in this section shall affect the operation of section 46 of this Act.

Hon. Sir MACKENZIE BOWELL—I take it that this clause is merely amplifying the others in order to prevent a minister from giving to a clerk payment for extra services. For instance, in the report of the Contingent Committee that is before the Senate at the present time, there is a recommendation for a payment of $400 to one of the officials for extra work. This would, I take it, prevent the possibility of the money of the Senate being appropriated for it unless it was specially voted for that purpose.

Rt. Hon. Sir RICHARD CARTWRIGHT—Unless it was specially voted.

Hon. Sir MACKENZIE BOWELL—Unless voted by parliament, exactly.

Hon. Mr. POWER—I propose to move an amendment to this Bill.

The CHAIRMAN—On the third reading?

Hon. Mr. POWER—If the committee decide to make the amendment, it will not be necessary to move at the third reading. I might briefly explain why I move this amendment. It will be in the memory of every hon. member of this House that within the last two sessions we have spent a considerable amount of time, and there has been a certain amount of servitude, if I may use the expression, developed in the usually tranquil and genial minds and hearts of the members of this House over the difficulty which arose between the Senate and the Anditor General. We passed an order the other day to the effect that cheques were to be paid for certain salaries, and I notice that the last report of the Internal Economy Committee recommends action of the same kind. Now, hon. gentlemen, whatever we may think of the wisdom of the action of the Auditor General, there is no doubt that apparently he has the law on his side. I happened to see the Anditor General a day or two ago, and he told me that instructions had been issued to the officers of the House of Commons, who were paid when our officers were not paid, to the effect that the sums paid to them should be refunded. I suppose the Commons have made some provision in the Supply Bill for making good that amount, and that the officers will not have to refund. I do not think it is a satisfactory thing that the payment of our officers should be continually coming up, and that differences should arise between the Houses and the Auditor General, and it occurred to me—possibly hon. gentlemen may not agree with me—that if we were to make an amendment to this Bill, such as that which I am about to propose, it would legalize, in the future at any rate, the payment to these officers who have not been paid their increases in the past. I may say that when I saw the Auditor General, I told him what the nature of this amendment was of which I would give a notice, and I asked him to consider the passing of that amendment to this Bill as a sufficient justification to him to pass these payments, so that if we can bring about this result, I think it is well worth amending the Bill. I move then this amendment:

The CHAIRMAN.

22. The following subsection is added to section 45 of the said Act:

It is the intent and meaning of the first subsection of this section that, notwithstanding the fact that certain officers and employees of the Senate and of the House of Commons do not appear to fall within the category of clerks or of messengers, such officers and employees may be paid salaries based on their salaries as existing or fixed on the first day of September, 1908, in the same manner as if they then fell within the category of clerks.

Hon. Mr. LOUGHEED—Is that section 45 of the Revised Statutes?

Hon. Mr. POWER—No; section 45 of the Civil Service Amendment Act of 1908. It is chapter 15 of 1908. Section 45 of the Act of 1908 is the one which deals with the officers of parliament. I asked the Auditor General as to the difficulty that has arisen, and he explains it in this way: There are certain officers in the House of Commons and in this House who do not fall under the category of clerks. For instance, there is the doorkeeper, the housekeeper, the keeper of the newsroom, and so on. The Auditor General took the ground that an employee of the House, once you get below the higher grades, must be either a clerk or a messenger: he must come in the one class or the other, and those officers could not be called clerks. It could not be said that they came under the category of clerks, and he held that as they came in the category of messengers, their salaries could not be increased beyond a certain limit. They were entitled to get what they were receiving at the time the Act of 1908 came into operation, but they were not entitled to get any increase. It seems to me that when the Act of 1908 was being drafted, an omission was made by not making provision for officers of this stamp. There are various officers who are higher than messengers, and higher in some respects than some of the lower grade clerks, and this amendment is simply to provide for such cases. I therefore move that this clause be added to the Bill.

22. The following subsection is added to section 45 of the said Act:—

It is the intention and meaning of the first subsection of this section that, notwithstanding the fact that certain officers and employees of the Senate and of the House of Commons do not appear to fall within the category of clerks or of messengers, such officers and employees may be paid salaries based on

their salaries as existing or fixed on the first day of September, 1908, in the same manner as if they then fell within the category of clerks.

That leaves it open for them to get the increase.

Hon. Mr. THOMPSON—I don't know that I fully appreciate the suggested amendment. Does this place them in the classification as officials of the Senate. It says, 'may be paid salaries based on their salaries as existing or fixed on the first day of September, 1908.'

Hon. Mr. POWER—Certainly it puts these officers of the Senate on exactly the same footing as if they had been on the first of September, 1908, clerks in the House.

Hon. Mr. LOUGHEED—Simply declares what their status should be.

Hon. Mr. THOMPSON—I do not read it that way. If they were paid more than a messenger at $900 a year, they would come in the classification, $900 to $1,200, or the classification $800 to $1,600. This does not say that they can get increases. It says that they shall be paid salaries based on the salaries they received—unless it means that they belong to the division which states the salaries and the several increases. As the hon. gentleman has suggested the amendment more for the purpose of giving the Auditor General a loophole or a door to get out of with respect to the action that the Senate may be disposed to take, possibly it would be well for us to consider it in that light. So far as relates to the payments that were ordered by the Senate last session, and were deferred and which on the action of the Senate have been since paid, I can hardly understand how the Auditor General will be able to make these employees refund the money. I understand that the employees in the House of Commons have not made any refund in respect to that. I do not know that I would object particularly to the amendment if it cuts out all the difficulty that we have had in respect to the Act, and the identification of the Auditor General and the Treasury Board with the Senate, and the right of the Senate to deal with these questions, as in their judgment they believe to be not only in the interest of the Senate, but also as to the fairness and justness to the employees.

Hon Sir MACKENZIE BOWELL—I am fully in accord with the amendment proposed by the hon. gentleman. I think we have a right to do so. I do not know whether the government has considered the effect such an amendment would have, if it passed.

Rt. Hon. Sir RICHARD CARTWRIGHT—I may say to my hon friend in respect to this amendment, that I would be disposed to accept it tentatively on the understanding that the government would not hold themselves committed to it, that if they saw objection to it, it would be amended when it is returned to the lower House, as it must be. As far as I can see, I think it will solve the difficulty which we wish to solve, and get out of the dispute with the Auditor General, but my hon friend will understand that I cannot pledge the government definitely to accept it

Hon. Mr. POWER—Certainly.

Hon. Sir MACKENZIE BOWELL—I understand that, but I hope they will accept it, and I was going to make a suggestion as to the right of the Senate to pass an amendment of this kind. If the lower House will accept it, it would get over the difficulty that presents itself to my mind. The passing of this resolution places an interpretation to the law which it does not legally bear at this moment, and consequently involves an additional payment of money from the public chest which we have no power to make. The point that suggests itself to my mind is whether, by putting an interpretation upon a clause of the law which it does not bear at the present moment—that interpretation increasing the expenditure from the public chest—whether the Senate has the power under the constitution to pass such an Act or to impose such an additional payment on the exchequer of the country. It may be considered perhaps only incidental, but it is beyond question increasing the expenditure of public money. Although the right hon. gentleman has protected himself by

saying that he is not prepared to pledge himself that the government will accept it, I hope they will do so and if this interpretation be put upon the Act, I think the Senate, under the circumstances, would do well, from a constitutional standpoint, to pass it, and leave the responsibility with the government and the Commons to say whether it infringes their right.

Hon. Mr. LOUGHEED—How about this date fixed for the salaries?

Hon. Mr. POWER—That was the date fixed by the Act of 1908? The salaries were based on the salaries as they existed on the 1st of September, 1908.

Hon. Mr. LOUGHEED—What about any intermediate action we have taken in increasing those salaries?

Hon. Mr. POWER—We have not increased them.

Hon. Mr. DANDURAND—Classified them only.

Hon. Mr. POWER—I assume it would mean that the increases which have not been paid between September, 1908, and the present date, would be paid, because it is declaratory.

Hon. Mr. LOUGHEED—I am not so much concerned about that as this: We fix the basis of salaries, and only authorize the Auditor General apparently to pay them on the basis of the salary as from that date. That is the only doubt in my mind about the meaning of the Act. I am heartily in favour of the amendment.

Rt. Hon. Sir RICHARD CARTWRIGHT—While I am willing to except the amendment tentatively, I do not propose to press for the third reading of this Bill until Monday; in the meantime I have handed to the Minister of Finance a copy of the amendment and requested him to attend to it in the absence of the Minister of Agriculture who has special charge of this Bill. On Monday I will be able to speak definitely on the subject. Meantime, I think we can let it stand.

Hon. Mr. LOUGHEED—I was going to suggest to my hon. friend, in order to remove any doubt on the point I have mentioned, that it should provide that the salaries paid at the present time should be based on the salaries paid at the passage of this Act.

Hon. Mr. THOMPSON—The difficulty I have in understanding the amendment is that under the Act, section 37 is the only authorization for the increases to be made after the classification is once fixed, and that increase differs in the different divisions. The first division gets so much; the second division gets so much; the third so much, and so on. Now, if this is intended to give the Senate the right to increase salaries of the other officials of the Senate under section 37, it ought to be on classification that the salaries paid would entitle them to the increases that are covered by section 37, applying to the employees of the Senate whose salaries entitled them to the advantage of increase. But, in the absence of that, while I am not opposing the suggested amendment, the only difficulty I have had is to comprehend its application and meaning, to work out what is suggested.

Hon. Mr. POWER—I think hon. gentlemen are, perhaps, likely to forget that this amendment is proposed to appear as if it were part of the Act of 1908. It is adding a subsection to section 45 of that Act, and provides that salaries may be paid based on the salaries of officers as they existed or were fixed on the first day of September, 1908. That was the way we did in the original Act of 1908, and I do not think there is any difficulty about it that way. With respect to the constitutional question raised by the hon. member from Hastings, I suppose there is no doubt that if the question were raised, and His honour the Speaker were called upon for a decision, he might be obliged to hold that this was, to a certain extent, a money Bill, although it is not voting any money directly. But if the Commons do not raise the question of our right, there is no reason why we should, and I think probably the Commons will not. It is a trifling matter, and there are certain officers of the Commons in a similar position and

the Commons would not be likely to raise the constitutional question.

The amendment was agreed to.

The Bill was reported from committee as amended.

THE DEBATES OF THE SENATE.

Hon. Mr. COFFEE—I would ask leave to pass this next item, consideration of the report of the Standing Committee on Debates and Reporting.

Hon. Mr. DANDURAND—I have an amendment to move to correct a clerical error in the report. The report is found at pages 879-880. The amendment is to strike out after the second line, the words 'When the Senate is sitting.' The first engagement of Mr. Cinq Mars was that he should only be paid when the Senate was sitting; and in the later years we have altered this report to read without this phrase.

Hon. Sir MACKENZIE BOWELL—This is going to involve some discussion.

Hon. Mr. YOUNG—I understand the French version of the report is correct, and the English version is wrong.

Hon. Mr. DANDURAND—That phrase must be struck out. I will move to that effect this afternoon.

Hon. Mr. YOUNG—The actual report, as I am informed, is correct in the French version, therefore it is merely a clerical error in the English edition.

Hon. Sir RICHARD SCOTT—It does not require any amendment.

Hon. Mr. DANDURAND—If it has the consent of the House, the correction will be made.

Hon. Mr. LOUGHEED—But there are other matters in the report.

Hon. Mr. DANDURAND—There are other matters. Then it will stand over.

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

The motion was agreed to.

The Senate adjourned to three o'clock.

SECOND SITTING.

The Speaker took the Chair at Three o'clock.

DEBATES AND REPORTING OF THE SENATE.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. COFFEY moved the adoption of the second report of the Standing Committee on Debates and Reporting.

Hon. Mr. DANDURAND—I move to correct a clerical error which appears in the English version of the report, but not in the French. The amendment is to strike out in the last line but one the words 'when the Senate is sitting'. When we first engaged Mr. Cinq Mars he was paid only during the time the Senate was sitting, but it was shown to the committee in the following session that it interfered very much with his work in the other House, and that he would require to be put on the same plane as Mr. Hannay as to his permanent remuneration. The Senate therefore decided to pay him, and have done so for the last two or three years.

Hon. Mr. LOUGHEED—But not during the recess between sessions of parliament?

Hon. Mr. DANDURAND—No.

Hon. Sir MACKENZIE BOWELL—If the report were passed as printed, the reporter would not receive any remuneration during vacation. If we are to continue to have a reporter he must, of necessity, be here during the adjournments, so that under those circumstances, although he may have nothing to do and his time could not be utilized in the interest of the Senate and the country, still we have to pay him. I do not object to that, for the reason I have stated. But before adopting the report, I desire to call the attention of the Senate to what I consider a totally unnecessary expense. In what I say, I wish it to be distinctly understood that I am not complaining of the work performed by the reporter employed by the House to furnish the press report. I have upon a number of occasions gone to the clerk's office and examined the synopsis which has been prepared for publication by our reporter;

and when I come to look at the newspapers I find that they scarcely ever utilize the whole of it, on many occasions taking no portion at all. When it is utilized it is very often mutilated in such a way that the senator who opened his mouth on the floor of the Senate really did not recognize his remarks as they appeared in the press. We have been in session about twenty-six weeks now, and are paying the reporter about $40 a week, and it is for the Senate to consider how far they are justified in paying $1,000 or $1,200 during a long session for really no return. The principal newspapers do not consider it of sufficient importance to publish reports furnished them by our press reporter at the public expense and why should the country continue to incur that expenditure? I remember that originally, I think probably when I was on that committee a good many years ago, I was the first to suggest the plan for furnishing a press report which is in existence at the present moment, and I did it for this reason: I thought it important that the proceedings of the Senate should be published in the principal newspapers in the country in order that the public should see that the senators were performing that service to the country which was expected of them; but year after year I have observed the newspapers pay no attention to it, and I have come to the conclusion that they do not appreciate that which they get for nothing. If they had to pay for the service, the probabilities are they would treat the Senate in the same manner as they do the House of Commons, and I cannot help thinking that we are not justified, for the reasons which I have advanced, in continuing the expenditure which has been incurred and which we now propose to continue. I wish to repeat that I am not to be understood as complaining of the manner in which the young gentleman who is employed on the staff performs his work. If the synopsis prepared by him were published daily in the papers, I think ample return would be given to justify the expenditure; but I cannot justify myself in continuing to support that expenditure of money under the circumstances I have laid before the House.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. COFFEY—There is much force in what the hon. gentleman from Hastings has said in regard to the reports of the proceedings of the Senate in the daily papers; but it might be well to remember that the House of Commons is treated almost in like manner. I have seen morning sittings, afternoon sittings and sittings far into the night in the House of Commons, and many of our principal daily papers in the country would next morning contain only a synopsis of a column or a column and a half or two columns. For my part, I should like to see a larger report of the proceedings of the Senate published in the press; those acquainted with newspaper work will realize the difficulty, particularly with the morning newspapers. At eleven or twelve o'clock at night important despatches come from all over the world at the time the proceedings of the Senate are received, and I suppose the editors consider the important news, such as wars and rumours of wars, of much more importance than the proceedings of the Senate. As a rule, many of the papers of the country are inclined to be fair to us, and give us such space as they can spare, considering the immense pressure on their space late into the night.

Hon. Mr. POWER—The chairman of the committee is quite right when he says that the newspapers give more attention to wars and rumours of wars than the proceedings of the Senate, because I have noticed in connection with the Senate itself that should the usual calm atmosphere of this House be disturbed by any friction between two members, the newspapers do not fail to give it a reasonable amount of publicity.

Hon. Sir MACKENZIE BOWELL—If the hon. member thinks that a good reason for continuing the present expenditure, I have nothing to say.

Hon. Mr. ROY—I wish to suggest an amendment to this report. I may say that it was proposed by me in the committee and the chairman will bear me out in saying that it was viewed favourably by the committee. I propose to add after the words 'first rate experience' the following

'and reporting in both languages'. The reason for doing so is, I understand that in providing the sum of $10,000 for the reporters, they undertake to engage a new man at a salary of $2,100. I have inquired since if that amount of money will enable them to secure a first rate man who can report in both languages, and I understand that such a man can be secured at that figure.

Hon. Mr. POWER—My impression is that the senior reporter on the present staff is able to report in both languages; but he is not always in the Chamber when senators speak in French. I think the proposition is not an unreasonable one.

The SPEAKER—There is an amendment already before the House to the motion to adopt the report.

The amendment was adopted.

Hon. Mr. ROY—I now move my amendment.

Hon. Sir MACKENZIE BOWELL—Would not the hon. gentleman's object be attained as well by having a translation of the speeches made immediately afterwards. If it is made obligatory on the contractors to report both languages, it would necessitate the employment of another reporter who would have to sit at the table all the time in order to report gentlemen who addressed the House in French.

Hon. Mr. ROY—My amendment simply provides for the employment of a man who can report in both languages. It is only fair to those senators who wish to speak in French. I know for the price they will pay, $2,100, a first-class reporter able to report in both languages can be had.

Hon. Mr. COMEAU—I do not suppose it is necessary to say that the new man must report in both languages. All that is needed is that there shall be such a reporter on the staff.

Hon. Mr. ROY—My object is that a man capable of reporting in both languages shall be employed.

Hon. Mr. COFFEY—It is quite in order to attach the present amendment to the report. The other report of the committee, which will be taken up next week, deals with the present session's work.

Hon. Mr. WATSON—If the committee are making a contract with Messrs. Holland Bros. for another year, it must be a matter of conference between them and the committee. Would the agreement arrived at be affected by this amendment?

Hon. Mr. COFFEY—Not at all. The raising of the sum to $10,000 was with the understanding that another reporter would be added to the staff. It was considered that the staff, as at present organized, was rather weak, and our idea was to procure another first-class reporter, and one who can take speeches in both languages.

The amendment was adopted.

Hon. Sir MACKENZIE BOWELL—I do not intend to divide the House on the paragraph to which I have called attention; but if I should live to be here another year and we get no more return from the expenditure for the newspaper reports than we have had in the past, I give notice that I will test the opinion of the House upon the question of what I consider an unnecessary expenditure.

The motion was agreed to, and the report was adopted.

MINERAL RESOURCES OF CANADA.

MOTION.

Hon. Mr. WATSON (in the absence of Hon. Mr. Domville) moved the adoption of the second and final report of the Special Committee on Mineral Resources. He said: The report has been edited by Mr. Dowling, of the Geological Bureau. I have made inquiries as to the estimated cost of printing 2,000 copies. The information I have received from the clerk, and the recent information obtained from the Printing Bureau, was that the cost would be in the neighbourhood of $700. The report will make a pamphlet of about 120 pages.

Hon. Sir MACKENZIE BOWELL—I see it is intended to print certain maps with

the report. We know that the Department of the Interior have prepared maps covering almost every portion of the Northwest. Could not some of these maps be used and circulated with the pamphlet?

Hon. Mr. WATSON—Maps are in existence, showing the coal areas of the west and the shale districts of New Brunswick. It is simply intended to utilize these and circulate them with the pamphlets. I ask to have the motion amended by striking out the word 'printed' and substituting the word 'annexed'.

The motion was agreed to, and the report as amended adopted.

CONTINGENT ACCOUNTS OF THE SENATE.

MOTION.

Hon. Mr. THOMPSON moved the adoption of the report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate. He said: This report has been so long before the House, that no doubt hon. gentlemen are quite conversant with its contents. The first clause refers to providing stationery for the members of the Senate. Some new restrictions are recommended. The second and third paragraphs refer to an amount of $54 recommended to be paid Mr. Mullin, a stenographer who was employed in the Banking and Commerce Committee, when considering the Insurance Bill, and which your committee thought should have been provided by that committee by asking the Senate to permit them to make the expenditue. The chairman of the Banking and Commerce Committee expected to have been here and would have made some explanations on the subject. The stenographer was there at the suggestion of the committee, taking the evidence given as to the provisions of the Bill, which was subsequently printed and in reaching conclusions in respect to the Bill. I think possibly we are to be congratulated on that work, as I see the Commons have accepted the Insurance Bill as it left the Senate, with no important amendments.

Hon. Sir MACKENZIE BOWELL—With some amendments.

Hon. Mr. THOMPSON—And we received some advantage from the reports of Mr. Mullin that were placed in our hands. The next section of the report is a recommendation that an allowance be made to Mr. Audet, special sessional messenger, for his services, his pay to be made the same as that paid to the person occupying a similar position in the House of Commons. That will increase his pay fifty cents a day. The clerk of the Senate has suggested, to make it more explainable, that in section 4 the words, 'during the present session,' be added. The fifth clause refers to an increase to be paid to W. G. Thompson, the electrician, for his services to the Senate, that it be the same as paid to the employee occupying a similar position in the House of Commons. That is an increase of 25 cents per day, and the same amendment has been suggested by the clerk, adding the words, 'during the present session.' The the House of Commons, and that Mr. Berubé be put in the same class as the person occupying a similar position in the House of Commons, and that Mr. Pelletier be appointed guardian of the wardrobe, and be placed in division C, subdivision 2, provided these two employees be entirely under the supervision of the Senate during and outside the session of the Senate. To this resolution, it has been suggested by the clerk that after the word Berubé, the words 'assistant to the curator of the reading room' be added. I might add that this position is, as far as as the employees of the Senate are concerned, somewhat in line with the disposition of the committee in dealing with the higher paid officers. The other day, by a vote off-hand, we added some $1,200 to the salaries of the higher paid officers, and I think the feeling of the Senate would be that the needs and requirements of other classes of employees in the Senate might be considered.

Hon. Mr. LOUGHEED—What change does this make with respect to those officers?

Hon. Mr. THOMPSON—Fifty cents a day in the case of the first named, and twenty-five cents in the other cases.

Hon. Mr. LOUGHEED—I mean with reference to Berubé and Pelletier?

Hon. Mr. THOMPSON—It is a new classification in respect to them. I don't know whether it makes any change; it does not recommend any; it recommends a classification which might permit the Senate, if it thought proper under that classification, to make additions to the salary.

Hon. Mr. LOUGHEED—If we put them on the same plane as the same officers in the Commons, then whatever their position is, would be the position of the Senate officers.

Hon. Mr. THOMPSON—It puts them on the same plane; but it does not state, as the previous recommendations do, the same salary for the same position. Whether this practically carries the salary that goes with the position, I do not know. These are the special features of the report of the committee, which I have the honour of asking shall be adopted.

Hon. Mr. POWER—With reference to this last paragraph, I submit that the Senate have not the power to adopt it, as it would be undertaking to deal with the salaries of our employees without regard to the Civil Service Act. If the amendment which the committee of this House adopted a little while ago should go into operation, then we would, perhaps, be in a position to pass resolutions of this kind; but at the present time I fear we cannot take one of our servants out of one class and put him into another, and provide that his salary shall be otherwise than the Civil Service Act prescribes. If the amendment which has been made is concurred in by the House of Commons, then these officers will get an increase of pay.

The SPEAKER—I would like to say something about this. I called the attention of the chairman of the committee to this matter. Is there any authority to place a messenger, or one of those who are in that class, in a subdivision at all, as the law now stands? Is it not quite clear, and was not that the rule that was adopted, and was not that the whole trouble with the Auditor General?

Hon. Mr. THOMPSON—I might say with respect to the resolution that is moved, that hon. members of the Senate will notice it simply follows the practice of the House of Commons. In regard to the Act, the Speaker as the head of the department could better advise us as to our right to do this. I am simply bringing to the notice of the Senate the resolution that was moved by an hon. gentleman of the committee, and which was subsequently adopted by the committee. They ask to follow the practice of the House of Commons. Whether it comes strictly within the Act or not, it is a question that I am not discussing at all.

The SPEAKER—I think the chairman will bear me out that it was laid down with perfect clearness, that so far as the messenger class is concerned, there is no power under the Civil Service Act to place anybody in this position. Not only that, but promotions to this division can only proceed upon a certain recommendation, upon a report by the clerk, and a recommendation by the Speaker, and its adoption by the Senate either through its committee or otherwise. That is the procedure provided for in the transfer from one position to another, and this is a new departure which I think may lead to trouble.

Hon. Mr. THOMPSON—Perhaps his honour the Speaker will permit me to say that the classification presented last session to the Senate really confused the whole question, because these classifications were handed in to us without following the exact requirements of the Act. We were handed the classification in which several employees, who were not within the Act, were classified by the Senate. I am not going to say it was proper that it should be done in that way. I entirely agree with what the Speaker said. To read the Act, messengers and the lower grade of employees are excluded from the classification; but the resolution which the Senate is asked to consider is simply to follow the practice of the House of Commons. If there is a close adherence to the provisions of the Act, we should do nothing but what the Act says; if we do what the House of Commons has done, possibly we shall be exempted from the Act in that respect, or be permitted to do the same thing. That is the view entertained by the committee

in making the report. I am merely bringing to the attention of the Senate a resolution which was passed and presented by the committee to approve or adopt.

Hon. Mr. POWER—I think it is going to raise a new antagonism in which the Auditor General will certainly come out right, because he will point out that there is no power under the Civil Service Act for us to place people of a messenger class in the classification at all, and therefore, there will be trouble about the salary, and the Auditor General will be justified in refusing to pay, on the ground that we are adopting a provision which we had no power to adopt.

Hon. Mr. BELCOURT—Would the recommendation of the Speaker not overcome the difficulty?

The SPEAKER—The procedure which the Civil Service Act provides is that the report shall be made by the clerk, whether it is made on the recommandation or otherwise of the Speaker, and the House adopts that.

Hon. Mr. BELCOURT—Inasmuch as the sense of the House is that this increase shall be made, I suggest that the Speaker and the clerk make the recommendation in order to have it perfectly legal.

Hon. Mr. THOMPSON—I should like to ask if Mr. Berubé were designated assistant curator in the reading room, would he be regarded as a messenger under the resolution?

Hon. Mr. POWER—The resolution cannot change the law.

The SPEAKER—Where is the curator of the reading room classified at present?

Hon. Mr. THOMPSON—He is not classified, but the resolution asks to have him classified as they have done in the House of Commons.

Hon. Mr. KERR—How is the curator at present classified in the report which has been adopted by the Senate? He has been classified in the messenger class, has he not?

Hon. Mr. THOMPSON.

Hon. Mr. THOMPSON—Yes, but this report asks that the Senate reconsider the original classification. and take him out of the class of messenger and place him in the same classification as a similar employee in the House of Commons.

The SPEAKER—But this is the assistant curator?

Hon. Mr. THOMPSON—Yes.

The SPEAKER—You would leave the curator out and put the assistant curator in?

Hon. Mr. WATSON—The curator is in the proper place at the present time for receiving the money he is drawing.

Hon. Mr. Ross (Middlesex)—As the Senate has adopted that course we should not depart from it. The Civil Service Act says that these appointments shall be made on the recommendation of the clerk, approved of by the Speaker. I do not think this committee or the Senate can change the law.

Hon. Mr. POWER—There is the objection raised by the Auditor General, and I think, as I said before, that if this House agreed to make an amendment to the Civil Service Act, and the Bill is accepted by the House of Commons, that will of itself place these men in their proper positions; but one of the strongest reasons for passing the Civil Service Act was that we should not be continually, without proper regard to all the circumstances, giving increases to different employees, and I think this last paragraph had better be omitted.

The motion was agreed to, and the report was adopted.

THIRD READING.

Bill (No. 25) An Act respecting the Water Carriage of Goods.—Rt. Hon. Sir Richard Cartwright.

FISHERIES ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (No. 192) An Act to amend the Fisheries Act.

(In the Committee.)

Rt. Hon. Sir RICHARD CARTWRIGHT —The first subsection simply repeals the provision which prevents more than one trading vessel being employed at one factory. The Marine Department informs us that this is now considered inexpedient, and that it provides no more protection than if the trading companies used two boats at one factory.

Hon. Mr. MACDONALD (British Columbia)—The hon. gentleman knows as well as I do the great importance of the fisheries of the Dominion, and especially in British Columbia. A great deal has been done there to destroy the fisheries by the United States fishermen setting traps in the path of the salmon on the way from the ocean up to the rivers. How it is to be obviated I do not know. The Natural Resources Commission sit, I believe, this year, but whether they will be able to touch the matter of the conservation of our fisheries or not, I do not know. It is a serious injustice and a serious grievance now to the fishermen of Fraser river, who have conducted the greatest salmon industry of the Pacific coast for many years. Our people, trying to counteract the effect of the United States fishermen's traps, placed their traps further out. Of that the United States fishermen complained. Whether the international commission will try to obviate the difficulty, I do not know. The fisheries are of vast importance. In those traps the fishermen capture many thousands of salmon that they cannot use. They hold them in the traps and very few pass up to our rivers. Of course, the people of the state of Washington are not controlled very closely by their own laws, and they do not care what may happen to the fisheries so long as they get all the fish they want.

Rt. Hon. Sir RICHARD CARTWRIGHT —This Bill does not affect that question at all.

Hon. Sir MACKENZIE BOWELL—This applies only to tidal waters, I believe?

Rt. Hon. Sir RICHARD CARTWRIGHT —This refers simply to the question of whaling vessels. The existing law provides that the holder of any such licenses shall not operate more than one.

Hon. Mr. MACDONALD (B.C.)—Has anything been done to settle the question of jurisdiction between the Dominion and British Columbia with respect to the fisheries?

Rt. Hon. Sir RICHARD CARTWRIGHT —I do not know much about the matter except this, that I understand both governments now issue licenses. I think each charges five dollars for a license, whereas before one charged ten dollars and divided it. I believe that a considerable sum is placed in the estimates of this session to reimburse the British Columbia government for sums alleged to be due to them; but as to the future, I cannot say. They are at present negotiating, I believe, with the Department of Marine.

Hon. Mr. LOUGHEED—Will this Bill apply to all rivers under lease? This deals with fly fishing. What is the object of repealing section 22? Is it with the object of permitting fishing in other ways than those designated in the Act?

Rt. Hon. Sir RICHARD CARTWRIGHT —I am informed by the department that section 22 appears to take away from subsection 6 of section 47 much of its force. While the latter clause aims at the protection of all kinds of fish on their journey up stream to the spawning grounds, section 22 allows fly fishing for salmon in such places. It has been represented to the department that by taking advantage of this section, salmon are captured in large numbers at the foot of some of the rapids as they play around before making the ascent. As the clause, in this respect, conflicts with subsection 6 of section 47, they advise its repeal.

Hon. Mr. LOUGHEED—What jurisdiction does this government exercise in such streams as are leased, say, in New Brunswick and Quebeec?

Rt. Hon. Sir RICHARD CARTWRIGHT —The question is rather a moot one. As far as I can understand the position, it would be something like this: that we have the power of regulating the taking of the

fish, the putting of restrictions thereon, but not of exacting fees, which are said to belong in most cases to the province.

The clause was agreed to.

On clause 7,

Hon. Mr. LOUGHEED—What is the object of suspending the right to fish within those hours?

Rt. Hon. Sir RICHARD CARTWRIGHT—The change in subsection 14 of section 47 is to allow the effective closing of such fishing engines as pound nets and weirs during the close time, so that fish cannot enter them at all, instead of making an opening therein to allow the fish to pass out after they have entered. It has been pointed out that the closing of pound nets is the system adopted in the state of Washington, and such has also been found convenient and effective in New Brunswick weirs. That is the reason which has induced the department to ask for this change.

Hon. Mr. LOUGHEED—I thought the fish were insisting on the observance of the Lord's Day Act.

Rt. Hon. Sir RICHARD CARTWRIGHT—No, I think it is simply with reference to the cultivation of fish.

The clause was agreed to.

On clause 14,

Hon. Mr. LOUGHEED—May I ask my right hon. friend what was the International Fisheries Commission? Who constituted it? I do not recollect for the moment. It refers to clause 14 being adopted under a treaty signed at Washington on the 11th April, 1908.

Rt. Hon. Sir RICHARD CARTWRIGHT—I have before me a copy of the treaty which was made upon the subject.

Hon. Mr. BELCOURT—I have a copy of the return in my hand. Mr. Prince was the Canadian commissioner, and Mr. Jordan the American commissioner.

Rt. Hon. Sir RICHARD CARTWRIGHT—The treaty which regulates this was signed between Her Majesty's ambassador, and the president of the United States, in April, 1908. I have the various articles here. They are somewhat lengthy, though, and would probably not add very much to the information before the House.

Hon. Mr. BELCOURT—If my right hon. friend would permit me, though I do not know that it is absolutely germane; I should like to draw his attention to one portion of these international regulations which have been adopted, particularly to section 5 relating to the pollution of waters:

> No person shall place or pass, or allow to pass, into treaty waters any substance offensive to fishes, injurious to fish life or destructive to fish fry or to the food of fishes or of fish fry, unless permitted so to do under any law passed by the legislative authority having jurisdiction.

My right hon. friend might consider this regulation sufficient authority to suggest the appointment of an international commission in reference to the pollution of waters applicable to humanity.

Rt. Hon. Sir RICHARD CARTWRIGHT—I am afraid some governments take more care of fishes than of people.

Hon. Mr. POWER—I was hoping that there would have been in this Bill an amendment to the Fisheries Act providing for a case which has arisen in the province from which I come. The case arises from the fact that there is an old dam which prevents the fish from getting up the waters resorted to for spawning. A question has arisen as to the ownership of the mill, and I know that in one case at any rate, the action of the department would not allow the fish to go up to spawn on account of the fact that the officers did not know who owned the mill and the dam. I was hoping there would have been some clause in this Bill which would have provided for such a case. If the right hon. minister in charge has no objection, I would ask that the Bill be allowed to stand over until Monday, and we may be able to submit an amendment which will possibly commend itself to the good sense of the Senate.

Rt. Hon. Sir RICHARD CARTWRIGHT—I will do that, not guaranteeing, how-

ever, that it will commend itself to the bad sense of the House of Commons.

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

INDUSTRIAL DISPUTES INVESTIGATION ACT.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (No. 198) An Act to amend the Industrial Disputes Investigation Act, 1907.

(In the Committee.)

On clause 2,

2. Subparagraph (b) of paragraph 2 of section 15 of the said Act is repealed and the following substituted therefor:—

(b) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the minister to a board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the minister to a board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations.

Hon. Mr. LOUGHEED—I would like to ask my right hon. friend what is the object of this amendment?

Rt. Hon. Sir RICHARD CARTWRIGHT—This was asked for by the trades unions, alleging that the Act as it then stood put certain difficulties in their way with respect to dealing with these industrial disputes.

Hon. Mr. LOUGHEED—I don't understand the exception there. It would almost look to me that this is not applicable where there is a trades union; that is to say, the setting in motion of the machinery of the Act.

Rt. Hon. Sir RICHARD CARTWRIGHT—Well, this is what they asked for. They may be unwise in asking for it, I cannot answer for that.

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

The Bill was read the third time, and passed.

CIVIL SERVICE ADMINISTRTION COMMITTEE.

THIRD REPORT ADOPTED.

Hon. Mr. POWER moved the adoption of the report of the Standing Committee on the Civil Service Administration. He said: This report will be found at page 880 of the Minutes. It is a somewhat long report, but with the permission of the House I shall confine myself to just reading the paragraphs of the report, and not making an explanation, and hon. gentlemen may consider this my speech. The report is as follows:

The committee have had under consideration the subject of allowances to persons ceasing to be employed in the public service of the Dominion and to the dependents of such persons, and have agreed to report and do report thereon as follows:—

1. The first question to be considered is whether or not it is desirable that there should be a system of superannuation.

The reasons for an affirmative answer were given very clearly and tersely by Dr. Farr in his evidence before the Select Committee of the English House of Commons in 1856. He said:—

'Experience has shown that there are great advantages attending the present mode of remunerating public servants, partly by salaries and partly by superannuation. . .. .They are such as have led almost all the nations of Europe to adopt the system of paying partly by superannuation allowances. In the first place it is a guarantee of fidelity; in the second place, it encourages efficient service; in the third place, it retains good men in the service; in the fourth place, it induces men to retire when they have become old or inefficient from any cause; and in the fifth place, it prevents old public servants from falling into a state of disgraceful dependence, or of distressing destitution, which would be a public scandal, and might deter young men from becoming candidates for office. These advantages appear to me to be so great that I should very much regret to see the system of superannuation abolished.'

The like reasons are given at greater length in the report of the Royal Commission on superannuation, appointed in 1857, upon which

the English Act of 1859, still in force with certain amendments, was based. They are repeated in the evidence before the select committee of the Commons in 1873.

The experience of Canada strengthens the impression created by that of England. To ignore every other aspect of the matter, the services of many most valuable servants of the public have been transferred to private employers and have been lost to the country, where they would probably have been retained had a satisfactory system of superannuation been in force.

We find too that the banks, the railway companies and other great business corporations have been obliged, in order to secure and retain the services of the competent and reliable men, to introduce retiring allowances coupled with provisions for the widows and children of their employees. The government is by far the largest employer of permanent hands in the country: and if it is to be faithfully, cheerfully and effectively served, must do as other great employers. This necessity is emphasized by the disinclination, which we learn from the last report of the existing Civil Service Commission, is shown by properly qualified young men,—their qualification being shown by passing a reasonable examination—to enter the public service.

Your committee, therefore, have no hesitation in declaring that a system of superannuation is, in the public interest, not only desirable but absolutely necessary.

I move the adoption of that paragraph.

The motion was agreed to.

Paragraph two of the report reads as follows:

2. Before undertaking to submit a scheme of their own, the committee think it well to state briefly the existing conditions under the Superannuation Act of 1880, which, with certain amendments, was in force until the first of July, 1898, . . . a deduction at first of two per cent and after the first of April, 1893, of three and a half was made from the yearly salary of every officer, which deduction was continued for thirty-five years if the officer remained so long in the service, and upon his retirement he received a superannuation allowance of one-fiftieth of his average salary received during the last three years of his service for each year thereof, such allowance in no case to exceed thirty-five-fiftieths of such salary. Upon his death the allowance ceased, and nothing was thereafter paid to his widow, children or personal representatives. The system was defective, because not more than fifteen per cent of the contributors lived to become beneficiaries; because there was nothing for the families either of those who survived to the pensionable period or of those who failed to so survive, and because the unexpended balance of the servant's contributions remained in the consolidated revenue fund. One man in six or seven might live to enjoy a pension for a few years; but if a servant died, whether in harness or after retirement, there was no provision whatever for his family. Of the objectionable results of this system we have had many melancholy instances.

With a view probably to remedy in some degree the defects of the superannuation law, the Act respecting Government Civil Service Insurance was passed in 1893. This Act was intended to provide for the widows and children of civil servants who availed themselves of its provisions. The number who have done so is exceedingly small, possibly owing to the fact that the largest amount for which insurance can be effected is two thousand dollars.

The Civil Service Retirement Act of 1898, which came into operation on the first of July in that year, provided that there should be a deduction of five per cent from the yearly salary of every person becoming a member of the Civil Service after that date; and that upon retirement from the service or death his contributions with interest at four per cent compounded half-yearly should be paid to himself or his legal representatives, as the case might be. Provision was also made for taking into account previous payments into the superannuation account. This Act while partially removing one defect in the then existing law, by giving the servant's contributions and interest thereon to himself or his dependents or heirs, made very insufficient provision for the contributor and his family. It did less than life insurance, and really amounted to a compulsory deposit of five per cent of salary in a savings bank. On the other hand, inasmuch as the contributor is allowed to withdraw his deposits with compound interest at any time, this enactment has had no effect in restraining civil servants from quitting the government employ. The existing laws with respect to the subject matter of this report are, as has been pointed out, defective in their operation. They are also unduly limited in their application. They apply only to what is known as the inside service and to certain members of the outside service who are employed in the Departments of Customs, Inland Revenue and Post Office. There does not seem to be any substantial reason why outside members of the staffs of the Public Works, Marine and Fisheries, Agriculture and other departments should be placed on a different and inferior footing to those of the three first mentioned: and in the opinion of the committee the benefits of any new system of providing for retired civil servants and the families of those deceased should extend to all bona fide permanent officers and employees of the public service of Canada.

I move that this paragraph be adopted.

Hon. Mr. McMULLEN—I desire to say a few words on this clause. I do not think there is any person who has occupied a humble position in the House of Commons, who gave more care to the superannuation system, which was abolished some years ago, than I did. Our superannuation system, which was then in force, was prostituted to serve party ends. In

the first place, there were men on the superannuation list who had served only two or three years, and were placed on that list, and for the balance of their lives drew handsome allowances. Other men, who contributed very small sums to the superannuation fund, were superannuated, and lived to old age drawing an immense amount of money. If a well regulated superannuation system were adopted, that would deal fairly with the service, and would not be abused as the old age system was, it might possibly accrue to the benefit of the entire service, both inside and outside, and do justice to many faithful servants who have been long in the employment of the country; but it should be a system very different to the one we have. We require a system that will be superintended by some Civil Service board who will see that when men enter the service they will be required to contribute a certain percentage of their allowance every year more than they contributed before, and the government should add something thereto; that the fund will be not absolutely separate, and then the enormous loss to which the country was subjected will not be repeated. Every year some $250,000 to $300,000 was paid out, over and above the receipts that were gathered from those who contributed to the superannuation fund. That kind of a system, in my humble judgment, the people of this country will not support. The Civil Service of Canada are well paid. There is no class of men in the country better paid for their services than the civil servants. Take teachers, ministers, and others, and if you add up the amounts paid to the Civil Service, you will find that, as a whole, the Civil Service receives remuneration equal or larger than any of the others. I admit that when an employee of the government serves until he is old, it is in the interest of the country that some provision should be made for him; that he should not be turned out and left to die of neglect. It is well that something should be provided, but I think they should be required out of the ample allowance they get to make a larger provision for themselves than they do. When they look forward to superannuation, they are very apt to squander what they have instead of putting something past to depend upon when they get up in years. We know that the civil servants of this city, in many cases are very extravagant people, living beyond their means. Many are induced to do so in the hope that they will be placed on the superannuation list. In many cases, I have no doubt it prevents men from prudently setting aside from month to month, and year to year, a portion of their salaries to rest upon when old age overtakes them, or on which their families could live.

Hon. Mr. McSWEENEY—I remember two very glaring cases that took place on the Intercolonial railway. One was that of Alexander McNab, the chief engineer, who was retired about 1879 or 1880, on an allowance of $1,600 per year. He was retired at the age of 46, and lived in London for 25 years after. Another was Thomas Hood, who was retired about the same time, at the age of 44, on an allowance of $1,100 a year. He lived and died in the United States. I think these are two of the most glaring cases I ever heard of.

Hon. Mr. POWER—Clause 3 reads as follows:

It being clear then that a system of superannuation accompanied by allowances for the widows and young children of public servants should be introduced, the question naturally arises, should the beneficiaries contribute or should they not?

The contributory system reduces the drain on the public treasury to a comparatively low figure. It is the more manly, and best calculated to preserve the self respect of the civil servant. The fact that his own money is involved tends also to make him less likely to quit the service. On the other hand, where there is no contribution and the state bears the whole expense, while the cost to the public is much increased, the beneficiaries are not better satisfied than where they contribute, because they become convinced, as has been the case in England since 1859, that the retiring allowances are taken into consideration when their salaries are fixed, so that the pension is looked upon as being really deferred pay.

Dissatisfaction with the Act of 1859, the law which substituted a non-contributory for a contributory system, has often found expression in England. It may be well to make two short citations from the mass of evidence to this effect. We quote first from the report of a parliamentary committee appointed in 1885. The committee were—'of opinion that all persons hereafter appointed to the service of the

Crown, whether civil or military whose service at present counts towards pension, should contribute towards that pension by a percentage deduction from salaries or pay. The steady and rapid growth of the pension list points to a proximate revision of the entire policy of burdening the public with the provision of pensions; the enterprise of private individuals and firms indicates the advantage of self-help as a condition of employment (which it might be proper to supplement with state help); and your committee recommend that not only in service counting under the present system towards pension, but also in the police and other unpensioned branches of the public service, contribution to a pension fund should be made obligatory.'

In his evidence before the Ridley Commission in 1886, Sir Algernon West said,—'I should be very much inclined, if you ask my opinion, to say that I think it would be a very fair thing to revert five per cent deduction from salaries for pensions, thereby reducing the charge of superannuation on the state, but with the distinct understanding that these deductions should be absolute property of the person who pays them.'

In an able report furnished by the Bureau of Labour at Washington, to the United States Senate in January last, Mr. Herbert D. Brown dealt with civil service retirement in Great Britain and in New Zealand. One conclusion which Mr. Brown draws from the history of English superannuation schemes is that,—'The logical plan is to adopt a contributory plan, since a pension system is certain to be treated as a contributory system, and since pension system is far more costly. It is better then, to adopt a contributory plan in the beginning, worked out on scientific lines, with a definite relationship between contributions and benefits to make it equitable between all classes of employees.'

He also says on page 157 of his report:—'Provision should be made for the refund of contributions in case of separation from the service, whatever the cause. The lack of this provision in the Act of 1834 was felt to be a hardship and an injustice. The forfeiture of contributions was especially resented when employees died while in the service.'

It may be said here that the Canadian Act of 1880 was substantially a copy of the English Act of 1834, and it may be added that private corporations in some cases forfeit the contributions of servants who quit their service for other employment.

Mr. Brown's account of New Zealand's experience shows that the newest Dominion began in 1858 with a straight pension system such as that introduced in England by the Act of 1859: that after thirteen years trial it was abandoned as involving too heavy a charge on the public treasury: that from 1871 to 1886 the colony 'contented itself with making gifts of lump sums to each employee retiring from the service, basing the amount of the gift on the length of service.' The Act of 1886, substantially identical with the Canadian Law of 1898, 'authorized deductions (of five per cent) from salaries, and was simply a scheme of compulsory savings established with the idea that the superannuated employee must be taken care of but at his own and not at the public expense.'

This Act continued in force until 1893 when it was succeeded by a Civil Service Insurance Act, like the Canadian Law of the same year, except that it was compulsory upon all persons entering the service and not above forty years of age.

Finally, in 1907, a contributory retirement plan with a subsidy from the government was adopted. This plan, permitting continuance of insurance in the Government Life Insurance Department if the employee so desires, affords adequate provision for every possible contingency in the life of the civil employee. Mr. Brown closes his observations on the existing New Zealand system as follows:—

Certain details of the plan are worthy of note by the student. There is no compulsory age of retirement, notwithstanding England's experience that the absence of such provision is inadvisable. Provision is made for the cash refund of contribution on separation from the service, but interest on them is forfeited—an offset to the liberality of the benefits provided for those who remain in the service. The retiring allowance is based on the salary during the last three years of service rather than on the average salary. These are features the wisdom of which can be determined only by experience.

New Zealand's experience in retiring its civil employees is especially instructive for two reasons, first, because of the variety of experiments made, and, second, because the final conclusion rests on theoretical principles generally acknowledged to be sound and yet in actual practice 'more honoured in the breach than in the observance.'

It may be added that the rate of deduction under the New Zealand Act of 1907 is four per cent.

The contributory system is that adopted by the banks and by the great majority of business corporations; it is that recommended by the Canadian Civil Service Commissions of 1892 and 1907; and it has been adopted and found to work satisfactorily in the cases of the permanent militia, the Northwest Mounted Police and the employees of the government railways. Contribution, too, has been a feature of every law heretofore passed by parliament with respect to the retirement of civil servants. If under the proposed new Act, contributions were abolished as to civil servants as a class, it would almost as a matter of course have to be discontinued as to militia, police and railway employees. The additional charge upon the public treasury, without any corresponding benefit, which would be involved in such discontinuance, furnish a substantial argument in favour of the retention of the contributory system.

Your committee have no hesitation in expressing the opinion that any system of superannuation should be based on the principle of contribution.

I move that that clause be adopted.

The motion was agreed to, and the clause was adopted.

Hon. Mr. POWER—Paragraph 4 of the report reads as follows:

4. Your committee do not feel warranted, nder all the circumstances, in discussing

those provisions of the existing law in which they propose no change; and, even where alterations are deemed desirable, their observations must be brief.

The method indicated by the Bill submitted with this report, by which persons heretofore appointed to the service can, if they choose, become beneficiaries under its provisions are identical in principle with sections of the Militia Pensions Act and the Northwest Mounted Police Act, which have been regarded as fair and reasonable, and which are said to work satisfactorily.

I move the adoption of that paragraph.

The motion was agreed to.

Hon. Mr. POWER—Paragraph 5 reads as follows:

5. The age of seventy is fixed as the limit beyond which no servant can be retained. Under the existing law there is a discretion on the part of the government to superannuate a servant at the age of sixty but no maximum age upon the attainment of which retirement is absolutely prescribed. Sixty-five is usually the maximum elsewhere; but considering the healthfulness of the Canadian climate and the exceptional vigour shown by members of the service who have passed that age, your committee, while deeming it desirable that a period should be fixed at which an employee's official life should end, think that the public interests will be served if the government are allowed to retain his services up to the age of seventy. It must be borne in mind that the government may retire a civil servant at sixty, and that such servant may retire of his own motion at sixty-five.

I move the adoption of the paragraph.

The motion was agreed to.

Hon. Mr. POWER—Paragraph 6 reads as follows:

6. Your committee are of opinion that the employee whose years of service are added to should contribute to the treasury the amount which he would have paid had he actually served during the additional period.

That means that, if ten years' service be added, he must contribute as though he had served ten years.

Rt. Hon. Sir RICHARD CARTWRIGHT—I may remark for the information of the House that while the law continues to allow ten years to be granted, it has not been granted once, to the best of my recollection, during the last fourteen years. It has practically been allowed to lapse. I think there is but one case.

Hon. Sir MACKENZIE BOWELL—Would this recommendation carry with it compound interest on the amount, or simply the three, or four, or five per cent that he would have paid had he taken superannuation at the beginning, or is that a matter of arrangement? This makes the provision that, if an officer who has been in the service for some years, be placed upon the superannuation list, he should pay the amount that he would have paid had he been upon the superannuation list from the time of his appointment. Would that include interest?

Hon. Mr. POWER—I should say it would, because wherever there is any doubt as to the meaning of the Act, the Governor in Council is given power to solve the doubt, and under the Act of 1898, on the contribution of servants who had been under the Superannuation Act, interest was allowed and compound interest was allowed on the contribution under the Act of 1898. I move that this paragraph be adopted.

The motion was agreed to.

Hon. Mr. POWER—Paragraph 7 reads as follows:

7. Clause 16 of the Bill herewith submitted provides that time spent in the service as a temporary employee shall be allowed to count for a servant, on condition that he contributes for such time as though he had been during that time a permanent employee. This seems a reasonable concession.

This seems a reasonable concession, and I may say that the expression from the Civil Service Commission seemed to indicate that they considered it a reasonable provision too. I move that this paragraph be adopted.

The motion was agreed to.

Hon. Mr. POWER—Paragraph 8 reads as follows:

8. Clause 19 changes the existing law and provides that if a contributor dies before superannuation, leaving no widow nor any child under the age of eighteen surviving him, the amount of his contributions to the consolidated fund without interest, shall be paid to his heir or personal representative. In the cases of persons subject to the provisions of the Superannuation Act those contributions are now forfeited, while in the cases of those serving under the Retirement Act of 1898 the repayments are to be made with interest. It is submitted that, where there is no widow nor any children under eighteen, there is no obligation on the state, on the ground of

humanity, to pay interest to full grown children or next to kin. The benefits accruing to public servants under this Bill are so considerable as to justify the state in any such case in witholding interest.

I move the adoption of this paragraph.

The motion was agreed to.

Hon. Mr. POWER—Paragraph 9 reads as follows:

9. The provisions made in the Bill for the widows and children of contributors are, in the opinion of your committee, fair and reasonable. They are not quite as liberal towards the children as those of some of our banks and other business corporations; but on the other hand, they are much more generous than those made by the New Zealand statute of 1907, and by certain business institutions.

There is no change in the Bill submitted by the Commission of 1907 in that respect. I move the adoption of this paragraph of the report.

The motion was agreed to.

On clause 10.

10. The deduction of five per cent is one per cent greater than that provided for in the New Zealand Act, but the benefits to the contributors are much greater than under that Act. The deduction is the same as that recommended in England by the Ridley Commission of 1886; and is also identical with that prescribed by the Canadian Retirement Act of 1898, and by the Militia Pensions Act and the Northwest Mounted Police Act. The balance of convenience is altogether in favour of the rate mentioned in the Bill; and it will also have the effect of increasing the sum payable in certain cases of death before superannuation.

Hon. Mr. POWER—The Minister of Finance makes good whatever the deficiency may be.

Hon. Mr. LOUGHEED—May I ask my hon. friend how would those percentages work out with the annuity system which we have? If those percentages were applied in the purchase of an annuity, on the basis of the amount to which the officer would be entitled, would they approach the basis on which our annuity system is fixed?

Rt. Hon. Sir RICHARD CARTWRIGHT—They would be a little more liberal if my memory serves me right.

Hon. Mr. LOUGHEED—In that connection, it just occurred to me, why could not the annuity system be applied to the working out of the superannuation system, such as has been indicated in this report.

Hon. Mr. POWER—You mean a compulsory annuity system?

Hon. Mr. LOUGHEED—Yes, instead of its being paid by way of superannuation, could not this percentage be paid into the annuity fund, and an annuity paid to the servant upon the expiration of his time, or to his family, as the case might be?

Hon. Mr. POWER—That would provide a pension for the widow.

Hon. Mr. LOUGHEED—Yes, the annuity might be payable to the widow. We have a somewhat similar provision already under the Annuity Act.

Rt. Hon. Sir RICHARD CARTWRIGHT—My hon. friend will notice that the Annuity Act is absolutely self-sustaining on the basis of the four per cent allowed to depositors. The only contribution allowed to it by the state is the undertaking to take charge of the administration of the annuities branch.

Hon. Mr. LOUGHEED—I understood from my hon. friend, in his explanation of the Bill, that the percentage imposed upon the civil servants would substantially make an allowance for him.

Rt. Hon. Sir RICHARD CARTWRIGHT—Not without some considerable contribution by the state.

Hon. Mr. LOUGHEED—But, it would not be of a substantial character, would it?—that is the amount contributed by the government?

Rt. Hon. Sir RICHARD CARTWRIGHT—I think it would.

Hon. Mr. POWER—The annuity system would not give such liberal provision to the retired employee, nor to his widow and children as this Bill provides.

Hon. Mr. LOUGHEED—Might I just say in connection with that, that what suggested it to my mind was the statement made

by my right hon. friend, either this session or last, that a number of companies, or large employers of labour, had considered the propriety of availing themselves of this annuity system instead of adopting a superannuation system such as obtains in many large corporations. Has that been carried out to any great extent?

Rt. Hon. Sir RICHARD CARTWRIGHT—Certain amendments have been made to the Act this very session for the purpose of enabling the employers to avail themselves of it. I am in hopes that a good many of them will do it, but the idea there, I may say to my hon. friend, is that, in the case of elderly employees, the employers might choose, and probably would choose, to contribute what they were able to put in. You see the leading idea of the annuity system that I introduced a couple of years ago was to induce men at a comparatively early age to avail themselves of it. Some of them are doing so—not as many as I would desire, but still a considerable number. But in the case of the elderly employee, say, over the age of 40, it would be generally desirable that his employer should assist him, and a good many of them have intimated their willingness to do so, with certain amendments to the Act which have just been made. I think you will be able to bring a good many of them under those amendments?

The clause was agreed to.

On clause 13.

13. Your committee are disposed to be of the opinion that the condition and importance of the civil service are realized by only a small proportion even of those concerned in the government of the country. There still lingers an impression, handed down from earlier days, that as a class civil servants are paid handsome salaries, that their work is little more than nominal, and that they have much leisure time on their hands which they do not always put to the best use. Whatever foundation there may have been thirty or forty years ago for this impression, the members of your honourable House know that the present time, with possibly a very few exceptions, it is altogether incorrect. If the public service were a lotus-eater's paradise there would not be such difficulty in securing young men to occupy it, nor would so many quit it for other fields of employment.

The administration of the laws of Canada is in the hands of her public servents; and whatever wisdom and pains parliament may devote to the framing of laws, both are largely wasted if the laws be not carried out by capable and devoted administrators. It is of the utmost consequence that the public service be made reasonably attractive, and your committee feel that some such measure as the Bill herewith submitted has become necessary in the interests of the country as well as in those of the civil servants.

Hon. Mr. LOUGHEED—I would suggest to my hon. friend the impropriety of putting that clause in the report. What good object is it going to serve? It commits us to saying that we have not properly realized the value of the civil service, and it is in fact a reflection on the public men of Canada, almost every sentence of it.

Your committee are disposed to be of the opinion that the condition and importance of the civil service are realized by only a small proportion, even of those concerned in the government of the country.

And again:

There still lingers an impression, handed down from earlier days, that, as a class, civil servants are paid handsome salaries.

So they are in many cases, considering the work they do.

That their work is little more than nominal.

Well, I do not know that I have that idea. In many casses their work is only nominal; it is in many cases substantial. In fact it is an expression that we have not a proper appreciation of the civil service.

Hon. Mr. POWER—Go on; read on.

Hon. Mr. LOUGHEED—(Reading):

And that they have much leisure time on their hands which they do not always put to the best use.

Hon. Mr. POWER—Read the next sentence.

Hon Mr LOUGHEED—(Reading).

Whatever foundation there may have been thirty or forty years ago for this impression the members of this House know that at the present time, with possibly a very few exceptions, it is altogether incorrect.

I am not prepared to subscribe to that.

Hon. Mr. POWER—With only a few exceptions.

Hon. Mr. LOUGHEED—Yes.

If the public service were a lotus-eater's paradise, there would not be such difficulty

in securing young men to occupy it, nor would so many quit it for other fields of employment.

It is a reflection upon the civil service; it is a reflection upon the public men of the country in their not properly grappling with the question. It seems to me to be a reflection all round, and I fail to see any good purpose it is going to serve. For instance, if during the session I desired to express myself on the civil service, I find that I have subscribed to all these reflections, both on myself, and on the civil service, and I am handicapped thereby.

Hon. Mr. POWER—I am not wedded to that particular expression. The first part of the paragraph is the one that contains the objectionable matter. The hon. leader of the opposition has no objection to the latter paragraph beginning, 'The administration of the laws of Canada.'

Hon. Mr. LOUGHEED—Oh, no.

Hon. Mr. DERBYSHIRE—Cut out that first part of clause 13.

Hon. Mr. POWER—If the hon. gentleman moves that the first part of clause 13 be struck out, I have no objection.

Hon. Mr. LOUGHEED moved that the first paragraph of clause 13 be struck out beginning, 'Your committee are disposed,' and ending 'other fields of employment.'

The amendment was adopted.

Hon. Mr. POWER moved the adoption of the report, and that the Bill submitted thereupon be recommended for the favourable consideration of the government.

Hon. Mr. LOUGHEED—I suppose that recommendation should come when we deal with the Bill on Thursday next.

The motion was agreed to.

ESCHEATS BILL.

SECOND AND THIRD READINGS.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 206) An Act respecting Escheats. He said: The object of this Bill is as follows: At this present moment, in several of our provinces, notably Manitoba, Alberta, Saskatchewan, the Yukon, and Northwest Territories, the escheats go to the Dominion of Canada, and in the Yukon and Northwest Territories the personal property of those who die without leaving relatives likewise goes to the Crown. The object of the legislation proposed to be enacted is, as is done in England, and, by reason of statute is done in the province of Ontario, to give to the Crown the power to grant the whole or a portion of the property coming to the Crown to those who have a moral or natural claim on the deceased intestate, or rewards to those who may have happened to discover the property to the Crown. As an illustration of the need of some legislation of the kind, the Department of Justice has called our attention to the fact that a sum of over $47,000 was recently paid into the treasury, the proceeds of the estate of a man named Montgomery, who died at Regina. He was himself illegitimate and left no heirs. A number of claims have been made against the estate. These have been considered, but if any are to be entertained, the money could not be paid except by this legislation or by a special vote of parliament.

Hon. Mr. BELCOURT—Where was the estate?

Rt. Hon. Sir RICHARD CARTWRIGHT —In Regina.

Hon. Mr. LOUGHEED—Can my hon. friend say how it is that property escheats to the Crown, as represented by the provincial governments in certain provinces, and in those western provinces escheats to the Crown, represented by the federal authorities?

Rt. Hon. Sir RICHARD CARTWRIGHT —I merely give the statement, on the authority of the Department of Justice, that it is so.

Hon. Mr. POWER—The reason is that Canada owns the public lands in the western provinces.

Hon. Mr. LOUGHEED—I do not think that would make any difference.

Hon. Mr. POWER—It makes a difference in this way. The Dominion grants

land to a man in the west. The grant comes from Canada, and, if that man dies, leaving no representative, then the land reverts to the party from whom it came, and that is the Crown in the right of Canada. In the eastern provinces, the land is granted in the first instance by the province, in the name of the Crown.

Hon. Mr. BELCOURT—My hon. friend is mistaken, as a matter of law. When once property passes out of the Crown, and becomes, as in this case, the property of an individual, it comes under provincial jurisdiction. The case in question was one, I take it, which occurred before the provinces were formed, at a time when they were still unorganized territories.

Rt. Hon. Sir RICHARD CARTWRIGHT —I think it will be seen, when we take up the Bill in committee, that it is purely permissive, and does not conflict in any way with any rights that the provinces may possess.

Hon. Mr. LOUGHEED—There is nothing objectionable in the Bill. The only difficulty that weighs in my mind is the assumption of escheats by the federal government without in any way stating where the property might territorially be.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am not prepared to give the why and wherefore. It may be with reference to properties which accrued before the establishment of those provinces. When we come to consider it in committee I think the Bill will be found, as my hon. friend says, to be quite unobjectionable.

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

The House resolved itself into Committee of the Whole on the Bill.

Hon. Mr. BELCOURT from the committee reported the Bill without amendment.

Rt. Hon. Sir RICHARD CARTWRIGHT —I move that the Bill be read a third time on Monday, at the first sitting.

Hon. Mr. LOUGHEED—May I ask my right hon. friend to obtain on Monday additional information on that question as to how the federal parliament assumes authority to deal with escheats. There may be judicial authority for it. If there is, I am unfamiliar with it. The matter did come before the courts on one occasion; but I cannot imagine land escheating to the federal government within the provinces.

Rt. Hon. Sir RICHARD CARTWRIGHT —I will endeavour to obtain the information; but I may observe to my hon. friend, what he must have no doubt noticed, that this does not attempt to confer any authority on the government. It is merely in cases where it is found they did escheat to the Crown.

Hon. Mr. LOUGHEED—I can understand its arising in the unorganized territories and the Yukon district.

Rt. Hon. Sir RICHARD CARTWRIGHT —It is merely intended to affect those, no doubt.

The motion was agreed to.

JUDGES ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 207) an Act to amend the Judges Act. He said: This Bill sufficiently explains itself. The legislatures of Manitoba and Quebec passed Acts requiring additions to their judiciaries. According to the British North America Act, the government accepts their decisions and, provides salaries.

Hon. Sir MACKENZIE BOWELL—What additions are there to the judges in Quebec?

Rt. Hon. Sir RICHARD CARTWRIGHT —Three additional judges.

Hon. Mr. LOUGHEED—What is the present salary of a Superior Court judge?

Rt. Hon. Sir RICHARD CARTWRIGHT —$7,000.

Hon. Mr. LOUGHEED—Does this not increase it?

Rt. Hon. Sir RICHARD CARTWRIGHT —No.

Hon. Sir MACKENZIE BOWELL—Has there been any attempt on the part of the department to re-arrange the circuits in the province of Quebec?

Rt. Hon. Sir RICHARD CARTWRIGHT —I think that is absolutely controlled by the province. We have the right of appointment, and have to provide the salaries; but we have nothing to do with the distribution.

Hon. Sir MACKENZIE BOWELL—I remember it was discussed when one or two new judges were appointed for Quebec. A suggestion was made by the Attorney General, T. Chase Casgrain, that there should be some re-arrangements and change in the law as to the disposition of those judges, in order that in some districts, where there was really no work to do, they might be transferred to a place like the cities of Quebec or Montreal where the judges were overworked. I remember distinctly there were one or two cases given where the judge persisted in living in Quebec, while the law really provided he should live in Rimouski, and that, during the whole year, there had been but one case entered for trial, and, rather than go to the expense of travelling from Quebec to Rimouski, or Gaspe, he actually paid the claim himself because it was easier and more economical for him to do so than to travel down to the district where the court had to be held. That was brought under the notice of the local legislature at the time, and I remember it being discussed in the Senate; but the old disposition of the judges under the law declared that they should live in certain localities, and certain districts, and the prejudice was so great against any change, that even this system under which judges were paid for doing nothing the whole year round, was not changed. What I wanted to ask the hon. gentleman was, whether that subject had been considered by either of the local governments, or the Dominion government, when the demand for the appointment of new judges came to be made? I understand what the constitution provides; but it does not make it compulsory, on the part of the Dominion government, to make appointments or to furnish the salaries, even though the local governments may recommend additional appointments. That is my recollection of the law as it stands, and I am confirmed in that by the fact that, in some cases, the Dominion government had delayed for some years before providing for the salaries of new judges that had been demanded on the part of the local government.

Rt. Hon. Sir RICHARD CARTWRIGHT —That is quite correct. The British North America Act is in some respects an extraordinary hodge-podge as, no doubt, lawyers have discovered in many ways, and that is one of the most extraordinary provisions in it, the provision to which the hon. gentleman has alluded, that, while the Dominion government has the appointment of the judges, and while it provides their salaries, it has no authority whatever, per se, to decide what kind of courts they will have, or even to fix their number, or distribute them. All I can say is that the present Attorney General has been urgent, whenever he thought it was required, with the local legislature, to endeavour to induce them to distribute the judges, so that they might do the most work in the most expeditious and cheapest way. But, while we can delay, and have delayed where we thought the demand was unnecessary, still it is a very difficult thing to refuse to carry out for a long time the wishes of the provincial legislature in this matter, more especially in such a case as probably is the one in hand. In the district of Montreal I am advised—probably hon. gentlemen know better than I how the fact is—that there has been a very great congestion of work, and great difficulty in dealing with the cases before the courts, and that it was really necessary to strengthen the bench in that particular quarter.

Hon. Sir MACKENZIE BOWELL—While there are other judges in other districts who have nothing to do.

Rt. Hon. Sir RICHARD CARTWRIGHT —That may be the case. I am not prepared

to affirm or deny. I recollect there were complaints made and something approaching to scandals in one or two cases, such as the hon. gentleman has referred to. I think that the grosser cases have been amended, but I am not able to state authoritatively on that point.

Hon. Mr. LOUGHEED—What authority fixes the residences of the judges?

Rt. Hon. Sir RICHARD CARTWRIGHT—The local governments. It is a purely local question. It is one of those cases where jurisdiction crops up, and this is, perhaps, one of the most difficult matters to deal with.

Hon. Mr. BELCOURT—I desire to endorse what has just been said by the right hon. leader of the House. I have had personal experience for many years with the congestion of work in the city of Montreal, and I can speak from personal knowledge and observation of the necessity there is for the appointment of additional judges so far as the Montreal courts are concerned. I may also say that I quite concur with a good deal that has been said by my hon. and venerable friend from Hastings. There are many districts in Quebec where the work is not sufficient to occupy the time of the judge, and I may say that the same condition prevails in the province of Ontario. A great many of our county court judges in both provinces have very little to do. I am one of those who have felt for a long time that there ought to be some measure found, by which the work should be better apportioned among the judiciary in the two most populous provinces of Canada. It is a pity that so many of our men are idle, or practically so, a pity for them and a pity for the people that have to pay the salaries, and a pity for the administration of justice, because these men are away from large centres and have no opportunities of consulting with their brothers on the bench. They get into a rut. They not only do not add to their knowledge, but they forget what they have known, and I hope the provinces will take up the question. As the right hon. gentleman says, it is to the provinces we must look for a remedy, and I hope that the provinces will devise some means by which the work of the bench will be better apportioned.

Rt. Hon. Sir RICHARD CARTWRIGHT—I know that this matter has been exercising the present Minister of Justice very much, and he is most anxious to bring about a better condition of affairs, and is doing all in his power to accomplish it. I need not tell him that the local legislatures are very sensitive about interference on our part with their jurisdiction.

The SPEAKER—I think a way has been found to readjust the work in Ontario. The jurisdiction of the County Court judges has been largely increased for the very purpose of extending their business. They have a great deal of other work connected with municipal institutions thrown on them from time to time, so that, although a few years ago a good deal might have been said about the time lost by County Court judges, all that has been changed, and the judges have now a fair amount of work.

Hon. Mr. MACDONALD (British Columbia)—Is there any way in which the federal government can control the applications of provinces for judges?

Rt. Hon. Sir RICHARD CARTWRIGHT—No, we have no control. The British North America Act puts it in the hands of the local legislatures.

The motion was agreed to, and the Bill passed through its final stages.

CANADA TEMPERANCE ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 209) An Act to amend the Canada Temperance Act. He said: This simply assimilates the law as affecting British Columbia to the law that now exists throughout the Dominion.

Hon. Mr. MACDONALD (British Columbia)—I suppose the intention is to allow districts in British Columbia to take advantage of the Scott Act?

Hon. Sir RICHARD SCOTT—The Act deals with counties and cities. There are no counties in British Columbia, just districts.

Hon. Mr. BOSTOCK—Up to this time have districts been able to put the Canada Temperance Act in force?

Rt. Hon. Sir RICHARD CARTWRIGHT—Apparently so.

The motion was agreed to, and the Bill passed through its final stages.

PRISONS AND REFORMATORIES ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 217) An Act to amend the Prisons and Reformatory Act.

He said: This is a Bill drafted and brought in at the instance of the Attorney General of Manitoba. The object appears to be that, as the reformatory for boys which is referred to in the sections now about to be repealed, has ceased practically to exist, and instead have established an institution called an industrial home, where there are suitable buildings, and a farm is being maintained at Portage la Prairie, they wish this institution to be used instead of the reformatory.

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

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

Hon. Mr. POWER—The existing section 139 says that if a boy who appears to be under the age of 16, is convicted of any offence, he can be sentenced to imprisonment for three months or not more than five years. Suppose the boy is convicted of murder, you would not send him to a a reformatory. He could be imprisoned.

Rt. Hon. Sir RICHARD CARTWRIGHT—His sentence might be commuted by the government to imprisonment for life.

Hon. Mr. POWER—I am speaking of confinement in the reformatory; this clause allows a boy who has committed a serious offence to be sent to this institution.

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

The Bill was then read the third time, and passed.

ANTI-COMBINES BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 101) An Act to provide for the investigation of combines, monopolies, trusts and mergers.

He said: This is a measure of considerable interest no doubt, and very considerable importance, and one which may in the long result have very considerable consequences in dealing with matters of trade and commerce, and more particularly with the combines and trusts which have grown up with great rapidity both here and in the United States. The House will remember that by a clause of the Tariff Act, certain provisions were made against combines which appeared to avail themselves of the Tariff Act in order to unduly enhance the prices of commodities to consumers. That Act, which is still on our statute-book, was found not to work practically to any appreciable extent. I think in a number of years—about ten or twelve—there was, to the best of my recollection, only one prosecution under it. That had reference, if I remember correctly, to the manufacture of paper in some form or other. Now, various complaints have been made to the government and various deputations have waited upon us, urging that some convenient and easy method should be afforded to the public for dealing with these combinations which they allege, rightly or wrongly, prevail extensively, and have done a very considerable amount of injury to the general public. The Bill in question proposes to deal with these as far as such things can be dealt with. The modus operandi that is suggested by the hon. the Minister of Labour is somewhat as follows. Any six persons who believe themselves aggrieved, or think that they have reason to suppose that a combination has been formed which has resulted in unduly increasing the price of various commodities, on making certain declarations before a judge of one of the higher courts, not before an ordinary magistrate or before a county judge, but before a judge of one of the higher courts, if they estab-

lish to the satisfaction of such judge a prima facie case, they will then be allowed to have a tribunal appointed for the purpose of investigating their complaints, which tribunal, I undertsand, is to be composed of three persons, one appointed at the instance of the complainants, one at the instance of the parties who are complained of, and a third, who must be a judge, to act as umpire in the matter.

Hon. Sir MACKENZIE BOWELL—By whom is the judge appointed, by the government?

Rt. Hon. Sir RICHARD CARTWRIGHT—The judge would be appointed in the first instance, I think, by the two parties; but if they did not agree, then the matter would rest with the Minister of Labour, apparently, to appoint. Subsequently to that, the board of investigation would be established, as I say, consisting of three persons, one nominated on behalf of the party preferring the complaint, another nominated on behalf of the persons concerned in the alleged combine, and a third, who must be a judge, chosen by the foregoing, or in default of agreement to choose one, to be chosen by the Minister of Labour, to whom the administration of the Act is entrusted. The reasonable expenses in a matter of this kind will be borne by the Crown. There is a special provision that where the Minister of Labour thinks that the public interest requires it, he can ask the Minister of Justice to instruct counsel to conduct the investigation before such board. After that, it would be in the power of the government, if they were convinced that an undue abuse existed, and that a combination did form, under the existing law to modify the tariff in such a way as they thought best to do away with the abuse. That power would remain undisturbed. But also pretty considerable powers are given in the case of it being proven, which we will deal with when we go into Committee of the Whole, to punish parties who have been convicted of having formed a combination in restraint of trade. The main object of the Bill is, of course, to make it easier for parties who are agreed to have a full examination made into the case, and to cause full publicity to be given to the operations of the so-called combine. That, of course, being a pretty inquisitorial power, must be exercised with some discretion; but it is believed that by requiring these parties to make out a good case before a judge of one of the Superior Courts, there is not much risk that any serious abuse will arise; and as both parties will be heard before the board of arbitration, and as the chairman must be a judicial officer, it is believed that, on the whole, no injury to legitimate business or legitimate trade can occur. Precautions will be taken, as will be seen in examining the Act in detail, to prevent any improper disclosure of the business carried on by the party. I think in certain cases—I have not the exact clause at my hand, but it will appear in going through the Bill in detail—the presiding judge may require that information be given to him; but it will be given to him, as it is sometimes given, I believe, in the court, under seal, so to speak; that is to say, it will be for his private information alone, and will not be divulged to the public. Those are the main provisions contained in the Bill. Of course, it will be elaborated in considerable detail in going through committee.

Hon. Sir MACKENZIE BOWELL—Is there any provision as to what number it will require to constitute a combination? Would two be a combination?

Rt. Hon. Sir RICHARD CARTWRIGHT—I am not quite certain about that. I do not think there is any limited liability clause.

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

BILLS INTRODUCED.

Bill (145) An Act to amend the Railway Act.—Rt. Hon. Sir Richard Cartwright.

Bill (163) An Act to amend the Volunteer Bounty Act, 1908.—Rt. Hon. Sir Richard Cartwright.

The Senate adjourned until Monday next at 3 o'clock.

THE SENATE.

MONDAY, May 2, 1910.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COST OF CONSTRUCTION OF MILITARY FORTS AT BEAUMONT.

INQUIRY POSTPONED.

The order of the day being called:

1. How much have the works of construction of the military forts situated at Beaumont, near Quebec, cost up to this date?
2. Are the works in question finished?
3. If not, at how much is their completion valued?
4. What is the number of men actually employed on these works?
5. How much did the armament of these forts cost?
6. Are there any guardians appointed for the care of these forts?
7. Who are they and their annual salary?

Hon. Mr. LANDRY—I suppose the right hon. leader of the House is prepared to answer these questions?

Rt. Hon. Sir RICHARD CARTWRIGHT—No. The information has to be obtained from Quebec, and the department have written asking for an answer to these inquiries.

Hon. Mr. LANDRY—The hon. gentleman might hurry them up by telegram, as the matter is urgent at this particular time.

Rt. Hon. Sir RICHARD CARTWRIGHT—We might tell them that if they want their supplies put through, they had better furnish the information.

Hon. Mr. LANDRY—Not only their supplies but their ammunition.

The order of the day was allowed to stand.

DISTRIBUTION OF BOUND STATUTES.

MOTION.

Hon. Mr. POWER moved:

That an order of the Senate do issue for a return showing for each of the last ten years the date of the prorogation of parliament and the date on which the bound statutes of the session were distributed.

He said: I am sorry I am not fortified with certain documents which I had desired to submit. Every hon. gentleman knows that while parliament is sitting we must spend our time here and devote a good deal of labour to perfecting measures that come before us, and, as a rule, these measures go into operation from the date on which they receive the assent of the Governor General. But these laws are rendered practically of very little use until they have been brought before the public. It is true that a certain number of the statutes are printed in the official 'Gazette' within a comparatively short time after the rising of parliament; but the great bulk of the public statutes do not come before the public until the bound volumes are distributed, and the matter which I think is to be particularly complained of is, that the time which elapses between the prorogation of parliament and the distribution of the public statutes is unduly long, in some cases nearly six months. In one case, either this session or last session, the statutes of the previous session were distributed only just at the beginning of the then current session. That is a most objectionable condition of things. I suppose it was with a view to a certain extent of minimizing the effect of such delay it has been the practice to publish some of the laws in the 'Canada Gazette'.

That is very good as far as it goes, but it is not nearly as good as it might be, for these reasons: that these laws which are published in the 'Canada Gazette' are not in the same form—I am speaking from the printer's point of view—as that in which they appear in the bound volumes, and, consequently, the type which is used in connection with the distribution of those acts in the 'Gazette,' has to be broken up and reset for the bound volumes. In the province of Nova Scotia, the public statutes are distributed just as they are here, in the 'Royal Gazette' of the province; but they are printed in the same form in which they appear in the bound

volume, and within about three weeks after the prorogation of the local legislature the public Acts for the session are distributed in pamphlet form. My suggestion is that we should follow that practice, that immediately after prorogation the publication of the general Acts should be set on foot, and that they should be printed. Those that are published in the 'Gazette' should be printed in the same form in which they afterwards appear in the bound volumes; and if, when all the public Acts have been so printed, they are distributed in pamphlet form, we should have the published statutes of each session in about six weeks after prorogation I should say, instead of having to wait from four to six months. The wisdom of this view will, I think, commend itself to hon. gentlemen, and with these observations I move the resolution of which I have given notice.

The motion was agreed to.

THIRD READING.

NAVIGABLE WATERS PROTECTION BILL.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 103) An Act to amend the Navigable Waters Protection Act.

Hon. Mr. LOUGHEED—May I ask my right hon. friend, what action the government is taking with reference to this Bill, in view of the representations or protests which have been made against the Bill by the shipping interests of Montreal, by the Board of Trade, and on the merits of it alone?

Rt. Hon. Sir RICHARD CARTWRIGHT—I called the attention, as I mentioned, of the Department of Justice to the remarks of my hon. friend, but they seem to consider that the wording of the Act would meet the case that he had put. I did not quite catch what he was referring to about the board of trade.

Hon. Mr. LOUGHEED—With all due deference to the Department of Justice, I fail to appreciate what reason has yet been given for the proposed change, and the omission from the Act or from the Bill, of the language in the present Act, namely, that the navigation of the river is not to be interfered with. It practically eliminates from the law as it is proposed to pass it, the element of navigation. That is the primary thing which should be considered in connection with this Bill, namely, the navigation of the St. Lawrence. Now it is proposed that those words should be striken out of the Act, namely, non-interference, or what will affect the non-interference of navigation, and to vest in the Governor in Council the right to approve of all constructions that may be established in the river, entirely irrespective of the question of navigation. To that I am decidedly opposed, and as yet I have heard nothing to justify the amendment of the Act.

Hon. Mr. DANDURAND—I received from the Board of Trade of Montreal an official communication drawing my attention to this Bill, and expressing the fear that in its present form it would, perhaps, destroy some of the safeguards which already exist in the law by giving power to the Governor in Council to do things which the Governor in Council heretofore had not the right to do. I have minutely examined the law as it stood, and have come to the conclusion that the Bill before us is restrictive and provides safeguards in favour of the public which did not exist under the old law. Now, what were the rights of the public under the old Act, and what was the right of control of the Governor in Council? It is found in chapter 115 of the Revised Statutes, clause 4, which is now replaced by the proposed amendment. I will read this Act as it stands on the statute-book:

> No bridge, boom, dam, or aboiteau, shall be constructed, so as to interfere with navigation, unless the site thereof has been approved by the Governor in Council, nor unless such bridge, boom, dam or aboiteau is built and maintained in accordance with plans approved by the Governor in Council.

An hon. GENTLEMAN—That is the old Act?

Hon. Mr. DANDURAND—That is the old Act. The old Act stated that if any bridge, boom, dam or aboiteau shall interfere with navigation then it has to obtain the ap-

proval of the Governor in Council. This means that it left some discretion to the public, and any one who thought that he was building a dam or aboiteau that did not interfere with navigation, could build that bridge, boom, dam, or aboiteau, feeling that he did not need to obtain permission or approval of the Governor in Council till the department interested interfered.

Now what is the amendment? Before answering this question, I may say that under the old Act as it stands to-day, the Governor in Council could approve of the building of a bridge, dam or aboiteau if it interferes with navigation; but no individual or corporation could build any bridge, boom, or dam or aboiteau if it did interfere, without obtaining the authorization or approval of the Governor in Council. I contend that the powers given the Governor in Council by this Bill are larger, and the public rights, in consequence, are more restricted than under the Act. What is the provision in the Bill before us? 'No bridge, boom, dam, aboiteau' and the following words are added, 'walk, dock, pier or other structure of other kind,' but no bridge, boom, dam or aboiteau shall be built or placed in or across any navigable water.' The words 'constructed so as to interfere with navigation' are struck out, 'unless the site thereof is approved by the Governor in Council, or unless such boom, bridge, dam, aboiteau or structure of other kind is built and maintained in accordance with plans approved by the Governor in Council.' This amendment will have the effect, that while under the present law any private individual or corporation had some discretion in deciding whether the work in question interfered or not, the Governor in Council takes the whole of the power into its hands, and says that no such works of any kind shall be built without the authority of an order in council. The hon. gentleman fears that there may be some back door by which the Governor in Council may be vested with larger powers by which our navigable waters could, perhaps, be interfered with and injured. It is true the Governor in Council are taking more power, but they had the right, under the old law, of allowing any kind of work mentioned in the Act; bridge, boom, dam or aboiteau, even if it did interfere with navigation. If the hon. gentleman will allow me, in the continuation of this amendment, he will see that it reads:

> The foregoing provisions in this section shall not apply to small wharfs not costing more than $1,000 or quoins or other banks or beach protection work or boathouses which do not interfere with navigation.

The hon. gentleman or, any one here familiar with navigable water who would think this was a dangerous provision, should move to strike it out; but up to the present, under the old law, any one could exercise his own discretion in building bridges, booms, dams or aboiteau which he thought did not interfere with navigation. There is now a limitation put upon the discretion of the private individual by saying that no such work that does not interfere with navigation at all events, shall cost more than $1,000, and it gives in a general way the exception to the general provisions; that the foregoing provisions of this section shall not apply to small wharfs not costing more than $1,000 and so on. If any hon. member thinks this is a dangerous power to give to the riparian owners he might place his views before this House. The next clause reads:

> Any work to which this part applies——

Clause 5 of the old Act says:

> Any bridge to which this part applies.

You will notice clause 4 states:

> No bridge, boom, dam or aboiteau shall be constructed so as to interfere with navigation, &c.

Clause 5 under the old Act states:

> Any bridge (stopping at the word bridge) to which this part applies which is built upon a site not approved by the Governor in Council, or which is not built in accordance with plans so approved or which having been so built is not maintained in accordance with such plans may—

And here are the words which are struck out:

> In so far as the same interferes with navigation.

The section continues:

> Be lawfully removed and destroyed under the authority of the Governor in Council.

The new clause 5 reads 'any work' instead of 'any bridge' to which this Act applies, which is much broader; 'which is built upon a site not approved by the Governor in Council or which is not built in accordance with plans so approved, or which is not built in accordance with such plans, may be destroyed and removed by order of the Governor in Council.' This takes away from the individual the discretion of deciding what may or may not interfere with navigation. I have minutely examined the amendment. It seems to me it gives much more protection to the public at large, and for that reason I think the alarm with which some parties were struck in Montreal and elsewhere, is absolutely without foundation.

Hon. Mr. LOUGHEED—As I understand the general law to-day concerning navigable waters, no construction can be erected on navigable waters without being subject to abatement as a nuisance under the law.

Hon. Mr. DANDURAND—Not under this Bill.

Hon. Mr. LOUGHEED—But this Bill proposes to amend the law as it stands to-day and vest absolutely in the Governor in Council the right to sanction and give approval to the erection of the class of undertaking or construction mentioned in the Bill. It is simply part of the policy which has been pursued for years, but which is to-day growing in proportions of vesting in the Governor in Council practically powers which should be exercised by parliament. In my judgment, any structure in navigable water that has been sanctioned and approved by the Governor in Council cannot be removed. The question of interference with navigation will have nothing to do with the matter. The present law will permit of any person erecting such a structure, subject, of course, to the approval of the Governor in Council; and it is entirely immaterial what interference there may be with navigation, after that approval has been obtained. This legislation is of a dangerous character, and, in my judgment, is calculated to give hydraulic power companies and other companies of that kind power to destroy the navigation of our navigable waters.

Hon. Mr. DANDURAND—Surely my hon. friend will not say that this is not an improvement on the old Act? The old Act gives discretion to the public to construct some of those works if it felt that it was not interfering with navigation; now if it were interfering with navigation the parties interested obtain that authorization from the Governor in Council. In no case unless the work be under $1,000 can they now exercise their discretion without obtaining power from the Governor in Council.

Hon. Mr. MACDONALD (British Columbia)—It is difficult to make regulations or draft a Bill that will apply to all parts of the country; but so far as this Bill is concerned, I am very glad to see it brought in. It refers to British Columbia, where abuses have been carried out by encroaching on navigable waters. I will mention one case which came under my own notice a few days ago. In the harbour of Victoria, there is a uniform line of wharfs, no one wharf projecting beyond the other for about one thousand feet. But the Grand Trunk railway are building a wharf which they propose to extend 300 feet out beyond the ordinary line. In a small harbour, hon. gentlemen will see what that means. It will naturally block the whole navigation; but after the government here took up the matter, and the government over there, and the Canadian Pacific railway who have wharfs in the harbour, and the Hudson Bay Company, they discussed the whole matter and arranged to reduce their extension to 200 feet beyond the ordinary line. Hon. gentlemen will see what that means in a small harbour. In order to allow them to do this, it is going to cost the country one hundred thousand dollars. They have to widen the harbour across to give the company more room. It will not interfere with the harbour. The government have promised to deepen the harbour to a corresponding distance on the other side.

The Bill is very necessary and very useful.

CIVIL SERVICE ACT AMENDMENT BILL.

THIRD READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 205) An Act to amend the Civil Service Act.

He said: In the Inland Revenue Act, section 9, an error is made, whether clerical or not, I am not prepared to say. The salaries of excise men are placed at $1,500 instead of $1,300, and this should be amended.

Hon. Mr. POWER—I think it would be more regular if some hon. member would move the amendment, the right hon. gentleman having moved the third reading. I move that in clause 9, line 4, page 3, that ' $1,300 ' be substituted for ' $1,500.'

The amendment was adopted.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am afraid now that I must move that the amendment made to this Bill last week on the motion of the hon. gentleman from Halifax be not adhered to. The House will remember that I reserved that expressly for the consideration of the government, and after fully considering it they decided that they would not be at liberty to accept the amendment. I would therefore ask to allow the Bill to be amended and placed in the condition that it originally was. I refer to the amendment respecting salaries.

Hon. Mr. POWER—I must express my regret that the government do not see their way to accept the amendment, because it would remove the difficulty under which the two Houses have been labouring in their differences with the Auditor General. Technically this is a money Bill, but it was not a matter of sufficient consequence I thought to raise that question, and it was simply to clear up a doubt or difficulty which had arisen from the wording of the Act of 1908.

Hon. Mr. LANDRY—Does the right hon. gentleman refer to the amendment moved by the hon. gentleman from Halifax on Friday or Saturday?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes.

Hon. Mr. LANDRY—That was accepted.

Hon. Mr. POWER—Provisionally. The right hon. gentleman said for the time being he was willing to accept it, but must submit it to his colleagues.

Rt. Hon. Sir RICHARD CARTWRIGHT —I move that the Bill be amended by omitting the last clause.

Hon. Mr. LANDRY—Does the hon. gentleman agree to accept that? I don't think it is the regular way of getting that out.

Rt. Hon. Sir RICHARD CARTWRIGHT —It is regular enough to move that a Bill be not read a third time without striking out the last clause. It was expressly reserved at the time. I move the third reading of the Bill as amended.

Hon. Mr. LANDRY—Before that motion is put, I call the attention of my right hon. friend to this fact of the case. We are put in a very singular position. The House in one place has concurred in the amendment made by the Senate or the House has pronounced itself in one way, and the next day we come and ask to reverse the decision of the House. I know that if it had been only passed in committee, the House not having pronounced itself upon the merits of the question, we would be at liberty to accept or refuse the amendment; but they concurred in it, and we are now asking this House to repeal to-day what was decided yesterday. I think the proper way would be to rescind the decision and come in with a new one. I think I was right just now, in saying we were not proceeding in the right way.

Hon. Mr. THOMPSON—As I understand, the right hon. leader of the government accepted the amendment on the understanding that if the government did not accept it, it would be dropped on the third reading.

Hon. Mr. LANDRY—That does not appear in our Minutes.

Hon. Mr. THOMPSON—Perhaps not. The point I would like understood is, whether the government objected to the amendment because it was a money Bill, or objected to it as being against the principle of the Bill.

Rt. Hon. Sir RICHARD CARTWRIGHT—It was chiefly on the ground that it was a money Bill.

The motion was agreed to.

THIRD READING.

Bill (No. 192) An Act to amend the Fisheries Act.—Rt. Hon. Sir Richard Cartwright.

ESCHEATS BILL.

THIRD READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 206) An Act respecting Escheats.

Hon. Mr. CHOQUETTE—I have been looking over this Bill, and I should like to ask how it affects provincial rights. It seems to me that this is taking them away from the provinces in the case of estates that have been left by persons dying intestate.

Rt. Hon. Sir RICHARD CARTWRIGHT—No, it is not interfering with any provincial rights.

Hon. Mr. CHOQUETTE—According to the French version, which is about the same as the English version, it states that where His Majesty the King is entitled to any land or other real or personal property by reason of the person last seized or entitled thereto, having died intestate and without lawful heirs, the Attorney General of Canada may cause possession thereof to be taken in the name of His Majesty. I think that that right should be exercised by the provinces.

Rt. Hon. Sir RICHARD CARTWRIGHT—That is quite true. In the majority of cases the provinces have the full right to deal with it, but certain cases have arisen, especially in the Yukon and unorganized territories, and possibly in Alberta and Saskatchewan, in which, under the law, they must go to the Dominion.

Hon. Mr. CHOQUETTE—I know, but according to this Bill it covers the whole Dominion.

Rt. Hon. Sir RICHARD CARTWRIGHT—It can only possibly deal with those cases in which the provinces are held by the court to have no right.

Hon. Mr. CHOQUETTE—My attention has been called to it only now, but I would like to know what the hon. member from DeLorimier thinks of it, as to Quebec at least.

Rt. Hon. Sir RICHARD CARTWRIGHT—It does not touch Quebec or Ontario at all.

Hon. Mr. CHOQUETTE—Supposing somebody dies intestate in Quebec now, leaving property there, then this Bill——

Rt. Hon. Sir RICHARD CARTWRIGHT—This would not interfere with it in any shape or way, at least so the Department of Justice advise.

Hon. Mr. LOUGHEED—My right hon. friend was to obtain some information for me if possible as to what the claim of the federal government is in escheats, say in the provinces of Manitoba, Saskatchewan, and Alberta?

Rt. Hon. Sir RICHARD CARTWRIGHT—I sent a note over, but I have not received an answer.

The SPEAKER—If hon. gentlemen will look at the report of a debate in another place they will see the plain statement of the affair by the minister when the Bill was going through the House.

Hon. Mr. CHOQUETTE—But I am told that they inserted something in the Bill which amended it. I am told they had the word 'Canada' there, and that that word would be remediable, but I do not see how it can be remediable. If a man dies in Quebec and leaves property so that the province of Quebec can claim it, if we

pass this Bill, Ottawa will have a right to say 'No.'

Hon. Mr. DANDURAND—I doubt if my hon. friend's construction in reference to this Bill would be correct. If he will read it closely, he will find that the King, as representing Canada, takes no right; it is simply an empowering Bill, which will allow him, where in his right as ruler of Canada, he is entitled to land, or real, or personal property, by reason of the person last seized or entitled thereto having died intestate, to claim it; if it was a party who had lived on the Hudson Bay or had his residence or domicile in the Ungava district, or in unorganized territory that belongs to Canada, in such a case this Bill would empower the federal Governor in Council to escheat the estate to the Crown.

Hon. Mr. ROSS (Middlesex)—Hon. gentlemen will notice that by a decision of the Privy Council under the British North America Act, the right of escheats belongs to the Crown of the province under the constitution. We can pass no law here that would take that power from the provinces; that is, we could not by any Act of parliament supersede the British North America Act.

Hon. Mr. DANDURAND—Nor does this Bill pretend to.

Hon. Mr. ROSS—And this Bill does not pretend to do that. It simply gives the right of escheats to the Crown of Canada, where the Crown for Canada has jurisdiction, leaving the provinces to hold their constitutional rights, of which rights we could not deprive them if we wanted to.

Hon. Mr. CHOQUETTE—It is not very clear to me.

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

HARBOUR OF ST. JOHN BILL.

SECOND READING POSTPONED.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 204) An Act to authorize the erection of certain wharfs and buildings in the harbour of St. John. He said: This Bill, as I understand from the explanation given by the minister, is intended to permit of a certain important factory to be erected in the harbour of St. John, which, I think, is set out in some detail in the Bill itself. Other than that it does not appear to have any special application. It is not for purchase, it is to permit the erection, as I understand, of a large sugar refinery in St. John, and this Bill permits of it being erected in a certain portion of the harbour.

Hon. Mr. LOUGHEED—I suppose this property is vested in the Crown as represented by the federal authorities?

Rt. Hon. Sir RICHARD CARTWRIGHT—So I understand; otherwise this Bill would not be required.

Hon. Mr. LOUGHEED—Have negotiations been conducted between this government and the beneficiary or between the authorities in St. John and the party who is going to erect this factory?

Rt. Hon. Sir RICHARD CARTWRIGHT—I don't quite follow my hon. friend. What is he asking?

Hon. Mr. LOUGHEED—What I want to know is, if the federal government has been a party to the negotiations, or simply the Harbour Commissioners of St. John?

Rt. Hon. Sir RICHARD CARTWRIGHT—It has been submitted to them. I believe the city of St. John owns this property; but its title to it is acquired, as would be natural in such cases, for certain specific purposes, and without a special Act of parliament, it could not, apparently, make any conveyance to the gentleman referred to, a Mr. Frederic C. Durant. The whole thing is set out in some detail in the Bill. Of course, I am not proposing to take it into committee now. I am only taking a stage of it. If the House chooses we can go into committee immediately and read it over.

Hon. Mr. ELLIS—I call attention to this fact, that the city of St. John owned a certain lot of land, and owns it yet, I presume. A promoter came along, and offered to put up a building on the city land,

put up a sugar refinery; and after some trading between him and the corporation, they finally gave him a lot of land on which to erect the sugar refinery, and in addition to that they gave him other considerations in the way of reduction of taxes, I think, and water charges, and so on. That was all right; that was in the power of the city to do, but in the meantime there has been some arrangement with the government, or with the city, or with somebody, with regard to the government property. Adjoining this lot of land which this man takes or is supposed to take, there is a lot of land belonging to the government—I think it is in the Department of Railways. The lot which the city proposes to give contains six and one-tenth acres of land. The lot which the government has contains 12¼ acres. So far as one can judge from this Bill, there has been an agreement on the part of the government to exchange the 12¼ acres for the six and one-tenth acres which belongs to the city, and which the city was giving to the promoter. Therefore, the promoter gets the 12¼ lot from the government, and the government gets the six and one-tenth acre lot from the city. You will notice that the title of the Bill is, 'An Act to authorize the erection of certain wharfs and buildings in the harbour of St. John'. I know of nobody who is a better master of English than the right hon. leader of the House, and I think if he were drawing this Bill he would say, 'the erection of uncertain wharfs and buildings.' I do not know what the transaction is.

Rt. Hon. Sir RICHARD CARTWRIGHT—I do not want to press anything at present that is contentious, and, therefore, if my hon. friend wants further information, we will pass this order and go on to the next. Let this Bill stand.

The SPEAKER—It is understood that the motion for the second reading of Bill (No. 204) is withdrawn.

BOUNTIES ON CRUDE PETROLEUM BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 208) An Act to provide for the payment of bounties on Crude Petroleum. He said: The object of this Bill is briefly this: As the House is aware, certain bounties have been paid to oil producers in certain sections of western Canada, notably in the county of Essex, and I think a part of Lambton. A considerable hardship has arisen from the circumstances that in the old deeds that were given a great many years ago, the rights to all mineral products and the right to quarry or mine for them were reserved to the original grantees. The companies have been, in many cases, subleasing these, and it has been found that, under pretext of searching for petroleum and one thing or another, they have inflicted very considerable hardship on a large number of the inhabitants of that region. The matter has been frequently brought up in the local legislature, and I believe proceedings about the matter at the expense of the local government are now going on.

Hon. Sir RICHARD SCOTT—They were lands of the Canada Company.

Rt. Hon. Sir RICHARD CARTWRIGHT—Yes, they were Canada Company Lands chiefly, if not entirely, as my hon. friend remarked. Now, this bounty, which we grant, being purely out of grace on the part of the Dominion government, it is thought that a reasonable proportion of it may be given to the owners of the surface soil, when we are allowing the bounty. We do not propose to interfere with the legal rights of the parties at all, but in the distribution of our bounty we propose to give a reasonable proportion to the owners of the soil to compensate them for the disturbance and injury caused to them by the mining operations. I think the measure is equitable, and therefore, I recommend it to the consideration of the House.

Hon. Sir MACKENZIE BOWELL—I understand the right hon. gentleman to say that this difficulty has arisen on account of the reservation that was made when the Crown lands were sold some years ago.

Rt. Hon. Sir RICHARD CARTWRIGHT —By the Canada Company.

Hon. Sir MACKENZIE BOWELL—It would reserve all minerals.

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes.

Hon. Sir MACKENZIE BOWELL—And timber, in the old time?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes.

Hon. Sir MACKENZIE BOWELL—Is that the difficulty that has arisen?

Rt. Hon. Sir RICHARD CARTWRIGHT —That is the difficulty.

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

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

On clause 2,

Hon. Mr. LOUGHEED—Has this difficulty arisen in connection with lands other than the Canada Company lands?

Rt. Hon. Sir RICHARD CARTWRIGHT —Not that I have heard of.

Hon. Mr. LOUGHEED—In what way would it apply to oil extracted from shale? Would there be a possibility of the same difficulty arising?

Rt. Hon. Sir RICHARD CARTWRIGHT —I think that it would be in exactly the same position as oil derived from ordinary mineral springs. If such a question arose, I think the Act is wide enough to cover it; but we have heard nothing of any difficulty except in that particular region. It is a matter of some standing. It has been more or less in agitation, both with us and the local legislatures, for some years.

Hon. Mr. LOUGHEED—It would seem to me there would be very little possibility of difficulty arising as to shale oil, because the shales would be vested in the owners of the surface rights.

Rt. Hon. Sir RICHARD CARTWRIGHT —I should think so; but I offer no opinion on that.

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

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading.

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

DEBATES AND REPORTING OF THE SENATE.

THIRD REPORT ADOPTED.

Hon. Mr. COFFEY moved concurrence in the third report of the Committee on Debates and Reporting of the Senate.

Hon. Mr. THOMPSON—It has been suggested that where orders of the day appear, the page of the Minutes might be attached to the order so that we could find the report easily.

Hon. Mr. COFFEY—The report recommends that the remuneration which the contractors for the reporting are to get for the present sesion be $7,300, based on the amount which they are to receive next session.

The motion was agreed to, and the report was concurred in.

SECOND AND THIRD READINGS.

Bill (OOO) An Act to correct an error in the Telegraphs Act.—Hon. Mr. Beique.

VOLUNTEER BOUNTY ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 163) An Act to amend the Volunteer Bounty Act, 1908. He said: This Bill practically extends for a year longer the time within which volunteers entitled to this bounty can locate their lands.

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

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

On clause 1,

Hon. Sir MACKENZIE BOWELL—May I ask what is the occasion of this Bill? Are there any other provisions than that to provide for the extension of time in which volunteers can receive their scrip?

Rt. Hon. Sir RICHARD CARTWRIGHT—None except the last clause, which allows residents on the land to apply therefor within six months of the entry thereof. As hon. gentlemen will see, that is practically involved in the extension for one year.

On clause 4,

Hon. Sir MACKENZIE BOWELL—What is the meaning of these names in the schedule?

Rt. Hon. Sir RICHARD CARTWRIGHT—I am not absolutely certain as to that. I had overlooked that schedule, until my hon. friend called attention to it. But, speaking from recollection, I think there were certificates that had been lost. It states the time in which the right of location under bounty certificates mentioned in this Act shall be extended.

Hon. Mr. WATSON—I know of one of those particular cases mentioned, a case of J. T. Franklin. His certificate was lost and another one was issued. Surely the holder of a substituted certificate ought to have the same right to locate as the original holder.

Rt. Hon. Sir RICHARD CARTWRIGHT—We will not take the third reading today; and I will endeavour to obtain further information.

Hon. Mr. McKAY (Truro), from the committee, reported the Bill without amendment.

INSURANCE BILL.

COMMONS AMENDMENTS CONCURRED IN.

Rt. Hon. Sir RICHARD CARTWRIGHT moved concurrence in amendments made by House of Commons to Bill (A) An Act respecting Insurance. He said: The House will see the various amendments set out on pages 932 and 933 of our Minutes.

I received from the superintendent of insurance a copy of the Bill as amended by the House of Commons. The amendments are principally verbal. A few are intended to better express the intention of the subsection as originally drawn. In subsection 14, an amendment has been made to provide that the initial deposit required from foreign fire insurance companies shall hereafter be the same as they require from Canadian companies. The other amendment made in the section is merely a correction of an omission in the reprinting of the Bill. Slight amendments have been made also to sections 56, 60 and 139.

On clause 4,

Hon. Sir MACKENZIE BOWELL—I notice that the superintendent does not intimate the manner in which the change has been made with reference to deposits.

Hon. Sir RICHARD SCOTT—I asked that the Bill stand over inasmuch as we cannot understand what the amendments are from the Bill before us.

Hon. Sir MACKENZIE BOWELL—The changes are so slight and unimportant that I cannot see any necessity for postponing consideration. The change referred to by the superintendent of insurance is simply this; under the old law the deposit made by Canadian companies was $50,000. With foreign companies the deposit was $100,000. It was intimated in the debate in the Commons that as long as this discrimination took place the probabilities were that the different states of the union would reciprocate by doubling the amount of the deposit by Canadian companies, and they thought it better to compromise and make it equal, so that the amount to be deposited now by Canadian companies is $75,000,and by foreign companies the same. The only possible reason for increasing the deposit for Canadian com-

panies and the reduction of the deposit by foreign companies was to make it uniform so as to prevent a discrimination being adopted in the United States. The other changes are very slight. The word 'officer' occurred when it should be 'office', and then the change is made in reference to clause 139, and in clause 33 there is a change by striking out the words 'office of the superintendent' and substituting therefor the word 'department', which really means that question which was discussed in committee, and it was always understood that when you spoke of the office of the superintendent you spoke of the action of the department. In clause 139, there is somewhat of an important change made, I think in the right direction. It declares that in the case of a person insuring in a foreign company not licensed in Canada these words are added 'which has an insurable interest' so as to prevent as much as possible brokers carrying on business in this country who really have no interest in it; and the other proviso is simply providing against the sending in of circulars by foreign companies who do not take out a license. It may be a protection; but it seems to be an impracticable one. I remember the question was fully discussed in our committee. How you are going to prevent any one in the United States sending a circular to a manufacturing establishment in Canada, I do not know, but if it will have the effect the Commons desired it to have, it is all right. Those are the only amendments made, and I consider it quite unnecessary to delay the passage of the Bill.

Hon. Mr. DANDURAND—Quite right. There is not an important amendment except the one to clause 139, which adds a proviso; that we are allowing free insurance business to foreign unlicensed companies with the understanding that they are not to come into Canada to canvass.

Hon. Sir MACKENZIE BOWELL—Nor to send circulars.

Hon. Mr. DANDURAND—The other proviso added by the Commons is on the lines of the decision of the Senate:

> And provided further that no such company, underwriters or persons shall within Canada advertise their business in any newspaper or other publication or by circular mailed in Canada or elsewhere, or maintain an office or agency therein for the receipt of applications or the transaction of any act, matter or thing relating in any way to their said business.

I think this is according to the spirit of the will of the Senate, because we have to give those unlicensed companies the right to send an inspector and an adjuster. Those are the privileges given to foreign countries, to come to Canadian soil, and I do not believe, if the hon. gentleman will look through the other amendments, that he will find them of any importance.

Hon. Sir MACKENZIE BOWELL—There was one amendment which I omitted to refer to, and that is the one which compels companies who invest in certain stocks that are not considered of a permanent character, to hold them only for a certain length of time. The proviso is:

> Provided that the amount of stocks so guaranteed is not in excess of fifty per cent of the amount of the preferred or common stocks, as the case may be, of the guaranteeing company.

It compels them to convert them within a certain time. It is a protection, I think, to the policy-holders and prevents the carrying on of speculative operations by the insurance companies.

Hon. Mr. BEIQUE—I have also gone over the amendments which have been made by the Commons. It will be noticed that section 14 was passed as it came from the Commons, and they provided originally that Canadian companies would have to deposit $50,000, and that foreign companies would have to deposit $100,000. The Senate did not interfere with that section, as it was originally passed by the Commons, and the Commons have taken occasion, when considering the amendments made by the Senate to other provisions in the Bill, to go back on their decision and amend the Bill as they originally sent it to the Senate. Then the next section is 59, which is amended by adding the proviso which the hon. gentleman from Hast-

ings mentioned, and in connection with the stock which the insurance company may hold in companies whose stock is guaranteed and limiting it to 50 per cent. The same section is further amended by providing that in case an insurance company purchases stocks which are not contemplated to be held by the Act as being guaranteed stock, or stocks on which dividends have been paid for a certain number of years, then it will be, according to the amendment made by the Commons, incumbent upon the company to sell or dispose of the stock within five years; or if they wish to hold it for another year, they must obtain the consent of the Treasury Board. That is of small consequence. Then the other amendment is in section 139. On reading the amendment carefully, and comparing it with section 70, it will be found that it is a repetition of section 70. It is mere surplusage and does not change anything in the Bill. The other amendments are merely clerical errors. The amendment to which the hon. gentleman from Hastings has referred, stating that to insure a property one must either own the property or otherwise have an insurable interest in it, does not change anything at all. According to my reading, it will not prevent me, if I have an insurable interest in a property, from insuring that property through an agent of mine.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman may be quite right in his deductions. I was speaking of the reasons advanced in the Commons for doing it.

Hon. Mr. BEIQUE—The Commons are mistaken, in my opinion. It is well known that no property can be insured by a person unless he has an insurable interest, and the Commons have merely stated the law. It does not add anything to it. My main object in rising was to call the attention of this honourable House, and of the country, to this important fact: that here is a Bill which engaged the attention of the House of Commons for two consecutive sessions. It was supposed to have been examined very thoroughly in the House of Commons by a special committee. It was sent to this honourable House, and the committee of the Senate, after examination and after giving it full consideration, and hearing all parties concerned, made over one hundred amendments in it, and of those over twenty-five are most vital and important amendments. The Bill as amended was sent to the Commons, and every one of our amendments, I can say without hesitation, was adopted. I think it is the best evidence of the utility of this honourable House, and I hope it will alter the opinion of some members of the House of Commons who were members of the committee which examined this Bill so thoroughly, and who on previous occasions expressed the opinion that the Senate should be abolished. I hope it will be good evidence to them that the Senate may have some usefulness yet.

The motion was agreed to, and the amendments were concurred in.

ANTI-COMBINES BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (No. 101) An Act to provide for the investigation of combines, monopolies, trusts and mergers which may enhance prices or restrict competition to the detriment of consumers.

(In the Committee.)

On clause 1,

Hon. Sir MACKENZIE BOWELL—How far would this definition extend to the ordinary transaction of business in the market? It defines what a combine is, and among other things it means any contract, agreement, or combination or agreement which is, or is inclined to have, the effect of increasing or fixing the price or rental of any article of trade or the cost of the storage and so on. Take what occurs almost every day in an ordinary market town of the country; the farmers come into market, and the first thing you find is that they go around and talk with each other about prices. Take butter or eggs, as an illustration. The farmers enter into a combination and agreement as to what the price should be. Any one who has attended market knows what takes place. A farmer drives in with his wife

and family and gets out a basket of eggs. The first thing they do is to ascertain what is the prevailing price of eggs. The price is fixed at 35 or 40 cents, and if a buyer goes to any of them they will quote the price agreed upon by the whole of them. Is that not a combination, and would they not be subject to prosecution if a consumer made complaint? They certainly raise the price to the consumer. We know this kind of combination exists between market gardeners and others who sell produce of any kind on the local markets. Is this not a combine and agreement to raise the price to the consumer, and does it not come within the meaning of the Act? It may be said they are combines of small importance.

Rt. Hon. Sir RICHARD CARTWRIGHT —The words 'to the detriment of consumers and producers' might be held to mean the unreasonable injury of them, I should think, but it is quite clear that no combination of words can be devised which will meet the complaints that have been referred to us, and yet not under certain circumstances, be liable to cause inconvenience. I must admit that.

Hon. Mr. LOUGHEED—It strikes me that the weakness of this Bill—I am not prepared to say it does not cover the point to which I am about to refer, but I am inclined to think it does not—is that it is directed against fixed combinations. But combinations may be of varying character, from day to day, and they may be productive of as much mischief in the line indicated by the Bill as if they were fixed corporate entities. Take the case referred to by my hon. friend, parties engaging in such combinations as indicated by him, would be of a changeable character. It would be utterly impossible to reach a combination of that kind by this Bill. The Bill is directed not against the acts as specific acts, but against specific individuals doing a specific act. It seems to me it will be a comparatively easy matter to evade the liabilities or the penalties attached by the Bill to the changing personnel of the combinations against which it is aimed. It seems to me to lack having that definite end in view, namely, striking a blow at the act complained of rather than the individuals.

Rt. Hon. Sir RICHARD CARTWRIGHT —That may be possible; but what does the hon. gentleman suggest?

Hon. Mr. KERR (Speaker)—I would call attention to the fact that although many things might come within the definition referred to, it will be seen that the question of whether there is to be any interference is one of judicial character, and the judge, when he hears the matter, has to be satisfied that what has been done was calculated to produce certain injurious effects, and if he is not satisfied he will not make the order, and indeed, under almost any circumstances, on hearing the whole matter, he can refuse to make the order.

Hon. Mr. LOUGHEED—We are referring to a case where an order has been made, and where a series of acts may constitute an infraction of the law, and yet, through a change of individuals who may be interested in one series and not interested in the others, the Act may be of no avail.

Hon. Mr. KERR (Speaker)—That will all be open to the judge.

Hon. Mr. LOUGHEED—How will the penalties of the law reach those who may not be concerned in that particular act, although the series of acts may be continued?

Hon. Mr. DANDURAND—There is no question that the case of the farmers combining together to enhance and fix the price would fall under this Act, but it would fall as well under the criminal law as we have it. If it were established that in the country around eggs were five cents a dozen less than at a certain market where all the farmers had combined to enhance the price five cents, there is no doubt it would fall under the criminal law as well as under this Bill; but all these cases of combinations, although falling under this law, will not necessarily be investigated.

Hon. Mr. CHOQUETTE—It is satisfactory to know the meaning of combination. I never heard in Quebec that farmers have

combined together to raise the prices. They are too honest for that.

Hon. Mr. DANDURAND—Perhaps the hon. gentleman does not rise early enough in the morning to go to market.

Hon. Mr. CHOQUETTE—Oh, yes; I have been living in a farming country. If four, or five, or ten farmers go into the market together, and they have eggs in their wagons on the market, and they consult with each other and say 'Eggs are very scarce; we will charge 25 cents a dozen this morning,' I think they have a right to do that; but according to my hon. friend's theory, they can be proceeded against. Take the proprietors of cheese factories; they are informed by Montreal dealers that their buyer will go out there on such a day. I have seen this myself. The proprietors of factories are informed that on auction days the buyer will be there to buy all the butter and cheese made during the month. They look up the prices and say, 'We will not depreciate our factory. We will quote cheese at 15 cents to-day and butter at 25 cents.' They have a right to do that. But according to the hon. gentleman from De Lorimier, that will be against the criminal law. I should like to get the statement from the government, because out of sheer malice and in order to injure a neighbour some person may work the law and take proceedings. As the point has been raised as to this very word agreement or arrangement, or accommodation, I think it would be well for the right hon. leader to state what the interpretation is, in order, if the question is raised in any court later on, the judge may refer to the interpretation given here, as is done in many cases under the criminal law.

Hon. Mr. WATSON—I do not think the farming industry will be very much affected by this Bill. I think that some larger interests are more likely to be affected. I would like to know if the Bankers' Association will come under the purview of this Bill when it agrees not to pay over three per cent for money? That is a combine, surely.

Hon. Mr. THOMPSON—No, you have no right to attack the banks.

Rt. Hon. Sir RICHARD CARTWRIGHT—Speaking generally, I should be inclined to think that the good old law of supply and demand would have to regulate such matters as this.

Hon. Mr. CHOQUETTE—Take another example. About a month ago, a court in Ontario, I do not remember the name of the judge, declared that the Grocers' Guild or Association was not a combine. Well, according to what I know of the regulations which I have read myself in my own office, it is a combination between the wholesale merchants to fix the price, and they get the retail merchants to sign a declaration by which they will not be entitled to sell at less than a price fixed by that wholesale association; if they do sell at a lower price they lose the benefit; whereas if they maintain the price fixed by the association they will get a refund of four or five per cent.

Hon. Mr. KERR (Speaker)—Is not this Bill intended to meet such a case as that?

Hon. Mr. CHOQUETTE—I should like to know if the Bill is intended to include such a combine?

Hon. Mr. KERR (Speaker)—That is what it does; an agreement to enhance the price specially calls for the introduction of the law.

Hon. Mr. BEIQUE—Under subsection 498 of the Criminal Code, provisions are to be found declaring that parties will be guilty of conspiracy if they agree together to unduly prevent competition or to unreasonably enhance the price of anything, or unduly restrain commerce. Of course, this definition as found in subsection (c) of section 2 goes further than that, because the word 'unduly' or 'unreasonably' is not to be found. It merely says that:

'Combine' means any contract, agreement, arrangement or combination which has, or is designed to have, the effect of increasing or fixing the price or rental of any article of trade or commerce or the cost of the storage or transportation thereof, or of the restricting competition in or of controlling the production, manufacture, transportation, storage, sale or supply thereof, to the detriment

of consumers or producers of such article of trade or commerce.

Therefore, this Bill will have greater scope than the provision in the Criminal Code. On the other hand, the judge, the court, is substituted for the Governor in Council, which takes the question from the political sphere, and the judge will no doubt see that no interference or no persecution or no inquiry is made unless the circumstances justify an inquiry.

Hon. Sir MACKENZIE BOWELL—In order that we may better understand the purport of this word 'interpretation', and the extent to which it goes, before we look at the different clauses, on reference to clause 23, we can form some correct opinion as to what the word 'combine' includes. It strikes me it would include the very cases, unimportant though they may be, to which I referred. However, it is not my intention to delay the committee even in discussing these clauses. If it took the Minister of Labour three and a quarter hours to explain this Bill, I suppose it became our duty to read the whole of that speech in order to understand it; but while it may be necessary to expend three and a quarter hours in the Commons to explain this important measure, we are supposed to understand its full import in about that many minutes. To my mind the principle upon which the legislation of the present day is founded is going altogether too far. I hesitate not to say that we are pandering too much to a certain element in the country that demands the control of capital in almost every walk of life, and unless it is made satisfactory to their individual interests, then those who have the misfortune to be carrying on a business are punished, while they themselves have the fullest possible liberty to restrict trade, to stop manufacture, and to punish the whole community by combinations of labour. No one respects honest labour more than I do; but there are restrictions that should be put upon it just the same as upon people carrying on commercial business; and the principle is being extended not only in Canada, but in England in particular, and other parts of the world until the trade of a company and the investment of capital will have become so uncertain, that those who have means will be liable to be ruined by those combinations. If a combination of wealth is to be stopped—and I quite agree that such combinations ought to be punished if undue means are taken to enhance the price of an article so that it becomes an injury to the consumer—the same principle should apply to those who attempt to and do ruin business and trade.

Hon. Mr. LOUGHEED—May I ask my hon. friend if it is intended that the word 'combine' should apply to a monopoly. Take for instance the word 'combine' according to the language employed in placing an interpretation upon it, I should say that two or more parties would have to engage to make a combine; that it would not reach, for instance, a corporation that had the monopoly of a food product, and chose to place any price it wished on the article in which it dealt. What are my right hon. friend's views on that subject?

Hon. Mr. DANDURAND—Look at the last line of subsection (c).

Hon. Mr. LOUGHEED—Well, that would not reach it. Let us assume for a moment that there was, say, such a company as the Armour Company doing business in Canada, and that they had a monopoly of the beef and provision business of the country; no matter what prices they would fix, no matter how they might limit trade, or monopolize trade, I submit that this interpretation would not cover such a monopoly.

Rt. Hon. Sir RICHARD CARTWRIGHT—That might be; but would not the Criminal Code deal with such a case?

Hon. Mr. LOUGHEED—I do not think so.

Hon. Mr. KERR (Speaker)—This would do so surely.

Hon. Mr. DANDURAND—Clause (c) would.

Hon. Mr. LOUGHEED—Would the hon. gentleman point out where, please?

Hon. Mr. KERR (Speaker)—Subsection (c) reads: 'and also includes what is known as a trust, monopoly, or merger.'

Hon. Mr. EDWARDS—What is a trust, monopoly, or merger?

Hon. Mr. KERR (Speaker)—It is just such a case as my hon. friend suggests, where capitalists acquire control of the meat business of the country.

Hon. Mr. LOUGHEED—But that would not be a monopoly within clause (c), because this interpretation clause deals with combinations. We must not omit the word which we are defining, namely, 'combine.' Combine must necessarily mean the same, for instance, as conspiracy. We may use the word conspiracy. Combine is used very much as being tantamount to or synonymous with conspiracy. In law one party could not constitute a conspiracy.

Hon. Mr. KERR (Speaker)—I would draw my hon. friend's attention to the fact that the very section from which he is reading does provide for that. The clause distinctly says that it:

> Includes the acquisition, leasing or otherwise taking over, or obtaining by any person to the end aforesaid, of any control over or interest in the business, or any portion of the business, of any other person, and also includes what is known as a trust, monopoly or merger.

Hon. Mr. LOUGHEED—That does not touch the point.

Hon. Mr. KERR (Speaker)—Any one person acquiring it in that way would be, within the meaning of this section a combine.

Hon. Mr. LOUGHEED—Not at all.

Hon. Mr. EDWARDS—But if one individual bought up the business of other individuals, would that constitute a combine?

Hon. Mr. KERR (Speaker)—It might be.

Hon. Mr. EDWARDS—If that constitutes a combine, then we had better dissolve everything and have no business at all.

Hon. Mr. KERR (Speaker)—I say it might be; it depends on the way it was done and worked out.

Hon. Mr. DANDURAND—I have no doubt this clause is meant to cover any organization, by which a corporation or an individual may succeed in obtaining an absolute control over a certain article, with a view to enhance the price to the detriment of the consumer.

Hon. Mr. EDWARDS—Take, for instance, this supposition: In Canada nickel is a very limited article, in the hands of a very few people. Are you going to suggest the price at which nickel shall be sold, and because it is a very scarce article, and very few people have it, that such a law as this has to exist to determine what should be done?

Hon. Mr. CHOQUETTE—I am now more convinced than I was before this debate, that the clause is very indefinite as to what a combine is—an arrangement or combination—as the business men cannot themselves tell; and as I would like to protect the farmers a little, I beg to move that the following words be added after the word 'merger,' 'but this clause shall not apply to farmers.'

Hon. Mr. EDWARDS—That is a joke.

Hon. Mr. WILSON—Before the motion in amendment is put, I think there is very much in what the hon. senator has suggested. If this interpretation clause does not apply to farmers, what object can the hon. leader of the House have to make it applicable to the farmer? It is a common matter for the farmers, and farmers' wives, to come to market. They generally congregate on the market and have a talk about prices before they begin selling their produce, and they ask 'how much are you going to ask to-day for butter, and how much for eggs?' and then they go on and agree 'We will not sell at less than a certain figure,' and they insist on receiving that amount. Now, does not that increase the cost to the consumer? If the interpretation clause is of any value whatever, it certainly applies to the farmers and the farmer's wives. If you adopt any means or allow anything to occur whereby a far-

mer will be prevented from enhancing the value of his wares, you restrict the trade between the farmers and those who go to the market. It is very evident that this clause must and will apply to the farmers of the community: not only that but it will extend further, to the selling of various cereals, and everything else that farmers have to dispose of. Are you going to restrict the hard working farmer from getting a fair value for his produce? I think the law of demand and supply ought to be sufficient to protect the public. If the farmer has goods to sell, he wants to get a reasonable price for them. The buyer may combine, and he may escape the law, but the producer cannot do it and escape the law. The consumer can be protected, but how about the middleman? We are well aware that in towns and cities, the merchants do not go to the market in the morning; they wait until a later hour in the day when the farmers are anxious to get home to their work, and prices are lowered. In this way the retail merchants combine to prevent the producer from receiving the amount that he otherwise would. I think we ought to have this clause well interpreted so that there shall be no difficulty, and that the unsuspecting farmer may be left at liberty to get the best price he can for his eggs and butter. We should not protect the merchant of the town against the the labourer.

Hon. Mr. DANDURAND—A small grievance that is only felt locally will not induce six persons to swear out affidavits and go to a judge, in order that he may open an inquiry into it. This law is not made for a peanut grievance.

Hon. Mr. FORGET—I should like to have an explanation of the meaning of the words in line 16 of clause (c)—' or of controlling the production, manufacture, etc.' If a man controls a certain number of manufacturing establishments, and finds that the country cannot consume all his output, and he reduces the hours of work to five or six a day so as not to glut the market—if he wants to sustain prices, would that be considered a violation of this Act?

Hon. Mr. WILSON.

Hon. Mr. EDWARDS—The hon. gentleman means can he be forced to manufacture more than he wants to manufacture?

Hon. Mr. FORGET—Yes.

Rt. Hon. Sir RICHARD CARTWRIGHT—I should say off-hand, that he could not; but I do not pretend to offer an opinion on a matter which may come under the decision of judges by and by. Apparently, none of these things can be done unless it is clearly shown, after investigation, that they are to the detriment of the consumers or producers. I take it those words could not be construed to deal with such cases as the hon. gentleman refers to.

Hon. Mr. EDWARDS—Why not?

Rt. Hon. Sir RICHARD CARTWRIGHT—It would not be to the detriment of the consumer if a manufacturer took such a course. If the thing is the necessary consequence of conditions of trade, it could not fairly be said to be to the detriment of the consumer. It is where an artificial condition is produced, practically by a conspiracy, that this Bill would apply, as I understand it.

Hon. Mr. KERR (Speaker)—There are two things that have to be done. It is not merely a question if the business or manufacture is reduced to prevent prices going below a profitable figure. That is to be the subject of investigation by a judge who has to determine not that there is a combination, but whether there should be an investigation as to the effect and result if there is a prima facie case made out. Take, for instance, rubber—there are only a few places where rubber is manufactured in Canada. I might acquire those and yet not change prices. I might not change the position as it had stood before. The mere fact that I had acquired those factories would not expose me to a penalty.

Hon. Mr. DANDURAND—Or even increase the price?

Hon. Mr. KERR (Speaker)—Or even increase it unduly, because the judge has to be satisfied and it is only if he reports

an investigation should be held that there will be an investigation as to what the effect is, so there is protection both to the public and to the capitalist in that respect. It leaves it a fair ground on which to stand. He ascertains if there is a prima facie case made out for investigation. He finds not only that they have secured all the factories, but that they have raised and kept the price above what would be a fair price to the public.

Hon. Mr. DANDURAND—This is no new principle introduced into our legislation. We have had legislation for thirteen or fourteen years on our statute-books, which can be and has been made use of, and we are in the position to judge of the effect of that legislation in the future by the effect of similar legislation in the past. The Act of 1897 (chapter 11 in the Revised Statutes) contains a similar provision. It is enacted that whenever the Governor in Council deems it in the public interest, if a combination is alleged to exist among dealers in any article to unduly increase the price, the Governor in Council may commission or appoint a judge to hold an inquiry and report whether such a conspiracy or combination exists. If the judge reports to that effect, the Governor in Council may so reduce the duty on the article as to give the public the benefit of reasonable competition in the market. Under this very clause an inquiry was set in motion against the newspaper combination. I think Judge Taschereau was appointed to make the investigation, and he reported to the Governor in Council that there was a combination to unduly enhance the price of printing paper for newspapers. The Governor in Council acted upon the report, and reduced the duty ten per cent. Ten years afterwards another clause was added to this Act which provides that whenever, as the result of a judgment of court, it appears to the satisfaction of the Governor in Council that with regard to any article there is a combination or conspiracy to unduly enhance the price, the Governor in Council may admit the article free of duty or reduce the duty to give reasonable competition in the article.

Hon. Mr. LOUGHEED—Why is the word 'conspiracy' omitted from this Bill, while it is to be found in both of the statutes to which the hon. gentleman has referred? There should be uniform language as far as possible, inasmuch as there have been some legal decisions upon those Acts. The omission of the word 'conspiracy' may have a detrimental effect in the interpretation of the Act. It will lead to further difficulty any way.

Hon. Mr. DANDURAND—It seems to me the Interpretation Act makes the meaning of the word 'combination' as wide as possible. What have we on the statute-book so far? We have the power vested in the Governor in Council to reduce or remit the duty. We have besides, a penalty clause in the Act, but it is found also in the Criminal Code. This is simply organizing a new mode by which an investigation may be had, without subjecting the combination of manufacturers or producers to prosecution under the Criminal Code by an individual. Under this Bill, there must be six individuals to begin a prosecution. Even then they will not get their investigation until a judge has examined into the general conditions as far as his own knowledge will go, and if he is satisfied that he should go more deeply into the matter, he may, as a grand jury would, examine witnesses and ask the complainants to state their case without calling on the defence to put in evidence, although of his own motion the judge may go and investigate the affair as deeply as he wants, and only then must he report that he has found there is a prima facie case against the parties complained of, and ask the government to make an investigation. Then the investigation proceeds by the machinery mentioned in this Act.

Hon. Mr. WILSON—A question has been asked as to the meaning of a certain clause, whether it would or would not apply to farmers upon the markets. The subleader of the House treated that matter very lightly. He said it was a peanut policy. I am sure the farmers in his part of the country would like to know what he meant by that remark. We have asked for an explanation, and the hon.

gentleman replies by saying it is a peanut policy. It is true, the farmers are dealing in small matters, but they are just as important questions to the farming community as large matters are to the people of big cities. I say that remark of the hon. gentleman should be expunged from the records of this House. The farmers have a right to protection the same as other citizens. What right has the hon. gentleman to speak of the operations of the farmers as a peanut policy? The hon. gentleman will find that the farmers of this country will resent the use of such language as applied to them. I hope we shall have an explanation of the application of this Bill—whether it will apply to the farmers, even if they do deal in peanuts, or whether they will receive any protection.

Hon. Mr. DANDURAND—I object to the amendment, because if there is a class in the community which this Bill will protect it is the farmers. The object of this Bill is not merely to protect the consumer, though we know that the farmers are the large consumers of Canada and may need protection as consumers against the enhancing of prices of manufactured goods. But even as producers, this Bill has for its object the protection of the producers and there may well be combinations against the farmers to prevent them obtaining fair prices for their products. The hon. gentleman from St. Thomas, who speaks as if we were on the eve of a general election into which he would plunge as a candidate, will perhaps hear the opinion of some farmers who are in sympathy with this Bill. The master of the 'Dominion Grange' has written as follows to the minister:

> As you are perhaps aware, the farmers of Alberta, Saskatchewan and Ontario have united their forces. One of the first acts of their united executive, of whom I am the secretary, will be to take advantage of your Act, which meets with the most enthusiastic approval of our organization. Our organization numbers over 25,000 members and we are very much in earnest in this matter.

So that the hon. gentleman will see that the farmers of the west receive some protection and some advantage in this matter. When I spoke of the peanut question I said there would be no six intelligent parties swearing affidavits and going to a judge to redress a peanut grievance.

Hon. Mr. WILSON—As far as the farmers and members of the Grange are concerned, I can understand the matter quite well. They are not the peanut men at all. They are the ones that superintend the organization of grangers, and, therefore, they should not come under the stricture my hon. friend made. It would be easy to get a recommendation from the various farmers throughout the country, but I say that the general farming community is not in sympathy with the measure now before the House.

Hon. Mr. EDWARDS—This Bill is one of very considerable importance, and, in my opinion, cannot be dealt with intelligently in the short time parliament is supposed to remain in session. I have been advised by some of my friends not to speak upon this question, because I may be pointed at from the fact that I happen to be a stockholder and president of the Cement Company of Canada; but I want all my friends to know that so long as I am in parliament I will advocate the principles I believe in, no matter what I am president of.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. EDWARDS—And when I take a hand in a discussion dealing with this subject, I want it understood that I do it in the interest of no company, but in the interests of the people of Canada. I am one of those who believe in the freedom of the people, and I do not believe in trammelling the operations of the people. I believe in the development of Canada and allowing Canada to develop, and I am not a believer in putting upon the statute-books enactments which hamper the operations of the people and then bring in a pretended cure such as this Bill is. What will be the effect of legislation of this kind? What has been the effect in the great republic south of us? The very parties who are fathers of the high protective system in the United States

at a later period in the history of that country brought in similar legislation to this, and by the enforcement of that legislation brought about one of the most severe crisis that ever took place in any country. If it was not the immediate cause of it, there is no doubt the crisis was stimulated to a great extent by the legislation. What is the situation further in regard to that great country in so far as railways are concerned? They had a commission regulating the rates railways shall charge, just as we have in Canada, and what is the condition there? The result is that the great railway systems are all suffering. They are not able to make their ordinary repairs and betterments, from the fact that they are so hampered and controlled by the influences I have named, that the great railways are simply going to ruin. I believe in the law of supply and demand, and in that law regulating everything. I do not believe in legislation of this kind, no matter whence it emanates. True, this legislation comes from my own political friends, but I cannot help that. I have always opposed and will continue to oppose legislation of this kind, no matter whence it emanates. I think there can be nothing more unreasonable. I am utterly opposed to any combination which has the result of enhancing the products of this or any other country; but let us have proper legislation as far as our traffic is concerned, and nothing of this kind will ever be required. Suppose it is thought the price of any commodities are too high, as a consequence, it is suggested, of some combination. Such may be investigated and the conditions dealt with; but when there is a condition in this country where a large portion of the community produce everything they produce at a far higher price than that which they can sell it for, is there any legislation to compel the people of Canada to buy the commodities from them in order that they should not suffer? Am I clear on that point? Let us have legislation which deals fairly with both sides. If you are going to make it imperative that people shall only buy under certain conditions, make a condition that they shall be compelled to buy when the necessities of the producers require it. I want to express myself as absolutely opposed to all patch legislation, such as this. The principle underlying this Bill is as wrong as it is possible to be. Proceeding with such legislation as this will result in hindering the development of the country.

Hon. Mr. CHOQUETTE—It is a government Bill.

Hon. Mr. EDWARDS—You warn the people that they shall not enjoy the profit of their industry. If a man starts in a small way, and buys this business, and that business, and becomes a larger developer in that respect, he will be subject to the conditions which underlie this legislation. It means we shall not develop. I am opposed to that. I have never belonged to any combination for a reduction of prices. Lumber is my business. I would absolutely refuse to-morrow—although to-day we are selling lumber for less than it cost us—to join with any combination of lumber manufacturers for fixing the prices if I were asked to do so.

Hon. Mr. CHOQUETTE—But this is a government Bill.

Hon. Mr. EDWARDS—I do not care whether it is a government Bill or not.

Hon. Mr. CHOQUETTE—I was abused because I would not accept a government Bill.

Hon. Mr. EDWARDS—I want to tell hon. gentlemen something that will surprise them all. I want to give an illustration that the price of not one single foot of lumber that is sold east of the Great Lakes is fixed in Canada. The price of lumber is fixed in North Carolina, and how? Simply by the law of supply and demand. We sell the surplus of our lumber in the United States. We meet the competition of South Carolina lumber, and there is where our price is fixed, and that is were the price of every foot of lumber east of the Great Lakes is fixed, and how? Simply by the law of supply and demand. If the lumbermen east of the Great Lakes wanted to make

a combination, they could not do it, it is absolutely impossible. Let the law of supply and demand control. Let us legislate in a reasonable and rational way in the interests of the whole of the people of Canada, and do away with our protective system which is a curse to this country, and every country where it exists; then no one will ever think of such foolish legislation as is embodied in this Bill.

Hon. Mr. YOUNG—I wish to ask for information why there is different wording in some of the clauses. Clause (c) does not contain the word 'unduly.' The operation of this Act is brought into activity by clause 5, which reads:

> 5. Where six or more persons, British subjects resident in Canada and of full age, are of opinion that a combine exists, and that prices have been enhanced or competition restricted by reason of such combine, to the detriment of consumers or producers, such persons may make an application to a judge for an order directing an investigation into such alleged combine.

The appeal is to a judge for the appointment of a board. According to clause 7, you will notice the judge determines whether the board shall be granted or not. The wording is the same in seven as in five, and when you come to clause 18, you find that the board, after looking at the matter, have to determine whether or not the price or rental of any article has been unreasonably enhanced, and the supply thereof unduly restricted. The word 'unduly' comes in and also in 21, 22 and 23. I fail to see why, if that word is used there, it should not be used in subsection (c) of section 2 of the Bill before us.

Hon. Mr. CHOQUETTE—I have not spoken on my motion. The remark I wish to make is that I endorse all that has been said by the hon. gentleman from St. Thomas about the farmers. It is a government Bill and I am not going to oppose it, except as to this clause, if we have not in this House a formal declaration from the government that it will not apply to farmers. The hon. gentleman is opposing a government Bill, and I must congratulate him. Perhaps he will receive a challenge in the newspapers. In this Senate an hon. member cannot say a word against a government Bill without being branded as a traitor to his party.

Hon. Mr. DANDURAND—The hon. gentleman is bringing up a broad question. In this Chamber we should all be independent, and have but one master—our own conscience.

Hon. Sir MACKENZIE BOWELL—It is a good doctrine if hon. members live up to it.

Hon. Mr. DANDURAND—I shall try and live up to it.

Hon. Sir MACKENZIE BOWELL—I did not refer to the hon. member personally.

Hon. Mr. DANDURAND—The hon. gentleman from Killarney (Hon. Mr. Young) has asked a question with regard to the word 'unduly.' That word is not found in clauses 2, 5 or 7. The answer which is given me is, that for the preliminary inquiry the setting in motion of this machinery, the expressions are broader, so as to give larger discretion to the judge to investigate if there is a complaint of the consumer; but when it comes to clause 18, when the complaint is made, the board will have to see if there is an undue restriction or enhancement of prices.

Hon. Mr. YOUNG—Do I understand the machinery may be set in motion on a lesser charge than the one which the board has to try the case on?

Hon. Mr. DANDURAND—The words are 'in the public interest.'

Hon. Mr. BEIQUE—I have made a cursory examination of the Bill, and I may say the effect of it is this: Subsection 2 of section 2 is pretty large. It goes beyond what the law has been heretofore in using the word 'unduly' or 'unreasonably'; therefore it is wider so far as the setting in motion is concerned. But when you come to clause 7, you have embodied in section 7 a very much stronger guarantee:

> 7. If upon such hearing the judge is satisfied that there is reasonable ground for believing that a combine exists which is injurious to trade or which has operated to the detriment of consumers or producers, and that it is in the public interest that an

investigation should be held, the judge shall direct an investigation under the provisions of this Act; or if not so satisfied, and the judge is of opinion that in the circumstances an adjournment should be ordered, the judge may adjourn such hearing until further evidence in support of the application is given, or he may refuse to make an order for an investigation.

So that you have three conditions which the judge must find before he orders an inquiry to be made. It is only by means of the inquiry that it will be found if the prices were unduly increased.

Hon. Mr. YOUNG—It is not there.

Hon. Mr. BEIQUE—No, but in the course of the inquiry, if the inquiry is granted, it will be ascertained whether the prices were unduly or unreasonably enhanced, and the Act provides for two different remedies. Section 2, reads:

21. Whenever, from or as a result of an investigation under the provisions of this Act, or from or as a result of a judgment of the Supreme Court or Exchequer Court of Canada or of any superior court, or circuit, district or county court in Canada, it appears to the satisfaction of the Governor in Council that with regard to any article there exists any combine to promote unduly the advantage of the manufacturers or dealers at the expense of the consumers, and if it appears to the Governor in Council that such disadvantage to the consumer is facilitated by the duties of customs imposed on the article, or on any like article, the Governor in Council may direct either that such article be admitted into Canada free of duty or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition.

Then we have section 23, which reads:

23. Any person reported by a board to have been guilty of unduly limiting the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article which may be a subject of trade or commerce; or of unduly restraining or injuring trade or commerce in relation to any such article; or of unduly preventing, limiting or lessening the manufacture or production of any such article; or of unreasonably enhancing the price thereof; or of unduly preventing or lessening competition in the production, manufacture, purchase, barter, sale, transportation, storage or supply of any such article, and who thereafter continues so to offend, is guilty of an indictable offence and shall be liable to a penalty not exceeding one thousand dollars and costs for each day after the expiration of ten days, or such further extension of time as in the opinion of the board may be necessary, from the date of the publication of the report of the board in the 'Canada Gazette' during which such person so continues to offend.

That section deals exclusively with the penal clause, and it is only in case the party not only has been found to do that, but continues to do it, and it is practically re-enacting what is to be found in the Criminal Code. It does not go any further than the Criminal Code.

Hon. Mr. LOUGHEED—Does it not strike my hon. friend as rather extraordinary that a charge should be made, and that an investigating board should proceed to try a charge, and then consider one entirely different from what is alleged!

Hon. Mr. YOUNG—That is what I wanted an explanation of.

Hon. Mr. BEIQUE—You notice that under section 5 a statutory declaration must be given of the state of things as defined in section (c) of subsection 2.

It being six o'clock, the Chairman left the Chair.

After Recess.

Hon. Mr. BEIQUE—Before resuming the debate on the merits of the Bill may I call attention to the fact that we are, as I understand, on subsection 3 of clause 2, which is merely defining the word 'combine.' If the hon. gentleman from Grandville intends to insist upon his amendment, surely he would not ask that this clause be amended, but would simply move that a clause be added at the end of the Bill that this measure should not apply to farmers. I suggest that the committee pass the subclause. For my part I think it is proper as it stands.

The amendment was declared lost.

The subclause was adopted.

On clause 5.

5. Where six or more persons, British subjects resident in Canada and of full age, are of opinion that a combine exists, and that prices have been enhanced or competition restricted by reason of such combine, to the detriment of consumers or producers, such persons may make an application to a judge for an order directing an investigation into such alleged combine.

Hon. Mr. BOSTOCK—Might this not be a case where those six or more persons were all members of one firm, or would it mean six persons belonging to different firms? It might be six employees of the one man.

Hon. Mr. DANDURAND—It does not go beyond the statement of six persons who could undoubtedly be under the same roof; but each has to make a distinct affidavit.

Hon. Mr. LANDRY—Would that be a combination, if those six persons each made affidavit to the same effect?

Hon. Mr. BOSTOCK—It might be putting in the hands of one firm the power to injure another in business.

Hon. Mr. DANDURAND—The six persons have to swear that they are themselves affected by the combine, and, of course, they would have to set out the ground on which they think it is in the public interest. I can very well understand that a leading spirit might gather around him a few followers; but it is an improvement on the old law where one individual could lay a charge.

The clause was adopted.

On clause 11,

11. Of the three members of the board one shall be appointed on the recommendation of the persons upon whose application the order has been granted, one on the recommendation of the persons named in the order as being concerned in the alleged combine, and the third on the recommendation of the two members so chosen.

Hon. Mr. POWER—As a general thing, one of the parties always appoint one of their own officers. The uniform practice with the workingmen is to appoint some officer of a trades union. I do not undertake to say that is wrong, but there is just this about it; the arbitrators who are appointed are supposed to be disinterested persons, and the result of this method of appointment is that in almost every case there is a failure to reach a unanimous decision. It seems to me questionable whether there should not be one of the parties who would be impartial.

Hon. Mr. DANDURAND—Clause 15 provides for the appointment of a disinterested person.

The clause was adopted.

On clause 12, subclause 4,

4. The two members so appointed may, within seven days after their appointment, recommend the name of a judge of any court of record in Canada who is willing and ready to act as a third member of the board, and the minister shall appoint such judge as a member of the board, and if they fail or neglect to make a recommendation within the said period, or such extension thereof as the minister on cause shown grants, the minister shall, as soon thereafter as possible, select and appoint a judge of any court of record in Canada to be the third member of the board.

Hon. Mr. LOUGHEED—Looking at the Interpretation Act, I notice in the province of Quebec one of the higher judges would not act—a judge of the court of appeal.

Hon. Mr. DANDURAND—Our system is, of course, different from that of the other provinces. Our judges are called superior court judges.

Hon. Mr. LOUGHEED—Why should not one of the higher judges of the courts in Quebec be authorized to act?

Hon. Mr. DANDURAND—Because the court of appeal would thus be disorganized. We have six judges in the court of appeal, and the sixth one sits in the court of King's Bench, criminal side. There are four sessions in the district of Montreal, and as many in the district of Quebec, so those matters are generally left to the superior court, where we have quite a number of judges.

Hon. Mr. LOUGHEED—Do your judges in appeal occasionally go on circuit?

Hon. Mr. DANDURAND—They never go. They sit in Quebec or Montreal hearing appeals, with one detached for the criminal side.

Hon. Mr. McSWEENEY—Why should it be confined to judges? Why not take somebody else?

Hon. Mr. DANDURAND—There are very large interests to be considered, and the

judges are parties who have left the active life and commercial connections, who are in the serene atmosphere, and who have the judicial mind.

Hon. Mr. McSWEENEY—Do they draw pensions as well?

Hon. Mr. DANDURAND—No, they are judges in active life.

Hon. Mr. LANDRY—Are all the judges in the serene atmosphere?

Hon. Mr. DANDURAND—Of course, they remain human beings.

The subclause was adopted.

On clause 15,

15. Before entering upon the exercise of the functions of their office the members of the board shall take the following oath:—
I,... .. ..,do solemnly swear,—
That I will truly, faithfully and impartially perform my duties as a member of the board appointed to investigate.. .. ..
That I am a British subject.
That I have no direct pecuniary interest in the alleged combine that is to be the subject of investigation.
That I have not received nor will I accept either directly or indirectly any perquisite, gift, fee or gratuity from any person in any way interested in any matter or thing to be investigated by the board.
That I am not immediately connected in business with any of the parties applying for this investigation, and am not acting in collusion with any person herein.

Hon. Mr. LOUGHEED—I would point out to the hon. member for Halifax that this will not meet the objection which he mentioned a few moments ago, and which the hon. member from DeLorimier thought would be met by this clause.

Hon. Mr. DANDURAND—The last paragraph of the section covers it.

Hon Mr. POWER—Does the hon. gentleman suppose that the taking of this oath, together with the provision in clause 13, would prevent partiality?

Rt. Hon. Sir RICHARD CARTWRIGHT—I would say so—'immediately connected in business' would exclude the attorney of any party.

Hon Mr. LOUGHEED—It would not exclude one of the arbitrators who considered he had a grievance against a combine—that is to say it does not warrant the impartiality of the arbitrators who may be appointed.

Rt. Hon. Sir RICHARD CARTWRIGHT—The oath is that he will faithfully, truly and impartially exercise his functions.

Hon. Mr. LOUGHEED—The six or more gentlemen laying the charge could suggest an arbitrator quite as much interested and biased as themselves.

Hon Mr. DANDURAND—I readily recognize that if the public is directly interested it would be hard to find a consumer who would be absolutely disinterested.

Hon. Mr. LOUGHEED—I am pointing out the fallacy of the view that is taken that the arbitrators are absolutely impartial.

Hon. Mr. KERR (Speaker)—It says there that they shall faithfully perform the duties.

Rt. Hon. Sir RICHARD CARTWRIGHT—At any rate, I should imagine the last clause would exclude the attorneys of any of the parties.

The clause was adopted.

On clause 21,

21. Whenever, from or as a result of an investigation under the provisions of this Act, or from or as a result of a judgment of the Supreme Court or Exchequer Court of Canada or of any superior court, or circuit, district or county court in Canada, it appears to the satisfaction of the Governor in Council that with regard to any article there exists any combine to promote unduly the advantage of the manufacturers or dealers at the expense of the consumers, and if it appears to the Governor in Council that such disadvantage to the consumer is facilitated by the duties of customs imposed on the article, or on any like article, the Governor in Council may direct either that such article be admitted into Canada free of duty or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition.

Hon. Mr. DANDURAND—This is a reproduction word for word of the Customs Act as passed in 1907, with one phrase added after the first word 'wherever,' the

words 'from or as a result of an investigation under the provisions of this Act.'

Hon. Sir MACKENZIE BOWELL—I suppose the clause of the former Act has been repealed?

The clause was adopted.

On clause 22,

22. In case the owner or holder of any patent issued under the Patent Act has made use of the exclusive rights and privileges which, as such owner or holder he controls, so as unduly to limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article which may be subject of trade or commerce, or so as unduly to restrain or injure trade or commerce in relation to any such article, or unduly to prevent, limit or lessen the manufacture or production of any article or unreasonably to enhance the price thereof, or unduly to prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation, storage or supply of any article, such patent shall be liable to be revoked. And, if a board reports that a patent has been so made use of, the Minister of Justice may exhibit an information in the Exchequer Court of Canada praying for a judgment revoking such patent, and the court shall thereupon have jurisdiction to hear and decide the matter and to give judgment revoking the patent or otherwise as the evidence before the court may require.

Hon. Sir MACKENZIE BOWELL—I do not suppose this interferes in any way with the conditions and provisions of the Customs Act regulating the price at which an article patented in the United States or any other country would be admitted to Canada. My hon. friend no doubt knows that the customs law provides that an article shall be entered for duty at the price at which it is sold in the county in which the patent is effected. In other words no deduction for royalty or anything else shall be made in the invoice price of the article imported.

Hon. Mr. DANDURAND—No. This would not interfere.

Hon. Sir MACKENZIE BOWELL—Has that been considered?

Hon. Mr. DANDURAND—That has been considered; but that would prevent the holder of the patent imposing conditions upon the users of the patent that they will only purchase such articles as will be sold or furnished by holders of the patent as in the case of the United Shoe Company, where the owner of the patent organized a combination or a combine by which he monopolizes the sale of a number of articles under his patent, and holds the user of his patent as his slave, so to speak, or his tributory for the purchase of quite a number of other articles under his patent.

Hon. Sir MACKENZIE BOWELL—Other articles from whom? What other articles?

Hon. Mr. DANDURAND—Articles that are required in a particular business. A holder of a patent which is used in the making of a certain article, like a shoe for instance, may make contracts by which he will force the user of this patent who pays him a royalty and purchases from him quite a variety of articles outside of his patent, which the user of his patent absolutely needs, and makes him a willing or unwilling purchaser, but forces him to become a purchaser of a various number of articles which the owner of the patent, who has organized the combination, forces upon him.

Hon. Mr. LANDRY—I suppose that will settle some cases that have arisen lately in Quebec?

Hon. Mr. DANDURAND—I mention it because it is a case in point.

Hon. Mr. LOUGHEED—I observe that the report of the Board of Investigation will not be conclusive, so far as any revocation of the patent is concerned; nor need it be accepted by the Exchequer Court as even throwing the onus on the patentee to make good the charges against him. It seems to me this question should have gone further than it has, and it should have provided that the onus would be upon the patentee to support his patent in the face of the finding of the Board of Investigation. It seems to be a work of supererogation, so to speak, for the Board of Investigation upon the hearing of counsel and upon the hearing of all

the evidence, to make a report if that report is to have no effect upon the Court of Exchequer. It simply gives the Court of Exchequer jurisdiction apparently to consider the revocation of the patent.

Hon. Mr. DANDURAND—It puts the onus on the government. This is a forward step which does not void the common law, nor does it do violence to private rights of individuals. It denounces to the government a certain abuse of a right, and it throws upon the government the obligation of proceeding in the Exchequer Court.

Hon. Mr. LOUGHEED—It seems to me superfluous to go about it in that way. If this were the finding of a court in the first instance, the onus would fall upon the appellant to set aside the judgment against him; but not so in this case.

Hon. Mr. DANDURAND—No, because this is simply an investigation.

Hon. Mr. LOUGHEED—It is an investigation; but it has all the effect of a trial. In fact, I venture to say the investigation would be quite as elaborate, if not more elaborate, and certainly it should be as binding as the finding of the Court of Exchequer inasmuch as the board of investigation consists, or is constituted of three members, all represented by counsel—the party having the grievance, and the party against whom the grievance is, all appearing before the court, and what more elaborate machinery can be furnished by the Court of Exchequer to make further investigation?

Rt. Hon. Sir RICHARD CARTWRIGHT—If my hon. friend will read the preceding clause he will find that the use of counsel, if I am not mistaken, is optional. The board is not required to compel both parties to appear before it by counsel.

Hon. Mr. LOUGHEED—I thought we had not yet reached the portion of the Act which dealt with that; possibly we may.

Rt. Hon. Sir RICHARD CARTWRIGHT—Probably that was the reason why some parties may appear and some parties shall not appear, and, while there is great force in what my hon friend is contending for, if there was what you might call a regular trial, where it was simply an ex parte decision, one party being heard by counsel, and the other without, he would not then desire to have it regarded as of equal value to the finding of the court, would he?

Hon. Mr. LOUGHEED—Well, that same remark might apply to the Exchequer Court. A party to a suit in court is not bound to secure counsel. Of course, if he does not, he takes it on his own risk.

Rt. hon. Sir RICHARD CARTWRIGHT—As a matter of fact, he always does.

Hon. Mr. LOUGHEED—But there have been cases where parties have appeared even before the higher courts without counsel. However, it seems to me that, once a report is made by the board of investigation, it should be obligatory upon the Minister of Justice, or the government, to set the proceedings in motion before the Exchequer Court. It seems to me it is obligatory to set machinery in motion for the revocation of a patent. How is the Minister of Justice to be set in motion? No provision is made in the Act for that? That is to say, immediately a report is made, and it is quite apparent from that report that a clear case has been established, it seems to me that it should be obligatory upon some representative of the government to test this matter in the Exchequer Court. It is proposed that a fiat is to be sought?

Rt. Hon. Sir RICHARD CARTWRIGHT—I should imagine that as a rule he would do so. Of course the word is, 'may'; but the hon. gentleman knows that that is practically translated 'shall.'

Hon. Mr. DANDURAND—Besides, the hon. gentleman will see that there is a clause in the Act which gives a chance to the offender to put himself right, so that in this case if there is such a report against the patentee, he will undoubtedly have the same advantage as any other offender, and if he sees that he is offending, then there is no reason to go any further.

Hon. Mr. LOUGHEED—What is the clause?

Hon. Mr. DANDURAND—I read the clause.

Hon. Mr. LOUGHEED—So far as proceeding further is concerned, it seems to me that is not an element in the matter at all. That is to say, if there has been established a case against the patentee, it is not for the board, nor yet for the government, nor yet for the Minister of Justice to consider whether the patentee is going to repeat the offence. It seems to me that, under the Act, he has forfeited his right, and all the privileges that surround his patent by the Crown, and the case then should be tried by the Court of Exchequer not to try whether he is going to repeat the offence, but to decide whether he has not forfeited the right which the Patent Act gives to him.

Hon. Mr. BEIQUE—But the hon. gentleman does not suggest that the patent would be revoked ipso facto, does he?

Hon. Mr. LOUGHEED—Oh, no; I do not.

Hon. Mr. BEIQUE—Because other serious interests might be involved; therefore it is but proper that the tribunal in which is vested the protecting or cancelling of patents be made to intervene.

Hon. Mr. LOUGHEED—Oh, yes; I do not make any exception to that; I simply assert that the Court of Exchequer should be treated as a court of appeal, and that the patentee should be treated as an appellant appealing from the finding of the board.

Hon. Mr. BEIQUE—I think a clause is provided to that effect.

Hon. Mr. LOUGHEED—Oh, no.

Hon. Mr. BEIQUE—It is this, that the Exchequer Court, in acting as a court of appeal, will not be precluded from hearing other evidence; but the Exchequer Court will, no doubt, accept the judgment as being a prima facie case against the person who had offended against the Act.

Hon. Mr. DANDURAND—Without closing the door to further evidence?

Hon. Mr. BEIQUE—Without closing the door to further evidence.

Hon. Sir MACKENZIE BOWELL—This clause can only affect people holding patents in Canada. It would not reach a patent held by a person in the United States who was selling to a person in Canada conditionally that he should only purchase that which was necessary to carry on a business, or any other article from him. That could not be reached under this clause, because the article is produced by a patentee outside the country, and he might make what disposition he pleased of it; so that this clause would only apply to the holder of a patent in Canada.

Hon. Mr. DANDURAND—But they are all on the same footing.

Hon. Sir MACKENZIE BOWELL—No, they are not. I understand all the patents in Canada are; but I am talking of a foreign patent. That is, if you went to the United States, and purchased an article, this provision would not reach that case, even if the person who was selling it to the Canadian makes any stipulation he pleases as to purchasing from him other than what might be necessary to carry on business; so that it simply declares that an individual holding a patent forms a combine with himself and the person who purchases from him. Whether that is covered by the interpretation clause I do not know.

Hon. Mr. BEIQUE—But the hon. gentleman will see that section 22 deals with the holder of any patent issued under the Patent Act. Of course, it is not dealing with a patent issued in the United States—

Hon. Sir MACKENZIE BOWELL—I understand that.

Hon. Mr. BEIQUE—Which cannot be reached; but which has no effect here. No foreign patent has any effect in this country unless it is issued under our Patent Act.

Hon. Mr. LANDRY—Supposing the hon. gentleman has a patent. Under that patent he sells goods to a third party. Where is the competition coming in? Where is the combine?

Hon. Mr. KERR (Speaker)—That is not touched. It is only where he sells an article, in which his patent is used, with other articles. The combination will be in exacting that the other articles which he manufactures, which are not subject to the patent, shall be used in connection with it.

Hon. Sir MACKENZIE BOWELL—That is, he forms a combination with himself?

Hon. Mr. KERR (Speaker)—Yes, or with the manufacturer of those other articles that are used in connection with his patent.

The clause was agreed to.

On clause 23,

23. Any person reported by a board to have been guilty of unduly limiting the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article which may be a subject of trade or commerce; or of unduly restraining or injuring trade or commerce in relation to any such article; or of unduly preventing, limiting or lessening the manufacture or production of any such article; or of unreasonably enhancing the price thereof; or of unduly preventing or lessening competition in the production, manufacture, purchase, barter, sale, transportation, storage or supply of any such article, and who therafter continues so to offend, is guilty of an indictable offence and shall be liable to a penalty not exceeding one thousand dollars and costs for each day after the expiration of ten days, or such further extension of time as in the opinion of the board may be necessary, from the date of the publication of the report of the board in 'The Canada Gazette' during which such person so continues to offend.

Hon. Mr. LANDRY—There is nothing here to cover the case of leasing or otherwise taking over.

Hon. Mr. DANDURAND—Leasing would have the effect of unduly restraining trade. The hon. gentleman will find that the scope of this clause is not limited by the omission of the word 'leasing.'

Hon. Sir MACKENZIE BOWELL—This is the clause to which I called attention when we discussed the meaning of the word 'combine' in the interpretation clause. If I understand this clause, it will have the effect which I pointed out when discussing the meaning of the word 'combine' in the interpretation clause.

Hon. Mr. DANDURAND — Accurately speaking, the hon. gentleman is right.

Hon. Mr. LANDRY—The hon. gentleman's reply does not cover the objection I took.

Hon. Mr. DANDURAND—If the effect of the leasing is not to restrain trade, then there is no objection or reason in punishing the leaser. It is only if trade has been restrained.

Hon. Mr. KERR (Speaker).—Leasing with such a result.

Hon. Mr. LANDRY—Clause No. 2 defining combines includes leasing and otherwise taking over; but when you provide for the punishment of the offence, you do not say anything about leasing and otherwise taking over.

Hon. Mr. DANDURAND—The combine may take any of those various forms; but if the hon. gentleman will read clause 23 again he will see that it has the effect which is aimed at.

Hon. Mr. LANDRY—That effect might be arrived at quite as well by including the word 'leasing.' If production alone is sufficient, why do you put the other words 'manufacturing, supplying, purchasing, barter, sale, transportation, storage and supply?'

Hon. Mr. DANDURAND—The offence is lessening the production by any means you please. Leasing is simply a mode. There is no necessity of including that word.

Hon. Mr. LANDRY—If you prevent production by purchase, sale or manufacture, why do you not include leasing? That is a loop-hole.

Hon. Mr. DANDURAND—I do not see that the adding of any of those words would strengthen the clause. They would simply be harmless.

Hon. Mr. LANDRY—If the clause means the same without the use of those words, well and good; but if you specify the manufacture and purchase, you should also specify leasing.

Hon. Mr. LOUGHEED—Why is section 498 not inserted instead of clause 23, or

why not repeal section 498 and substitute clause 23? There should be uniformity between the Code and this clause. Section 498 defines almost precisely a similar offence; but there is a slight difference. There should not be any discrepancy between the two. Take, for instance, lines 18 and 19 'unduly restraining or injuring commerce.' That is not the Code. It need not be done unduly under the Code; but you use the word 'unduly' here. The criminal law now is that any injury or restriction of trade is an offence and punishable; here it must be unduly injuring or restraining trade. Why was not uniformity observed in drafting the clause?

Hon. Mr. DANDURAND—I can readily understand that the provisions of this Bill being applied to conditions that are new and new developments of trade, should be wider in their terms than the terms of the Act itself. It would be felt by a number of people in the country, and it was so stated in this Chamber by the hon. gentleman from Ottawa, that this was an undue intervention in the various manifestations of trade. The Criminal Act is much more severe as it stands.

Hon. Mr. LOUGHEED—No.

Hon. Mr. DANDURAND—Because it does not say 'unduly.' It says to restrain or injure trade or commerce. Clause 23 says:

Of unduly restraining or injuring trade or commerce in relation to such article.

So that we will have three arbitrators who will be required to go into the whole aspect of the question, and after a thorough investigation decide whether it is an undue restraint of trade. That is why I say this clause is not so severe as the Criminal Act.

Hon. Mr. LOUGHEED—Quite the contrary. We have two offences. One under the Criminal Act which makes it an offence to restrain or injure trade or commerce. There need be no degree about it. That is an offence, consequently a contravention of the Criminal Code is very much more easily made than a contravention of the Bill now before us; because the Bill now before us involves a question of degree. Under the Bill, you might injure or restrain trade, and it would not be a violation of the law; but to do it unduly you have to go beyond the point of restraint or injury, and you have to do violence, so to speak, before it becomes a penalty under this Act. Under the Code it is an indictable offence, and liable to a penalty not exceeding $4,000, and under this the penalty is not exceeding $1,000 and costs for each day after the expiry of ten days. We have two offences before us. I object to that. I object to those two coming into conflict. Let us assume that a charge is made against the combination for injury and restraint of trade. That is an offence under the Code, but it would not be an offence under this Bill, because you would have to go further with this Bill.

Hon. Mr. DANDURAND—The Criminal Act is more severe.

Hon. Mr. LOUGHEED—No, it is less severe. It does not require any degree. So long as there is a restraint of trade, it is an offence under the Criminal Act. Under this Bill there must be a continuous restraint. It seems to me those two clauses should be brought into harmony.

Hon. Mr. DANDURAND—I stated that the Criminal Law was more severe than this Bill. We agree on the premises, but not on the conclusion. The criminal law is, that if I restrain I am guilty; but under this Act I must do so unduly in order to be guilty. I say this is a milder form than the Criminal Act, and it seems to me that when we are trying to reach any combination by which the public may suffer, it is but just that we should remain somewhat within the Criminal Act. But the offender under this Act is given a chance to reform. He may reform within ten days after the report has been published, and go scott free, while under the Criminal Act, if he is brought before the magistrate and there is a condemnation, he is found guilty and punished. We are not now discussing a modification of the criminal law. Let the Criminal Act stand without emasculation, but we are stopping short of the severity of the Criminal Act.

Hon. Sir MACKENZIE BOWELL—Which law would prevail if that clause were not repealed? According to the statement made by my hon. friend on my left, the

Criminal Code provides for punishment under certain conditions. The hon. gentleman tells us that this clause makes the offence of restriction of trade less criminal than the new law. Now, if they both stand upon the statute-book, under which law is the complainant to act or the judge to decide? Is the party who complains of an undue combination to enter the complaint under the Criminal Code or under the provisions of this Act? I have a distinct recollection of the discussion that took place at the time the Criminal Code was passed. Under the influence and suggestion of the late Sir John Abbott in this House the word 'unduly' was inserted in the Criminal Code. It was argued in the Commons that the word 'unduly' was of such an elastic character that the parties forming the combination could carry on their operations with less probability of being complained of or fined and punished under the law than if the words were out; and as my hon. friend says, the Commons struck out the word 'unduly,' in order to meet combinations no matter of what character or how limited they might be in their operations. I must confess that I am in favour of this clause as it stands. It is not so restrictive as the old law. There was a conflict of opinion between the Senate and the Commons. The Commons thought the word 'unduly' should not be in the Act. I notice the Commons have accepted the modification of the law, but would it not be well, in order to have a uniform Act or an Act under which when brought into force no conflict would arise, that clause should be repealed or this should be amended?

Hon. Mr. DANDURAND—The hon. gentleman has asked under what law would a party offending be punished? It all depends upon the first step taken. If the information is laid before a magistrate, he will be punished under the Criminal Code.

Hon. Mr. LOUGHEED—The hon. gentleman admits they are separate offences.

Hon. Mr. DANDURAND—Yes.

Hon. Mr. LOUGHEED—Then I point out this peculiar situation that arises in consequence. A man is prosecuted under the Bill we are now considering, and he is fined a thousand dollars a day during the continuance of the violation of the law. He is then brought up under the Criminal Code and fined $4,000, and a couple of years' imprisonment if they are separate offences. I think they should not be separate; they are practically identical, and consequently, to have a proper law upon our statute-book, these two should be brought in harmony.

Hon. Mr. DANDURAND—We are not now amending the criminal law.

Hon. Mr. LOUGHEED—We should.

Hon. Mr. DANDURAND—It might be quite interesting to decide in regard to altering the criminal law when we come to it. I am not in favour of altering the criminal law on this point, and perhaps it would have been better to alter the two clauses, but I agree with the hon. gentleman from Hastings as to the advisability of amending the provision here in preference to the criminal law. I have in mind the case of a large merger recently organized, in which the production of the article has been considerably restricted, in order not to flood the market and depreciate the price of the article. Undoubtedly the article I have in mind has not depreciated in value because of the diminuation of production; but these are all questions which would fall under the purview of a tribunal, and although there may be a restraint of trade, there cannot be in the mind of the business men of Canada an undue restraint of trade.

Hon. Mr. KERR (Speaker)—If there is a restraint of trade under the Criminal Code it can be punished, although that restraint of trade may not be undue restraint. The case here is a case where undue restraint may be found, but there is no penalty unless the restraint is maintained and continued after the adjudication. There must be an undue exercise of the offence bringing about that effect, and

it must continue for ten days, because the penalty only comes in after the ten days.

Hon. Mr. LOUGHEED—The fallacy is so manifest that I wonder at my hon. friend discussing it. Where an offence has been created under the Code, instead of prosecuting that offence, because the duty lies upon the government to see that the Criminal Code is enforced and the law observed, notwithstanding the violation of the Criminal Code this Board of Investigation will deliberately go on and investigate a case, going beyond the Criminal Code. The absurdity of it, so far as public policy is concerned, is quite apparent.

Hon. Mr. KERR (Speaker)—I am not finding fault with that, and I am not saying that at the proper time it may not be reasonable to repeal that section of the code, though it is not dealing with the offence here. The offence here is continuing it for ten days, after it has been ascertained that the offence was committed.

Hon. Mr. LOUGHEED—But my hon. friend forgets that the board of investigation cannot make a report against the offence complained of except there be an undue restraint, or injury.

Hon. Mr. KERR (Speaker)—Quite so, and there is no penalty unless that is persisted in.

Hon. Mr. LOUGHEED—Will my hon. friend pardon me if I go further and say this: Although the board be apprised that there has been a contravention of the Criminal Code, a deliberate violation of the law, yet they are powerless. They have to go beyond that point, before they prepare the report and find that the ofence has been committed.

Hon. Mr. DANDURAND—And if the offending party conforms himself to the finding within ten days, he goes scott free, but not if a complaint is laid against him before a magistrate, and then he may be punished although he had already conformed to the law.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman answer me this question: Suppose a person is complained of under the Criminal Code, could the party who is accused of offending under that law, invoke, in justification of what he is doing, the provision in this Bill?

Hon. Mr. DANDURAND—That would be two seperate and distinct tribunals.

Hon. Sir MACKENZIE BOWELL—That is what I say. Two separate and distinct trials. I would like to ask the hon. gentleman in charge of this Bill, why there is so much objection raised to repealing that clause. My hon. friend says we are not dealing at the present moment with the Criminal Code. That is true; you are constituting under this law, an offence—a limited offence in comparison with that which is provided by the Criminal Code. Now, you have not hesitated to change the Customs Act. You have made provision here as to what should be done in case of these combinations restricting the trade and raising the price. A little has been added to the clause of the Customs Act, and in the latter part of this Bill a clause of the Customs Act is repealed. Why not apply the same principle to the Criminal Code.

Hon. Mr. DANDURAND—There is no question about it, this Act is creating another offence than that which is contemplated by the criminal law. It is for the obdurate, for the persistent offender for ten days after the 'Canada Gazette' published containing the finding of the board, so that this is a new offence which may leave intact the action of the criminal law.

Hon. Sir MACKENZIE BOWELL—If a new offence is committed, it is the same Act.

Hon. Mr. KERR (Speaker)—No, it is not the same at all.

Hon. Mr. LOUGHEED—The greater includes the less.

Hon. Sir MACKENZIE BOWELL—I cannot for the life of me see why these two clauses—one in one law, and one in another should continue in order to meet what is supposed to be a controversy on the true principles. The question of making two offences, in my opinion, has nothing whatever to do with it.

Hon. Mr. DANDURAND—Will the hon. gentleman allow me to say that the Code is made for the purpose of punishing offenders, while this Act is made for the purpose of relieving the restraints of trade?

Hon. Mr. LOUGHEED—The absurdity of it appeals to my mind to such an extent that it seems almost grotesque in this regard. This Board of Investigation proceeds to investigate the restraint of trade. It reaches a point that it is quite manifest there has been a violation of the Criminal Code, and that the person who has violated it is subject to a fine of about $4,000, and a couple of years in the penitentiary. They are not satisfied with that. They simply brush that offence to one side. They say: 'We cannot do anything; we are looking for something more serious than that; we are looking for something on which we can base a report, so that we will publish the report in the 'Canada Gazette'. Now, omitting for the moment the fine for the contumacy, so to speak, of repeating the offence for ten days after the report, they proceed beyond the point of the Criminal Code, for what purpose? Simply that they may prepare a report, and having prepared that report, and inserted it in the 'Gazette', there is nothing more done. Let us assume that the combine ceases at that point. They have deliberately violated the Criminal Code; they have deliberately subjected themselves to the pains and penalties embodied in the Criminal Code, yet the combine investigation does nothing; the Minister of Justice is not set in motion; the machinery of the criminal law stands still; nothing is done at all, while those three gentlemen go in pursuit of something very much more serious than a violation of the criminal law, the offence to be visited in what way? To have the pains and penalties of the criminal law visited upon the offenders? Not a bit of it, but simply that they may prepare a report and insert it in the 'Canada Gazette,' and there is the end of it.

Hon. Mr. KERR (Speaker)—I want to put myself right about this, because it seems to me there is a fuss kicked up about this section that ought not to be. So far as the Criminal Code is concerned, it deals with an offence, which is the restraint of trade, and the public can prosecute under the Criminal Code, and call for punishment under that Act. That is not the design here. This is a provision to prevent undue restraint of trade; and if on the investigation under this law it is found that there is not merely a restraint of trade that will be punishable under the Criminal Code, but that there is an undue restraint of trade, and that after that finding, there is a persistence in it, then there is a direct means applied of punishing that persistence itself as an offence against this Act.

Hon. Mr. LOUGHEED—Very good for the moment, as to the persistency of the parties. But why stop at the finding of the report?

Hon. Mr. KERR (Speaker)—The finding of the report is that there must be an undue restraint. It is not merely a restraint of trade, but an undue restraint.

Hon. Mr. LOUGHEED—We already have a law for the purpose of punishing for the restraint of trade, let alone the undue restraint.

Hon. Mr. KERR (Speaker)—Quite true. There is that law, but for the purpose of enabling this report here to be enforced, in order that the finding of this tribunal shall not all go to the winds, provision is made for enabling that disposition of the case to be enforced; therefore, if there is a finding of an undue restraint, and that undue restraint is persisted in for a period of ten days after the finding is published, there is a punishment attaching to it. They are two separate things—one a criminal case which is open to prosecution by anybody, and this other which is only open in case there is an investigation and inquiry under the provision of this Act, and a finding, and after that finding the offence if it is persisted in for ten days.

Hon. Mr. LANDRY—Suppose there is a finding of unduly restraining trade, and that offence is punished, could the offender be punished once more under the code?

Hon. Mr. DANDURAND—He would be punished, because he refused to abide by the finding of the court under this law, and not for having transgresed the law; and he may be punished under the Criminal Code for nothing but an offence in the past, while here he may be punished for disobeying the finding of the law, and ten days after the 'Canada Gazette' publishes the finding refuses to abide by it.

Hon. Mr. BEIQUE—The trouble with me is this, that it provides that a man may be subject to indictment under the criminal law for having acted in restraint of trade, and that this restraint of trade might not be an undue restraint of trade.

Hon. Mr. LANDRY—Suppose I do anything that is an undue restraint of trade, I am punished for that. I could be punished again for that same offence under the Criminal Code.

Hon. Sir RICHARD SCOTT—No court would punish a man more than once for the same offence.

Hon. Mr. BEIQUE—The Department of Justice is responsible for the drafting of a Bill of this kind, and I would suggest that we go through the Bill with the understanding that the point will be further considered by the Minister of Justice before the third reading, because, as far as I am concerned, I think we should not have on our statute-book such a thing as a distinction between restraint of trade punishable under the Criminal Act which would not be considered an undue restraint of trade under this Act.

Hon. Mr. LANDRY—The hon. gentleman says the Minister of Justice takes the responsibility of this. We have nothing to do with the Minister of Justice. If he is doing all the work there is no necessity of us sitting here to-night. Would the hon. gentleman take a note of the point and ascertain from the Department of Justice if there is likely to be any conflict between the two provisions?

Hon. Mr. DANDURAND—I will.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say that he will consider the advisability of preparing an amendment to bring these two clauses into harmony?

Hon. Mr. BEIQUE—I propose to draw the attention of the Minister of Justice to this question and discuss it with him.

The clause was adopted.

On clause 41,

41. All expenses of the board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and travelling expenses of witnesses, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved and certified by the chairman of the board, which vouchers shall be forwarded by the chairman to the registrar. The chairman shall also forward to the registrar a certified and detailed statement of the sittings of the board, and of the members present at each of such sittings.

Hon. Mr. POWER—With respect to the costs of investigation before these boards, as far as I can make out, the expenses in every case are to be paid by the state. Take the case where frivolous charges of an undue combine are made against say the cement merger. If, on investigation, it is found there was no substantial foundation for the charge, it does seem to me that the party who fails, and who had not good and sufficient grounds for making the charge, should pay the costs. Why should the country be put to the expense of paying the costs and in that way encouraging frivolous charges? If the charge is made good, the parties against whom it is sustained should pay the cost. It does not seem fair or statesmanlike to make the country pay the costs in every case.

Hon. Mr. JAFFRAY—The Bill provides that in every case the prosecutor is entitled to have the costs paid, however frivolous the charge may be. No provision is made for the party against whom the charge is made, while every provision is made for the prosecutor. It is very unfair and one-sided.

Hon. Mr. DANDURAND—This machinery must be started in motion by a petition to a judge, backed by six affidavits. Now the judge examines this petition, and if he finds sufficient in it to warrant him going into an examination of the complaint he does so; otherwise he dismisses it. So far there is no cost upon the complaining parties. If he thinks the affidavits and the petition are sufficient for him to go one step further, he makes a preliminary investigation. The parties are obliged to make out a prima facie case. They are obliged to establish before the judge that there is an undue restraint of trade, to the satisfaction of the judge, and to the point of allowing him to report in favour of an arbitration. The judge does not need to call upon the respondents to appear before him or to join issue with the complainants. He investigates as far as he believes justice and equity should lead him to.

And up to the moment when he makes his report to the registrar of the court, there are no costs on the defendant. It is an exparte application. It is true that the judge may give the respondents a certain notice of what is going on before him if it pleases him, order him to produce books or some evidence which he needs, but he may go on investigating and allowing the complainants to make their case. It is for them to accumulate a sufficient number of facts to satisfy the judge that there should be an investigation by arbitration. So far there are no costs to the respondent, and if the judge decides there shall be an arbitration, the Minister of Labour will ask both parties to appoint their arbitrators and costs are incurred by both parties, and up to that moment there are no costs to the respondent.

Hon. Sir MACKENZIE BOWELL—I think if my hon. friend will look at clause 7 he will see that his objection is met there. Under clause 5 complaint must be made under certain conditions, and the judge considers it, and if he considers there is no case, he will not go on with it.

Hon. Mr. JAFFRAY—Even in going before a judge, they are allowed to have experts and lawyers, and the defendant will be obliged to have his lawyers and witnesses in order to prove that there is not a case, and he will be at that expense, and the prosecutor is provided for. I am not opposed to the Bill, but when we are considering an important measure like this, we should take care that it is fair for both sides, and that the defendant is treated as fairly as the prosecutor.

Hon. Mr. DANDURAND—I am informed that the hon. gentleman is in error when he speaks of the prosecuting attorney being paid by the country. It is the counsel who is there to assist the arbitrators is being paid, but not to act for one side or the other, and the parties suing or the parties defending can only appoint counsel with the authorization of the arbitrator in virtue of the clause in the Act which has been read.

Hon. Mr. POWER—While that may be true, practically, in important cases where there are large interests at stake, both parties will be represented by counsel.

Hon. Mr. BEIQUE—It is the same rule as if the parties were prosecuted under section 498 of the Criminal Act. They would have to engage counsel to defend them; but they would have to pay their own counsel. In all matters dealing with criminal offences, or offences of a criminal nature, no provision is made as to costs.

The clause was adopted.

Hon. Mr. LOUGHEED—Where is there any provision as to the sittings of the board?

Hon. Mr. DANDURAND—The board may sit whenever they choose.

Rt. Hon. Sir RICHARD CARTWRIGHT—Clause 24.

Hon. Mr. LOUGHEED—The jurisdiction of the court shall be apparently according to the jurisdiction of the particular judge who has been appointed as to summoning witnesses and so on, and would be limited to the province in which he lives. I do not see any provision by which that jurisdiction should be exercised throughout any part of the Dominion, because the board will be peripatetic in a sense. They will travel from one end of the province to the

other. There should be a clause giving them jurisdiction throughout the Dominion.

Hon. Mr. DANDURAND—It is true that a complaint may be lodged in British Columbia against a company whose head office is in Toronto.

Hon. Mr. LOUGHEED—Subsection 2 of section 7 it appears to me might be interpreted in a limited sense. It reads:

2. The judge shall have all the powers vested in the court of which he is a judge to summon before him and enforce the attendance of witnesses, to administer oaths, and to require witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm, in civil matter), and to produce such books, papers or other documents or things as the judge deems requisite.

The judge that may be appointed would be a provincial judge. His jurisdiction would be of a provincial character, not extending beyond the province in which he exercises that jurisdiction, and it seems to me there should be a clause to make that workable.

Hon. Mr. DANDURAND—Clause 7 applies to the judge before whom the petition is presented originally, and not to the judge appointed by the two arbitrators or appointed by the department, who will sit as a presiding officer in the arbitration. That will come under clause 32.

Hon. Mr. LOUGHEED—It seems to me that the clauses in the Act dealing with royal commissions should have been incorporated into this Bill instead of merely providing that the jurisdiction should have been the jurisdiction of say a court of record, because those are provincial courts, and they are very limited in their character.

Hon. Mr. BEIQUE—I think so. I think the Minister of Justice should be consulted about this.

Hon. Mr. DERBYSHIRE—Yes, and while you are consulting him, will you ascertain if anything would happen if this Bill did not get its third reading to-morrow; because I do not think it is a very good Bill. In my opinion it ought to be more carefully considered before it becomes law, because we will all get into trouble.

Hon. Mr. WATSON—A cheese combine, for instance.

Hon. Mr. DANDURAND—I would take it for granted that a judge to be appointed would be selected with a view of his being near the office of any establishment which would be concerned, so as to have near at hand all the necessary data for the holding of the investigation.

Hon. Mr. LOUGHEED—But he may have to run away out of his jurisdiction.

Hon. Mr. ELLIS from the committee reported the Bill without amendment.

MORNING SITTING.

Rt. Hon. Sir RICHARD CARTWRIGHT—I move that when the Senate adjourns to-day it do stand adjourned until to-morrow morning at eleven o'clock, to sit from eleven until one as a separate sitting, and another sitting at three o'clock in the afternoon.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 145) An Act to amend the Railway Act.

Hon. Sir MACKENZIE BOWELL—Will the right hon. gentleman inform the House what is the purpose of this Bill, and what it proposes to amend?

Hon. Mr. DANDURAND—It is an omnibus Bill.

Rt. Hon. Sir RICHARD CARTWRIGHT—The Bill appears to provide for certain appeals and certain other matters of that kind in connection with the Railway Act, and with the powers of the Board of Railway Commissioners. I am not prepared to expound the legal aspects of it, but as we go on in committee, I think we shall be able to find out.

The motion was adopted.

The House resolved itself into Committee of the Whole on the Bill.

On section 1,

1. Subsection 3 of section 56 of the Railway Act chapter 37 of the Revised Statutes, 1906 is

repealed and the following subsections are substituted therefor:—

3. An appeal shall also lie from the board to such court upon any question which in the opinion of the board is a question of law, upon leave therefor having been first obtained from the board within one month after the making of the order or decision sought to be appealed from, or within such further time as the board under special circumstances shall allow, and after notice to the opposite party stating the grounds of appeal; and the granting of such leave shall be in the discretion of the board.

3a. No appeal, after leave therefor has been obtained under subsection 2 or 3 of this section, shall lie unless it is entered in the said court within thirty days from the making of the order granting leave to appeal.

Hon. Mr. DANDURAND—Until this session, there was no time limit for the giving of leave to appeal. The Minister of Railways asked the father of this amendment, Mr. Lancaster, to explain that section, and he explained it as follows:

Until this session there was no time limit for making of application for leave to appeal. The board passed rules from time to time which, however, they found they could not enforce very well. The latest rule made a limitation of 14 days, but they found that they could not always hold people to that. Besides, we all agreed that it was necessary to have a statute fixing the time. So, it was made as here proposed that application shall be made within one month and the appeal must be prosecuted within thirty days after leave to appeal is granted. These limitations were thought reasonable so that an appeal cannot be kept forever hanging over either the railway company or any other party to a case before the board.

The section was adopted.

On section 7,

7. Section 276 of the said Act is amended by adding thereto the following subsection:—

2. The board, upon the application of any company or person, shall have power that this section shall not apply to any particular trains or classes of trains, or to trains running on any specified portions of the railway of the company: Provided that no such order shall be made with respect to trains engaged in shunting or switching, or in yard or terminal movements.

Hon. Mr. POWER—This is open to some doubt. A great many accidents happen in that way. Section 276 is as follows:

Whenever in any city, town or village, any train is passing over or along a highway at rail level, and is not headed by an engine moving forward in the ordinary manner, the company shall station on that part of the train, or of the tender if that is in front, which is then foremost, a person who shall warn persons standing on, or crossing, or about to cross the track of such railway.

It does seem to me that that is a salutary provision in the present law, and I have great doubts as to the wisdom and propriety of altering it.

Hon. Sir RICHARD SCOTT—It does not apply to shunting or switching.

Hon. Mr. POWER—But where a train is moving backward with an engine in rear there should be some one on the car in the front.

Hon. Sir RICHARD SCOTT—There is a positive clause for that.

Hon. Mr. POWER—When a train is not headed by an engine moving forward in the ordinary manner, then the company shall station a person on that end of the train to warn persons crossing or about to cross the tracks. A great many accidents happen under these conditions, and I doubt the wisdom of the board being allowed to make exceptions.

Hon. Mr. DANDURAND—In another place, when this section was under discussion, the Minister of Railways made the following explanation:—

Mr. GRAHAM. Brakesmen have been, and are compelled to stand on the rear of an engine that is running backwards. Cases do occur where light engines are sent twenty or thirty miles backwards.

Mr. LANCASTER. Why does the engine have to go backwards?

Mr. GRAHAM—It may be that there is no place to turn, or the engine may be ordered to go back to assist a freight or to render assistance at a wreck, and she is sent back twenty or thirty miles. Cases have been brought to my attention where men have almost frozen to death while standing on the rear of the tender. The idea of a man riding on the back of a tender is to protect the public at crossings where they are shunting. This caluse protects all that because, it requires the railway men to remain on the back of the tender when they are shunting. but it does relieve them from remaining on the back of the tender when they are on these long runs.

Mr. LANCASTER—The object of the Act is that people will naturally suppose that an engine is going the way it is headed, and, therefore, when they see an engine facing east, they will go west to get behind it. I do not want to oppose it if the minister thinks it is absolutely necessary to trust the board in this regard, when an engine is headed west people will naturally suppose that it is going west when it may be going east. It is natural for a man to assume that an engine is heading in the direction in which

it is pointing, but when he drives up he may find that it is going the other way. I can understand that there may be exceptional cases, as where there is a wreck, and it is impossible to turn the engine round, and it must be run down the line twenty or thirty miles. If this provision is necessary, I will consent to it only with the understanding that the board see that the privilege is not extended or abused.

Hon. Mr. POWER—That is quite true in running through a country district; but if hon. gentlemen will look at section 276, it applies to a city, town or village:

Whenever in any city, town or village, any trains passing, etc.

And I must say that I am in grave doubt as to the wisdom of a change in that.

Rt. Hon. Sir RICHARD CARTWRIGHT—My hon. friend no doubt is right, too; at the same time, I think we have had pretty good experience that the Board of Railway Commissioners will be very cautious about granting these powers unless there is due cause shown. They have been exercising a very rigid supervision over most of these railway companies, and I am told that the severity of the supervision increases every day.

Hon. Mr. KERR (Speaker)—While that is so, it would be an unfortunate thing to relax the rule in reference to shunting trains. In cities and towns where there are large numbers of people—and I have in mind a place where thousands of people cross the track every hour——

Hon. Sir RICHARD SCOTT—It would not apply in towns.

Hon. Mr. KERR (Speaker)—Yes, cities, towns and villages.

Hon. Sir RICHARD SCOTT—(Reading):

Providing that no such order will be made with respect to trains engaged in shunting or switching, or in yard or terminal movements.'

Hon. Mr. KERR (Speaker)—But there are trains that come in and go out, where there are forty or fifty trains a day passing a thoroughfare like that up till late hours at night. I have in mind a fearful accident that happened at one of those crossings, where one or two persons were killed within a short period last year, and there might have been a great many more people killed; it was a marvel there were not. After all the discussion we had about the subject of trains and so on last year, we left that matter to the discretion of the board, but I confess that while I think it is a dangerous power to give, it is just as well that we should not relax the rules in reference to it.

Hon. Mr. POWER—Perhaps the right hon. gentleman will let that clause stand.

Hon. Sir RICHARD CARTWRIGHT—Any contentious clause I will let stand until to-morrow.

The clause allowed to stand.

On clause 8,

8. Subsection 4 of section 294 of the said Act is repealed and the following substituted therefor:—

4. When any horses, sheep, swine or other cattle at large, whether upon the highway or not, get upon the property of the company, and by reason thereof damage is caused to or by such animal, the party suffering such damage shall, except in the cases otherwise provided for by the next following section, be entitled to recover the amount of such damage against the company in any action in any court of competent jurisdiction, unless the company establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent: Provided, however that nothing herein shall be taken or construed as relieving any person from the penalties imposed by section 407 of this Act.

Hon. Mr. LOUGHEED—What is the difference between that and the present Act?

Hon. Mr. DANDURAND—I understand from the Minister of Justice that its purpose is to extend the liability of railway companies in the event of their own default. At the present time railway companies may default under any section of the Act. Section 427, in addition to imposing other liabilities, renders a railway company liable for any damages that may result by reason of its default under any section of the Railway Act, that is to say, if a company violates any section of the Act, and damage is caused thereby, under section 427 the railway company is ostensibly liable for that damage; but unfortunately it has been held, and held repeatedly, that notwithstanding the provisions of section 427, there are certain sections of the Act which the railway company may violate without

being under the necessity of paying the damage apparently provided for by the wording of that section. The sections I refer to are 254 and 249, more particularly section 254. Reasoning back from these sections through their history in the older Acts, the courts have come to the conclusion that notwithstanding that a railway company may be in default under section 254, and may thus be liable for damage under section 249, the class of damage to which it is liable is not as general as that to which it is liable for violating any other section. Section 254 provides that the railway company shall fence its railway, and maintain gates and cattle guards. The limitation to which I call attention has the effect of restricting the violation of these provisions to such damages as result in the killing or injury of cattle by the company's negligence or wilful act or omission. Under the old law that was the only liability, and the courts have held, notwithstanding the provisions of section 427, that the company is still limited, in the case of a violation of section 254, to the same liability as it was formerly under; that is to say, it is only liable if by reason of its default animals are killed or injured through its negligence or wilful act or omission. A large class of damages may result and have resulted which do not come within that old limitation—damages occasioned by animals which have got on the track through the default of the company in failing to maintain fences, gates or cattle guards—damages to neighbours' crops or other damages which the company escapes. In a case with which I was connected animals got on the railway track through the absence of a fence, ran down the track and were injured so as to be useless by having their legs broken on a bridge, and the courts held that the railway company was not liable because no damage was done through their negligence or wilful act or omission. Many other cases occur. For instance a company is bound to fence its right of way so as to keep all cattle out, and the term cattle,' includes sheep. This the companies have refused to do in certain cases, and as a consequence the farmer who owns sheep has either to go out of the sheep busines or run grave risk of damage, because his sheep can get through the railway fences, and do injury to his neighbours' crops. Under the present amendment the railway company would be liable for all damage done by their default in these respects, the same as under any other provision of the Act. There is a provision added at the end of section 8 in the following words:

Provided, however, that nothing herein contained shall be taken or construed as overriding the provisions of section 407 of this Act.

Section 407 of the Act has the following language:

Every person who—
(b) except as authorized by this Act, without the consent of the companies, rides, leads, or drives any horse, or other animal, or suffers any such horse or animal to enter upon the railway, and within the fences and guards thereof;
shall, on summary conviction, be liable to a penalty of $20 for each such offence.

He is also liable for various other offences, such as leaving gates open, taking down parts of a fence, or turning animals loose. When my original Bill was before the Railway Committee, just at the moment when it was accepted, this provision was placed before me for my approval.

The clause was adopted.

Hon. Mr. BOSTOCK, from the committee, reported progress and asked leave to sit again.

SECOND READING.

Bill (204) An Act to authorize the erection of certain wharfs and buildings in the harbour of St. John.—(Rt. Hon. Sir Richard Cartwright.)

A QUESTION OF PRIVILEGE.

Hon. Mr. DANDURAND—Before the Senate adjourns, I wish to raise a question of privilege, which may be a questionable question of privilege, and to draw the attention of the Chamber to a statement made by the hon. senator from Grandville, which I read in 'La Patrie' of this evening. The hon. gentleman, in a French speech in this House, a very eloquent speech, which most of the members unfortunately could not follow because it was not in their mother tongue, said that he was prepared to meet any one who would challenge him in single combat in any county in the province of Quebec.

Hon. Mr. LOUGHEED—What weapons were mentioned?

Hon. Mr. DANDURAND—As a candidate in any county. The next day the member for Montmagny, the old county of my hon. friend, sent a telegram to ' Le Soleil ' of Quebec, offering to resign his seat here and to contest the seat with him. This evening I see an interview in ' La Patrie ' where the hon. gentleman states that he would not condescend to meet this gentleman, but that he would be ready to meet either Senator Dandurand or Senator Beique if they would abandon their seats in the Senate and to contest with him any county in the province of Quebec. I should like to know from the hon. gentleman if that was his statement?

Hon. Mr. CHOQUETTE—I am very glad to have an opportunity to give an explanation. When I was in Quebec on Saturday morning I was told there was a telegram sent to a Quebec paper from the member for Bellechasse and the member for Montmagny to the effect that they had said that I was willing to go on the hustings, and I have sent for the paper so that I can discuss the question. That is what I said in French, and I repeat it now, and I am willing to do it. I did not receive this telegram. It was not sent to me, but sent to the Liberal paper in Quebec, and the proprietor of the paper over the telephone told me about it, and I said: ' I have no objection to your publishing that ' and the telegram was published. I answered that I thought it was a bluff; that it was not serious and was not sent to me —simply joking. I said it was not my habit to fight children. The whole matter was laughed at. This morning I was shown a copy of ' Le Canada ' of Montreal, which reproduced this despatch from ' La Soleil.' I was asked about it. I saw the reporter of ' La Patrie ' and he put that question to me. ' Le Canada ' is under the tutorship of Senators Dandurand and Béique. I am willing to go on the hustings and discuss the naval question with them. I did not say anything to them about fighting children, because they are serious men. I said to the reporter of ' La Patrie,' ' They are serious men.' I did not say I would resign my seat. If they had made the same proposition as Mr. Talbot, I would have said, ' I am ready to go on the hustings with you and discuss the question.' I am still ready to do it.

Hon. Mr. DANDURAND. The hon. gentleman makes a distinction between going on the hustings and resigning his seat.

Hon. Mr. CHOQUETTE—If the hon. gentleman will send me a challenge in that regard he will get an answer to suit him. Here is a telegram from Mr. Talbot:

Senator Choquette, in his speech yesterday in the Senate against the Navy Bill, said he was prepared to defend his position on the hustings.

He said: ' If Senator Choquette will resign his seat in the Senate I will resign mine and we will go to Bellechasse '. I said I was willing to go on the platform and discuss the question. I did not intend to go further, because I said, to show my sincerity, that I was willing to go on the hustings and discuss the question, and this morning I said the same thing. My colleagues in the Senate, who are the guardians of ' Le Canada ' in Montreal, are serious men, and if they submit to me the same proposition as Mr. Talbot has submitted, I am willing to discuss that question and go on the hustings and defend what I said. I told them this morning I said that, and they took it as a joke—the same kind of a bluff as Mr. Talbot made.

Hon. Mr. DANDURAND—If the hon. gentleman declares that he did not, either in this House, or in ' La Patrie ' offer to resign his seat in the Senate providing Senator Béique or myself resigned our seat, of course the matter ends there. When I heard the hon. gentleman was serious about challenging some of his colleagues in Montreal, I went right away to the member for Hochelaga and asked him if he would not lend his seat, resign his seat in Montreal in order that I could invite my hon. friend to contest it with me. The hon. gentleman from Hochelaga has given me authority to do so, and I was ready to meet my hon. friend there, or perhaps in very many other counties; but I selected Hochelaga, because it is half English and half French, and then we

would have a small plebiscite which would reflect the public opinion on the naval question.

Hon. Mr. LOUGHEED—I hope my hon. friend from Grandville (Hon. Mr. Choquette) will not do anything quite so rash as to sacrifice himself in that manner. His presence in this House would be lost to the government and to this Chamber, and particularly to those of us on this side of the House, and I would further remind the hon. gentleman from Grandville that if he did anything so reckless as to resign his seat in this Chamber, though he should succeed in the country and my hon. friends from Delorimier (Hon. Mr. Dandurand) and DeSalaberry (Hon. Mr. Béique) should not succeed, they would find the gates ajar for them, while they certainly would be closed against my hon. friend from Grandville.

Hon. Mr. CHOQUETTE—The hon. gentleman naturally chooses ground where he is well known; but if he has a serious proposition to make to me, he knows where I live and I may tell him that I will consider his proposition and will satisfy him completely.

Hon. Mr. DANDURAND—I am offering to take Hochelaga because the hon. gentleman would not take Montmagny.

Hon. Mr. CHOQUETTE—I think a challenge should be sent to the hon. member from Rockland, who also differed from the government.

The Senate adjourned till 11 a.m. tomorrow.

THE SENATE.

TUESDAY, May 3, 1910.

The SPEAKER took the Chair at Eleven o'clock, a.m.

Prayers and routine proceedings.

INSUFFICIENT ANSWERS TO QUESTIONS.

MOTION POSTPONED.

The order of the day being called.

By the Hon. Mr. CHOQUETTE:

That he wishes to call the attention of the government to the fact that the answers which were, on March 17 last, given to the different questions asked by him to the government, and reported in 'Hansard' on pages 509 and following, are not sufficient answers to certain questions, and that the answers so given to a certain number of these questions are incorrect and such as to mislead this honourable House and the country.

Hon. Mr. CHOQUETTE—As there is nobody here representing the government, I shall let this motion stand.

The motion was allowed to stand until the next sitting of the House.

COST OF MILITARY FORTS AT QUEBEC.

INQUIRY POSTPONED.

The order of the day being called.

By the Hon. Mr. LANDRY:

1. How much have the works of construction of the military forts situated at Beaumont, near Quebec, cost up to this date?
2. Are the works in question finished?
3. If not, at how much is their completion valued?
4. What is the number of men actually employed on these works?
5. How much did the armament of these forts cost?
6. Are there any guardians appointed for the care of these forts?
7. Who are they and their annual salary?

Hon. Mr. LANDRY—I suppose the answer must come from the government, and we will let this stand until the next sitting of the House. If we receive an answer this afternoon we might prorogue to-morrow.

A QUESTION OF PRIVILEGE.

Hon. Mr. CHOQUETTE—Before the orders of the day are called I wish to make a personal explanation. As this House knows, I expressed my views the other day on the Naval Bill. In return through the press I was challenged by members of the other House to resign my seat and contest an election with them, because of the fact that I stated that I was ready to discuss that question on the hustings of the province and elsewhere, and I am still ready. Yesterday morning I had an interview with a representative of a Montreal paper, who drew my attention to the fact of this challenge, reproduced in 'Le Canada' and I said to him that I had treated it as a joke, and continuing to discuss the matter in the same strain, I said that if serious gentlemen like the hon. member from De Lorimier. (Hon. Mr. Dan-

durand) or the hon. gentleman from De Salaberry (Hon. Mr. Beique) tutors to 'Le Canada,' would send me the same challenge, I would go to the hustings with them. Last night, before adjournment, without any notice, even when I was outside of the Chamber, the hon. gentleman from De Lorimier saw fit, though I am told it was rather as a matter of joke than otherwise, to issue a challenge to me to resign my seat and run an election in the county of Hochelaga. Well, I have been accustomed to stand by my guns, and on this question I am still more decided to stand by my guns. On the other hand, I wish to have a square deal and a square fight. The hon. gentleman from De Lorimier has chosen——

The SPEAKER—This seems to me to be really out of order.

Hon. Mr. CHOQUETTE—Why?

The SPEAKER—The hon. gentleman was present when the statements were made last night, and made his explanation, and now, in the absence of the hon. gentleman from De Lorimier, he is making a further explanation. It seems to me to be out of order to bring it up now. These are not matters which affect the Senate so far as I can see at present—not public business.

Hon. Mr. CHOQUETTE—With all due respect to his honour the Speaker, it is a matter affecting my position as a member of this House, and I wish to explain in answer to the challenge, which I was not aware of at the time, that if my hon. friend is serious and wishes to test the feeling of the electorate on this question, and issues a challenge, and gives me a square deal to have a political duel as any other duel —but there must be conditions——

The SPEAKER—I am sorry to interrupt, but I must call the hon. gentleman's attention——

Hon. Mr. CHOQUETTE—Then I will move the adjournment of the House.

The SPEAKER—This is a vexing question. It is entirely out of order to issue a challenge across the floor of the House. It is a matter to be done outside the House.

Hon. Mr. CHOQUETTE—Though not in order, I wish to add a word or two. I have not sent a challenge to the other hon. gentlemen; I have received one, and I wish to put the matter right, and I say that, under fair conditions, I am ready to accept the challenge, if the hon. gentleman will choose a county where we will have equal chances, but not to choose a constituency where the hon. gentleman has the organization in his hands, backed by the government and money, and more than that his seat kept open if he is beaten. If he will make a square deal with me, make conditions that it will be a county where we shall have equal advantages, I am ready. I am willing to concede that it may be a seat now in the possession of friends of the government. If the hon. gentleman will agree not to take back his seat if defeated, or not go to Paris as Mr. Fabre's successor, or take a seat now occupied by some member supporting the government, as the hon. gentleman will represent the government in the fight, and if the government is willing to take the stand, that if the hon. gentleman is defeated, the government should recall the Bill next session, I am prepared to accept the challenge.

Hon. MEMBERS—That is a fair proposition.

The SPEAKER—The hon. gentleman is entirely out of order.

Hon. Mr. CHOQUETTE—It may be; but here are my principal conditions for a square political fight, and my hon. friend may act on it.

THE NAVY BILL.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I wish to direct attention to a remark of the hon. gentleman from De Salaberry (Hon. Mr. Beique) in a speech that he made in reply to a statement made by me. I would like to set myself right, and I fancy I will be in order. In the speech of my hon. friend, he used this language.

The hon. gentleman has, to my great surprise, insinuated that the Prime Minister, and possibly some of his colleagues, have ulterior motives in presenting this Bill; that

it is intended to create a Canadian navy in view of the future independence of this country. I respectfully suggest that it is hardly becoming for an hon. gentleman occupying the position he occupies to make an insinuation of that kind.

Hon. Sir MACKENZIE BOWELL—I made no insinuation. I stated my firm belief that that was the ultimate object they had in view. I may be wrong, but that is my honest conviction, and I had a right to express it.

Hon. Mr. BEIQUE—I accept the hon. gentleman's statement. In my humble opinion, however, much as I may respect the hon. gentleman, he is not warranted by the facts in expressing an opinion of that kind.

I desire to put upon record my reasons for making that statement and the views which I have upon this subject. If the hon. gentleman will refer to 'Hansard' of 1882, pages 1142, 1143, and 1144, he will find the following passage:

In the year 1889 I stated in the presence of the government what I stated in Boston, that in my estimation the conduct of Great Britain and the conduct of Canada had been unworthy of the civilization both of Great Britain and Canada. I hold out to my fellow countrymen the idea of independence, but whenever the day comes it must come by the consent of both countries, and we shall continue to keep the good-will and feeling of the motherland. If we are true to our record we will again exhibit to the world the unique and unprecedented example of a nation by slow degrees and as natural as the severing of the ripe fruit from the parent tree. Is there a Canadian anywhere who would not hail with joy the day when we would be deprived of the services of British diplomacy. The hon. gentleman opposite would no doubt prefer an English shilling to a Yankee dollar? But for my part I am differently constituted. I am ready any day whether I am charged with annexation or not to take a Yankee dollar in preference to an English shilling. I have again and again repeated that the goal of my aspirations is the independence of Canada, to see Canada an independent nation in course of time.

Had I any intimation that the premier had repudiated those sentiments, or that he had changed his opinion on that subject, or had he denied the accusations thrown at him across the floor during the debate on the Navy Bill in the House of Commons, I would never have made the statement that I did; and the very moment I can ascertain that he has changed his mind on that question, for my own satisfaction and for the honour of the position I hold, I am willing to withdraw any expressions or charges that I have made on that subject. These are the reasons I had for giving utterance to the remarks that I made; so that the charge of my hon. friend that I was not warranted in making such a statement, and that I had no justification for the opinion that I expressed, is one that I leave for the House to judge.

Hon. Mr. BEIQUE—I know that the quotations which the hon. gentleman has now given were from a speech purporting to have been made by the Prime Minister many years ago—31 years ago, in fact—in another place; and when I made the remarks to which reference was made I was aware of that. There is no question that in the case of the Prime Minister, as in the case of all leading men in the House, reference may be made to opinions expressed many years ago which may not be the opinions held by them to-day. For instance, it is well known that speeches made by the late Sir John C. Abbott could be cited not only in favour of independence, but in favour of annexation to the United States, and like expressions from a number of public men in this country could be quoted.

Hon. Mr. ROSS (Middlesex)—Cartier, too.

Hon. Mr. BEIQUE—I did not intend to criticize the hon. member for saying that the premier had a number of years ago expressed opinions of that kind. What I intended to say was, that when a measure of this kind is introduced by the Prime Minister of this country, and when he gives his reasons in support of the measure, as he did, and as he was bound to do, that it is not open to an hon. member in this House, or in any other place, to suggest that the Prime Minister is actuated by ulterior motives. That is the only remark that I make.

Hon. Sir MACKENZIE BOWELL—There is just this difference between the case which my hon. friend has cited, and the case of Sir John C. Abbott, and Sir Alexander Galt: they both disavowed afterwards that they had any such intention after their opinions changed. The Prime Minister has not done so.

LIGHTING OF SENATE CHAMBER.

Hon. Mr. ROSS (Halifax)—Before the orders of the day are called, I would like to call the attention of the Senate to the

fact that this building is poorly lighted. I hope, if we are spared by Providence to come back again, that this Chamber will be lighted, so that we can all see at night as well as by day. A bright room has a cheerful appearance, makes people look better and feel happier, and I will very much regret, if spared by Providence to come back here next session, to find the Senate Chamber so unsatisfactorily lighted.

Hon. Sir MACKENZIE BOWELL—I hope the leader of the House will call the attention of the Minister of Public Works to the fact. The other night when I was trying to read an extract here, it was utterly impossible, although my eyes are tolerably good, to read ordinary print.

Rt. Hon. Sir RICHARD CARTWRIGHT—I will call the attention of the Minister of Public Works to the matter, and hope the lighting of the Chamber will be improved.

VOLUNTEER BOUNTY ACT.

THIRD READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 163) An Act to amend the Volunteer Bounty Act. He said: With respect to the third reading of this Bill, it was understood that the particular clause which referred to the loss of certain bounty warrants would be explained. I think I mentioned yesterday to the House that the minister states that those particular warrants had been lost, and that on representation, he had allowed various parties enumerated in the schedule to take possession of the lands taking from them bonds to the amount of $3,000 apiece; that in the event of the scrip being found, and parties taking possession of land as owners of it, these people would indemnify the government. It is not desirable that that bond should be extended beyond the 31st of December of the present year.

Hon. Mr. YOUNG—The bond expires on that date?

Rt. Hon. Sir RICHARD CARTWRIGHT—Nor is it in the interests of the parties themselves that it should extend longer, as the bond lasts only till that time.

Hon. Mr. ROSS (Halifax).

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

COMBINES INVESTIGATION BILL.

THIRD READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 101) An Act to provide for the investigation of Combines, Monopolies, Trusts and Mergers, which may enhance prices or restrict competition to the detriment of consumers.

Hon. Mr. BEIQUE—As was understood at the last sitting of this honourable House, I had a conversation with the Minister of Justice and the Minister of Labour in connection with the suggestion made by the hon. leader of the opposition as to striking out the word 'unduly' in clauses 22 and 23, and they both agree that the word should be struck out so that it will make these clauses conform with section 498 of the Criminal Code.

Hon. Mr. LANDRY—What about clause 18? The word 'unduly' is there also.

Hon. Mr. BEIQUE—It should remain in that section. It has no connection with the restraint of trade in that clause. The Bill has been examined all through, and clauses 22 and 23 are the only two from which the word 'unduly' should be struck out. Attention was also called to clause 32, as to the powers given to the court, and although that clause might be sufficient, because the court is vested with all the powers of a court of record in civil cases and the Exchequer Court, which is a court of record and general jurisdiction throughout the Dominion, the Minister of Justice admits that it would be better to add a few words in order to remove any doubt there may be. I therefore suggest that the words 'from any part of Canada' be added in the fourth line of clause 32. It will read: 'Enforcing their attendance from any part of Canada'. That will remove any doubt which may exist. A further suggestion was made by the hon. member from Stadacona (Hon. Mr. Landry) that the word 'leasing' should be inserted in clause 23. The suggestion was considered, with the result that no such

change should be made. It will be noticed that in subsection (c) of clause 2 of the Bill, where the word leasing is used, it is used in an accessory manner and merely for the purpose of better defining the interpretation or scope which is given to the words 'manufacture, production, exportation, selling or supplying thereof.' Clause 23 should, in my opinion, be left as it is. It does not require any amendment, and that is the view also of the Minister of Justice and the Minister of Labour.

Hon. Mr. LANDRY—If I understand my hon. friend, the definition the interpretation clause gives to the words 'competition of' controls the significance which could be exercised by leasing or otherwise taking over. It is only qualifying what the restraint is. Those words qualify what is meant by restriction, and when it comes in clause 23 it comes with the meaning given in the Interpretation Act.

Hon. Mr. BEIQUE—Yes.

Hon. Mr. LANDRY—So really clause 23 comprises in the words used the signification put upon them by the interpretation clause?

Hon. Mr. BEIQUE—Exactly. I propose now, with the leave of the House, to move that the amendments I have suggested be made.

Hon. Mr. POWER—The hon. gentleman must see that that would establish an objectionable sort of precedent, because while the House might be willing to accept one or two amendments, they might not be willing to adopt the other, and the better way is to put them separately.

Hon. Mr. BEIQUE moved that clause 22 be amended by striking out the word 'unduly' in the second line on page 7 of the Bill.

Hon. Mr. LANDRY—The same word occurs in the third line.

Hon. Mr. BEIQUE—It must remain there.

Hon. Mr. LANDRY—Why is the word 'unduly' struck out in one case and not in the other in the same clause?

Hon. Mr. BEIQUE—The difference is this: the word 'unduly' where it is intended to strike it out, comes before the words 'to restrain or injure trade or commerce.' It is to make it conform to the Criminal Code, which does not use the word 'unduly.' If anything is done in restraint, or to the injury of trade or commerce, it being a criminal offence under the Criminal Code, it would not be right to require that it must be unduly, because it is treated as a criminal offence. The word 'unduly' later on in the clause, comes before the words 'to prevent and lessen competition.' There are a great many things which may have the effect of lessening competition, but it might not be done unduly. It might be unduly, but it is not treated as an offence by the Criminal Code, and there is no reason, to my mind, to strike out the word 'unduly' there. It is properly in its place, and the hon. gentleman will find that in the Criminal Code itself, section 498, it reads in the way I have mentioned.

Hon. Mr. LANDRY—It has to be in conformity with that.

Hon. Mr. BEIQUE—Yes. You see there are four subsections, and in three of them the word 'unduly' is to be found, whereas in one of them relating to restraint of trade and commerce, the word 'unduly' is not to be found, and very properly so, and this clause is made to conform to the Criminal Code.

Hon. Mr. POWER—I understand from the hon. gentleman that he has submitted his amendments to the Minister of Justice and Minister of Labour, and that they approve of them?

Hon. Mr. BEIQUE—Yes.

The motion was agreed to.

Hon Mr. BEIQUE moved that the word 'unduly' be struck from the fourth line in clause 23.

The motion was agreed to.

Hon. Mr. BEIQUE moved that clause 23 be amended by adding after the word 'attending' in the fourth line thereof, 'from any part of Canada.'

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL—In clause 18 I find the following:

18. The board shall expeditiously, fully and carefully inquire into the matters referred to it and all matters affecting the merits thereof, including the question of whether or not the price or rental of any article concerned has been unreasonably enhanced, or competition in the supply thereof unduly restricted.

That, if I understand the clause, simply refers to the duty of the board appointed to consider this question, and how far those words 'unduly restricted' comport with the consequences of a combine. Would that restrict the board in the examination of these particular offences mentioned in the clause after the words unduly restricted? We have struck out the words unduly restricted in two cases for the purpose of bringing the different clauses into unison, so that there would be no conflict between the two. Would the word 'unduly' in the 18th clause not have the same effect in the legal sense?

Hon. Mr. BEIQUE—I do not think so.

The motion was agreed to, and the Bill was read a third time and passed.

CRIMINAL CODE AMENDMENT BILL.

WITHDRAWN.

The order of the day being called:

Resuming the further debate on the motion for the second reading (Bill CCC) An Act to amend the Criminal Code.—Hon. Mr. Casgrain.

Hon. Mr. COFFEY—The hon. gentleman who moved the adjournment of the debate, the hon. gentleman from De Lorimier, not being present, I take the liberty of saying a few words on this subject. I know the closing hours of the session are precious, and I will govern myself accordingly.

Touching this subject, I ask the privilege of reading a couple of short letters I received a few days ago. I would direct particular attention to the one from the typographical unions, a body of men who take rank at the top amongst the industrial class, and this because their avocation brings them into close communion with the deliverances of the brightest minds in the world:

London, April 7, 1910

Mr. Thos. Coffey,
Senator.

Dear sir,

Local Union No. 289, journeymen plumbers and steamfitters of London, at their regular meeting, April 5, 1910, authorized me to convey to you our protest against the passing of Senator Belcourt's Bill, which received its first reading on March 17, 1910.

Trusting this will receive your earnest consideration.

I remain,
Yours truly,
G. F. AVERY,
Secy. Local Union 289.

189 Waterloo St.,
London, Ont.

London, Canada, April 5, 1910.

Senator Thos. Coffey,
Senate of Canada,
Ottawa, Canada.

Honourable sir,

The attention of London Typographical Union has been called to Senator Belcourt's Bill (CCC) which comes up for its second reading on the 7th inst., in the Senate of Canada.

We, as British subjects, and members of London local of the International Typographical Union, herewith vigorously protest against the passing of said Bill (CCC).

At the present time the Dominion of Canada is on the high tide of prosperity, and immigration is keeping pace with the march of progress. We, as loyal Canadians, are welcoming the foreigners into our local unions, as you, the government, are welcoming them into the country.

The passing of such a measure as said Bill (CCC) would practically place all free-born Canadians and British subjects in one class and the foreigners in another. This, honourable sir, is not the method of free-thinking Canadians and is to be deplored as such.

Trusting you will do all in your power to discourage the passing of such a measure, I have the honour to be, on behalf of the London Typographical Union,

Your humble servant,
WM. O. RUSE,
Cor.-Sec., I.T.U. No. 133.

14 Walnut St.,
West London, Canada.

This Bill of my hon. friend from Ottawa is in small, very small compass. It is the lineal descendant of a Bill placed before us a few years ago by the hon. member for North Wellington, an hon. gentleman whose motives no one will question. It has a spotless outer garment, pleasing to the eye, because it would fain bestow a privilege, or, rather, preserve a liberty of action for British subjects denied to others. But to me, hon. gentlemen, it possesses all the qualities of a dangerous explosive. It is a Bill of

dwarfish proportions, but a destructive portion of the dynamite may be put in a tiny parcel. Its ostensible purpose is to give us, as British subjects, a wide and long field of action, but fellow-unionists among us who may have sworn fealty to the American republic are handicapped thereby. In the minds of many good men in the country—in the minds of many men of sterling mould in the Senate of Canada—there is a strong and sincere belief that emissaries from the states of the American republic come amongst us with the avowed purpose of sowing the seeds of discord—of sowing tares in Canadian wheat. True it is, that from across the border may come to us undesirable citizens. Equally correct would it be to state that in this phase of intercourse there is reciprocity. And I do not deny that Canadians, and Americans, too, should have, in this matter—if I may use the phrase of an hon. gentleman not in this House—'adequate protection.' But I fear we shall ever have the race of malcontents as long as human nature is what it is. We shall ever have a few disgruntled, mischief breeders who have a charred past and a bleared future. The aim of this Bill, it seems to me, is to deal a blow at international unionism. Its promoter, I doubt not, is possessed of the best of motives. He would be an angel of peace in the work-a-day kingdom. From my view point the opposite would be the result if his Bill becomes law. It would expand the volume of strife—it would force a new and aggravated form of bitterness into the industrial clash of arms—it would cast a flashlight of irritation into the camp of the warring forces of capital and labour. In the controversy between these two elements in our nationhood it will be, to the impartial observer, ever apparent that the fault is never wholly on one side. Detestable conditions at times may be formulated by workers. Equally detestable demands may be made by the holders of capital. We should treat each case as we find it, dealing out simple justice to all parties, and I am pleased that we have in our Canadian government a machinery for this purpose which is looked upon with equal favour by the working world and the employing world. Please permit me, hon. gentlemen, to impress one fact upon your minds: The American branch of international unionism has never, to my knowledge, sought to promote strikes in Canada. International officers will tell you that strikes are always the last resort, and, when they do occur—when there is much bitterness and much unreasonableness on both sides—there is at once a serious depletion of the international union money chest to keep up the battle. I know international officials who have prevented, by their intervention, many a strike. About a year ago, in the city of Toronto, the job printers and the employers were at loggerheads. For one cause or another it seemed as though settlement were impossible. The international officers were appealed to, and a delegate visited the city. He gave a decision in the case. The men were dissatisfied and refused to abide by the verdict, whereupon the delegate told them they could strike if so minded, but, if they did so, no strike pay would come to them. Thereupon peace was proclaimed. This was the work of a man upon whom this Bill would impose disabilities. It was the work of a man we would keep out of the country, and who would be treated as a criminal were he to come amongst us. The delegates of the international unions are peace makers, not strike makers. If there are cases that appear otherwise, the delegate is unworthy his trust. Too often are the flotsam and jetsam of the labour unions taken as their accredited representatives.

We may be told that the regrettable commotion in the coal industry of Nova Scotia was a case which would justify the passage of this amendment to the Criminal Code. I do not intend to offer an opinion at this time as to the rights or the wrongs of the parties engaged in that desperate struggle for supremacy. But if I were to admit, for the sake of argument, that the coal mine owners were wholly blameless, and the workers the great sinners against industrial peace, would it be just to disrupt the present relations of the members of all other Canadian unions with the international bodies with which

they are affiliated, and to which they pay willing tribute to the common good? We have too many cases of recrimination. Capital blames labour, and labour blames capital, for the prevailing unrest. It is notable that movements for the control of organized capital are tardy in the extreme. Movements for the control of organized labour come to the front with a gentle regularity which betokens a desire to weaken organized labour unions. Be it our duty to take a grip of the reins and control both with equal vigour. Evidence that capital often needs guidance in the path of rectitude, is furnished daily in the news of the world.

But yesterday we heard of mergers, combines and trusts. Let us give them the same heroic treatment we give the workers in the shops.

Let me say, gentlemen, in conclusion, that I heartily desire a peaceful and satisfactory adjustment of the differences now existing between capital and labour. If we are to have an adjustment, we must approach the subject with a kindly spirit. Capitalists must meet their workers on a common platform, as man to man, as free and independent Canadians. The workingmen must meet their employers with becoming consideration for their interests. If we bring about conditions of this kind, and we all hope that such will be the outcome, we shall remove the prop of the detestable anarchistic spirit; we shall likewise remove the prop that is supporting the citadel of socialism.

I feel it my duty, therefore, hon. gentlemen, to move that Bill (CCC) be not now read a second time but, that it be read a second time this day six months.

Hon. Mr. POIRIER—I take great pleasure in seconding the motion of my hon. friend if he will permit, for reasons too numerous for me to recite to this honourable House at this late stage of the session. The question involved in the amendment of my hon. friend from Ottawa is pregnant with momentous consequences. The labour question is one which is, and of necessity, must be dealt with with delicacy and prudence. I do not for one moment contend that the labour organizations are at all times correct in the attitude they assume; but I have to admit that they have grievances against capital, grievances that bring us back to the remote ages of history. Capital and power have been in the past unjust to men of lower status in the community. Formerly, slavery existed, then serfage, then people were put in bondage, as it were. Then came the long weary hours for the labourer, ten and twelve hours a day—absolutely out of proportion to what other classes in the community give to the fulfilment of the law 'Thou shalt earn thy bread with the sweat of thy brow.'

The labouring classes have a long complaint, as I said before, against capital. They may now go too far. I believe in many instances they have gone too far; but, hon. gentlemen, that is the law of compensation. Where abuses have been great, and long continued, the reaction has always been excessive. The pendulum swings, and that is the law which prevails in matters of moral as well as of physical character. The pendulum has swung the other way further than it should or would have gone had it not been subjected to what I may call undue pressure. To make my remarks short, I hope that this Bill of my hon. friend from Ottawa, which is not without merit, but which it is too late for this or the other House to deal with this session, may be rejected. It may be taken up in a similar form next session, but for this session I trust that the motion of my hon. friend from London will be carried. Now, in substantiation of what I say, I shall read you a petition I have received from home, which is as follows:

Moncton, N.B., March 30, 1910.

Senator Poirier,
Ottawa.

Dear Sir,—The labour organizations of the city of Moncton desire to enter an emphatic protest against the proposed amendment (Bill CCC) to the Criminal Code, introduced by Senator Belcourt. If this Bill should become law, every trade unionist in Canada practically becomes guilty of conspiracy in restraint of trade, under S. 496, because there is hardly one local union in Canada whose members are all British subjects. So long as American corporations doing business in Canada know no such limitations, it is most unfair that international trades unions should be subject to any such restrictions.

Trusting that you will use your influence against this attempted injustice,

Yours very truly,

W. R. CROWHURST,
G. H. MANNING, Sec.,
Lodge 594, I.A. of Machinists.
L. J. MATSON,
L. M. AMIES,
Lodge 245 B. of Carmen of America.
JOHN HAYES,
C. R. BROWN,
Lodge 460, I.B. of Blacksmiths and Helpers.
JOHN O'NEILL,
M. HOUSEBAND,
Brotherhood of Boilermakers.
J. C. MERRILL, Pres.,
J. A. ROBINSON, Sec.,
Typographical Union No. 636.
R. DONNELLY,
E. BREAN,
Brotherhood of Boilermakers Helpers.
A. R. SMITH,
Brotherhood of Electrical Workers.

I will not say that my vote on this question is influenced entirely by this communication, but my opinion was confirmed, and it is one of the reasons why I take the liberty of insisting, so far as in my power lies, that this Bill be not passed to-day, but that it shall receive the six months' hoist.

Hon. Mr. THOMPSON—I understood that the promoter of the Bill asked permission to withdraw it, and I thought the House also understood so. In that case I hardly think a motion of this kind, in the absence of the promoter is fair to the hon. gentleman who introduced the measure. If it were done with his consent, it would be all right; but, in his absence, I think the House should permit the measure to be withdrawn.

Hon. Mr. CHOQUETTE—I understood that the hon. gentleman from Ottawa (Hon. Mr. Belcourt) was going to drop the Bill this session. I stated at the time it was up before that I intended to speak against the Bill, and I am surprised at the motion made by my hon. friend. It would be better, I think, if he would withdraw his motion, and let the Bill die a natural death in the absence of the hon. gentleman from Ottawa. I rise at the request of the Hon. Mr. Verville, labour member from Montreal, and Mr. Draper, secretary of the Trades and Labour Congress of Canada, to correct an error which occurs in the reported speech of the hon. gentleman from Halifax. Mr. Verville drew my attention to the following paragraph in that speech:

I may inform honourable gentlemen who are not aware of the fact, that in the Springhill mine, a mine which has been completely in the hands during the past year or two of the United Mine Workers, the average wages amounted to $3.36 per day. Some miners were making as much as six dollars a day, I believe, but the average wages of the coal miners were $3.36 per day of not more than six hours. The men were very comfortably housed, and looked after, and really had no substantial complaint of any kind to make. The more important strike was, of course, down in Cape Breton. There there was some bloodshed, and if the troops had not been called out and despatched to Cape Breton immediately on the beginning of the trouble, there probably would have been very serious disturbances.

I am asked to correct this statement about the wages, and further to read the following telegram that has been put in my hands. As I said before, I am against the Bill, but there is no use in speaking against it, as the Bill is to be withdrawn:

Glace Bay, N.S., May 2.

P. M. Draper,
Trades and Labour Congress, Ottawa.

Statements of Hon. Mr. Power incorrect. 1,663 employees at Springhill, only 460 coal cutters, see page 214, August last 'Labour Gazette' for rate. All other employees paid day rate from 60 cents to $2. Last man trip lowered into mine 7 a.m., first raised at 3.30 p.m. Above conditions apply to 13,000 mine workers in Nova Scotia. Letter following. Communicate this to Cloran.

J. B. McLACHLAN.

I have read this letter, as I have been requested to do, to correct a misleading statement.

Hon. Mr. POWER—The statement that I made was, if I remember correctly, that there was a court held, under the Conciliation Act, at which evidence was taken as to the condition of things at Springhill, and notwithstanding this despatch which the hon. gentleman thought proper to read here, evidence was produced before that board showing that the average pay of the coal miners in Springhill was, as I stated, $3.35 or $3.36; and, further, I think it was made clear that the average amount of time spent in actual work in the mines by each miner in Springhill was only about six hours a day.

Hon. Mr. CHOQUETTE—I know nothing about that. I leave the hon. gentleman to answer the labour organizations.

Hon. Mr. POWER—When the hon. gentleman proposed to contradict a statement I had made here, he should have

let me know before doing so, and not take me by surprise.

Hon. Mr. CHOQUETTE—I only had it just now, and I read it there. There is nothing in the telegram to say that it is wilfully incorrect. I have a right to put that telegram into 'Hansard'.

The SPEAKER—The motion is that the Bill be not read now, but that it be read this day six months.

Hon. Sir MACKENZIE BOWELL—I would rather that the House would allow the Bill to be withdrawn, or let it drop.

The SPEAKER—Discharge the order.

Hon. Sir MACKENZIE BOWELL—Yes, or discharge the order, as a matter of courtesy to the hon. gentleman who is in charge of the Bill. In introducing the Bill, the speech he made was very courteous. He said nothing that could offend any, no matter how strong their views might be. However, it is within the perfect right of my hon. friend who moved the six months' hoist to do so. I have no sympathy at all with the reasons advanced for moving the six months' hoist. The events that have occurred within eight or nine months in the coal mining district of Nova Scotia are sufficient to convince me that the time will soon come when it will be absolutely necessary for this country, in the interests of the business and trade of the Dominion, and in the interests of the unions and the men themselves, that some action should be taken by the legislature of this country to prevent Yankee interlopers from coming into this country and fomenting difficulties and troubles as they have done. Any one who has paid the slightest attention to the difficulties that have occurred in the coal mining districts of Nova Scotia, knows that the action that was taken by the union against what is to my mind the clap-trap about capital, was at the instance of the bosses in the United States. They come here very often in the interests of their own industry in the United States. I could give many instances, but I am not going to occupy the time, that transpired, and facts that came to light during the unfortunate strike, and I could show where the same things occurred in the states of New York and Pennsylvania. The bosses, or the heads of those unions, who control not only the unions in their own country, but the unions in this country, fail to put in force in the United States conditions which they demanded should be enforced in this country.

Hon. Mr. MITCHELL—Does the hon. gentleman make the statement that the union men come here very often at the request of the coal operators, the capitalists of the United States? Is that the statement?

Hon. Sir MACKENZIE BOWELL—No, I do not make that statement. It may possibly be so; but that does not affect the point I am trying to make. I say that no foreigner should be permitted to come here and dictate to the labouring men of the Canadian unions what they should do, or what they should not do. That is the position I take. I simply enter my protest against that mode of conducting the affairs of the country. We have only to reflect for a moment that the strikers who are controlled and are being directed by foreigners, have been suffering almost starvation, many of them, during the last five months, and have at last been obliged to succumb and return to work. I deprecate that as much as any one. My honest convictions are that those labour unions, when controlled by foreigners, are more detrimental to the welfare of the labouring people of this country than otherwise. I do not use the word 'labouring class' with any disrespect, for every one labours, but to distinguish those who belong to the union. If my hon. friend persists in his motion, it has got to be carried on a division or by a vote. My view is that our own people should manage their own affairs without interference from foreigners. Let the hon. member withdraw the Bill, and let the order be discharged.

Hon. Mr. BELCOURT—When I rose to speak on the second reading of the Bill, I distinctly stated it was not my intention to move the second reading, so that I think my hon. friend from London has achieved a cheap victory in moving the

six months' hoist. In the face of my statement, I think my hon. friend might have exempted himself from moving that motion. I had no intention of moving the second reading, so that there was no occasion for moving the six months' hoist. I do not think I can say anything more than I have said, except to express the hope that we shall soon settle a matter of very great importance, not only because of the present conditions, and facts which we know, but of the future, particularly the possibilities and probabilities which are involved in having labour unions in Canada organized and controlled wholly or partly from a foreign country. What we have now in the country has been on occasions deplorable enough; but when we consider what is possible and even probable in the future, what our children in the next generation have in store unless this troublous question is settled now, I believe we should seek at once a solution of the trouble. I introduced the Bill for the purpose of inviting a discussion first in parliament, and then throughout the country, in the hope that at some future time, with the assistance of the labour unions themselves—who are, I submit, just as much or more interested in the matter, and who have just as much at stake as capitalists, would give their very serious consideration to the whole question, and would help parliament and the rest of the country to devise some means to overcome this trouble. I have nothing more to add on the merits of the question, except to express the hope that between now and the next session, with the aid of the labour unions, parliament or the government will be able to devise some means to avoid the very great dangers that I believe are in store in the future. I shall have pleasure in moving with the Speaker's leave, that this order be discharged.

Hon. Mr. COFFEY—With the permission of my seconder I have no objection to withdraw the motion for the six months' hoist. I am not particular whether the Bill dies a natural death or a violent death, so long as it dies.

The SPEAKER—By the leave of the House, the motion is withdrawn.

Hon. Mr. POIRIER—Chloroformed.

Hon. Mr. MITCHELL—I wish to put myself on record in connection with this Bill. I am opposed to the Bill in all its forms, and I am very glad that the mover of it said that the unions had as much right as capital. It is their only capital, and I cannot see why the unions of the United States and the unions of Canada have not as much right to amalgamate as the rubber trust, and the cement trust and all other trusts; and I am very glad to hear the father of this Bill admit that the unions have as much right to organize as the capitalists.

The motion was agreed to, and the order was discharged.

AID TO RAILWAYS BILL.

FIRST, SECOND AND TRIRD READINGS.

A message was received from the House of Commons with Bill (No. 226) An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

The Bill was read the first time.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of the Bill.

Hon. Sir MACKENZIE BOWELL—I was under the impression that the question of granting those subsidies so indiscriminately was to cease, but I suppose as the revenues increase so must these subsidies be increased in proportion. The proposition now before the Senate involves the sum of nine or ten million dollars, providing the subsidies are on the basis of $3,200 per mile. If, however, larger sums are to be paid per mile, it may involve an expenditure of $19,000,000 or $20,000,000. The worst feature in this proposition is that the subsidies which were granted four, five or six years ago are revived, yet no steps have been taken to show the bona fides of the parties to whom the subsidies were granted. In other words it leads one to the conclusion that the subsidies are to be given to people who have speculative charters. Had the subsidies been voted in aid of railways which have been chartered recently, they might be justified, but to

revote them to projects which have been in existence for years, and with respect to which nothing has been done, is going a little too far. It is encouraging the speculator who secures his charter in the hope of inveigling somebody who has money into purchasing it. When the question was put to the Minister of Railways as to the probability of these roads being built, he could give but the slightest prospect that the projects would be carried out in good faith. He said:

> I imagine with respect to a great many of them that during the past two years or four years, as the case may be, they have not been able to get in a position to proceed with the work, but they think now that if the subsides are revoted—in fact they assure me that they think they will be able to proceed with the work.

That is not sufficient evidence to warrant the government in putting on the statute-books laws which may involve an expenditure of $20,000,000. However, the government have assumed the responsibility of doing that. I do not object to subsidizing any company which has a basis on which to carry on its work, but this constant renewal of subsidies to speculators who probably have not ten cents of their own to invest in the work, is carrying the thing a little too far. The sooner the government put a stop to these speculations which are going on and have been going on for years, the better for the country. I may not be in accord with others on this question, yet I object to the recklessness which we are displaying in granting money to aid speculators.

Rt. Hon. Sir RICHARD CARTWRIGHT—I am not in a position altogether to deny that there is force in the strictures which the hon. gentleman has passed on the Bill, and I myself individually have long been of the opinion that our practice of granting either subsidies or charters deserves revision, that neither this House nor the other House should allow charters to be granted to any parties unless there was clear evidence that they had behind them funds or men with capital to be able to proceed with the work. That is my individual opinion, I am bound to say. I have expressed it often, and have not altered it, and I shall certainly, as far as I can, advise that steps be taken to curb what the hon. gentleman rightly states has become an abuse, the indiscriminate granting of charters, and still more the pledging of public moneys to them. In this particular instance, the government, after looking into the matter, have thought they would run the risk of retarding a good many enterprises that are likely to go on and likely to benefit the country, and it may be, as is often the case, that along with the wheat tares have crept into the seed basket. That I cannot gainsay. He knows we are not in a position to amend these money Bills. We have to take them or reject them; and, under the circumstances, I think the House had better allow the Bill to pass and perhaps by next session I may be able to assure them that some measure is being devised to remedy the evils of which he complains.

Hon. Mr. LANDRY—The hon. gentleman says that we have a right to accept this Bill in toto or reject it, but we cannot even accept it because it is not before us. I am not asking to have it in French, but I think at least we should have it in English.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think it has been sent to the members.

Hon. Mr. LANDRY—It is just now arriving. I am ready to swallow it; but I want to know what I am swallowing. Is it ten or twenty millions?

Rt. Hon. Sir RICHARD CARTWRIGHT—It is very doubtful if any considerable amount of the subsidies granted will be earned or applied for within the next twelve months.

Hon. Mr. LANDRY—It is only a sham Bill?

Rt. Hon. Sir RICHARD CARTWRIGHT—It is what these Bills have always been.

Hon. Mr. LANDRY—Is that in view of a general election?

Hon. Mr. DERBYSHIRE—No, no election.

Rt. Hon. Sir RICHARD CARTWRIGHT—It may vary, if everything is applied for, from nine or ten millions to double that amount.

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

BILL INTRODUCED.

Bill (No. 227) An Act to incorporate the Canadian Northern Alberta Railway Company and to aid in the construction of its railway.—Rt. Hon. Sir Richard Cartwright.

TELEGRAPH NEWS SERVICE BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (No. 228) An Act to assist in maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian press.

The Bill was read a first time.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of the Bill. He said: This is a renewal of a subsidy formerly granted which is so arranged as to diminish from time to time.

Hon. Mr. LANDRY—For how many years has it been running?

Rt. Hon. Sir RICHARD CARTWRIGHT—It has extended over five years, gradually diminishing.

Hon. Mr. LANDRY—What was the amount of the first?

Rt. Hon. Sir RICHARD CARTWRIGHT—For the first twelve months it was $12,000, for the next $10,000, for the next $8,000, for the next $6,000, and for the last $5,000. As to the value of the service, the hon. gentlemen who are connected with the press can estimate it better than I can. The object is to have an independent service of telegraph news from Great Britain for publication in the Canadian press.

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

The Senate adjourned till three o'clock this afternoon.

SECOND SITTING.

COST OF MILITARY FORTS AT BEAUMONT.

INQUIRY.

The order of the day being called:

1. How much have the works of construction of the military forts at Beaumont, near Quebec, cost up to this date?
2. Are the works in question finished?
3. If not, at how much is their completion valued?
4. What is the number of men actually employed on these works?
5. How much did the armament of these forts cost?
6. Are there any guardians appointed for the care of these forts?
7. Who are they and their annual salary?

Hon. Mr. LANDRY—Has my hon. friend the answer to this inquiry?

Rt. Hon. Sir RICHARD CARTWRIGHT—I might mention to the hon. gentleman that with regard to the cost of construction of the military forts at Beaumont, which the Department of Militia has under consideration, it is feared they will not be able to give the information, for certain strategic reasons, on two or three of the questions asked by my hon. friend.

CONTRACTS ON INTERCOLONIAL RAILWAY.

INQUIRY.

The order of the day being called:

1. Were tenders asked for, in 1908 and 1909, for the purchase of railway sleepers for the use of the Intercolonial railway, and were contracts awarded to the lowest tenderer?
2. Who had these contracts, and what is the name of each tenderer, and also the amount of each tender?
3. Did the Department of Railways and Canals, in 1908 and 1909, award any contracts whatsoever for the purchases of the said sleepers, and what price was paid to each contractor, and who had these contracts?
4. In 1908 and 1909, did the Department of Railways and Canals ask for tenders for the purchase of sleepers made of spruce, white, gray and yellow, as well as of birch, ash, poplar, &c.?
5. What quantity of these sleepers, for each kind of wood, was accepted and paid for in 1908 and 1909, and does the department propose to continue the system of purchasing these kinds of wood?
6. Who bought these sleepers of spruce, birch, ash, poplar, &c., and who gave the orders to receive these kinds of sleepers, and

who received them and stamped them for the Intercolonial railway?

7. In 1909 did the department ask for tenders for sleepers of cedar, cyprus and hemlock? If so, who had these contracts and were these contracts granted to the lowest bidders, and what quantities were actually furnished by each contractor?

8. What quantity of sleepers has been furnished up to this date—

(a) by the contractors for New Brunswick; and

(b) by the contractors for Nova Scotia and for the province of Quebec, respectively?

9. Did the government by order in council authorize Messrs. Pottinger, Burpee or Taylor, of Moncton, to purchase sleepers of spruce of all kinds and dimensions, and to cause these kinds of sleepers to be distributed in the district of Quebec, and notably in the district of River du Loup and Isle Verte?

10. What price did the department pay for the sleepers of spruce, hemlock, cedar, birch and poplar, &c.? Who is the contractor therefor? Who received and inspected the said sleepers?

11. Does the department know that these sleepers are absolutely unfit to be used in a railway, and that these sleepers are at the present time distributed along the Intercolonial railway to be used upon the main track?

12. How much a carload does the freight of sleepers sent from New Brunswick cost in the district of Quebec?

Rt. Hon. Sir RICHARD CARTWRIGHT —With regard to these questions, I have applied for the answers, and the department has sent to Moncton for the information; but they inform me that it will take considerable time, as it is a long matter involving minute details, and it will be considerable time before they can hope to get it. They are endeavouring to obtain it.

Hon. Mr. LANDRY—Under those circumstances, I would not want to keep the House in session until we get the answers. Perhaps we might make a compromise, and when the answer comes the department can send me a copy of it.

Rt. Hon. Sir RICHARD CARTWRIGHT —Certainly, I will do that.

Hon. Mr. DERBYSHIRE—That will be beautiful. We will have them coming along all summer.

Rt. Hon. Sir RICHARD CARTWRIGHT —Oh no, I have stirred them up.

RAILWAYS SUBSIDIES BILL.

THIRD READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 226) An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

Hon. Mr. POWER—I desire to ask a question in regard to this measure, but not to propose an amendment. I see that item 12 in the list of subsidies is for a line of railway from Grand Falls to St. John, New Brunswick, in lieu of the subsidies granted in chapter 40 of the statutes of 1907 and chapter 60 of the statutes of 1908, 228 miles. The point to which I desire to direct the attention of the right hon. gentleman is that there is already a railway from Grand Falls to St. John. It is controlled by the Canadian Pacific railway. That road is in operation, and I would ask by what line of argument the government were influenced to grant such a very large subsidy as this is for another road which will be simply running down the St. John river between the same points as the existing road?

Hon. Mr. DOMVILLE—Does my hon. friend object to having a road down there?

Hon. Mr. POWER—No, I am not objecting.

Hon. Mr. DOMVILLE—They have one to Halifax through a wilderness.

Hon. Mr. POWER—My point is, if the hon. gentleman listened to what I said, that there is already a road between these two points, running from Grand Falls down the St. John river to St. John, and I do not see why it should be duplicated.

Hon. Mr. THOMPSON—The question that my hon. friend has drawn to the attention of the leader of the government is one that perhaps interests the province of New Brunswick to a very large extent. It is significant that at the present moment the local provincial government has thought it advisable to subsidize a work of this character to the amount of $25,000 a mile. I do not understand that this is a new proposition or subsidy. It is simply a renewal of the subsidies that were recognized as being worthy to be made by parliament some years ago. The existing road to which my hon. friend refers, from Grand Falls to St. John, is a circuitous route, having

grades that are difficult to negotiate, and the feeling in New Brunswick on that question is that the route from Grand Falls to St. John would be an outlet to the great western traffic. A road built upon the lines of the Grand Trunk Pacific, with four-tenths of one per cent grade would be a very great advantage, not to New Brunswick particularly, but to the transportation system, so much so that the legislature of New Brunswick has thought proper, in aid of the construction of such a work, to take upon themselves the responsibility of granting them $25,000 per mile.

Hon. Mr. DOMVILLE—While we are anxious to see the whole Dominion opened up, we want to develop our own province, and we think this will make a direct line from St. John to Rivière du Loup, and divert a certain amount of trade from the Grand Trunk Pacific to St. John. The province of New Brunswick, even with their limited means, consider it sufficiently important to give $25,000 per mile towards the construction of that road, and I do not think the hon. gentleman can find much fault with the Dominion government for doing their portion to the extent of $3,200 per mile.

Rt. Hon. Sir RICHARD CARTWRIGHT—It will be a little more than $3,200 per mile.

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

CANADIAN NORTHERN ALBERTA RAILWAY COMPANY'S BILL.

THIRD READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 227) to incorporate the Canadian Northern Alberta Railway Company and to aid in the construction of its railway. He said: This I may remark does not involve any addition to the charge now existing. It is the substitution of one company for another.

Hon. Mr. LANDRY—When was this Bill sent to the committee?

Rt. Hon. Sir RICHARD CARTWRIGHT—Being a money Bill, it was not sent to a committee.

Hon. Mr. LANDRY—Is it not a Bill of incorporation?

Rt. Hon. Sir RICHARD CARTWRIGHT—Yes, that is true.

Hon. Mr. LANDRY—It was read the second time this morning, but I thought it should have been sent to the proper committee. Is this a government Bill or is it a private Bill?

Rt. Hon. Sir RICHARD CARTWRIGHT—It is a government Bill.

Hon. Mr. LANDRY—The title is to incorporate the Canadian Northern Alberta Railway Company and to aid in the construction of its railway.

Rt. Hon. Sir RICHARD CARTWRIGHT—It is not a purely private Bill, because it contains provisions for assisting the company in the construction of its railway.

Hon. Mr. BEIQUE—It is to transfer a subsidy from one company to another.

Hon. Mr. LANDRY—But it is to incorporate a new company?

Hon. Mr. BEIQUE—The first clause of the Bill is as follows:

> The Canadian Northern Railway Company having, by deed poll set out in the first schedule hereto, relinquished all its interest in the aid authorized by chapter 25 of the statutes of 1908, intituled 'An Act respecting aid for the extension of the Edmonton, Yukon and Pacific Railway' to be given by guarantee of certain securities of the Edmonton, Yukon and Pacific Railway Company, upon and after amalgamation of such company with the Canadian Northern Railway Company, the said Act is hereby repealed and the aid thereby granted is cancelled.

Then the third clause authorizes the Governor in Council to aid the construction of the railway.

Hon. Mr. LANDRY—If it is not an Act to incorporate the company, the title is wrong.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think the title is wrong.

Hon. Mr. BEIQUE—It is certainly an Act to incorporate.

Hon. Mr. LANDRY—If so, is this the proper way to proceed?

Rt. Hon. Sir RICHARD CARTWRIGHT —I do not think it is.

Hon. Mr. POWER—It is only fair to state that this Bill does not of itself directly incorporate the company; but it refers to two schedules, one of which is an Act of incorporation. On page 5 of the Bill you will find the usual Acts of incorporation, and it is the second schedule to this Bill. At this stage of the session, it would be rather awkward to attempt to incorporate by the usual methods.

Rt. Hon. Sir RICHARD CARTWRIGHT —If my hon. friend requires it, we can go into Committee of the Whole on the Bill, and go through it clause by clause.

Hon. Sir MACKENZIE BOWELL—Would it not be well if the right hon. gentleman would tell us what the Bill means? It begins by saying that Mackenzie and Mann surrender certain rights which they possess. Do I understand that Mackenzie and Mann have a right to build the road mentioned here, and that they have surrendered the claim to subsidies granted them in the past, and that the government assume the responsibility of taking it off their hands and building the road themselves?

Rt. Hon. Sir RICHARD CARTWRIGHT —As I understand, it is practically an exchange of securities. The former company have received certain guarantees from the government. Those guarantees amounted to not more than $15,000 per mile. They propose to exchange these, I understand; but for the purpose of exchanging them it was found expedient to create another company by whom a somewhat larger amount per mile might be expended, although the amount of the grant would not be increased. That, I understand from the minister, is the object of the Bill.

Hon. Sir MACKENZIE BOWELL—Then the old charter is repealed, and you organize under this law a new company?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes.

Hon. Sir MACKENZIE BOWELL—That is, William McKenzie, Donald D. Mann, David V. Hanna, and other officials of the road offer to carry on and build a road from Edmonton westward to the Yellow Head pass, and then a branch down to another section?

Hon. Mr. DOMVILLE—They had a charter in the first instance, granted some time ago, to the town of Edmonton, which McKenzie and Mann acquired, and that permitted them to go to Tête Jeune Cache, or Yellow Head pass, or whatever you call it, and then on from there to the Yukon, and they acquired this charter five or six years ago.

Hon. Sir MACKENZIE BOWELL—Not to the Yukon?

Hon. Mr. DOMVILLE—Yes, to the Yukon. This charter carries them to the Yukon.

Hon. Mr. LANDRY—It was the extension of the Edmonton, Yukon and Pacific railway.

Hon. Mr. DOMVILLE—I am now speaking of what I am aware of; and they got a subsidy from the government in the first instance for the fifty miles on the Broken Plains, or whatever you call it, and then they acquired the charter. They were not the original grantees of the charter.

Hon. Sir MACKENZIE BOWELL—Then this is a surrender of all the rights they had under the old charter, and constituting a company to go on with the same work with a higher subsidy, is that it?

Rt. Hon. Sir RICHARD CARTWRIGHT —I understand from the minister that that is the object of it.

Hon. Mr. BOSTOCK—The subsidy under the 1908 Act was the same as the subsidy under this Act.

Rt. Hon. Sir RICHARD CARTWRIGHT —There is no increase of the public burden under this.

Hon. Sir MACKENZIE BOWELL—We passed the second reading of this Bill without having it in our possession at all, and now we have got to the third reading. I am not objecting to it.

Hon. Mr. LANRDY—I see in this Bill there are two parts, No. 1 and No. 2. Is No. 2 the charter of the new company?

Hon. Mr. BOSTOCK—Yes.

Hon. Mr. LANDRY—I find it a very strange procedure at this time of the session to come in with a new charter incorporating that company, and rushing the Bill through, even without submitting it to Committee of the Whole.

Rt. Hon. Sir RICHARD CARTWRIGHT —As I said, if the hon. gentleman objects—and he is within his right—I will move that this order be discharged, and the House resolve itself into Committee of the Whole upon it.

Hon. Mr. BOSTOCK—Before that motion is put, I would like to ask the Speaker if the rule is being applied without a resolution?

Hon. Mr. DANDURAND—There is no rule at the close of session. It is made a public Bill. It is not a private Bill.

Hon. Mr. LANDRY—Is it decided that this is a public Bill?

The SPEAKER—It is a government Bill, not a private Bill.

Hon. Mr. LANDRY—I suppose we may call it a hybrid Bill?

The House resolved itself into Committee of the Whole.

(In the Committee).

On clause 2,

2. The Canadian Northern Railway Company having, by deed poll set out in the first schedule hereto, relinquished all its interest in the aid authorized by chapter 25 of the statutes of 1908, intituled 'An Act respecting aid for the extension of the Edmonton, Yukon and Pacific railway' to be given by guarantee of certain securities of the Edmonton, Yukon and Pacific Railway Company, upon and after amalgamation of such company with the Canadian Northern Railway Company, the said Act is hereby repealed and the aid thereby granted is cancelled.

Hon. Sir MACKENIE BOWELL—May I ask what those words mean: 'Having by deed poll?'

Rt. Hon. Sir RICHARD CARTWRIGHT —It is the deed set out in the first schedule.

Hon. Mr. LANDRY—Yes, but what is a 'deed pole'? That has nothing to do with the North Pole?

Rt. Hon. Sir RICHARD CARTWRIGHT —A deed poll, if I remember aright, is a deed signed by one party alone. I think that is the explanation of 'deed poll'.

Hon. Mr. LANDRY—I see it says: 'To whom these presents may concern, the Canadian Northern Railway Company, hereinafter called the company, sends greetings'. That is for us, I suppose.

Rt. Hon. Sir RICHARD CARTWRIGHT Yes, that is it.

On clause 5,

5. The kind of securities to be guaranteed as aforesaid, and the forms thereof, and the form and terms of the deed or deeds of trust securing them, and the times and manner of the issue of securities and the disposition of the moneys to be raised thereon, by sale, pledge or otherwise, pending the expenditure of such moneys for the purposes of the line of railway so aided, and the forms and manner of guarantee, shall be such as the Governor in Council approves, and such terms, provisions and conditions may be included in such deed or deeds of trust as the Governor in Council deems expedient or necessary.

Hon. Mr. MITCHELL—I would like to have an explanation on that. They have got $25,000 a mile for 150 miles.

Hon. Mr. YOUNG—No, they get $13,000 a mile for the first fifty miles, and then for the remainder of the said line to the amount of $25,000 per mile, not exceeding in all, put together, 150 miles.

Hon. Sir MACKENZIE BOWELL—What does that amount to? That will be 150 miles of a grand total?

Hon. Mr. DOMVILLE—It is a hundred and fifty miles from Edmonton to the Tête Jeune Cache pass, and then they get into the mountains.

On clause 6,

6. The said guarantee shall be signed by the Minister of Finance or such officer as is designated by the Governor in Council to sign it; and upon being so signed the Dominion of

Canada shall become liable as guarantor for the payment of the principal and interest of the securities so guaranteed, according to the tenor thereof, and the said payment shall form a charge upon the Consolidated Revenue Fund.

Hon. Mr. POWER—As I understand it, this road, when built, will be a competitor with the Grand Trunk Pacific, the construction of which the government is aiding very largely, and it seems to me a questionable sort of policy to give large subsidies to competiting lines.

Rt. Hon. Sir RICHARD CARTWRIGHT—I do not think they will run very close to each other.

Hon. Mr. LANDRY—There is a precedent for that. The government is constructing a road competing with the Intercolonial railway in New Brunswick and Quebec.

Hon. Mr. MITCHELL—They are twenty miles apart, and I think that is justified.

Hon. Mr. LANDRY—Not twenty miles apart in Quebec.

Hon. Mr. MITCHELL—Yes, about that average.

Hon. Mr. DOMVILLE—Both roads have to take advantage of the Tête Jaune Cache Pass, and they converge after leaving the pass. I do not think they are competing railways, but they have to go through the mountains by that pass or the Pine Pass. There is no more competition except that.

Rt. Hon. Sir RICHARD CARTWRIGHT—They diverge very widely seeking the coast.

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

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of the Bill.

Hon. Mr. LANDRY—I should like to have it understood that this Bill shall not be quoted in the future as a precedent. We are permitting it to pass; but I have grave doubts if we are following a wise course. Here are two Bills embodied in one document, one a public Bill and the other a private Bill. The public Bill is introduced by the government and the government uses its influence to carry the Bill through the House, and at the same time profit by the influence they have to attach a private Bill to that public Bill, and the private Bill is passed at the same time as the public Bill. The charter given to the new company should have been subject to the rules of the House. Notices should have been given and parties might have objected where the line crosses, and parties might have been heard in committee. All that procedure is put aside in passing this Bill. I do not want to object to the Bill itself; but I hope nobody will consider it a precedent for the future, and that when another Bill of this sort is introduced it will be early enough in the session to give plenty of time to follow the usual procedure and give to the interested parties the necessary time to appear before the committee.

Hon. Mr. DOMVILLE— My hon. friend does not wish to say that if I, or any other member, should bring in a Bill of a similar character next session that we are going to be held up? If it is good legislation now, it will be good next year.

Hon. Mr. LANDRY—I have no objection to let the Bill pass; but it is against our rules, and I hope this infringement will not be considered as a precedent.

Hon. Mr. DOMVILLE—Oh, it must be.

Hon. Sir MACKENZIE BOWELL—It must not be; so long as it goes through it does not make a difference.

Hon. Mr. DOMVILLE—I hold that it will be a precedent. There is a difference of opinion on that question, that is all.

Hon. Mr. LANDRY—I do not make any objection; but if the hon. gentleman wants to consider it as a precedent, I will make an objection.

Hon. Mr. MITCHELL—If it is going to be held as a precedent, it will do away with provincial rights, and everything of that sort.

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

WHARFS AND BUILDINGS IN HARBOUR OF ST. JOHN BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (No. 204) An Act to authorize the erection of certain wharfs and buildings in the harbour of St. John.

(In the Committee.)

On clause 1,

1. The city of Saint John is hereby authorized to convey to the said Frederick C. Durant, a certain tract of land and land covered with water situate in the said city, bounded as follows:—on the north by the prolongation westerly of the south line of Sheffield street, on the east by the westerly line of Charlotte street, on the south by the ballast wharf property of the government of Canada, and on the west by the harbour line of the said city.

Hon. Mr. POWER—There is one point to which I wish to call the attention of the House. In the preamble of this Bill it is set forth that the city of St. John has been authorized to convey to Frederick C. Durant, of the city of Philadelphia, certain lands, and it is desirable that such conveyance should be authorized by an Act of the parliament of Canada. Is that a proper thing to do—to convey lands belonging to the city of St. John to a gentleman who is a citizen of a foreign country?

Rt. Hon. Sir RICHARD CARTWRIGHT—Our law does not prevent the conveyance of lands to aliens; but that would be under the control of the provincial authorities. The conveyance of land would be governed by their statute and not ours.

Hon. Mr. ELLIS—In some way or other, there is an arrangement with this Mr. Durant to make this exchange. He takes six acres of land belonging to the city of St. John, and that is exchanged for twelve acres of land belonging to the government of Canada. If he was willing to take six acres belonging to the city of St. John and build his sugar refinery upon it, how does he come to get twelve acres of land from the government?

Rt. Hon. Sir RICHARD CARTWRIGHT—The reason seems to be that the Intercolonial railway, who were negotiating about this matter with the city of St. John and also with Mr. Durant, had come to the conclusion that it would be a very considerable advantage to the Intercolonial railway if they could secure the erection of a large sugar refinery for the purpose of obtaining freight for themselves. That appears, as far as I can find out, to be the only reason for the exchange of which the hon. gentleman speaks. Mr. Butler, who it will be remembered, was a deputy minister, and also the Railway Department in general, thought it would be of advantage not only to the city of St. John to secure the erection of a large sugar refinery with a capacity of several thousand barrels per day and employing several hundreds of hands, but being situated on the deep water terminals of the Intercolonial railway, the Intercolonial railway would get the benefit of the entire freight. The sugar would be forwarded by the Intercolonial railway as being the only railway connected with the refinery, and the opinion of Mr. Butler was that this would be the means of giving the Intercolonial railway a very large trade and very profitable freight. The property which it wishes to obtain is now owned by the city, and would, in Mr. Butler's opinion, offer good advantages to the Intercolonial as a terminus. That seems to be the only reason for the exchange. I cannot say how far these expectations would be realized. The hon. gentleman would know that better than I do.

Hon. Mr. ELLIS—Whatever business the sugar refinery would bring to the Intercolonial railway would come to that railway if the original lot were retained. The two properties are joined, practically. However, not only the city but the government of Canada have come to the conclusion that it is a good thing to do and I shall say nothing more on the subject.

The clause was adopted.

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

The Bill was then read the third time, and passed.

RAILWAY ACT AMENDMENT BILL.

THIRD READING.

The House resumed in Committee of the Whole the third reading of Bill (No. 145) An Act to amend the Railway Act.

On clause 7,

7. Section 276 of the said Act is amended by adding thereto the following subsection:
2. The board, upon the application of any company or person, shall have power to order that this section shall not apply to any particular trains or classes of trains, or to trains running on any specified portions of the railway of the company: Provided that no such order shall be made with respect to trains engaged in shunting or switching, or in yard or terminal movements.

Rt. Hon. Sir RICHARD CARTWRIGHT—This is the only clause left over. The only reply I have received on the subject of this clause is that it is not intended to interfere with the present provisions in the cases of towns, or cities or places where switching is going on, as indeed is set forth in the proviso; but that the Board of Railway Commissioners desire to be allowed in certain cases, which would be special cases, to modify the present regulations. The reason was explained when the clause was under consideration, that as matters stand unless some power is given to somebody to modify the present law, men might be compelled to remain in the rear of the car in exposed positions for a very long space of time, exposed to great inclemency of the weather and divers other inconveniences, which led the board to ask for power to grant a dispensation, so to speak, in cases where they thought it was required.

Hon. Mr. POWER—This enactment recalls the discussions which we had during two or three sessions with respect to section 275 of the Railway Act. If hon. gentlemen look at section 276 of the Railway Act, they will find that it is confined to railways running through cities, towns and villages—'whenever in any city, town or village trains pass, &c.' Now, I submit that there should be no exception to that. Allowing a train to be run backwards through a city, town or village without any one stationed at the back of the train to give notice to people who may happen to be crossing the track, is really offering a sort of premium to endangering human life. I quite sympathize with the feeling of the board that there should be no undue hardship on the employees of the railway company; but when it is a question of the lives of the public, safety is a matter of more consequence even than the comfort of the employees of the railway, and I respectfully suggest that you should leave out the words 'to any particular trains, or classes of trains,' and have it read in this way:

The board, upon the application of any company or person, shall have power to order that this section shall not apply to trains running on any specified portion of the railway.

Such portions, of course, to be outside the cities, towns and villages; but I really do not think there is any necessity for this enactment at all.

Hon. Mr. DOMVILLE—How do you propose to give notice from the rear?

Hon. Mr. POWER—If the engine is on the rear of the train—that is what section 276 deals with, and is backing the train, accidents are much more likely to occur than when the train is moving in the usual way, and section 276 provides that when a train is being backed that way there shall be some one on the rear car or on the tender, if there is only an engine and tender, to warn any one who is crossing the track or going on the track. I think the present law is perfectly fair and reasonable. It extends only to cities, towns and villages.

Hon. Sir RICHARD SCOTT—The proviso covers that.

Hon. Mr. POWER—No. The proviso is—

Provided that no such order shall be made with respect to trains engaged in shunting or switching or in yard or terminal movement.

Hon. Sir RICHARD SCOTT—That covers it.

Hon. Mr. POWER—Then what is the object of this enactment if the proviso covers the whole ground? As the law stands now, this provision is confined to cities, towns and villages, and I think it

is a wholesome provision and we should not change it. I move that this clause be stricken out.

The amendment was declared lost.

The clause was adopted.

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

The Bill was then read a third time, and passed.

BRANCH LINES INTERCOLONIAL RAILWAY BILL

The order of the day being called:

Consideration of the message from the House of Commons disagreeing to the amendments made by the Senate to Bill (17) intituled: An Act to authorize the government of Canada to acquire, by lease, lines of railway connecting with the government railways.

Rt. Hon. Sir RICHARD CARTWRIGHT —In reference to this message, I have reason to believe that if we can arrange a conference with our friends at the other end of the Chamber it may be satisfactorily done, but as a preliminary stage I suppose we must insist on our own amendments. Perhaps some hon. gentleman will move that we insist on our amendments. We propose then that they will ask for a conference.

Hon. Mr. POWER—I will move, that we insist on our amendments. When this measure was before the House on a previous occasion, it was discussed at some considerable length, but I dare say there are some hon. gentlemen present now who were not present then. This is a Bill to authorize the government of Canada to take over, by lease or otherwise——

Rt. Hon. Sir RICHARD CARTWRIGHT —By lease solely.

Hon. Mr. POWER—By lease, certain railways which connect with the Intercolonial railway. There was this proviso at the end of the original Bill: 'Provided that no such lease shall have any force or effect nor shall any such connecting railway be entered upon or operated on behalf of the government of Canada until the said managing board, and the said chief engineer shall have approved the terms and conditions of such lease having regard to the beneficial results therefrom to the government railways, and until the parliament of Canada has first ratified such lease.'

It was felt that, possibly, the interests of the public or the interests of Canada were not sufficiently protected by that proviso. I think there was an impression that at a critical time a strong Minister of Railways might be able to secure the recommendation of the Railway Board, and of the government engineer to an undertaking which would ultimately prove very unprofitable to the Dominion; and in order further to safeguard the interests of the public, this amendment was adopted to add to that Bill this clause:

4. No such lease shall be ratified by parliament, unless a return has been laid before both Houses for at least one month showing:
(a) The cost of the road proposed to be leased together with the amount of stock subscribed and all moneys received from sale of bonds or by way of bonuses or otherwise.
(b) Present equipment of road together with the average rate of freight and charges for passengers on the same and a statement showing approximately how above rates compare with those charged on the Intercolonial railway.
(c) Present condition of the road and the estimate of outlay required to put it in good running order.
(d) Total receipts and expenditures for three years last past.
(e) List of shareholders and bondholders.
(f) Other creditors of the road.
(g) Estimate of future receipts and expenditures in the event of the road being leased by the Intercolonial railway.

That was intended to place parliament and the government in possession of information which was really necessary to enable them to form an intelligent judgment as to whether or not it would be advantageous to the country to take over a branch, and in order to show the necessity of safeguards of that kind, the case of the Canada Eastern railway was taken up, and the House will pardon me if I again read a letter from Mr. Pottinger, for many years manager of the Intercolonial railway, with respect to this matter. This letter is dated at Moncton, New Brunswick, March 15, 1910, and is addressed to the secretary of the Department of Railways and Canals:

Intercolonial Railway of Canada—Prince Edward Island Railway.

Moncton, N.B., March 15, 1910.

Sir,—Replying to your telegram of the 12th instant asking information for the minister

in regard to receipts, expenses, etc., of the Canada Eastern section of the Intercolonial.

I send you herewith a statement that has been prepared by Mr. Shannon showing that the amount expended in the years 1905 and 1908 for the purchase of the Canada Eastern railway was $819,000. In the year 1906 an amount of $300,000 was paid in connection with the Fredericton and St. Mary's bridge, making a total of $1,119,000. The amounts expended on capital account in the years 1904-05 to 1908-09, inclusive, amounted to $312,014.81. The statement shows the works on which these expenditures were made; they were almost all for improvements. The items for the strengthening of bridges are partly for improvements, as the wooden bridges with cedar foundations were replaced by steel bridges with concrete and masonry foundations.

The Blackville branch of the Canada Eastern railway extending from Blackville to Indiantown, and forming the connection between the Canada Eastern railway and the Indiantown branch of the Intercolonial railway was repaired and improved at a cost of $116,641.61 which was charged to capital account during the years 1906-07 to 1908-09, inclusive. The total expenditure on capital account has therefore been $1,547,656.42.

I send you a statement from Mr. T. C. Burpee, showing that he estimates the amount required to put the Canada Eastern division into good condition at $319,000. This statement shows the items on which the estimated expenditure is to be made. Some of these items seem high.

In regard to the receipts and expenses, I inclose a statement showing the approximate expenses charged to revenue by years, from October, 1904, to March 31, 1909, and the total amount is $849,341.32.

A statement of the approximate gross earnings, by years, to March 31, 1909, is also inclosed. They amount to $627,738.03.

I am, sir,

Your obedient servant,

D. POTTINGER.

Incl.

L. K. Jones, Esq., I.S.O., Secretary,
Department Railways and Canals,
Ottawa, Ont.

There is a balance of nearly $222,000 against the road as working; that the gross earnings are $22,500, or thereabouts, less than the working expenses. Then it may be well to read some of Mr. Burton's statements. The first statement for 1905, shows that the price originally paid was $1,119,000. The next portion of the statement shows the amount expended each year on capital account since the acquisition of the line from Fredericton to Chatham, from October 1, 1904, to March 31, 1909.

Year 1904-05.		
Sidings	$ 9,575 05	
Platforms	355 00	
Track material and labour	26,498 10	
		$ 36,428 15
Year 1905-06.		
To increase water supply	$ 19,243 04	
Semaphores at stations	1,607 01	
Sidings	10,929 62	
		31,779 67
Year 1906-07.		
To strengthen bridges	$ 12,455 83	
To increase water supply	3,634 48	
Siding, Fredericton	96 00	
Fencing portion of line not heretofore fenced	15,983 36	
Air compressor at Gibson	1,780 91	
Ice-house at Gibson	2,138 76	
		36,089 34
		$104,297 16
1907-08.		
To strengthen bridges	$111,490 29	
To increase water supply	11,559 88	
Fencing portion of line not heretofore fenced	11,979 24	
Improving grades on line	3,950 49	
New turntables	3,348 08	
Air compressors at Gibson	361 54	
Electric semaphores	512 26	
Sidings	2,382 28	
To improve telegraph line	2,498 23	
Buildings	2,695 78	
		150,778 07
1908-09.		
To strengthen bridges	$ 9,365 17	
To increase water supply	20,268 28	
Fencing portion of line not heretofore fenced	14,999 94	
Improvements, Loggieville	389 42	
New turntables	1,035 09	
Electric semaphores	417 43	
Land purchased	230 00	
Sidings	2,303 15	
Buildings	7,931 10	
		56,939 58
		$312,014 81

Then the cost of putting line between Indiantown and Blackville into operation, chargeable to capital, to the 31st March, 1909, was:—

1906-07	$ 789 00
1907-08	35,855 88
1908-09	79,996 73
	$116,641 61

Then the estimated cost of putting Canada Eastern division in good condition:—

Bridges	$204,000 00
To change 40 miles of track from 56 to 67 rails	60,000 00
Ballasting	50,000 00
Fencing	5,000 00
	$319,000 00

(Sgd.) T. C. BURPEE.

The approximate operating expenses of the Canada Eastern railway from October, 1904, to March 31, 1909:—

1904-05	$105,790 82
1905-06	152,850 33
1906-07	141,243 22
1907-08	198,054 37
1908-09	251,402 58
	$849,341 32

Statement showing the approximate earnings of the Canada Eastern section of the Intercolonial railway from Ocober 1, 1904, to March 31, 1909:—

	Total earnings.
Six months ending March 31, 1905.	$ 52,426 68
Twelve months ending March 31, 1906..	139,220 95
Twelve months ending March 31, 1907..	141,426 37
Twelve months ending March 31, 1908..	149,903 32
Twelve months ending March 31, 1909..	144,760 71
	$627,738 03

(Sgd.) W. H. ESTANO,
Traffic Auditor.

So that hon. gentlemen will see that the disparity between the earnings and working expenses continues right to the bitter end. With respect to the Canada Eastern road, it may be said that it was the most promising of all the roads connecting with the Intercolonial railway, and the authorities of the Intercolonial railway were of opinion that it would be a good thing as a matter of business that they should acquire this road, and hon. gentlemen can see what the result has been from a pecuniary point of view to the Dominion of Canada. The hon. gentleman from Fredericton (Mr. Wood) stated in a former discussion that before the road was taken over it served the purposes of the country very well, and that there was practically as much traffic over this road before the government took it over as there has been since. As we have taken this road over, we have to stand by our bargain; but when the proposition comes up, as we know the proposition has come up, that the government should take over a number of other branches of the railway which do not promise nearly as well as the Canada Eastern did, surely as a business people we should see that there is some guarantee that the country is not going to be mulcted in very large sums without any corresponding advantage to the public. I notice in reading the debate in the other House that the hon. Minister of Railways was at first disposed to concur in the amendments, and I think proposed to move concurrence, and then an hon. gentleman representing a constituency in New Brunswick rose and made rather a fierce onslaught on the action of the majority of the Senate and a very large majority too, and the conclusion that I drew from reading that hon. gentleman's speech in another place was that he did not wish to have the public protected, and, I suppose, relying upon his local knowledge, the Minister of Railways withdrew from the attitude which he had at first assumed, and the Commons decided not to agree to our amendment, and this is the message which the Commons sent up to us, that the House disagrees to the amendment of the Senate because the said amendment unnecessarily and ineffectually attempts to limit the power of future parliaments. I understand that there was some criticism of the Senate amendments in another place not long since; but if we were disposed to be critical, we might very easily riddle the reason. Hon. gentlemen can see that there is not much substance in the reason for disagreeing, because the third clause of the Bill as it passed the Commons contained a proviso intending to protect the public interest, to the effect that no such lease should have any force or effect until the government railway managing board and the chief engineer of the Department of Railways and Canals should have approved of the terms and conditions of said lease, and until the parliament of Canada had ratified such lease. The amendment further protected the public interest by enacting that further information to enable parliament to form an intelligent opinion should be submitted. The objection to the amendment made by the Senate providing for certain further restrictions appears to me to be ill-founded. I think it is due to our own dignity and self-respect that we should insist upon our amendment. We should send a message to the Commons, if the House adopts my view, that we insist upon our amendment. I understand that they are prepared to modify their decision, and they will ask for a conference and this House will appoint three managers who will meet the managers from the House of Commons, and I assume an agreement will be arrived at a sort of compromise arrangement, which I hope will provide that the substance of our amendment, at any rate, shall hold good.

Hon. Mr. THOMPSON—The hon. gentleman who made the motion has thought it proper to bring to the notice of the House again—I do not know whether to bolster up his argument or to put a duplicate of his speech in the debates—a statement about the Canada Eastern railway. I cannot understand his object, but it would have been better if in making his reference to that railway he had been fair enough to say——

Hon. Mr. DOMVILLE—Order. You cannot say that. It is not parliamentary.

Hon. Mr. THOMPSON—In dealing with the subject he should have treated it on its merits. His statement with regard to the expense incurred in respect of the purchase and running of the Canada Eastern is not a proper exposition of the facts. The Blackville railway which is now united with the Canada Eastern, was built by the government of Canada in opposition to the thirty-five miles of the Canada Eastern at the instance of the gentleman who at that time represented Northumberland. At the same time, the influence of that gentleman was sufficient to take from the Canada Eastern the federal subsidy, so that the only subsidy to that line for thirty-five miles was the provincial subsidy. The government of Canada had constructed a bridge which they owned, and had to take care of in consequence of the party who had constructed it failing to pay the interest. It is not right, in referring to the purchase and maintenance of the Canada Eastern, that any expense in connection with that bridge should be charged against the Canada Eastern branch. Neither is the expenditure on the Blackville line fairly chargeable to the purchase of the Canada Eastern. The three works are now amalgamated, and the returns laid before the House show the cost of the three, and the maintenance of the three by the government of Canada. The Blackville line has never paid. For some time not a train passed over ten miles of the road, because the needs of that section apparently did not seem sufficient to warrant the government in going to the expense of running it, but now they have taken up, and are working it as one of the three works. The Canada Eastern is amalgamated with the Blackville road, and the bridge, and it is hardly fair to make the whole expenditure chargeable to the Canada Eastern. The Canada Eastern is one of the very best roads belonging to a private corporation in New Brunswick. The station houses that were built by the old company have never been renovated. They are there today, and the station house in Fredericton was constructed also before the purchase of the road by the government. The expenditures on the line are such as any well conducted railroad would require. They are betterments, which they were not actually forced to make unless it was to put the road in a better condition than before it was acquired by the government. Take any branch road in the maritime provinces. I am satisfied not one of them has as many improved conditions as are to be found on this Canada Eastern, yet they are being run and are accommodating the people. They are run in an economical way and the expenditures are kept as nearly within the earnings as possible. So far as I am personally concerned, I may add that, living as I do at Fredericton, this branch line in question can in no sense be of interest to that section of the province. Of the fifteen counties in New Brunswick, the Intercolonial railway does not touch seven. Eight of the counties enjoy all the advantages of the government railway, but I cannot think that the Senate would bring any great credit to itself by insisting upon its amendments to this Bill. As I understand the nature of this measure, it does not rest with the government to buy or lease any branch railway in the maritime provinces, nor can any road be purchased or leased without the sanction of parliament. If this legislation took the control out of the hands of parliament, and authorized the government to make purchases without consulting parliament, we could not follow and know if they carried out our instructions, or whether in making a purchase or lease they had protected the interests of Canada. Under this Bill, whatever the government may do in respect to the purchase or leasing of a line, has to come before parliament for our approval or disapproval. Under the circumstances, I can-

not see that the amendments made by the Senate are important, and in amendment to the amendment I move that the Senate does not insist on its amendments to the Bill.

Hon. Mr. POWER—Does the hon. gentleman think there is any objection to parliament and the government having the information provided for by this amendment before taking action?

Hon. Mr. THOMPSON—No, I would presume that the government in bringing to the notice of parliament a proposition of that character would furnish us with all the information necessary to reach a conclusion as to whether that lease or purchase should be accepted. We could move for further information before accepting it, so that practically we have absolute control of the action of the government with respect to the purchase or lease of the branch lines.

Rt. Hon. Sir RICHARD CARTWRIGHT—It would be desirable, looking at the very late period of the session, that we should get this matter brought to a conference as soon as possible, and I think the only possible way we can do so is by accepting the motion of the hon. member from Halifax, by which a conference can be had and a compromise arranged.

Hon. Mr. THOMPSON—If we recede from our amendments to this Bill, would we not get it quicker?

Rt. Hon. Sir RICHARD CARTWRIGHT—You would get it settled quicker by a conference than by a long discussion in the Senate.

Hon. Mr. BEIQUE—I am in accord with the advisability of obtaining the information mentioned in the amendment adopted by this honourable House. However, the point taken by the House of Commons may be well founded, and inasmuch as we cannot bind future parliaments, I would suggest to the hon. member, should a conference be held, to change the form of his amendment by making it incumbent on the government railway managing board, when making their recommendation, to furnish the information which is called for in the amendment. That would be much more effective, because if it goes in that form, parliament, next session, or in two or three years hence, might do away with that clause altogether, whereas if my suggestion is adopted, no recommendation can be made unless it is accompanied by the information.

Hon. Mr. ROSS (Middlesex)—The question is very simple. The complaint of the Commons is that we bind a future parliament, which I do not think we can do, not to ratify any legislation unless certain information is provided. If a conference is held, we can simply say that in submitting any such lease for the approval of parliament, a return shall be laid before both Houses at least one month in advance, containing such and such information. That does not restrain parliament from ratifying the lease, but it would give us the information which it is desirable we should have, and I concur in the suggestion of the right hon. leader of the Senate, that the matter be adjusted by a conference. There is no difference as to how it should be done.

Hon. Sir MACKENZIE BOWELL—The conference would come to some arrangement by which the two Houses would agree. The reasons given for rejecting the amendment seem childish. However, it is not necessary to discuss that question. As the leader of the government has accepted the proposition, there is no use of wasting time in discussing it. The suggestion of my hon. friend can be reached by a conference, and the suggestion he makes is a good one.

Hon. Mr. THOMPSON—I should like to have the opinion of the House on my amendment to the amendment.

Hon. Mr. MITCHELL—It has been well expressed, and understood by almost every one who has spoken on this Bill, even the right hon. leader of the House, that before anything can be done in the way of acquiring branch lines of the Intercolonial railway, information must be laid before the House. The Commons have sent us a Bill which we have amended, and they return it to us stating they cannot accept our amendments. We all agree it must come before us again, and to ask for a conference between the two Houses as to whether the government will place information before

this House, is going pretty far in the way of obstructing the legislation which the other House puts through. I should like an expression of opinion from the House as to whether they would like to deal with this question in that way or not.

Hon. Mr. LANDRY—I rise to a point of order. The amendment to the amendment is a negative, and is out of order.

Hon. Mr. THOMPSON—All I ask the House to do is to express a definite opinion as to whether the Senate should insist on this amendment or not.

The House divided on the original amendment which was adopted by the following vote:

CONTENTS:

Honourable Messieurs

Baird,	Forget,
Béique,	Landry,
Boucherville de,	Macdonald (Victoria),
Bowell	McLaren,
(Sir Mackenzie),	McMullen,
Cartwright	Owens,
(Sir Richard),	Power,
Chevrier,	Ross (Halifax),
Derbyshire,	Ross (Middlesex),
Dessaulles,	Roy,
Edwards,	Scott (Sir Richard),
Ellis,	Wilson.—22.

NON-CONTENTS:

Honourable Messieurs

Boyer,	Poirier,
Coffey,	Ratz,
De Veber,	Talbot,
Domville,	Tessier,
Farrell,	Thibaudeau,
Jaffray,	Thompson,
McHugh,	Watson,
McSweeney,	Yeo,
Mitchell,	Young.—18.

Hon. Mr. POWER—I move that under rule 66 a committee of three senators be appointed to prepare reasons for insisting on our amendment. I move that the committee consist of the Hon. Mr. Beique, Hon. Sir Mackenzie Bowell, and the mover.

Hon. Mr. WATSON—After we have just taken an expression of opinion on this matter of conference, I think at least one gentleman who voted on the opposite side ought to be on the committee. It seems to me it is like going with loaded dice to select three men for the conference who have just pronounced themselves in favour of insisting on these amendments. If we are going to have a conference, it would be better to mix up the committee, because some hon. gentlemen have very strong opinions averse to this opinion, as just expressed by their vote, and I certainly would suggest that some hon. gentlemen, who voted the other way, be placed on this committee, for all the wisdom is not locked up in the breasts of those who voted in the majority. I would move that Hon. Mr. Bostock be placed on the committee.

Hon. Mr. POWER—The hon. gentleman is generally pretty astute and clear about things; but in the present instance is entirely astray. My motion was not for hon. gentlemen to go on a committee of conference, but to prepare a reason; and surely the members who voted in the majority are the persons to prepare the reason. When it comes to appointing a committee of conference, then, of course, there will be a representative from the opposition.

Hon. Sir MACKENZIE BOWELL—I would prefer that the hon. gentleman would substitute Senator Lougheed's name for mine, as he is leader of this side of the House, and I am sure he is quite in accord with the majority of the House.

Hon. GENTLEMEN—He is not here.

Hon. Sir MACKENZIE BOWELL—He will be here at six o'clock.

Hon. Mr. WATSON—The matter had better be dealt with right away.

Hon. Sir MACKENIE BOWELL—I have no objection.

The motion was agreed to, and the committee retired to frame the reasons.

Hon. Mr. LANDRY—I suppose that is done with the permission of the House, because no committee can sit while the House is in session.

Hon. Mr. YOUNG—This is not a committee. It is a conference.

INTERNAL ECONOMY AND CONTINGENT ACCOUNTS.

SIXTH REPORT OF COMMITTEE ADOPTED.

Hon. Mr. THOMPSON moved the adoption of the sixth report of the Committee on Internal Economy and Contingent Accounts.

Hon. Mr. LANDRY—Before the motion is adopted, I should like to call attention to the report itself. At page 942 of the Minutes, I find the report, which reads as follows:

> The committee on Internal Economy and Contingent Accounts have the honour to make their fifth report, as follows:
> 1. Your committee recommend that the pay of the sessional messengers of the Senate be made uniform with the pay given to the sessional messengers of the House of Commons, and that this recommendation be made to apply to the pressent session from the 1st day of April.

That is putting it at the beginning of the financial year. A few days ago we adopted a similar report based on the same principle, and the principle which underlies this report, and adopted by the Senate, is that our officers should be placed on the same footing as the corresponding officers in the House of Commons. Will the report place a deputy head or messenger here on the same footing as a messenger in the House of Commons? Why is that? Because in the framing of our classification last year, we forgot an important point. We forgot to comply with the law. In the House of Commons they complied with the law. We took the salaries which our officers received at the time being as the basis of classification, and in doing that, we relied upon article 136 of the Civil Service Act of 1908, which says:

> Except as herein otherwise provided the salary of any person placed in the inside service by or under this Act, or to whom the provisions thereof are made applicable, shall be that which he is then receiving, and the said salary shall be in accordance with the classification.

I call attention of the hon. member to the fact that this clause applies only in the case where there is nothing in the law —except as herein otherwise provided. If there is something in the law that provides for the classification we are bound to take the classification made by the law. Our classification is determined by article 5, of the same Civil Service Act, which says:

> The inside service under the deputy heads, excluding messengers, porters, sorters and packers, etc., shall be divided into three divisions.

That is the law The first division shall be divided into first, subdivision (a). Who are the persons which the law obliges us to put in that division? They are named here: Subdivision (a) consisting of officers having the rank of deputy heads, but not being deputy-heads, administering departments, assistant deputy ministers, and the principal technical and administrative and executive officers. These are the persons who by law are entitled to come in division No. 1, subdivision (a). In our classification, some of these persons were put in that class. But some others, who appear to have salaries lower than those, are put in another class, on account of their salary. I contend that we cannot take the salary as a basis, only when nothing in the law obliges us to take the course that I am pointing out. Subdivision (b) of division 1, consisting of the lesser technical and administrative and executive officers, including chief clerk, now holding office, and not eligible for subdivision (a). By law we are obliged to put in the first division all the persons in the class which the law has just mentioned, and the second division shall consist of certain other clerks having technical, administrative, executive or other duties which are of the same character as, but of less importance and responsibility, than those of the first division. This division shall be divided into two subdivisions (a) and (b). Then comes the third division. The third division shall consist of other clerks in the service whose duties are copying and routine work, under direct supervision, of less importance than that of the second division, and this division is divided into classes (a) and (b). That is clause 5. The clerks are dealt with in clause 6, and what does it say: Clerks now holding the rank of first-class shall be placed in subdivision (a) of the second division. Clerks now holding the rank of senior second class shall be placed in subdivision (b) of the second division. Clerks now holding

the rank of the junior class shall be placed in subdivision (a) of the third division. Clerks now holding the rank of third class, and temporary clerks paid out of civil government contingencies, shall be placed in subdivision (b) of the third division. You will see by these extracts that I have just refererd to that the law provides the place that each employee shall occupy in the classification of our civil servants inside of this House. I contend the Senate has the power to correct any error that has been made in the classification. We are often correcting errors. I think the thing should be done properly. If there are errors in our classification let us correct them according to law. Clause (a) says:

As soon as practicable after coming into force of the Act the head of each department——

In this case it is the Speaker of the Senate.

—shall cause the organization of his department to be determined and defined by order in council——

That is by the Senate.

—due regard being had to the status of each officer and clerk, as the case may be.

So the head of the department, in this case the Speaker of this House, is by law obliged, in order to frame a classification, to have due regard to the status of each officer and clerk as the case may be. The order in council—that is the regulation passed by the Senate, the decision come to by the Senate—shall give the names of the several branches of the department and the number and character of the officers and the duties and details and salaries thereof, &c. Then comes subclause 3; after being so determined and defined, the organization of the department shall not be changed except by order in council.

'By order in council' is determined by clause 45. All the enactments according to the last number, which are given, are governed by clause 45, which says that the Governor in Council means so and so, and the head of the department means so and so, and the deputy head means so and so. So I contend this House has the power to correct any error in the classification that it made last year, and we have only to base ourselves on the law. We have the right to base our classification on salaries when (and in that case only when) the law does not provide for the classification; but where the law says such and such employees you place in such and such a class, it is a law which is paramount, and you cannot do otherwise. I would ask the House, without taking any action immediately to confirm or to accept this declaration as an amendment to the report of the committee, to concur in the report of the committee, and declare that in its opinion the classification made last year of its employees failing to answer the enactment of the Civil Service Act should be corrected so as to make it conform to the law as a general principle. I am giving no names at all for the moment. I think that part of our function should be studied in a more particular way. I want the House to acknowledge the principle that we have a right in this House to correct, and it is our duty to correct, the list, so as to make our classification according to the enactments of the Civil Service Act, which is the law that governs us at the present. I move, seconded by the Hon. Mr. Roy, that the following words be added to the motion that the House concur in the report:

And declares that in its opinion the classification made last year of its employees failing to answer to the enactment of the Civil Service Act should be corrected so as to make it conform to the law.

Hon. Mr. THOMPSON—I do not think the amendment is germane to the subject we are dealing with in the report. I think it is a larger question. The report is merely acting on what has been the disposition of the Senate during the present sitting, the enlargement, somewhat, of the remuneration of the employees of the Senate; and this larger question as to how the Act applies to the Senate, and the classification or reclassification of it, ought to be taken separately if it is a question relating to apportioning. If there is a difference of opinion in respect of our classification, by the head of the department, it is a matter in itself that might be dealt with at the opening of the session, but could not be dealt with in the few

remaining hours of the present session. This fifth report that we have made does not involve any question of classification; it is a matter that has been determined not only by the Senate, but by the Justice Department, that we are dealing with in the report, matters that belong to the committee, for the confirmation of the Senate, and I do not think the hon gentleman ought to press an amendment of this kind. That question should be taken up by itself, and be dealt with by the committee or the House.

Hon. Mr. LANDRY—The principle underlying the report just made is that we should conform ourselves to the classification or salary as given by the House of Commons to the sessional clerks; that is the purport of the report.

Hon. Mr. THOMPSON—But the parties we are dealing with, the messengers, are outside the application of the Civil Service Act.

The amendment was rejected, and the report was adopted.

BRANCH LINES OF THE GOVERNMENT RAILWAYS BILL.

CONFERENCE ON COMMON'S REFUSAL ON SENATE AMENDMENTS.

Hon. Mr. BEIQUE, as chairman of the Committee for Assigning Reasons to the House of Commons for refusing to agree to the amendments made to Bill (No. 17) presented their report.

The report was adopted.

Hon. Mr. THOMPSON—I would ask what is the modus operandi for the conference?

The SPEAKER—Section 66 of the rules provides that the Commons ask for a conference.

WINDING-UP ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (No. 65) An Act to amend the Winding-up Act.

The Bill was read the first time.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of the Bill.

Hon. Mr. LANDRY—What is the meaning of the Bill?

Hon. Sir RICHARD SCOTT—It means the courts in the different provinces that would have the final decision in case of appeals. It is purely formal.

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

INJURIES FROM MOTOR VEHICLES BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (No. 13) An Act to amend the Criminal Code respecting injuries to persons due to motor vehicles.

The Bill was read the first time.

Hon. Sir RICHARD SCOTT moved that the Bill be read the second time at length at the table.

Hon. Sir MACKENZIE BOWELL—This Bill seems to be imposing penalties for injuries done to persons by automobiles. What are the provisions?

Hon. Sir RICHARD SCOTT—It adds a section to the Criminal Code to provide that injuries done to persons through horses being frightened by motor vehicles may be punished by imprisonment for two years. It often happens that when an automobile driver runs down and injures a person, he gets away as quickly as possible so as to conceal his identity.

Hon. Mr. DOMVILLE—That is too drastic. I have not had time to look over this Bill. Of course, injuries will always be done by automobiles, but the causing of such injuries may not always be regarded as a wanton offence. The penalty should not be inflicted unless on very good reason. If the leader of the government insists on the Bill going through, I shall not oppose it, but we want to watch some of this sideshow legislation. I want to know where it is coming from. Possibly the Bill is necessary, but I want to know more about it.

Hon. Sir RICHARD SCOTT—It was the Premier of Canada who suggested that this

Bill and Bill (No. 75) should be put through this session.

Hon. Mr. DOMVILLE—If the Premier of Canada wishes it, they shall go through as far as I am concerned, but I do not know why the Premier of Canada delegates his powers to the ex-leader instead of to the leader of this House.

Hon. Mr. POWER—These Bills are desirable, but it is inadvisable that the Senate should pass them, creating a new offence, without knowing what they are doing. I rise for the purpose of suggesting that the usual parliamentary course be taken—that the Bill be referred to a Committee of the Whole House for consideration.

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

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

On clause 1,

1. Section 285 of the Criminal Code is amended by inserting the words 'motor vehicle, automobile, or other' before the word 'vehicle' in the third line.

Hon. Mr. BOSTOCK—I presume that as the section of the Act will read now, any person who is guilty of furious driving with an automobile will be liable to two years' imprisonment if he does harm to any one. So many accidents have been caused by furious driving of automobiles, and the persons in charge of them have shown so little consideration for those they have injured, that I think the penalty is none too great for cases of the kind. With regard to the other clause, the penalty seems comparatively light.

The clause was agreed to.

On clause 2,

2. The said Code is amended by inserting the following section immediately after section 285:

285a. The owner and driver and person in charge, or owner or driver or person in charge, of any motor vehicle commonly called and known as an automobile, which causes a horse to run away or shy or bolt and thereby occasion bodily injury to any person, is guilty of an indictable offence and liable to two years' imprisonment.

Hon. Sir MACKENZIE BOWELL—It seems to me the clause should go a little further. There are many cases where horses are frightened and injury is done through the furious driving of automobiles and very little attention is paid by the offender to those he has injured. Many cases have occurred where horses have been frightened and vehicles broken and their occupants injured. Perhaps some legal gentleman can tell me whether an action would lie under this clause against the party who caused the damage?

Rt. Hon. Sir RICHARD CARTWRIGHT—This, I understand, would not exempt any driver or proprietor of an automobile from such penalties as they would be now liable to. This is an additional penalty.

Hon. Sir MACKENZIE BOWELL—This makes provision for punishment by fine and imprisonment, which is not now provided for in the criminal law.

Hon. Mr. FORGET—It is only if the person who is driving the automobile does not stop. Recently, in Montreal, an automobile which was driven at a furious rate across the bridge killed a young lady. The driver did not stop, and it was some time afterwards before he was discovered and arrested. Under this clause, the driver must stop, and give his card.

The clause was agreed to.

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

The Bill was read the third time, and passed.

CRIMINAL CODE AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (No. 75) An Act to amend the Criminal Code.

The Bill was read the first time.

Hon. Sir RICHARD SCOTT moved the second reading of the Bill. He said: The object of this Bill is to punish any person who takes a motor car without the consent of the owner and uses it. Many accidents have been caused by the furious driving of persons who have taken automobiles out in this way without the consent of their owners.

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

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

On clause 1,

1. The Criminal Code, chapter 146 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 285a:

258b. Every one who takes or causes to be taken from a garage, stable, stand, or other building or place, any automobile or motor car with intent to operate or drive or use or cause or permit the same to be operated or driven or used without the consent of the owner shall be liable, on summary conviction, to a fine not exceeding fifty dollars and costs or to imprisonment for a term not exceeding thirty days.

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

The Bill was then read a third time, and passed.

GOVERNMENT ANNUITIES ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (No. 212) An Act to amend the Government Annuities Act, 1908.

The Bill was read a first time.

Rt. Hon. Sir RICHARD CARTWRIGHT —I move the second reading. This is purely a formal matter, to correct some trifling clerical error made in the original Bill.

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

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

Rt. Hon. Sir RICHARD CARTWRIGHT —This Bill is rendered necessary by the amendments which were made to the Annuities Act that we passed a few weeks ago. In the House of Commons, this had been struck out. The Minister of Finance informs me that by some error their intention was not carried out.

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

The Bill was then read a third time, and passed.

It being six o'clock, the Speaker lef the Chair.

After Recess.

A PERSONAL EXPLANATION.

Hon. Mr. DANDURAND—Would the House permit me to say a word in reply to the hon. member from Grandville (Hon. Mr. Choquette), who, in my absence, said he was ready to go before the people——

Hon. Mr. CHOQUETTE—I was called to order this morning——

Hon. Mr. DANUDRAND—This morning the hon. gentleman said——

Hon. Sir MACKENZIE BOWELL—I do not think the hon. member should re-open that question. The hon. gentleman (Hon. Mr. Choquette) was ruled out of order and prevented from making his statement.

Hon. Mr. DANDURAND—But did he not make a statement?

Hon. Sir MACKENZIE BOWELL—No, he commenced to make a statement two or three times, but the Speaker ruled him out of order, and very properly, and I suggest he should exercise the same authority now.

Hon. Mr. DAUDURAND—I know it is out of order but——

Hon. Sir MACKENZIE BOWELL—We do not want to know anything about the quarrels between the government and one of its supporters. The hon. gentleman has no right to know what the intention of the government is. If he does know he ought to become a member of the government.

Hon. Mr. DANDURAND—I believe that party lines should not be drawn in this House, but while we have discussed the reform of the Senate, and the lines on which we should proceed in order to make this a very independent and impartial body, I have looked over the systems in every country throughout the world in order to ascertain whether such a body is

to be found. I find that the upper house in all countries, whether elected or nominated, is composed of men who are separated on the same party lines as in the lower house, so that although the ideal is that there shall be no party lines in this Chamber it is an ideal that will never be attained, whether the House is to be elected or appointed. I simply wanted to tell the hon. gentleman that I did not seek him to ask him to run an election. I found he was mentioning my name, and it was because he took my name in vain in my absence, and said he was ready to meet me in my district that I spoke, but he had better remain in his own district——

Hon. Mr. CHOQUETTE—I have no objection to the hon. gentleman speaking, but I want the right to answer. I would hear him with pleasure——

Hon. Sir MACKENZIE BOWELL—I suggest that the hon. gentlemen go out into the lobby and settle the matter there.

ASSOCIATED PRESS ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. DANDURAND moved the second reading of Bill (No. 228) An Act to assist in maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian press.

Hon. Mr. MACDONALD (British Columbia)—Can the hon. gentleman state how the money can be divided? This is a complicated Bill.

Hon. Mr. DANDURAND—It is an old matter. A contract has been entered into with certain parties for the sum of $15,000, and that amount has been paid for some years for a certain cable telegraph service rendered to Canada. This Bill provides for a payment towards that service for a certain number of years, on a sliding scale, and in 1915 it is to terminate.

Hon. Mr. MACDONALD (British Columbia)—To whom is it payable? The cable company or the newspapers?

Hon. Mr. DANDURAND.

Hon. Mr. DANDURAND—To the Associated Press, and the service is open to all Canadian newspapers on the same terms.

The motion was agreed to, and the Bill passed through its final stages.

DRY-DOCKS SUBSIDY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (No. 229) An Act to encourage the construction of dry-docks.

The Bill was read a first and second time.

Rt. Hon. Sir RICHARD CARTWRIGHT—I move that the House resolve itself into Committee of the Whole on the Bill.

Hon. Sir MACKENZIE BOWELL—As the English version of the Bill has not been distributed perhaps the hon. gentleman will explain it fully?

Rt. Hon. Sir RICHARD CARTWRIGHT—Certainly. The object of the measure is to aid and enlarge the subsidies now provided by statutes for the construction of docks. In certain cases, where docks are of the larger size the length of time will be extended to thirty-five years. The rate of interest has also been changed to 3½ per cent and to three in certain cases. Where the docks are of the smaller size, then the time limit is not so long; but it is reduced to 20 or 25 years. It does not materially alter the existing law, except in extending the amount, and extending the length of time. Dry-docks of the larger size will be allowed to go up to the figure of four million. Dry-docks of the second size will go to two and a half million, and dry-docks of the third class not more than one and a half million. There is a distinction made between permanent docks and floating docks. The floating docks do not receive as much as the permanent docks. It is expected that they will be made, in the case of the larger ones, large enough to receive any vessels in the English navy now existing, and probably any vessels likely to be constructed for a long time to come.

Hon. Sir MACKENZIE BOWELL—Do I understand from my right hon. friend that

those docks are to be constructed by the government?

Rt. Hon. Sir RICHARD CARTWRIGHT —No, they are to be constructed by a company on the faith of a subsidy not to exceed such and such an amount, and not to last for more than a certain number of years.

Hon. Mr. LOUGHEED—I was under the impression from a statement made by the Prime Minister in the House of Commons that those docks were to be constructed by the contractor who had the contract for the ships?

Rt. Hon. Sir RICHARD CARTWRIGHT —Not necessarily. They may or may not be.

Hon. Mr. LOUGHEED—They will be a separate undertaking.

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes. It is possible that the same parties will construct the docks, or offer to construct the docks, who will build the ships, but there is no connection between the contracts.

Hon. Sir MACKENZIE BOWELL—But the larger docks are to be built in England, and floated across the Atlantic, and placed in some port in Canada.

Rt. Hon. Sir RICHARD CARTWRIGHT —That can be as may be decided. My hon. friend is referring to the possibility of a large floating dock.

Hon. Sir MACKENZIE BOWELL—Yes.

Rt. Hon. Sir RICHARD CARTWRIGHT —It is not decided whether the permanent or floating dock will be the best, and it might vary considerably according to the locality.

Hon. Sir MACKENZIE BOWELL—The same principle was adopted and carried out in reference to docks of this character that had been floated over to Bermuda some years ago; I understood the same principle was to be followed in the securing of these.

Rt. Hon. Sir RICHARD CARTWRIGHT —Does the hon. gentleman mean that we would prefer floating docks?

Hon. Sir MACKENZIE BOWELL—Yes.

Rt. Hon. Sir RICHARD CARTWRIGHT —As to that I am not able to say. Floating docks might be found to be the most expedient; but it is also possible that a permanent solid dock would be preferred. I think it would depend in a large measure on the place selected, and on the question of tide and so forth. Of course, I know that very large floating docks have been in use, and they have the advantage of being considerably cheaper than the permanent dock, and I dare say will last nearly as long.

Hon. Mr. MACDONALD (B.C.)—Does the Bill contain any provision for the free dockage of government ships, or will that be a matter of contract afterwards? As the government is subsidizing the docks, perhaps provision will be made for free dockage of government ships.

Rt. Hon. Sir RICHARD CARTWRIGHT —They may have a preference; but I do not know that they are made free. The government have the right of deciding on the tariff and the tolls, but I do not think any provision has been made for using the docks free.

Hon. Mr. MACDONALD (B. C.) — That would be a matter of contract afterwards.

Rt. Hon. Sir RICHARD CARTWRIGHT —That would be made as might be.

The motion was agreed to, and the House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

On clause 8 (a),

8. The subsidy payable in respect of dry-docks which have been constructed under this Act shall be—

(a) If of the first-class, a sum not exceeding three and one-half per cent of the cost of the work, as fixed and determined under subsection 2 of this section, each year during a period not exceeding thirty-five years from the time the Governor in Council has determined, under this Act, that the work has been completed.

Hon. Mr. POWER—I feel that this particular clause is one that should not pass without at least some little notice. In the first instance, if my memory is correct,

the government of Canada undertook to pay interest on one-third of the cost of the work for twenty years.

Rt. Hon. Sir RICHARD CARTWRIGHT —Was it not on a fixed sum?

Hon. Mr. POWER—A sum not exceeding so much. It was supposed to be one-third of the cost. That is what it worked out at any rate. There was one dry-dock built under that Act in Halifax. There was a natural desire expressed by gentlemen who were interested in other ports to have further dry-docks constructed. It was found that with the subsidies provided by the existing law it was impossible to secure persons who would be willing to undertake the construction of docks in these other places. As a result of that, the subsidy was increased, the proportion which the government was willing to pay was increased, and the length of time extended. In the first dry-dock, the interest on one-third of the cost was payable for only twenty years. Then the period was increased, but no serious proposition was made to construct other docks. We have this condition of things, that the government propose practically and substantially to build the docks. The first paragraph in clause 8 says that the government shall pay a sum not exceeding three and a half per cent of the cost of the work for a period not exceeding thirty-five years. The money can be got for three and a half per cent, and practically the country will pay for the building of the dock.

Rt. Hon. Sir RICHARD CARTWRIGHT —Not necessarily altogether.

Hon. Mr. POWER—Substantially. It is not limited as in the case of the original dry-dock to any sum.

Hon. Mr. LANDRY—Yes, to $4,000,000,

Hon. Mr. POWER—I do not object to dry-docks being built in any place where business calls for them; but if the government are prepared to pay for the construction of a dry-dock, the result will be you will find dry-docks built in places where the business does not call for them.

Hon. Mr. CHOQUETTE—Build at Quebec. There is business for them there.

Hon. Mr. POWER—If my hon. friend had not been so fast, I was about to say that the amount of shipping passing in and out of the St. Lawrence is so great that business demands would call for the construction of a dock somewhere in the neighbourhood of Quebec. But the difficulty about this enactment is that there is nothing whatever to limit the construction of these dry-docks at the public expense to places where there is no business demand for them. It is a very serious proposition for this House to entertain. We are very often particular about the small amounts paid to our own employees in the Senate. We try to save money in various ways, on stationery and so on, and here is a proposition which may involve the absolute throwing away of millions of dollars, and we are not really supposed to have any opinion about it.

Rt. Hon. Sir RICHARD CARTWRIGHT —I call my hon. friend's attention to subclause 2 of clause 3, by which a responsibility is placed on the government, that they must obtain evidence that the thing is needed in the public interest.

Hon. Mr. LANDRY—Based on the report of the chief engineer.

Hon. Mr. POWER—With respect to that, I can fancy that the chief engineer of the Department of Public Works and the minister would be likely to think that the public interest called for the construction of a dry-dock in a place where no business concern would ever think of locating it. I think this is an exceedingly extravagant and unbusinesslike proceeding, and I simply wish to make my protest.

Hon. Mr. DANDURAND—It seems to me that the hon. gentleman has but a few places in his mind. He would not object to Halifax having a dry-dock.

Hon. Mr. POWER—There is one there already.

Hon. Mr. DANDURAND—Yes, and it needs to be enlarged, and I think the first provisions of the Act are just to meet such a case as Halifax. It seems to me there is enough shipping done, and the importance of that port is perhaps enough, to turn the

scale in favour of a dry-dock at St. John. It is a question for the Governor in Council to decide. Levis, Quebec, although not a first-class port, because of the tonnage that goes there, and its situation needs a dry-dock for the ocean shipping, and the larger ships that will frequent the St. Lawrence and Montreal as well, because of its meeting the ocean navigation with the inland navigation. I do not see any other ports on the Atlantic but those four. There is no question about it that on the Pacific there will need to be a dry-dock, so that I cannot see any other places than four or five in Canada that may need dry-dock facilities.

Hon. Mr. BELCOURT—There would be dry-docks needed on the lakes.

Hon. Mr. DANDURAND—There is one at Collingwood.

Hon. Mr. CHOQUETTE—I must congratulate the government on the introduction of the measure to give the subsidies, and even if they were raising the amount to five million dollars, I would still congratulate them, because we absolutely require dry-docks. I am inclined to think that Quebec is the best place for a dry-dock from every point of view, and I am pretty sure one will be located there. We must have a dry-dock. What has happened at Quebec during the last year shows the necessity of a dry-dock to repair boats which have met with accidents. Not only the people of Quebec, but the whole country will be glad to see this measure become law.

The clause was adopted.

On clause 14,

14. The Governor in Council may at any time direct the redelivery of the said dock to the company.

Hon. Sir MACKENZIE BOWELL—Under what terms will the government hand a dock back to the company?

Rt. Hon. Sir RICHARD CARTWRIGHT—That will be in case they have repaid any sums the government might have been obliged to advance under section 13. If they made default, and the government took possession, and had to pay money, the government would expect to be recouped.

Hon. Sir MACKENZIE BOWELL—In that case, if it had not been operated it might have fallen into disrepair, and a large amount of money would have to be expended by the government in repairing it. Under these circumstances——

Rt. Hon. Sir RICHARD CARTWRIGHT—Under such circumstances, I would say that the government would retain the dock until they were compensated.

Hon. Mr. LANDRY—I call the attention of the Senate to clause 13. In the preceding section, there is no question of a dry-dock. It is any dock. I understand that there are three classes of docks, and that each is divided into two divisions. They are either dry-docks or floating docks.

Hon. Mr. POWER—A floating dock is a dry-dock.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think dry-dock includes all sorts of docks. Definition 2, says dock includes floating dry-docks. That covers the point raised.

Hon. Mr. LANDRY—I understand that the minister shall operate the said dock.

Hon. Mr. CHOQUETTE—I should like to put a question to the right hon. leader about clause 5, which says the plans and specifications and estimates shall be approved by the Governor in Council. Do I understand the site is to be chosen by the company before presenting their plans to be approved of, that the site will be chosen on which the company will have to make their plans?

Hon. Mr. CASGRAIN—Oh, no.

Hon. Mr. CHOQUETTE—Clause 5 says it will be accompanied by an estimate of the cost, including the estimates of the cost of all necessary equipment, machinery, plant and site (provided the company is obliged to pay for the site in cash and does not obtain or has not obtained a site by way of bonus or gift), and such estimates of cost shall be in such detail as shall enable the chief engineer of the Department of Public Works to verify the same for the purposes of the report required to be made by him under section 8

of this Act. Are we to understand that the government will make the plans and ask the company to choose a site?

Hon. Mr. CASGRAIN—The hon. gentleman must remember this is a commercial enterprise to be gone into by companies which will get financial aid from the government. The business itself is an entirely private commercial business. The parties who will erect dry-docks in Canada, either stationary or floating, will erect those docks where they think they will have the best chance of getting business. That is the first principle. After having decided where to erect one, say for example, near the city of Quebec, they would come to the government, and say we propose to erect a dock of such a lifting capacity, or, if a stationary dock, of such cubic contents, and then the government might say to them: 'We are not obliged to make an agreement with everybody.' The government can use its discretion. If every firm in England that build docks were to apply, the government might say we need one in Montreal or Three Rivers or Quebec. And then the promoters of this enterprise would come to the government and say we propose to erect a dock, say at Lévis, and this is the kind of dock we propose to erect.

Hon. Mr. CHOQUETTE—All that has been said is absolutely correct. We all understand that, but it does not answer my question. It seems to me, even according to my hon. friend's statement, that a private company before preparing plans at great cost would have to know where to put the dock.

Hon. Mr. DANDURAND—The company selects the site.

Hon. Mr. CHOQUETTE—I understand that too.

Hon. Mr. DANDURAND—If it pays for the site, then it enters into an estimate of the cost. If the site is a gift from a province or town, it is deducted from the cost on which the subsidy is paid.

Hon. Mr. CHOQUETTE—Do the government prepare the plans before a site is found? If so, and the government should refuse to accept the site, it would put the company in a bad position.

Hon. Mr. CASGRAIN—Many plans have already been submitted to the government for dry-docks. It does not make much difference where floating docks are placed, but after a company decides to erect a dry-dock at a certain place, they would come to the government and say: 'We have a certain site for which we would like to have your approval.'

Hon. Mr. CHOQUETTE—The estimate of the cost might depend very much on the site selected.

Hon. Mr. CASGRAIN—For a floating dock?

Hon. Mr. CHOQUETTE—No, for a stationary dock. It seems to me the first step would be for the company to know where they were going to put the dry-dock, and then prepare the plans. In that case the government would compel them to accept their plans.

Hon. Mr. DANDURAND—I would take it for granted that the first step any company would take would be to interview the government.

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

The Bill was then read the third time, and passed.

CITY OF OTTAWA IMPROVEMENT BILL

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (No. 230) An Act respecting the city of Ottawa.

The Bill was read the first time.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of the Bill.

Hon. Sir MACKENZIE BOWELL—The Bill is not distributed, but it provides an annual grant of $100,000 for making Ottawa the Washington of the North. This amount is to be paid quarterly to the commission, and there is a further contribution of $15,000 to the city of Ottawa for fire protection.

Hon. Mr. LANDRY—I think the hon. member from DeLanaudière (Hon. Mr. Casgrain) should explain the Bill. It was originally $60,000 a year, but it is now $100,000.

Hon. Mr. CASGRAIN—I understand the city of Ottawa has represented that if the government property in the city were taxed the amount of taxes would be larger than this grant. Any one who has driven over the beautiful drives of the Improvement Commission must admit that the money has been well expended. The work has been done most economically. It would be well if all public money were as prudently and carefully expended.

Hon. Mr. LANDRY—How much has been spent by the Improvement Commission up to date?

Hon. Mr. CASGRAIN—A mere trifle, something over a million dollars.

Hon. Sir MACKENZIE BOWELL—Is the commission half through yet with its work?

Hon. Mr. CASGRAIN—Very little remains to complete the boulevard.

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

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

Hon. Mr. LANDRY—Is the expenditure of the $100,000 per annum beginning with 1909?

Hon. Mr. CASGRAIN—The idea was to spend $60,000 a year; but it was found it would take too long to make the improvements in that way, so the appropriation was discounted in order to prosecute the work more rapidly.

Hon. Mr. LANDRY—I thought the first grant to the city of Ottawa was $120,000, but as it was an election time, the amount was reduced to $60,000.

Hon. Mr. BELCOURT—I was in the Commons at the time the Bill was introduced, and had a great deal to do with it at the time. The original Bill introduced in 1898 or 1899 was for $60,000 per year for ten years, but in 1903, in order to enable the Improvement Commission to carry out the works then in contemplation, they were authorized to capitalize the grant of $60,000, and the period of ten years was extended. This Bill provides that the grant shall be $100,000 a year for ten years from 1909.

Hon. Mr. CHOQUETTE—The appropriation is reasonable, taking into consideration the fact that the government do not pay taxes on their property. At the same time, I warn the government that in Quebec there is an immense amount of government property which is untaxed, and I understand the corporation of that city will ask for a grant similar to this, and I hope the government will accede to their request.

Hon. Sir MACKENZIE BOWELL—I may take this opportunity of congratulating the present party in power on their liberality and the progress they are making in spending money. These events revive one's memory. I remember distinctly, and so does my right hon. friend who sits opposite me, when the Conservative government took Major's Hill under their management and relieved the city of Ottawa of the responsibility of keeping that park in order, how we were jolly well abused by the Liberal party in the House of Commons. Although some years ago, they condemned the expenditure of a very small sum of money, they are now prepared to pay millions to beautify the city. I think the finances of Canada have developed sufficiently to justify to a great extent what has been done, but I cannot help contrasting the action of the Reform party of to-day with their conduct of a few years ago, when the attempt was made to put Major's Hill park in passable order.

The clause was adopted.

Hon. Mr. LANDRY—Is this amount provided in clause 17 for fire protection an additional sum to the $40,000?

Hon. Mr. CASGRAIN—Yes.

Hon. Mr. LANDRY—Making $50,000?

Hon. Mr. CASGRAIN—Yes.

Hon. Sir MACKENZIE BOWELL—The sum granted in consideration of fire protection was included in the $60,000 paid under the old Act. This provides for the increasing of that $60,000 grant to $100,000, and $15,000 in addition.

Rt. Hon. Sir RICHARD CARTWRIGHT—I speak from recollection, and the hon. gentleman from Ottawa can correct me, but I rather think that is held as a separate thing.

Hon. Mr. BELCOURT—It was taken into account; but there was no special amount paid for that particular service under the original agreement. It was one of the things urged upon the government in making the original grant, although no special provision was made.

The clause was adopted.

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

The Bill was then read the third time, and passed.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (No. 32) An Act to amend the Government Railways Act.

The Bill was read the first time.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of the Bill.

He said: The object of this Bill is chiefly that if a loss has been sustained for which the government is liable, and it should prove that a considerable or any amount of insurance had existed on the property destroyed, that the claimant would be obliged to account for the insurance, or deduct it from the amount he would recover from the government. Apparently it would prevent the parties being paid twice over.

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

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—This only applies to government railways.

Hon. Sir RICHARD SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Is there a like provision in the Railway Act governing cases of this kind with regard to railways which are not government railways?

Hon. Sir RICHARD SCOTT—No, there is a limitation so far as government railways are concerned, that no larger verdict than $5,000, under any circumstances, shall be obtained, and that if the party sustaining the loss has his property insured, the amount paid him under his policy would be deducted.

Hon. Sir MACKENZIE BOWELL—Is there a similar Act governing the Canadian Pacific railway or any other railway?

Rt. Hon. Sir RICHARD CARTWRIGHT—The government are not responsible at all by statute law.

Hon. Sir RICHARD SCOTT—That would be matter of evidence. The defendant company would go into court and the jury would take that into consideration in awarding a verdict, but there is no statute defining that condition.

Hon. Sir MACKENZIE BOWELL—That is a very good explanation; but if the jury would deduct the amount of insurance that was upon the property destroyed by the Intercolonial railway, why would the same principle not apply to a claim for damages by parties whose property was destroyed by sparks from locomotives of a company railway?

Hon. Sir RICHARD SCOTT—While the statute defines that the government must get credit for the amount of money paid by the insurance company to the claimant, yet in a case against the Canadian Pacific railway or any other railway, if under the General Railway Act, of course the company would give evidence that the plaintiff's property was insured up to a certain sum, and no doubt any intelligent jury would take advantage of that in giving

a verdict and take the sum already received for insurance into consideration.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has repeated three times a presumption that the courts would do a certain thing. Would that not apply to a government railway just as well, and if it would, what reason is there for enacting a law like this as to government property when it does not apply to the property of individuals?

Hon. Sir RICHARD SCOTT—Because the statute limits the compensation for damages to $5,000. It does not limit the amount in the case of the Canadian Pacific railway, or any other railway.

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

Hon. Mr. ELLIS—Does this Bill increase or decrease the amount?

Hon. Mr. POWER—It simply provides that the amount of insurance shall be deducted.

Hon. Sir MACKENZIE BOWELL—Of course the railways are governed by the common law. They do not get the benefit of any insurance, because the party who insures his property pays by way of premium for the insurance he is to receive. Therefore, any insurance on property which will be damaged by the Canadian Pacific railway will not be taken into consideration in fixing the indemnity; but the government, not being liable under the common law, seeks by this Bill to be relieved, to the extent of any insurance which might be taken on the property which might be insured. Did I understand the hon. gentleman to state that no action could be taken against the government for damages that might arise from sparks from a locomotive on the Intercolonial railway unless the party applied for a fiat to go into court? When they go into court the jury make the provision that the amount of insurance upon the property destroyed shall be deducted from the verdict that is given against them.

Hon. Mr. BEIQUE—Yes, exactly.

Hon. Sir MACKENZIE BOWELL—It strikes me that this clause is useless unless there is some reason of this kind. Why it should not apply to the Canadian Pacific railway or other roads not government roads it is difficult to understand, unless, as my hon. friend states, the common law covers them, and if a verdict was rendered against a railway company and the property damaged was insured, then the amount of insurance would be deducted from the verdict for damages.

Hon. Mr. LOUGHEED—I should like to point out this phase of the Bill, which seems to me to be subject to very great abuse, that if a person should suffer a loss greater than $5,000 he might, keeping in view the fact that he could only recover a limited amount from the government, carry a policy of insurance to cover the balance of the loss which he might suffer. Let us assume that he suffered a total loss. He has calculated that he could recover a proportionate amount from the government and his policy of insurance will insure to him the recovery of the balance. Under the Bill he would fail to have that carried out. The government would have the right to come in and say, 'If you had not insured you had the right to recover from the government a certain proportion of the loss which you have suffered, but inasmuch as you placed a policy of insurance upon the property, the Crown is therefore exempt by that amount. Let us assume he suffers ten thousand dollars loss. He insures for five thousand, knowing that he has a right also to recover from the government or Crown for five thousand. Under this Bill the government can say: 'You have insured for five thousand, and consequently you cannot recover anything from the Crown.' That seems to me to be inequitable. It is not the common law as it stands to-day.

Hon. Sir RICHARD SCOTT—That is a concession. We know the subject cannot sue the Crown.

Hon. Mr. LOUGHEED—But the whole trend of legislation in parliament with respect to government railways has been to place the claimant in as favourable a position with reference to accident actions for

negligence, as he would have against private railway corporations, and it seems to me that this clause is manifestly inequitable. It certainly should receive further consideration. I can appreciate the Crown deducting a proportionate amount of damages, that is to say the damages should be reduced by the amount that may be covered by insurance, but not otherwise.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am not prepared to say. The point which the hon. gentleman mentions struck me when I read over the Bill for the first time.

Hon. Mr. LOUGHEED—I do not think it is intended to meet the condition I have spoken of.

Rt. Hon. Sir RICHARD CARTWRIGHT —In the history of the Intercolonial railway there have been a certain number of cases in which, practically speaking, the party who suffered the loss made the Crown pay and the insurance company also.

Hon. Mr LOUGHEED—They could not do it at common law.

Rt. Hon. Sir RICHARD CARTWRIGHT —And there would be a good deal of difficulty on the part of the Crown, without some such provision, to defend themselves. It would not be my hon. friend's desire that the party suffering damage should receive the full amount from the insurance company and from the Crown also.

Hon. Mr. LOUGHEED—No, but almost invariably, in fact one can say that invariably, every insurance policy provides that if the insured should recover damages for the property insured, the insurer shall in turn have the right to recover that amount—at least be placed in the same position as the insured. That is a well known principle of insurance, where damages are recoverable.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am not prepared to argue the case against my hon. friend, other than to remind him of the fact that it is a concession in the right way, that the Crown should be held liable.

Hon. Mr. LOUGHEED—But the claimant, under the old law as we have it on the statute-book, would be entitled to recover from the Crown for damages sustained in such a case as this.

Rt. Hon. Sir RICHARD CARTWRIGHT —These damages are very properly of a highly indirect nature, on the Intercolonial railway particularly.

Hon. Mr. LOUGHEED—Yes, in a case of that kind, the claimant could not recover; that is with modern efficient appliances, and where there has been no negligence.

Hon. Mr. BEIQUE—In that case, he is limited to $5,000 damages as against the Crown.

Hon. Mr. DANDURAND—Did we not last year amend the Act by which the insurance reverted to the railway company which paid the damage?

Hon. Mr. LOUGHEED—Yes, that is the law to-day. We placed that law on the statute-book in 1908, but previous to that I do not think damages could be recovered in a case of this kind. I think the intention of the Crown is to be subrogated to the position practically occupied by the claimant, that is if the claimant's loss was satisfied with insurance therefor, he could not recover from the Crown. But assuming that the insurance only paid half the claim he should be entitled to recover from the Crown, surely he should be paid that half.

Hon. Mr. DANDURAND—I think the Act provides that if the claimant receives a certain amount of the damage, in the way of insurance, he recovers the difference from the Crown.

Hon. Mr. LOUGHEED—I am referring to a case where the insurance is in excess of $5,000. Let us assume that the insurance is $5,000, and that the loss is $10,000: surely the Crown will not take advantage of that portion which was not recovered. If he suffers a loss of $5,000 and is insured for $4,000, the government should be entitled to have the advantage of the $4,000 insurance, and only pay $1,000; but where

the loss exceeds $5,000 the claimant should be paid as long as the payment does not exceed $5,000.

Hon. Mr. BOSTOCK from the Committee, reported the Bill without amendment.

BOUNTIES ON IRON AND STEEL BILL. FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (No. 231) An Act respecting bounties on iron and steel made in Canada.

The Bill was read the first time.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of the Bill. He said: This Bill abolishes the bounty on the larger proportion and fixes a limit, which at present does not exist, to the bounty on wire rods. That is the sole purport of the Bill. At present no limitation exists: it might go on forever for all our statute says; but it is limited now to the 30th day of June, 1911. In the other case, the bounties will be abolished altogether.

Hon. Mr. McSWEENEY—When?

Rt. Hon. Sir RICHARD CARTWRIGHT —I think on the 1st of January next.

The motion was agreed to, and the Bill passed through its final stages.

THE DEPARTURE OF HIS EXCELLENCY THE GOVERNOR GENERAL.

MOTION.

The following message was received from the House of Commons:—

To His Excellency the Right Honourable Sir Albert Henry George, Earl Grey, Viscount Howick, Baron Grey of Howick, in the County of Northumberland, in the Peerage of the United Kingdom, One of His Majesty's Honourable Privy Council, and a Baronet; Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Grand Cross of the Royal Victorian Order, &c., &c., Governor General and Commander-in-Chief of the Dominion of Canada.

May it please Your Excellency:

We, His Majesty's dutiful and loyal subjects the Commons of Canada in parliament assembled, beg leave to convey to Your Excellency an expression of the general feeling of regret with which all classes in this country have learned that your official connection with Canada is soon to cease.

It must be a source of gratification to Your Excellency, on your retirement from the high office of Governor General, to realize that the period of your administration has been characterized by general and increasing prosperity in every portion of the Dominion.

The zeal with which Your Excellency has sought, by personal observation, to gain an intimate knowledge of the character, possibilities and requirements of every section of the country, has been highly appreciated by the people of Canada.

The special interest which Your Excellency has taken in everything calculated to foster a high sense of public duty and responsibility, to stimulate intellectual development and to advance science and art, will long be gratefully remembered; while the success of your endeavours in cultivating the growth of a Canadian spirit has strengthened us in the belief that the full development of our national life is compatible with the closest and most loyal connection with the empire. The National Park established at Quebec on the Plains of Abraham will remain as an enduring monument to Your Excellency's wise and enlightened efforts to this end.

We beg that Your Excellency will express to the King our loyal attachment to His Majesty's Throne and Person, and our united resolve to accomplish our part in the maintenance and upbuilding of His Majesty's empire.

In saying farewell to Your Excellency and family, we cannot refrain from expressing our appreciation of the important and gracious part taken by Her Excellency the Countess Grey in the success which has marked the discharge of your high responsibilities and labours; the helpful, generous and sympathetic co-operation afforded by Her Excellency and by your daughters, Lady Sybil and Lady Evelyn, in the performance of our public and social duties has won for them an enduring place in the affection and respect of the Canadian people.

In conclusion, we beg to assure Your Excellency that you will always have our warmest wishes for the future hapiness of yourself and family.

Rt. Hon. Sir RICHARD CARTWRIGHT —The duty which falls to my lot to-night is partly pleasant and partly painful. It is a pleasure to me to join in the well-earned congratulations which the House of Commons are extending to His Excellency in respect to the manner in which he has discharged the duties of his high office during the period that he has been Governor General of Canada; and it is also with a source of regret to me, as I am sure it will be to all members in this Chamber and elsewhere, that we are obliged to bid farewell to one who has so well filled the duties of that important office as Lord Grey has done. Certainly, in Canada, we cannot complain that, whatever the British government may or may not have done, they have not failed to send us men of the most distinguished

position amongst the British aristocracy. We have had an Argyle, a Derby, a Lansdowne, an Aberdeen and a Grey among our Governors General, and I am bound to say, and I think every one will agree, that Lord Grey has shown himself a worthy representative of the great statesman whose descendant he is. More than that, I believe that no man has ever been a Governor General in Canada who has been more anxious, as far as lay in his power, to promote the interests of the whole Dominion, and who has taken more pains than he has done to make himself acquainted thoroughly with every portion of this wide Dominion of ours. I doubt if there are half a dozen men in Canada who have explored Canada as it now stands so thoroughly as Lord Grey has done. In his personal relations also, I feel sure that I will be voicing the opinion of the Chamber when I say that he has been distinguished during the whole term of his incumbency in office by a genial courtesy and an earnest desire to obtain information on all points of interest in this Dominion, and I am certain that when he returns to England we shall have in his person a warm and a powerful advocate of all matters which we may desire to bring to the notice of the imperial parliament. I may say also, as this address indicates, that in all this Lord Grey has been admirably seconded by his accomplished wife and charming daughters. They have made everybody who had the honour of the entree of Government House thoroughly at home, and they have shown themselves in all respects desirous of extending the courtesies of Government House as widely as possible, and have been the means of making us acquainted in Canada with a great many distinguished visitors whom they have entertained from time to time. In all respects, therefore, I think that we may most justly congratulate Lord Grey on the way in which he has discharged his duties, and I trust that in other spheres of activity he will be equally successful, as I am sure he will be if the occasion presents itself, when serving the empire, of which for many years he has been a very distinguished public servant. I have the honour, seconded by my hon. friend the leader of the opposition, to move that we join in the address presented to this House which I understand is being adopted by the House of Commons, to Lord and Lady Grey and their daughters. I move that it be taken into consideration now, and that the Senate agree with the House of Commons in the joint address to the Governor General, by filling up the blank space left therein with the words 'Senate and.'

Hon. Mr. LOUGHEED—I regret that I have been unexpectedly called upon to give expression on the address which has just been read. Had I known this duty would have devolved upon me, I should have endeavoured to give more adequate expression than I now can in further contributing to the admirable sentiments to which we have listened. I concur in all that has been said with reference to His Excellency the Governor General. Canada has been extremely fortunate during the last five years in having His Excellency represent the Crown in this country, and I am sure the people of Canada join in the regrets which have been expressed in both Houses with reference to his early departure from the Dominion. We have been extremely fortunate in the official connection of His Excellency the Governor General with the Dominion, and the very close manner in which he has identified himself with Canadian life. I am not familiar with any public man possessed of such a high sense of public duty as that which has characterized the administration of His Excellency in Canada. I know of no phase of our national life with which he has not identified himself most sympathetically and actively. He has inculcated among our people a patriotic spirit which I am sure will go far to strengthen the ties of the empire between Canada and the motherland. His interest in Canadian affairs has been evinced by his visits and personal observation, in almost every part of the Dominion. I venture to say that there are very few Canadians throughout the Dominion with the same intimate knowledge of the various districts of Canada, their resources, their importance and their characteristics as that possessed by His Excellency. Every Canadian must be surprised at the intimate knowledge shown by His Excellency of every part of Canada. This likewise extends to all our social questions, our benevolent, and philanthropic institutions, and even our

public amusements. In all these he has been almost an active participant. It will certainly be a very great advantage to Canada that upon His Excellency's return to England he will be able to speak with authority upon the vast resources of Canada, and the possibilities of Canada's future. We certainly have in our Governors General who have gone back from Canada to England, men of position, who have contributed in a marked degree towards assisting Canada in its march of progress and development, and I am satisfied that in His Excellency the present Governor General, we shall have one of the warmest champions of Canada's possibilities in the motherland. I also concur in the sentiments which have been expressed by my right hon. friend with reference to the co-operation and sympathy of Her Excellency and her daughters in the social life of Canada, and in all those spheres of influence which they have so adorned. We have appreciated their presence among us, and upon the departure of His Excellency and his family I am sure that the people of Canada will cherish pleasant memories for many years to come of His Excellency's tenure of office while representing the Crown in this part of His Majesty's dominions.

Hon. Mr. DANDURAND—It is perhaps fitting that a voice should be raised from the province of Quebec to state that the feeling of the French Canadians is most warm for His Excellency and Her Excellency. Ever since this vice-regal couple have been in our midst we have felt that a large measure of sympathy was extended by them towards the French-speaking subjects of the King in Canada. His Excellency has been most pronounced in his desire and in his efforts to bring the two races together, to develop a greater knowledge on the part of one race for the other, and to bring them more in contact socially and otherwise. He has felt that the French Canadians were setting an example which perhaps should be followed by the majority, in speaking, to the best of their ability, the language of the majority, and he has done his best to develop a taste and a desire in the more cultured part of the English-speaking population for a knowledge of the French language. He has, with Her Excellency, helped to found clubs wherein the two races should meet together socially for the benefit of both and for the best advantage of Canada. He has throughout the land tried to disseminate a better knowledge among the English-speaking race of the French history of Canada. He has done his best to bring into relief the heroes and heroines of the history of Canada from the foundation of this colony up to the cession of 1763, and we all remember how enthusiastic he was in disseminating knowledge of those who have done something for the development of Canada under the French regime. All this effort has not been in vain, and the French population of Canada will long remember the good work Their Excellencies have done towards bringing the two races in closer contact. It has been well said by the right hon. gentleman who leads this House, and the leader of the opposition, that His Excellency has interested himself in all that was of interest to Canada and Canadians. He endeavoured always to bring what knowledge he possessed to forwarding all modern ideas towards the proper development and embellishment of cities, and on the last visit he made to Montreal he busied himself in promoting a movement which had for its object the securing of land around the city of Montreal in order that the city might prepare itself for its high destiny. He proposed that the city, or some other organization, should secure land all around Montreal, in order that there should be retained for the future some adequate space for the founding of homes for the labouring population so as to avoid the dangers of the slums, which exist in large cities such as London and New York, and I know that he interviewed the authorities in Montreal to induce them to prepare a plan of the island, on a large scale, by which the labouring population would in the future have the advantage of better lodgings, on lines similar to those followed in and around the city of London. This is one illustration among a thousand of the interest which His Excellency took in all that affected the welfare of Canada, and of the present and of its future generations. I join with very great pleasure in the eulogies uttered by the leaders of the

Senate regarding Their Excellencies Lord and Lady Grey, and Lady Sybil and Lady Evelyn.

Hon. Mr. ROSS (Middlesex)—As a private member of the Senate, I may be permitted to say a word to accentuate what has been said so well by the right hon. leader of the House, the hon. leader of the opposition and the hon. member from Delormier. I have had the honour, although a comparatively young man, to have been personally acquainted with all the Governors General of Canada, with the exception of Lord Lisgar. I remember when I first entered parliament we had the honour, shall I call it the pleasure, of the presence of the Earl of Dufferin, who had then entered practically upon the beginning of his diplomatic career, and every successor of his down to the present Governor General seemed to be equally anxious, not only to adorn the position which they filled, but to be of service to the country they served. I often felt in conversation with these distinguished representatives of His Majesty that to a young country like Canada, undeveloped, the attitude of a Governor General was most important in many respects. In the first place, to a certain extent—for we have not all of us visited the old land and associated with statesmen who have made history for England and guided our destinies—many of us have formed opinions of British institutions and British statesmen, and more particularly of the aristocracy of England from the character of the men sent to represent the Crown in this country. As a Canadian, I think it is most important that we should have a due appreciation of the various elements that constitute the British nation. It is not enough that we should know a nation historically or that we should be acquainted with the development of her constitutional law; we should also have an idea of the part the aristocracy of Great Britain has played in the maintenance of its status as a nation and fulfilling the high duties which, from their education and training, they are best qualified to fill. Judging, by that alone, those who have been sent in a representative capacity to this country, there can be but one opinion among the people of Canada, that there are statesmen still in England, that the old blood of the men of days gone by who stood by British institutions and devoted the very best social, and personal influences to the development of the British nation, still survives in the presence of those whom we have the honour of seeing from time to time. The personal equation, and it is a most important one in the case of every Governor General during my experience, has been most gratifying to me as a Canadian, and has been so I think to every Canadian who came in contact with them, and to us as a young people that personal equation is a most important one because it is most difficult, I find in my own case personally, sometimes for us to place ourselves in our relation to the Governor General in a position which will enable us to see him at his best and which will enable him to see us at our best. Earl Grey has lent himself in those kindly, sociable affable relations to the people of Canada which have enabled us fully to appreciate him as a man and to regard him not only with respect but with affection as a Governor General. I emphasize that feature of his character, although in that respect he has only walked to a large extent in the footsteps of his predecessors, and he has shown that with a dignity of honour and respect which belongs to his position he has the same human qualities as other men and can take you by the hand with the same cordiality and kindness as one to the manner born. Another feature which happily has characterized all our Governors General, for I shall make no immediate distinction, is the anxiety and earnestness and zeal with which each and all of them endeavour to make themselves acquainted with the people they serve, or, shall I say with the people they govern, although I prefer the word 'serve,' for any man who is not willing to serve is incapable of governing well. Earl Grey, early in his history, even before he was Governor General, tried to make the acquaintance of the people of Canada, and tried to know the characteristics of the people and tried to forestall the future by making himself acquaint-

ed with the aspirations of the people. Any Governor General who can serve Canada well must do this. He not only impressed himself upon the people of Canada, which is a good thing, but he also enabled the people of Canada to impress themselves upon him, and while he, to a certain extent, reflects the qualities which he possesses, when he leaves us, I think he will reflect the qualities which we impressed upon him. He came to us as a Briton, the descendant of a distinguished statesman, and leaves us as much a Canadian as if born within the confines of the Dominion of Canada, and wherever he goes, to the last day, I think he can never forget the people who gave the respect which these people showed towards him, nor can he forget the great future which we have impressed upon him as the future which is in store for us. The hon. gentleman from Delorimier referred to one very interesting, and to my mind very gratifying feature of his career, and that was the close manner in which he identified himself with the best life of our people. There are spheres of usefulness, as Salisbury said in regard to the spheres of influence. There are other spheres. He seems to have chosen for himself those spheres which were, no doubt, genial to his own character, but which were beneficial to Canada. In the first place, he endeavoured to give us a higher idea of the value of human life by a close study of sanitary matters and by his attention and desire to develop hospital protection and relief for the people of Canada. The humane side of his career is one we cannot forget, and Her Excellency was also solicitous for our welfare in that regard. He also identified himself with the intellectual life of this country. There is not a university in Canada which has not been enlightened by his presence, and of the ten or fifteen thousand students, there are few who have not heard his voice. In that way, he has injected himself and the better qualities of his position into the young life of Canada, and if we are rising to a higher plane, as I think we are, we owe something to him and to his predecessors for inspiring us with higher ideals of character and with models of intellectual efficiency and literary pursuits, which is most important in a young country like this. We had his direct efforts to establish aids for dramatic life, to cleanse the theatres from impurities which I think sometimes find their way there, to give us higher ideals as to those who, on the stage, play such an important part in inspiring us with the standard of excellency in drama and music which will exercise an important influence upon this department of human interest and human recreation. He has also identified himself, as the hon. gentleman from Delorimier said, with the Canadian clubs and with all those influences which go to cutlivate a patriotic spirit. We cannot understand a Governor General that is not patriotic, and I do not know that we can appreciate to the full value the extent to which Earl Grey and some of his predecessors with him have enthused into us a higher degree of patriotism for our own land, and a higher degree of attachment to the land which he represented to a certain extent. These are qualities which we should not forget. My hon. friend referred to the endeavour which His Excellency made to establish cordial relations between the two dominant races in Canada. I sometimes dislike to speak of two races I do not know whether we are two races or not. We have become so thoroughly united now and entirely fused the one into the other, that I sometimes think it is but one race, and that Canadian; but assuming for the moment that there are two races—there may have been two when His Excellency came, but I think there is but one or practically only one when His Excellency leaves. Of all the individual efforts which His Excellency has made to unite these two races and to have them enthused, the tercentenary of Quebec stands out as one of the great efforts in his career. Just notice for a moment what it implied. It implied that all Canada should remember that this country was founded by a Frenchman, Champlain, and that under the long career of the French regime there were being built up industries here and an interest in this country which perhaps at that time could not be cultivated in any other way, and we came to that climax in our history, the taking of Quebec in 1859, the transfer from the French regime to the British form of government, or the transfer in which the better

elements of the two races united, from that day till now to develop out of that union this great Dominion to which we belong. He had brought also to that great event the representatives of all the nations of the world. His Royal Highness the Prince of Wales came to tell Britain and her colonies that there was somewhere, if they would only look on the map over on this continent of America, a young Dominion that might be honoured by having as its governor the heir apparent to the throne. He brought Old France there with her traditions and her romance in Canada, to remind her that once this land was hers, and although it had passed from her possession it was still a glorious land, perhaps as prosperous as it would have been under her administration. He brought the warships of the United States to tell them that at the back of Canada and at the back of these nations of the world there was France and Germany and others prepared to do honour to the new scion of the British nation, showing the United States that we were appreciated by these nations. That was to Canada a great boon, and gave us a status we would not otherwise have, and then the scenes of that great event, spectacular though they were, brought before us and those who were present, the history of Canada for three hundred years, in a way that this event shall not be forgotten.

I am sure His Excellency will not forget it, and no Canadian will forget it as long as he lives. Another word on the efforts of His Excellency has made to maintain cordial relations between Canada and the United States. We have no quarrel with them, and are not concerned particularly with their attitude towards us, and yet the example of British statesmen and British diplomacy and the example of His Majesty the King means that in a conciliatory spirit lies the greatest effort of a nation. Conciliation on his part as far as it went has done a great deal to sweeten the pleasant relations between Canada and that country. Our hope is—speaking for myself and those on the back benches of the Senate—that when he returns to England he will return as his predecessor did, impressed with the importance of this new Dominion. We will have in him an able representative and an advocate at the seat of the Throne, and an advocate in the House of Lords, which he will, no doubt, enter upon his return, and like the Duke of Argyll, Lord Dufferin and Lord Lansdowne and his predecessor, he will be able to tell the people that they need have no fear for the loyalty of Canada or for the sturdy sons that left the old country years ago, who will build up on the western continent a country equal in wealth and perhaps greater in prosperity than the land they left, and perhaps the centre of the empire will not be the bank of the Thames as laid by the Romans two thousand years ago, but that the centre of the empire may gravitate to this side of the Atlantic.

Hon. Mr. ROSS (Mlddlesex).

The motion was agreed to.

The Senate adjourned until 10.30 tomorrow.

THE SENATE.

WEDNESDAY, May 4, 1910.

The SPEAKER took the Chair at 10.30 a.m.

Prayers and routine proceedings.

COST OF MILITARY FORTS AT BEAUMONT.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. How much have the works of construction of the military forts situated at Beaumont, near Quebec, cost up to this date?
2. Are the works in question finished?
3. If not, at how much is their completion valued?
4. What is the number of men actually employed on these works?
5. How much did the armament of these forts cost?
6. Are there any guardians appointed for the care of these forts?
7. Who are they and their annual salary?

Rt. Hon. Sir RICHARD CARTWRIGHT —I am prepared to answer these questions; but I do not know whether my hon. friend will regard the answer as satisfactory.

Hon. Mr. DANDURAND—I think it is a memorable day when the departments are ahead of the desires of my hon. friend.

Rt. Hon. Sir RICHARD CARTWRIGHT—With reference to this inquiry, the information asked for is confidential, and it would not be in the public interest to make it public. The hon. Mr. Landry will be given access to the information if he can make it convenient to call at the department.

Hon. Mr. LANDRY—I will not wait over a day for that.

Rt. Hon. Sir RICHARD CARTWRIGHT—They will regard the communications of my hon. friend as confidential.

Hon. Mr. LANDRY—I might call on the department during the recess.

COMPLAINTS AGAINST IMMIGRANT RESTAURANT KEEPER AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Has the government actually in its employment or does it permit Jacques Dery, the restaurant keeper, to have in his employment, as a superintendent in the dining room, a woman by the name of Poitras?

Does the government know that this woman, according to the report of its officer, Mr. Blair, has been accused, among other things, of insulting immigrants and of conducting herself towards them in an uncivil manner?

Has this woman, as a result of these accusations and of an inquiry held into them, not been forced to abandon her position, upon the recommendation of the Immigration Department and upon the positive order of the former immigrant agent at Quebec?

If she is actually in the employment of the government, is it with the authorization of the present agent and to the knowledge of the department?

Rt. Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follows:

1. Madame Poitras is an employee of Mr. Dery; not of the government.

2. In one particular instance, some four years ago, she was so accused. There has been no other or subsequent complaint of her conduct.

3. No.

4. See answer to 1.

Hon. Mr. LANDRY—Then there is the question about the authorization.

Rt. Hon. Sir RICHARD CARTWRIGHT—The Department of Railways and Canals advise me that this would be extremely voluminous if answered as a question. They would be quite ready to give the information if it were asked for as a return.

Hon. Mr. LANDRY—Then I put it in the form of a return, with the understanding that as soon as it is ready it will be given. I know that they will not hasten too much.

Hon. Mr. YOUNG—With the leave of the House change it to a return.

Rt. Hon. Sir RICHARD CARTWRIGHT—I have no objection.

The motion was agreed to accordingly.

CONTRACTS BETWEEN GOVERNMENT AND SHOE MANUFACTURING COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired:

What is the date of the contract signed by the government and Mr. Ernest Caron or the Shoe Manufacturing Company which occupies the former properties of the firm of Carrier & Lainé, of Levis?

For how many years has this property been leased?

At what yearly price?

Is the yearly price the same for the whole duration of the contract?

If not, in what is it variable and what is the variation?

Rt. Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follows:

1. Signed 23rd April, 1909.

2. Thirty years, to be computed from May 1st, 1909.

3, 4 and 5. $4,000 for the first ten years and $6,000 for the balance of the lease.

I think that closes our account for the present.

Hon. Mr. LANDRY—There are a few more little matters, but I will write.

GOVERNMENT RAILWAYS BRANCH LINES BILL.

MOTION.

A message was received from the House of Commons requesting a conference to consider Bill (No. 17) An Act to authorize the government of Canada to acquire by lease lines of railway connecting with the government railways.

Rt. Hon. Sir RICHARD CARTWRIGHT moved that the Hon. Messrs. Béique, Watson and Power be appointed to represent the Senate at the conference, and that word be sent to the Commons that they are prepared to meet them.

Hon. Mr. POWER—The rule laid down in the books is that the gentlemen who are appointed to conduct the conference should be in sympathy with the view of the majority in the House. That would shut out the hon. gentleman from Portage la Prairie.

The name of Hon. Mr. Dandurand was substituted for that of Hon. Mr. Watson, and the motion was agreed to.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL.

THIRD READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 232) An Act to amend the Government Railways Act.

Hon. Mr. BEIQUE—This order was postponed until this morning, on account of the objection that was raised by the hon. leader of the opposition, as to whether, under the wording of this Bill, parties claiming damages against the government would be adequately protected. On reading the wording of the Bill more closely, it will be found that the Bill does meet the case mentioned by the hon. leader of the opposition. If there is, for instance, a loss of ten thousand dollars, and there is an insurance for five thousand dollars, ten thousand dollars being the amount of the total loss will be reduced to the extent of five thousand dollars, and there will remain a claim of five thousand dollars which the claimant can recover against the government. I was not in the House yesterday when the other Bill passed, but I understand that a like amendment was made to the Railway Act, in order to cover exactly the same point.

Hon. Mr. LOUGHEED—I must say, without desiring to prolong the discussion, that notwithstanding the lucid explanation of the hon. gentleman from De Salaberry, I am yet of the same opinion.

Hon. Mr. DANDURAND—If the hon. gentleman will read the Act closely, he will find that the deduction is made against the amount claimed and not against the amount allowed, so that the amount allowed remains at five thousand dollars without any impairment.

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

INCORPORATION OF RAILWAY COMPANIES BILL.

ORDER DISCHARGED.

The order of the day being called:

Resuming the adjourned debate on the motion for the second reading (Bill D) an Act to provide for the incorporation of Railway Companies.—(Hon. Mr. Davis).

Hon. Mr. POWER—I think I am to a certain extent responsible for this measure being still on the orders of the day. I had it kept alive for my hon. friend from Prince Albert, and I now move that the order be discharged.

Hon. Mr. CASGRAIN—Although I am not exactly in sympathy with the measure as introduced by the hon. gentleman, some years ago I introduced in this House a Bill somewhat on the same lines, except that the Bill that I brought in was more explicit. It required people applying for railway charters to furnish plans and profiles. I remember that the present leader of the opposition changed the title of the Bill anl styled it a Bill to provide employment for the unemployed land surveyors and engineers. I really think that next session the government ought to amend the Railway Act in order to make it more in accordance with the Railway Acts of other countries. Our system is absolutely wrong. We should do either one thing or the other. Either let every

one build railways according to the general law——

Hon. Mr. POWER—Is the hon. gentleman opposing the discharging of the order of the day?

Hon. Mr. CASGRAIN—No, but I am in order. I think our system is absolutely wrong. No doubt, many of these charters are obtained from parliament for the purpose of preventing other promoters from actually building the lines. I feel very strongly on the subject. There is no doubt that many companies and many promoters come here for this very purpose. I have been in the Senate for many years, and I know that the same people are constantly applying for charters with a view to speculating in them. They are nothing else but charter mongers. Parliament should put a stop to the practice by changing the law so that, as in the state of New York, simply by filing plans and profiles in the office, the Commissioner of Public Works would allow a company to be incorporated, and go on and build. When they have that authority, they have powers of expropriation according to the General Railway Act, the same as other companies. If parliament will persist in giving these people charters, they should exact something in return, that they shall file plans or go to some expense before getting their charter. I am sure it would not be too much to ask, supposing an engineer was asked for a report saying that he simply walked over the route and knew it was feasible to build a railway there; but, as we know, there is nothing surer than the fact that people apply for these charters—for instance, if there is a large railway like the Canadian Pacific going in one direction, there are any number of charter mongers trying to get branch lines, and then they go and obtain subsidies on the branch lines from the local and federal governments, and, after they have obtained the subsidies they will say, 'We have had land subsidies, and we have had government guarantees granted to us.' Now, what will this big company do? We know how many times the Canadian Pacific railway have actually had to pay the charter mongers, not only for their charter, but also for the privilege to act, and for handing over to the Canadian Pacific railway the subsidies they had obtained just because they happened to be friends of the government at the time. All this can be remedied by having the Railway Act amended so that anybody could build a railway, provided he complies with certain regulations, the same as with letters patent, or that, before you grant a charter, which practically gives a monopoly to certain companies to build over certain territory, they supply the parliament with plans and a profile and a report, and let them demonstrate, as is required in England, that some financial concern will come and say that the promoters are, so far as they know, able to carry out their undertaking.

Hon. Mr. WATSON—I am inclined to think that, if we followed the precedents laid down last night in passing a Bill, it would not be necessary even to apply for a charter for a railway because we had a Bill last night with respect to incorporating railway companies, and it was worked in as a government measure. So far as charter mongers are concerned, I think that the method which has been adopted for the last few years in both Houses, of giving charters to practically everybody who applies for them, has done away with the value of the charters, and, in fact, I am inclined to think it is because charters have become valueless that we have this legislation suggested at the present time.

Hon. Mr. BOYER—How would it do to apply prohibition to charters, and, instead of making the fee $200 for a charter make it $500? Everything is expensive in our days, including ink and paper, and, if we raise the fee to $500, or $1,000, that would remedy the evil.

Hon. Mr. BEIQUE—A good deal has been said about charter mongers, but we must bear in mind that we are living in a new country, and, if it had not been for what the hon. gentleman describes as charter mongers, many of our railways would not have been constructed. It was through the efforts of charter mongers that many schemes were placed before capitalists for

a number of years, and they were ultimately taken up by responsible people, and the lines were constructed. A time may come when the government of this country will not vote subsidies to railways, and we may adopt the system which obtains in some other countries, but I do not think we have reached that time, and, if the suggestion were adopted now, it would open the door much wider to charter mongers than the present system does, because then we would see numbers of parties filing their papers, and securing prior rights, which they cannot do under the present system.

Hon. Sir MACKENZIE BOWELL—It would be highly interesting to this House and country if the hon. gentleman would point out how many independent roads there are in existence to-day, even in the older provinces, and particularly in the western provinces. I venture the statement that there is not one in Manitoba, Saskatchewan, or Alberta. Charters have been obtained in the way mentioned by the hon. gentleman who spoke first, and they have naturally, by purchase or otherwise, fallen into the possession of the Canadian Pacific railway, the Canadian Northern railway, and shortly will fall into the possession of the Grand Trunk Pacific. The parties come here, and obtain subsidies in the manner that has been described, and, when they get subsidies and land grants, they sell them to some of the larger corporations, and they are all absorbed. If this system did not prevail, there is no question that the larger corporations would initiate the construction of these branch lines. We have illustrations of that. The Canadian Pacific railway of late have obtained power to construct branch lines through the Northwest. The Grand Trunk Pacific have obtained authority from parliament for the construction of about one dozen branches, and have received aid from the local government, or this government, or in the shape of guarantees of interest on the bonds floated, to enable them to construct these lines. Before that was done they did not get possession of these subsidies until they had been levied upon for a certain amount of money in order to secure the charters. The sooner that is put an end to the better for the country. We have had this year nearly twenty renewals of charters by men who have never taken the first step towards constructing the chartered lines, and unfortunately, the government are renewing subsidies to such lines to an amount between ten and twenty million dollars, ostensibly to assist in the construction of these roads. Now, just as soon as some of these charter mongers can dispose of their charters to the great corporations, the lines will be built, but not before.

Hon. Mr. BEIQUE—No doubt most of those railways are ultimately absorbed by trunk lines, but I could name a number of subsidiary lines which have been absorbed by the Canadian Pacific railway or the Canadian Northern railway, which never would have been built if the charters had not been granted as they were. Take one of the lines, the St. Gabriel de Brandon, running from Joliet to St. Felix de Valois, which is serving an important section of the country; I say without hesitation that that road would never have been built if it had not been initiated by men who are designated as charter mongers. Take the St. Maurice River Valley railway, which has been absorbed by the Canadian Pacific railway. In that case the trunk line did not take the initiative. Other parties originated the project, and pressed it upon the Canadian Pacific railway company, until that railway company consented to take up the enterprise. Dozens and hundreds of cases of the kind might be cited in various parts of the country.

The motion was agreed to.

THE IMMIGRATION BUREAU AT QUEBEC.

MOTION.

Hon. Mr. LANDRY moved:

That in the opinion of the Senate the interests of immigration demand a reform in the organization and administration of the immigration officers.

He said: In making this motion I just wish to call the attention of the House to

some facts which have not been sufficiently brought before the Senate during the present session, in relation to the immigration office at Quebec, now managed by the agent, Joseph Lavoie. He was called to that office as assistant agent on the 1st April, 1907. A position was created for him at the time at Quebec. Mr. Lavoie had lived some time in Quebec and had met with failure in running a patent medicine company which he organized, bringing ruin on many. He went to the United States and was naturalized there and was, at the time of his appointment to the office in Quebec, a citizen of the United States. He was brought to Quebec by one of his friends, Mr. Parent, who secured him a position in the immigration office at Quebec, through his influence with the government. The following year the chief agent was compelled to resign, and, naturally Mr. Lavoie being on hand, took his place and became chief agent of the immigration office at Quebec. That was on the 15th April, 1908. On the 1st April, 1909, he got a slight increase in salary, and it is now about $2,000. I do not complain of the gentleman personally; it does not matter to me who is there, but what I do complain of is the treatment which immigrants receive at his hands. A number of complaints have been made against him, but the department does not take these complaints into consideration. They are either turned down or laughed at in the most disgraceful way. I have here a complaint sent to Mr. W. D. Scott, Superintendent of Immigration at Ottawa. It reads as follows:

To Mr. W. D. Scott,
Superintendent of Immigration,
Ottawa.

Sir,—I have the honour to bring to the knowledge of the government, in an official manner, so that it may be taken into account, the following complaint that I formulate as follows:

Firstly.—I, Leonce Stein, during thirty-five years head clerk in the immigration office at Quebec, declare, firstly, that from the 1st January, 1909, to the 15th April, 1909, that Dr. Jos. Paradis Lavoie, Immigration Agent at Quebec, has given forty-three days of leave to the three officers at the immigration office at Quebec, viz.: J. J. O'Flaherty, John O'Connell, Gustave Beaulieu, and forty-seven days to the other three officers, viz.: J. P. Stafford, John Byrne and Sosthene Morisette, this without previously having obtained the necessary authorization to this end, and, what is more serious, of having made a false return to his chiefs in declaring under his signature that all these employed had been present at their office during these 47 days of absence; in consequence the six officers in question have received their full salary, i.e., collectively, a total amount of $694.29, to which they had not any right.

Secondly.—That the said Joseph Paradis Lavoie, Immigration Agent at Quebec, treats the immigrants in an illegal manner, treating them brutally; in support of such accusation and at present only citing a single case, but reserving to myself the right to make known several others, I declare that at the beginning or towards the beginning of the month of June, 1908, one morning towards six o'clock, I have seen with my own eyes Dr. Lavoie, Immigrant Agent at Quebec, in the immigration building, seize an immigrant woman, accompanied by her child, which was lying on the bench, and throwing her to the floor while pushing her violently to the outer door, saying 'Get out, go out.' I will prove this fact and several others by reputable witnesses.

Thirdly.—That the restaurant keeper of the immigration office at Quebec, to the knowledge of the said Jos. P. Lavoie, has set aside the instructions of the government to sell his produce to the immigrants at exorbitant prices.

Fourthly.—That the said Joseph P. Lavoie conducts the Immigration Department in a manner to favour certain persons furnishing supplies, among others, Mr. Jacques Dery, the restaurant keeper, at whose place he himself takes his own meals.

Fifthly.—That the said Joseph P. Lavoie permits the sale and the distribution to the immigrants and to (some?) employees of drinks prohibited by the department.

Sixthly.—That the said Joseph P. Lavoie has succeeded by partial conduct and by outraging preferences in discontenting the different companies which engage in the debarkation and transport of immigrants.

And to prove these accusations in an irrefutable manner, I have the honour to request that following the promise of this that was made by Hon. Sir Richard Cartwright to the Senate during the present session, the government will grant the inquiry which I solicit.

I have the honour to be,
Yours sincerely,
(sgd.) L. STEIN.

Quebec, 21st February, 1910.

This is the first accusation brought against Mr. Lavoie, that of making a false report to the government. This session I called for a return of the attendance and pay-lists of the employees in the Immigration office at Quebec, and requested to have them for the four months ending with April, 1909. I got a return from the department which shows the names of the parties who are complained of in the letter I have just read. I see that in the month of January, O'Flaherty and Stafford and the others are all marked present for the thiry-one days. There is a column for

days absent for which pay should be deducted. In all these columns there is no entry. We find at the bottom that those who were permitted to be absent for that month were Mrs. E. Corneil, who had her leave of absence extended from the 8th of January to the 11th, with pay; Drouin had his time extended from the 11th to the 1st inclusive. For the month of February, no days of absence are marked for any of the parties I have mentioned but for Mrs. Corneil and Mr. Drouin there is a record that they were absent on leave for one cause or another. For March and April it is the same. So for those four months O'Flaherty, Stafford, Byrne and Morisette were all marked present. Mr. Stein was absent but sent a medical certificate to the department, and was absent from the 8th to the 30th of April with leave. So was Drouin, who sent a medical certificate to the department. If we turn to the pay-list for those four months, we find O'Flaherty, Stafford, Bolduc and Byrne—all those parties—received their full pay for the four months. All those lists are certified by Mr. Lavoie. We have his signature at the bottom of the page certifying to the accuracy of the information given by the Bureau to the department, though all those people were absent for the time mentioned every month in the four months. This is the subject of the complaint in the letter I have read; we see by the documents furnished by the department in this return that the accusation is sustained:

That the said Joseph Paradis, immigration agent at Quebec, treats the immigrants in an illegal and inhuman manner, treating them brutally; in support of such accusation and at present citing one case only, but reserving to myself the right to make known several others, I declare that at the beginning or towards the beginning of the month of June, 1908, one morning towards six o'clock, I have seen with my own eyes Dr. J. P. Lavoie, Immigration Agent at Quebec, in the immgration building, seize an immigrant woman, accompanied by her child, which was lying on a bench, and throwing her to the floor while pushing her violently to the outer door, saying, 'Get out, go out.'' I will prove this fact and several others by irrefutable witnesses.

This is the grave accusation made against an officer. We will see how it was met a little further on. Then the complaint proceeds:

Thirdly:—That the restaurant keeper of the Immigration Department at Quebec, to the knowledge of the said Joseph P. Lavoie, has set aside the instructions of the government to sell his produce to the immigrants at exorbitant prices.

Fourthly:—That the said Joseph P. Lavoie conducts the Immigration Department in a manner to favour certain persons furnishing supplies, among others, Mr. Jacques Dery, the restaurant keeper, at whose place he himself takes his own meals.

Fifthly:—That the said Joseph P. Lavoie permits the sale and the distribution to the immigrants and to (some) employees of drinks prohibited by the department.

Sixthly:—That the said Joseph P. Lavoie has succeeded by partial conduct and by outraging preferences in discontenting the different companies which engage in the debarkation and transport of immigrants.

We have here a report made a few years before, and an answer is given to one of my inquiries on the subject—a report by an officer of the department named Blair was made on the 28th of June, 1906. What does Mr. Blair say? He reports to Mr. Scott, his chief officer:

According to your instructions I visited Quebec on the 26th and 27th instants, to inquire into the charges and complaints made against Mr. Jacques Dery, the caterer at the immigration sheds there and I beg to report as follows:

I found it difficult to get the exact facts from the persons who had complaints because they stay in Quebec for but a few hours on their way westward. My information was gathered from the most reliable sources available, such as, the Dominion Immigration Agent, Mr. George Hayden, landing master, Mr. Anderson, interpreter, and from others of the staff in Quebec, from the interpreters of the Canadian Pacific railway, from a committee representing most of the churches and charitable organizations of the city also the Salvation Army, Young Men's Christian Association and the Daughters of the Empire.

The complaints are these:—1. That Mr. Dery overcharges for the common necessities. Bread which sells in the city for 18 cents retail delivered, is 20 cents here and in some instances as high as 25 and 30 cents has been paid. Sardines 10 cents, city prices 5 cents. Salmon, (canned) 15 cents, city prices 10 and 12 cents. Cups of tea that should cost 5 cents have been sold for 10 and 15 cents and in more than one case 25 cents was charged for a cup of tea and a slice of bread. This is said to have occurred in the case of a Mrs. Warren landing at Quebec on the 21st inst. These are but sample cases out of numbers reported.

2. Re the charge of incivility and refusal to supply wants of some passengers landing at Quebec per S.S. 'Tunisian' on the 9th inst. (This is the case brought up in the House by Mr. Hughes (Victoria). I learn from Mr. Chas. W. Thorn of the provincial police force who was on duty at the immigration sheds

on the above date and was sent for by Madame Poitras, Mr. Dery's manageress in the dining room, that on reaching the dining room he found three or four English ladies who stated that they had come to buy six cups of tea and tendered a one dollar bill for the tea and also as a guarantee for the return of the cups. He says Madame Poitras refused to serve them telling them she did not want either them or their money and then ordered him to remove them which he refused to do, but finally asked them to go outside where he would try to do something for them. He found Rev. Mr. Williams, chairman of the committee of immigration workers, who took them back only to be refused again, which refusal was repeated before Mr. Doyle the immigration agent and Mr. Dery the caterer. the latter finally gave them the tea himself, taking $1 for the tea and the cups and returning 70 cents when the cups were given back.

3. Sometime ago Mr. Dery agreed to give a cup of tea and a sandwich for 5 cents and sell bread for 18 cents. The Dominion immigration agent had large cards posted showing these prices; but on or about the 22nd inst. Mr. Dery removed these cards and refused to agree to the prices or to let the agent have any say in his conduct of the business. Mr. Dery told me that he removed Mr. Doyle's cards and returned to his former prices on the advice of Mr. Arthur Lachance, M.P., for Quebec Centre. Mr. Jean who worked for Mr. Dery as clerk in the store for one season from May 4 to October, 1903, stated that Mr. Dery's prices were always from 10 to 50 per cent higher than city prices. A one pound loaf of bread sold regularly for 5 cents, biscuits 10 cents a pound while the same sort were sold regularly for 5 cents and many other things in proportion.

4. Hot water has for years been supplied free to persons making tea in the building, but I heard numerous complaints that this is not now being done in all cases; although Mr. Dery pays no rent, license, taxes, light or heat, and has his fuel provided for him by the government, yet he refuses to procure appliances to provide hot water at all times.

5. That dock labourers and others not connected with the immigration work are at all times allowed to eat at the building rather than have to go to regular boarding houses kept for such persons. On yesterday, the 27th inst. there were eight of these dock labourers having dinner in the immigration building.

6. That Mr. Dery does not secure, for his dining room help, persons who speak English. I visited the dining room for dinner on the 26th instant, and my order had to be translated into French before I was supplied; with the exception of one lady the help employed cannot speak English enough to conduct any conversation whatever. Of the immigrants arriving, probably not 5 per cent can speak French.

7. I beg to inclose two signed statements handed me by Mr. Doyle regarding the treatment of some passengers of last year.

All of which is respectfully submitted.

Your obedient servant,

(sgd.) F. C. BLAIR.

A CONFERENCE.

The SPEAKER—A message has been received from the House of Commons in the following words:

Wednesday, May 4th, 1910. Resolved that a message be sent to the Senate to acquaint their Honours that this House has appointed the Hon. Messieurs Graham, Pugsley, and Taylor (Leeds), to act at a conference of both Houses on the Bill (No. 17) an Act to authorize the government of Canada to acquire by lease, lines of railway connected with the government railways.

According to the rules the House cannot remain in session while the conference is sitting, and I therefore declare the House adjourned during pleasure.

Hon. Sir MACKENZIE BOWELL—We are to have the Tariff Bill and there is no chance of our getting through by three o'clock. I fancy there are some senators who will discuss that, and there are some other important measures to come before us. It is true during yesterday and the day before we managed to go, without any trouble at all, through some 15 or 20 Bills, really without some of the Bills being before us, and it is adopting a new system. There is no use in keeping the Senate in existence if we are to take the last moment, when the Governor General is at the door, to discuss questions which affect millions of dollars, and the Speaker asks my hon. friend from Stadacona to stop speaking now. If parliament is to prorogue at three o'clock, there is no opportunity to discuss the other measures which are to my mind of some importance. That the utterances of those opposed to them will have little effect on the Senate is no reason why they should not have an opportunity of giving their views on questions which materially affect the interests of this country. I do not know what power or authority the Speaker has to assume the responsibility of saying he will adjourn the House. If the hon. gentleman says there is no quorum that is a different matter. I may not be acquainted with the rules but the course he is pursuing now is something unprecedented to me, as far as my experience goes.

The SPEAKER—The practice is laid down that when a conference begins, and dur-

ing the sitting of the conference, the session of the House is suspended.

Hon. Mr. LANDRY—I thought all the rules we had were suspended. I thought we were declared to be the most unruly body on earth.

The Senate adjourned during pleasure.

After some time the House resumed.

Hon. Mr. BEIQUE—As manager on behalf of this honourable House in the conference with the House of Commons, I may say we have met the managers of the House of Commons and agreed on the following amendment to be substituted for the amendment made by the Senate to Bill (No. 17) to which exception was taken by the House of Commons. Add to section 3 the following as subsection 2:

2. The said Board shall in their report to the minister recommending the lease of any line of railway.
(a). Give their estimate of the cost of such line, and such information as they are able to give of the moneys received by the company holding the line from the sale of bonds, or by way of bonus or therwise.
(b). State the then present equipment of the road, together with the average rate of freight and charges for passengers on the same and a comparison of such rates with those charged on the Intercolonial railway.
(c). The total receipts and expenditure for three years last past.
(d). The estimates of receipts and expenses in the office of the road being leased as a branch of the Intercolonial railway.

Hon. Mr. FORGET—What is the difference between the two?

Hon. Mr. BEIQUE—It is the same thing, only placed in another position in the Bill. I have the honour to move, seconded by the Hon. Mr. Power, that this report be now adopted.

Hon. Sir MACKENZIE BOWELL—That is virtually the amendment carried by the Senate, only in a more modified language. Pretty nearly the same object will be attained.

Hon. Mr. BEIQUE—It is exactly the same amendment. Instead of saying that parliament shall not hereafter ratify the lease, which may be presented for ratification, before being furnished with the best information, it is provided that the information be presented to parliament whenever any lease is recommended by the Railway Commission in connection with these lines. I think hon. gentlemen will see that the House of Commons are getting the shadow and we are keeping the substance.

Hon. Mr. MITCHELL—Do I understand that this report is to be presented to the minister instead of parliament. Is that the case?

Hon. Mr. BEIQUE—It will have to be presented to parliament.

Hon. Mr. MITCHELL—I know it has to be later, but I understand it is presented to the minister in the first place?

Hon. Mr. BEIQUE—Yes.

The motion was agreed to.

IMMIGRATION OFFICE, QUEBEC.

DISCUSSION RESUMED.

Hon. Mr. LANDRY—I was just about to read the letter sent by Mr. Stein, in answer to a letter from the Department, as follows:

Quebec, 19th April, 1910.

Mr. Dear Senator,—I inclose herewith the declaration of Capt. Geo. Le Bel, Provincial Immigration Agent at Quebec. He was indignant at the manner in which his evidence had been distorted. Would you be good enough to ask the department to change the evidence in that investigation. I inclose to you at once one of these re Byrne. You can judge from it what that investigation was worth. We have good reason to demand a commissioner who knows the French language to make the inquiry. Le Bel gave his evidence in French and it has been interpreted. Send it promptly this week, if Byrne will not execute it, as we embark at the end of the week.

Cordially,
(Sgd.) L. STEIN.

Mr. Fortier answered: 'To what date do you wish the inquiry adjourned?'

Mr. Stein answered: 'My letter will give you all explanations re adjournment.'

And then Mr. Fortier wrote:

In reply to your letter of the 5th inst. I beg to state that enough can be learned from inquiry before me to enable the minister to decide whether there is prima facie a case for a royal commission as your letter seems to suggest. The inquiry will therefore go on beginning at 10 a.m. on Tuesday next, the 15th inst.

The place was fixed and Mr. Fortier came down and Mr. Stein was absent, but he

answered the letter on the 30th, as follows:

Your letter of the 9th received to-day, it is impossible for me to take part in the inquiry which it is desired to impose on me at a fixed date without giving me the time and the means of making my witnesses come from a distance without having further received the assurance that the inquiry commissioner will be a person capable of understanding and taking the testimonies in French, without having even given me your consent that the testimonies may be given under oath and without that before entering into the merit of the question what is the plea of the defendant, preliminary procedure imperative for preparing my proof. You are especially referred to my letter of 5th March, I stated that I will hold to the propositions that it contains and ask you again if they are accepted or refused.

(Sgd.) L. STEIN.

The inquiry went on. Fortier came to Quebec. It was entirely ex-parte. The employees of the department in Quebec were examined as witnesses, and under the eye of their officer, Mr. Lavoie, gave the evidence that Mr. Lavoie would like them to give, I suppose. I would call attention to this one fact: In the evidence given there was a witness named Lebel, and in the report of the inquiry he is represented as saying:

That he was always at hand on the landing of immigrants in the early morning, and if any such thing happened as the charges described he would know about it. It would cause scandal. It would be absolutely contrary to anything that one would expect of Dr. Lavoie. Witness did not believe the charge and would not believe it even if made on oath by Mr. Stein.

That is what Mr. Lebel is represented as having said before the government officer, who is making the inquiry in Quebec. Here is a declaration of LeBel. It is in French, but I shall endeavour to translate it:

I, the undersigned, declare that during the inquiry taken in Quebec in the month of March last in the immigration shed in Quebec, inquiring of certain accusations forwarded by Mr. Stein, first clerk of the immigration office at Quebec against Dr. Lavoie, the Federal Agent of Immigration at Quebec, I declare I never said at that inquiry that I would not believe Stein under oath.

So you see the employer or interpreter put in his mouth words that he claimed he never said, and this is testified before two witnesses, Mr. Paquette, the accountant of the department, and Mr. L., a clerk on the Intercolonial Railway. Then the declaration of LeBel shows what a farce the inquiry in Quebec was. No one could rely on what was said there. It was an ex-parte inquiry altogether. In the meantime another party, Mr. O'Flaherty, sent over to the department a complaint against the said Lavoie, in which he put forward his charges, and he winds up by saying that:

In the summer season of 1908-9 foreign immigrants, especially Galicians were drastically treated. The latter were allowed to be forced to go to work against their will and interest on the Transcontinental railway construction who were not eligible to land in the country for non-compliance with the immigration laws, inasmuch as they did not possess the necessary money that entitled them to land. This was an absolute contravention of the immigration laws, said to be aided and abetted in, by the government at Ottawa. Who allowed the presence of a contractor's agent named one Oscar Bliss to constantly attend and make his office in the immigration buildings, and even the freedom of the inpection rooms to conjole and engage these foreign immigrants to work on the Transcontinental railway construction, and thus unlawfully secure the otherwise unlawful entrance of the said foreign immigrants into the country.

That the said contractor's agent with the knowledge and consent of Dr. J. P. Lavoie, was permitted to collect the railroad tickets in possession of the said foreign immigrants, held by them to reach their Canadian destination in the west and northwest part of Canada, retain such tickets and likewise all the moneys in possession of the said foreign immigrants in trust. It is alleged that the said contractor's agent later had those tickets exchanged with the Canadian Pacific railway ticket agent for tickets that carried the foreign immigrants to La Tuque. Futhermore that said immigrants later on left this work, came to Quebec and were unable to regain their railway tickets or moneys they placed in trust with the contractor's agent.

Those are the grave facts, and I think under the circumstances, without saying that they are true, or taking any position against the Quebec agent, Dr. Lavoie, or for him, but taking into consideration the accusations brought against him, and against the way he keeps the agency at Quebec, the government in the public interest, and for the benefit of the immigrants, should have a royal commission and inquire into the matter. That is why I make the motion which is on the order paper.

Hon. Mr. CHOQUETTE—I have no mandate whatever to defend Dr. Lavoie or any one else, against the accusation made out by my hon. friend. I know the gentlemen who are mentioned very well. They have had a little family quarrel at the

Immigration Bureau. I am very sorry for it, so I am not going to defend any of those gentlemen, nor do I say whether the accusation is right or wrong, but I would not like to have it go abroad that immigrants at Quebec are illtreated, and especially that in a city so noted for gallantry, a woman should be ill-treated. O'Flaherty and the others are intelligent men and know what they are saying, and under the circumstances I should not be surprised if the government would feel obliged to have an investigation. I do not think the matter is very serious, and I am the more inclined to take this view from seeing the following editorial paragraph in the Quebec 'Chronicle,' an opposition organ at Quebec:

> The reports that are going the rounds about the treatment meted out last summer to immigrants landed down at the Quebec immigration sheds should be taken 'cum grano.' There is the closest supervision, and yet that closest supervision may possibly need to be improved upon. The first steamship with its cargo of new settlers will enter port in a few days, and in the meantime every precaution should be taken to stamp out any 'bossing' that may come in sight when the newcomers are being dealt with. Instant dismissal should be the fate of any of the officials who has in his demeanour too much of the discourteous.

I remember seeing another editorial article in the 'Chronicle,' or some opposition paper in Quebec, praising the manner in which the Immigration Bureau at Quebec is managed. So far as I know, everything is kept in perfect order at the immigration building. At the same time, it might satisfy the public and re-assure public opinion if an investigation were held.

The motion was declared lost.

THE WHITE STAR DOMINION LINE.

INQUIRY.

Hon. Mr. CHOQUETTE—Can the right hon. leader of the government tell the House if there is anything decided yet about the demand for a subsidy made by the White Star Dominion line? I know the application came to the government a second time. I think the matter comes under the purview of the department of which my right hon. friend is the head. Has the government arrived at any decision?

Hon. Mr. CHOQUETTE.

Rt. Hon. Sir RICHARD CARTWRIGHT—No, the government has not. It would come, I think, if it is a question of the conveyance of mails, under the Post Office Department particularly.

SOILED BILLS.

Hon. Mr. CHOQUETTE—I have just been reading a report of the discussion which took place in another chamber abount unclean dollar bills, and I should like to know if the government intend to withdraw such currency from circulation as soon as possible?

Rt. Hon. Sir RICHARD CARTWRIGHT—The government do, but that is a matter in which they have to rely very largely on the co-operation of the banks. If the banks would return to the government the worn out, soiled or defaced bills, the government are always ready to give out new bills, but the banks, unfortunately, have been rather careless about replacing the old with new bills.

Hon. Mr. CHOQUETTE—From what I know of the banks and business men in Quebec, I am sure if the government would issue a circular notifying the banks to withhold these soiled bills and that they would be replaced with new ones without delay, the banks would comply with pleasure.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think the Department of Finance has done so, but I shall call the attention of the officials of that department to the hon. gentleman's remarks. I agree with him that it is not to our credit that those dirty bills sould be kept in circulation. They are not issued directly by the government, but the banks of necessity.

The Senate adjourned until 2 p.m. today.

After Recess.

VACANCIES IN THE SENATE.

Hon. Mr. LANDRY—I should like to know if the vacancies in the Senate are to be filled during recess, and if it is the intention of the government to give us a French Minister in the Senate next session?

Hon. Mr. DANDURAND—The hon. gentleman means a French-speaking minister.

Hon. Mr. LANDRY—Yes.

Rt. Hon. Sir RICHARD CARTWRIGHT—The vacancies I hope will be all filled before we meet again. In regard to the other matter I should be delighted to give my hon. friend any information if I had it.

CUSTOMS TARIFF BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (No. 233) an Act to amend the Customs Tariff, 1907.

The Bill was read the first time.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of the Bill.

Hon. Sir MACKENZIE BOWELL—Does the hon. leader of the House propose to give us any information as to the effect the changes will have upon the revenue?

Rt. Hon. Sir RICHARD CARTWRIGHT—Does my hon. friend mean with respect to the German tariff or the French tariff?

Hon. Sir MACKENZIE BOWELL—I do not know what the Bill is. Consequently I am unable to answer my hon. friend correctly. If it is for the purpose of reducing the tariff in conformity with the arrangement entered into with the United States, I can understand it. That is what I had reference to, not to the French tariff, because we are not dealing with that at the present moment, only by way of comparison.

Rt. Hon. Sir RICHARD CARTWRIGHT—With respect to the United States, the effect of the change in the tariff will be but small. The greatest reduction, I think, is only 2½ per cent on a moderate variety of articles of which we do not consume any very great quantity, nor are we likely to import any very large amount from the United States. It is difficult to ascertain the exact amount, because we can hardly tell as yet to what extent the one importation will supplant the other, but I should think it would hardly exceed more than a couple of hundred thousand dollars, and that may be made up by increased importations.

Hon. Sir MACKENZIE BOWELL—In studying this question a little, if the right hon. gentleman had given any attention to it, he would find that it affects importations to this country to the extent of over $6,000,000. The total trade affected by this and the French tariff amounts to a little over $8,000,000, but when you deduct from that $8,000,000 the importations that may be entered into Canada as coming from France it reduces the dutiable articles that will be imported—that is speaking of last year's importation—to the extent of over $6,000,000, so that in the arrangements which were made with the United States the tariff will be affected to the extent of over $1,000,000.

Rt. Hon. Sir RICHARD CARTWRIGHT—Yes, but it would only be affected at the rate of about 2½ per cent as far as the revenue is concerned.

Hon. Sir MACKENZIE BOWELL—It would affect the revenue to the extent of between one and two million dollars. I do not propose to occupy much time in connection with this, further than to express the opinion that the government, in its intercourse with the United States, and between the Finance Minister and the President of the United States took a position that should not have been taken. When the Conservative government were in power, they were charged with taking such steps as led to the rejection of any overtures that were made towards extending or adopting the principle suggested here. It was distinctly declared by the present premier that if the Liberal party came into power in less than six months they would secure a reciprocity treaty with the United States. I am not complaining that a reciprocity treaty was not made, because I have not been, and am not now, in favour of such an arrangement, for reasons with which I do not propose to detain the House at the present moment explaining. We know also that the present government sent a deputation to Washington—and I think the hon. leader of the

House was one of that deputation—to secure better trade relations between the two countries, and they received precisely the same treatment that those who represented the Conservative government had met with when they went to Washington. In plain language, they were snubbed, and snubbed to such an extent that the Liberal leader declared that they would never make any overtures to the United States again. They adhered to that policy until Mr. Taft became president, and Congress had passed an Act placing a tariff upon the statute-book, which, if it had been put in force against this country, would have been more injurious to the people of the United States than it would have been to Canadians who had articles to export. So thoroughly impressed was the President of the United States with this fact that he induced this government—I think I am safe in using that expression—to send a gentleman there to interview the President —I refer to the editor of the 'Globe.' I may be in error, but I am under the impression that he was sent to Washington by the Canadian government and the interview he had with the president resulted in the president asking the Canadian ministers to meet him to see if some arrangement could not be come to, by which he would not be compelled to put the Aldrich tariff in operation as against our tariff. We have the result in this Bill that we are now asked to ratify. Canada was in a position to teach the United States a lesson, and a very severe one. If the principle of free trade, or extension of trade, were not still strongly held by the present ministers and they were not determined if possible to secure an entry to the United States market at a lower tariff, they never would have yielded. They had the ball at their own feet, and should have kept it there. The bringing into force of the present tariff of the United States as against our tariff, would have tended more to affect the people of the United States than it would the people of Canada.

I frankly admit that some articles that we export to the United States would have been affected to a considearble extent, but not to the extent that it would have injured their own people. The Republican party, through their president, knew very well what the result of bringing a tariff of that kind into force in the United States would have been upon that party at the next election, and it accounts for the president's anxiety to find an excuse for not bringing the United States Tariff Act into force. They found the Canadian government too ready, in my opinion, to accede to his wishes, to the disadvantage of Canada, and to the advantage of the United States. I am not going to detail all the steps that were taken by the present government in order to meet the wishes and views of the president and the people of the United States. That is not necessary. All readers who study political events must know the humiliating position we placed ourselves in by bowing and submitting to the will of the President of the United States under the circumstances. I said last session that I should have been pleased to see Canada maintain the position that the premier had avowed to be their policy, of never seeking any further concessions from the United States. The repeal of the Reciprocity Treaty placed Canada in the position she occupies to-day. If we show a bold front towards our neighbour on the question of the tariff whenever it affects ourselves and affects them, we will be held in much greater respect by our neighbours. It would have been more to the honour of this country, than to have submitted to their demand. Probably my views are the result of the strong opinions I hold on trade questions, which are not like the views of the hon. gentleman who leads this House, though he has been compelled from circumstances to father a protectionist policy to some extent. Having reduced the tariff on some articles they fall back incorrectly upon the declaration that it is a revenue tariff exclusively. Another humiliating position in which I think it has placed us is this: under the French tariff certain articles therein enumerated could be brought into this country at a lower rate of duty than the same class of articles imported from the United States. That is what induced the statesmen of the United States to say to us: 'you have entered into a treaty with a foreign country by which

you discriminate against us, and in retaliation, unless you make concessions to us, we will penalize the articles that you send to this country.' The United States having made these demands, we quietly yielded to them. Does not that put Canada in a position that if she dared to enter into any arrangement with any foreign country by which she admits the products of that country at a lower rate of duty than we impose upon similar articles coming from the United States, the United States may say to us: 'You must yield to our wishes or we will penalize your products.' That is the position the Canadian government have taken in connection with this treaty, and I can only say for myself that I regret it exceedingly. We should maintain the position that was assumed some time ago, by the premier of this country, and let the United States deal with their tariff just as they please, and we will deal with our tariff in accordance with the interests of this country. These are the views which, I am quite satisfied, are held in the province from which I come by 99 per cent of the people, and if an expression of opinion could have been secured in that province at least—I speak for no other—the result would have been an overwhelming majority in favour of rejecting the tariff arrangement with the United States.

Rt. Hon. Sir RICHARD CARTWRIGHT —I am sure my hon. friend will not quarrel with me if I say that while I would gladly enter into a detailed analysis, it is scarcely within my power to do so at the present moment. I may say to him with respect to the United States tariff, that I think on examination he will see that the concessions made to them are of an extremely small and unimportant character. Out of a total revenue of what I suppose, this year will come to sixty or seventy million dollars from customs, we will make a reduction as far as they are concerned, of one hundred and fifty, or at the outside, two hundred thousand dollars, if, indeed, we do reduce it to that extent, which I somewhat doubt. The broader question which underlies the whole, and which has justly, I think, had great influence with the country—I admit it has perhaps greater influence with myself than it may have with my hon. friend opposite— is this; wholly apart from the question whether or not we were in the position to gain a temporary advantage over the United States by standing pat, as it is called—which, probably was the case, I look at the matter from a larger standpoint. I think it is highly desirable, not merely in our own interest, but in the broadest sense, in the interest of the British empire, to cultivate, by all reasonable means in our power, friendly relations with the people of the United States. When the President of the United States made overtures to us—because I beg the hon. gentleman to understand that the overtures did not come from us in any shape or form, they came from the United States—it would have been churlish in the extreme to refuse to meet him, and to refuse to meet him half way. I do not think anybody, high or low, will be one fraction the poorer for the concessions that are made the United States, and the general consuming people will, pro tanto, be a little better off. It is impossible to pursue this matter further, but if the hon. gentleman will examine the matter in detail—and there is nobody better able than himself from his long experience in customs to do so—he will see that, on an average duty varying from 30 to 35 per cent, in a small number of cases comparatively speaking, we have made a reduction of 2½ per cent and no more. In doing that, we have avoided injury to several interests which it was our desire, and his desire, not to expose to serious injury. I think, on the whole, when he comes to reflect on the matter calmly, he will be disposed to agree with me, that we would be very ill advised to squabble with the United States over perfumery, or prunes or peanuts.

The motion was agreed to, and the Bill passed through its final stages.

THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (No. 235) An Act

for granting to His Majesty certain sums of money for the public service for the financial year ending 31st March, 1911.

The Bill was read the first time.

Rt. Hon. Sir RICHARD CARTWRIGHT —In moving the second reading of this Bill for the very moderate sums which are required for the public service, hon. gentlemen will see that all that is required to be paid out of the consolidated revenue fund is $58,093,999.44, and the further sum of $5,197,781 is to be paid towards the several charges and expenses for the past year. A good deal of that, as hon. gentlemen know, is probably lapsed votes, or amounts which have been, to all intents and purposes, transferred from one section to another.

Hon. Mr. LOUGHEED—Does the first amount include the supplementary estimates?

Rt. Hon. Sir RICHARD CARTWRIGHT —It includes everything. We have passed certain previous votes which are not included in this sum of fifty-eight millions.

Hon. Mr. LOUGHEED—Can my hon. friend give us the amount voted on capital account.

Rt. Hon. Sir RICHARD CARTWRIGHT —The total amount voted on capital account is, as nearly as possible, thirty-six and a trifle millions. I suppose my hon friend is not particular about the odd hundred thousand.

Hon. Mr. LOUGHEED—Oh, no, of course not.

Rt. Hon. Sir RICHARD CARTWRIGHT —In addition to that, as he well knows, there are considerable votes for the National Transcontinental railway, and other services of a like kind which will swell the total amount to something over $40,000,000 in addition.

Hon. Mr. LOUGHEED—Does that include the navy estimates?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes. The navy estimates I may state have been placed, and I think very properly, in ordinary income. In former times it has been the habit to charge those to capital account, a practice which I have never particularly approved of. I may add, in the case of expenditures for military purposes, a change for the better has been made. They have been included in our ordinary income. If I could—I may say, however, that is no longer within my purview as a member of this House—I would be very much disposed to lay down the rule that everything we expend for specific purposes, ought to be placed in the same way, and our special account in that respect should be closed.

Hon. Mr. LOUGHEED—Do I understand the navy estimates are included in the fifty-eight millions?

Rt. Hon. Sir RICHARD CARTWRIGHT —Yes. Except what has already been voted. The whole will be included in what is chargeable to income, and, as I mentioned before, all our expenditure for military purposes is now included in the charges to income. Those swell the expenditure considerably more than would appear on a rough comparison, more particularly as the charges for Dominion lands, which heretofore have been put to capital, have now been charged to income. Practically, I think, nothing remains uncharged to income except the bounties, which will disappear after this year, and certain charges on account of public works of large degree, such as the deepening of the St. Lawrence channel, and I think the works at Port Arthur and Fort William. With that exception the account will now be found to include nearly everything except the loans for the National Transcontinental railway.

Hon. Mr. LOUGHEED—I notice the total of the Supply Bill will exceed $160,000,000.

Rt. Hon. Sir RICHARD CARTWRIGHT —Well, no, unless you are including the redemption of debt.

Hon. Mr. LOUGHEED—Would my right hon. friend say what is the estimated revenue for the year?

Rt. Hon. Sir RICHARD CARTWRIGHT

Rt. Hon. Sir RICHARD CARTWRIGHT —The estimated revenue, as nearly as can be ascertained, will be something in excess of one hundred millions. It may very likely exceed that by three or four million dollars. It is safer, of course, to estimate it at the round hundred millions. I need not say, large as these supply votes are, it is an uncommon thing for them all to be expended. I do not think, myself, the sum total will be reached at present, though it is only fair to say that we overtake our receipts pretty fast. The only thing to which I would specially call attention is the fact which I have mentioned, that in this statement for the first time a considerable number of items, which in former years were charged to capital account, are charged to income account, and very properly.

Hon. Sir MACKENZIE BOWELL—The estimates other than the capital account. will amount to about one hundred million dollars?

Rt. Hon. Sir RICHARD CARTWRIGHT —Very nearly. I should say the estimates, exclusive of capital account, would come to $96,500,000.

The motion was agreed to, and the Bill passed through its final stages.

THE PROROGATION.

This day at Three o'clock P.M., His Excellency the Governor General proceeded in state to the Senate Chamber, in the Parliament Buildings, and took his seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in His Majesty's name, by His Excellency the Governor General, viz.:—

An Act to incorporate the Montreal, Kapitachuan and Rupert's Bay Railway Company.

An Act to incorporate the Northern Quebec Colonization Railway Company.

An Act respecting the Canadian Northern Railway Company.

An Act respecting the Sovereign Trust Company, and to change its name to 'The Federal Trust Company.'

An Act to incorporate 'The Protectorate Life Assurance Company of Canada.

An Act respecting the Dominion Bank.

An Act respecting the Hudson Bay Insurance Company.

An Act respecting the Montmagny Mutual Fire Insurance Company, and to change its name to 'Factories Insurance Company.'

An Act to incorporate the Burrard Inlet Tunnel and Bridge Company.

An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.

An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.

An Act to incorporate the Ottawa, Rideau Valley and Brockville Railway Company.

An Act to incorporate the Morrisburg and Ferry and Dock Company.

An Act to incorporate the Ontario and Ottawa Railway Company.

An Act for the relief of Elmore Walker Scott.

An Act for the relief of Helena Mellor Fleming.

An Act to incorporate Laurentian Insurance Company of Canada.

An Act respecting the Canadian Northern Ontario Railway Company.

An Act to correct a clerical error in the French Convention Act, 1908.

An Act to amend the Gas Inspection Act.

An Act to amend the Royal Military College Act.

An Act to authorize the sale or other disposal of certain public lands, and the acquisition of certain other lands in or in the vicinity of the cities of Toronto and Winnipeg, respectively.

An Act to provide for the Testing of Glassware used in connection with Milk Tests.

An Act to amend the Customs and Fisheries Protection Act.

An Act respecting the payment of bounties on lead contained in lead-bearing ores mined in Canada, and to promote the production of Zinc.

An Act to amend the Act respecting the National Battlefields at Quebec.

An Act to provide for further advances to the Harbour Commissioners of Montreal.

An Act to provide for the adjudication of small claims arising in respect of the operation of the Government Railways.

An Act respecting the Hamilton, Waterloo and Guelph Railway Company.

An Act respecting the Prince Albert and Hudson Bay Railway Company.

An Act to incorporate the Toronto Eastern Railway Company.

An Act to amend the Meat and Canned Foods Act.

An Act respecting the Commission for the Conservation of Natural Resources.

An Act respecting the Currency.

An Act to amend the Indian Act.

An Act respecting the Royal Guardians.

An Act to amend the Irrigation Act.

An Act to amend the Militia Pension Act.

An Act to prevent the introduction or spreading of Insects, Pests and Diseases destructive to vegetation.

An Act to incorporate the Nelson River Railway Company.

An Act respecting the Trust and Loan Company of Canada.

An Act to incorporate the Rainy River Radial Railway Company.

An Act respecting the Dominion Millers' Association.

An Act to incorporate the James Bay and Eastern Railway Company.

An Act respecting the Vancouver Island and Eastern Railway Company.

An Act respecting the Restigouche Boom Company, and to change its name to 'The Restigouche Log Driving Boom Company.'

An Act for the relief of John Green.

An Act for the relief of James Thornton Brownridge.

An Act to amend the Post Office Act.

An Act to incorporate the Gatineau and Ungava Railway Company.

An Act to control the rates and facilities of Ocean Cable Companies, and to amend the Railway Act with respect to Telegraphs and Telephones and the jurisdiction of the Board of Railway Commissioners.

An Act to amend the Telegraphs Act.

An Act to amend the Land Titles Act.

An Act respecting Immigration.

An Act to amend the Criminal Code.

An Act respecting the Naval Service of Canada.

An Act respecting the Water-Carriage of Goods.

An Act to amend the Industrial Disputes Investigation Act.

An Act to amend the Judges Act.

An Act to amend the Canada Temperance Act.

An Act to amend the Prisons and Reformatories Act.

An Act to amend the Navigable Waters Protection Act.

An Act to amend the Fisheries Act.

An Act respecting Escheats.

An Act respecting Insurance.

An Act to provide for the payment of Bounties on Crude Petroleum.

An Act to incorporate the Retail Merchants' Association of Canada.

An Act respecting the Brandon, Saskatchewan and Hudson Bay Railway Company.

An Act respecting the Alberta and British Columbia Railway Company.

An Act respecting the Guelph Junction Railway Company.

An Act for the relief of Federation of Chambers of Commerce of the Province of Quebec.

An Act for the relief of James Alexander Hurst Forster.

An Act for the relief of Emily Maud Nicoll.

An Act for the relief of Edna Shibley De Mar.

An Act for the relief of Clifford Buell Lillie.

An Act for the relief of Roland James Botterill.

An Act to amend the Criminal Code.

An Act to amend the Volunteer Bounty Act.

An Act respecting the Essex Terminal Railway Company.

An Act respecting the Buctouche Railway and Transportation Company.

An Act to incorporate the Pioneers Loan Company.

An Act respecting the British Northwestern Fire Insurance Company.

An Act to incorporate the Alberta, Peace River and Eastern Railway Company.

Rt. Hon. Sir RICHARD CARTWRIGHT.

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

An Act to incorporate the Canadian Northern Alberta Railway Company, and to aid in the construction of its railway.

An Act to authorize the erection of certain wharfs and buildings in the Harbour of St. John.

An Act to amend the Railway Act.

An Act to incorporate the Ottawa and Montreal Transmission Company, Limited.

An Act to amend the Criminal Code respecting injuries to persons due to Motor Vehicles.

An Act to amend the Winding-up Act.

An Act to amend the Criminal Code.

An Act to amend the Government Annuities Act, 1908.

An Act to correct an error in the Telegraphs Act.

An Act to assist in maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian press.

An Act to encourage the construction of Dry Docks.

An Act respecting the City of Ottawa.

An Act to amend the Government Railways Act.

An Act respecting bounties on Iron and Steel made in Canada.

An Act respecting the Central Canada Manufacturers Mutual Fire Insurance Company.

An Act respecting the Eastern Canada Manufacturers Mutual Fire Insurance Company.

An Act to amend the Civil Service Act.

An Act to provide for the investigation of Combines, Monopolies, Trusts and Mergers.

An Act to incorporate l'Institut de Notre-Dame des Missions.

An Act to incorporate the St. Lawrence Power Transmission Company, Limited.

An Act to authorize the government of Canada to acquire, by lease, lines of railway connecting with the government railways.

An Act to amend the Customs Tariff, 1907.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:—

In His Majesty's name, His Excellency the Governor General doth assent to these Bills.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General, as follows:—

MAY IT PLEASE YOUR EXCELLENCY:

The Commons of Canada have voted the supplies required to enable the government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency the following Bill:

An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1910, and the 31st March, 1911.

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 Second Session of the Eleventh Parliament of the Dominion with the following

SPEECH:

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I am glad to relieve you from further attendance in parliament, after a session which has been marked by legislation of the most important character.

The measure for the establishment of a naval service, which has become of pressing necessity, in view of the extraordinary advance, within recent years, of Canada as a nation within the British empire, is the crowning development of a policy which was anticipated from the earliest days of confederation.

The Act to amend the law respecting the Aid to Dry Docks will, it is believed, lead to the early construction of docks capable of receiving the largest warships and thus assist the movement for naval defence.

The Act making provision for the lease of lines connecting with the Intercolonial railway, and for their operation as a part of the system of government railways, will enlarge the sphere of usefulness of the Intercolonial, and tend to increase the development and prosperity of an important section of the Dominion.

The appointment of a commission to inquire into the needs and present equipment of the Dominion as respects industrial training and technical education should prove an important contribution to the work of the provinces in advancing the industrial development of Canada and the welfare of its working classes.

The measure to revise and amend the Insurance Act, which engaged the attention of parliament in the previous session, has now been completed and is likely to prove an effective and satisfactory law.

The amendments made to the Currency Act, with special reference to the production of a Canadian gold coinage at the Ottawa branch of the Royal Mint, marks another step in the advance of Canada.

The arrangement lately made between the United States and Canada, averting a threatened tariff conflict and opening the way for negotiations which give promise of further improvement in the commercial relations of the two countries, has, I am glad to know, given much satisfaction to the people on both sides of the boundary line.

Equally gratifying is the termination of the long standing tariff dispute with Germany upon terms which fully recognize the important principle for which Canada contended, and which encourage the expectation of an extended and mutually beneficial trade, between the German empire and the Dominion.

The Act for the investigation of combines, monopolies, trusts and mergers, will, it is hoped, without injuriously interfering with commercial and industrial enterprises, effectively protect the public against attempts to restrain trade unduly.

Gentlemen of the House of Commons:

I thank you for the liberal provision you have made for the public service.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

My official connection with Canada is drawing to a close. My interest in it, however, will not be severed. I shall continue to watch its progress and development, with the sincere hope and belief that under God's providence it will ever increasingly prosper.

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 13th day of June next, to be here holden, and this parliament is accordingly prorogued until the 13th day of June next.

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PART I — SENATORS

The following abbreviations are used: 1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Readings; *, without remark or debate; Accts., Accounts; Adjn., Adjourned; Amt., Amendment; Amts., Amendments; B., Bill; B.C., British Columbia; Can., Canada or Canadian; Com., Committee; Co., Company; Consdn. Consideration; Cor,, Correspondence; Dept., Department; Govt., Government; His Ex., His Excellency the Governor General; H. of C., House of Commons; Incorp., Incorporation; Inq., Inquiry: Man., Manitoba; Mess. Message; M., Motion; *m.*, moved; N.B., New Brunswick; N.W.T., North West Territories; N.S., Nova Scotia; Ont., Ontario; Parlt., Parliament; P.E.I., Prince Edward Island; P. O., Post Office; Ques., Question: R.A., Royal Assent; Rem., Remarks; Rep., Reported; Ret., Returned; Ry., Railway; Sel., Select; 6 m h., 6 months hoist; Withdn., Withdrawn.

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(A) An Act respecting Insurance: Int. 1st R.*, Sir R. Cartwright, 37; M. to postpone 2nd R., Sir R. Cartwright, rem., Mr. Lougheed, Mr. Béique, 43; M. agreed to, 44; M. 2nd R., Sir R. Cartwright, 49; rem., Mr. Wilson, 51; Mr. Casgrain, 52; Mr. Jones, 58; Mr. Béique, 61; Sir M. Bowell, 64; Mr. McMullen, 67; Mr. Ross (Middlesex), 68; Sir R. Scott, 76; Mr. Cloran, 81; M. 2nd R. agreed to, 83; M. to adopt amt., 408; rem., Mr. Power, Sir R. Cartwright, Sir M. Bowell, Mr. Dandurand, Mr. Lougheed, Mr. Ellis, 408; Mr. Gibson, 409; M. to adopt amt., 408; M. 3rd R., Sir R. Cartwright, 417; amt. Mr. Béique, 417; amt. Mr. Béique agreed to, 417; M. Mr. Béique, 418; rem., Mr. Lougheed, Mr. Dandurand, 418; M. Mr. Béique agreed to, 420; M. Mr. Béique, 420; agreed to, 420; rem., Sir R. Scott, Mr. Power, Mr. Dandurand, 420; M. Mr. Béique, 421; rem., Mr. Power, 421; M. Mr. Lougheed, 422; amt. adopted, 422; amt. Sir M. Bowell, 423; adopted, 423; M. 3rd R. carried, 423; M. (Sir R. Cartwright), 477; rem., Sir M. M. Bowell, 487; Mr. Dandurand, Mr. Mr. Béique, 878; M. (Sir R. Cartwright) agreed to, 879 (c. 32).

(B) An Act to amend the Act respecting the Protection of Navigable Waters (Mr. Belcourt). Int., 98; M. 2nd R., 112; rem., Mr. Belcourt, 112; M. 2nd R. (Mr. Belcourt), 334; rem., Mr. McMillan, 343; Mr. Davis, 350; Mr. Macdonald (B.C.), Mr. Casgrain, 352; Mr. McMillan, 356; Mr. DeVeber, 366; Mr. Belcourt, 368; Sir M. Bowell, 369; Mr. Lougheed, 371; Mr. Power, 390; Mr. Belcourt, 391 (c. 44).

(C) An Act to amend the Exchequer Court Act. Int., 1st R., M. for 2nd R., Mr. Belcourt, 98; 156; rem., Mr. Belcourt, 156; Sir R. Cartwright, 159; 2nd R. postponed, 186, 206; rem., Sir R. Cartwright, Mr. Belcourt, 331; M. 2nd R. agreed to, 331; in Committee, amt. (Mr. Belcourt) 359; rem., Sir R. Cartwright, 359; Mr. Lougheed, 360; amt. Mr. Belcourt adopted, 362; on clause 2, amt. Mr. Belcourt, 362; rem., Sir R. Cartwright, 362; Mr. Power, 363;

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amt. Mr. Belcourt withdrawn, 363; rem., Mr. Choquette, 363; B. with amts. concurred in, 364; 3rd R.*, 374 (c. 19).

(D) An Act to provide for the Incorporation of Railway Companies. Int.*, Mr. Davis, 99; 2nd R. postponed, 186; 316; M. to discharge order (Mr. Power); rem., Mr. Casgrain, 954; Mr. Watson, Mr. Boyer, Mr. Béique, 955; Sir M. Bowell, 956; M. (Mr. Power), agreed to, 956.

(E) An Act respecting the St. Clair and Erie Ship Canal (Mr. Lougheed). Int. 142; 2nd R.*, 145; 3rd R.*, 208 (c. 165).

(F) An Act to incorporate the Congregational Union of Canada (Mr. Gillmor). Int., 142; 2nd R.*, 145; 3rd R.*, 217 (c. 86).

(G) An Act to incorporate the Merchants Bank of Canada Pension Fund (Mr. Béique). Int., 142; 2nd R.*, 145; 3rd R.*, 188 (c. 125).

(H) An Act respecting certain Patents of Henry Alexander Wise Wood (Mr. Belcourt). Int., 145; M. 2nd R., Mr. Belcourt, 166; rem., Mr. Jones, 166; Mr. Belcourt, Mr. McMullen, 167; Sir M. Bowell, 168; Mr. Power, Sir R. Cartwright, 170; M. carried on division (c. 24; n.c. 13), 171; M. Mr. Belcourt, 171; rem., Mr. Dandurand, Mr. Wilson, 171; Mr. Lougheed, Mr. Cloran, 172; Mr. Béique, 173; M. agreed to, 173; M. (Mr. McHugh), 217; amt. Mr. Belcourt, 217; M. agreed to, 218; report of Committee concurred in, 404.

(I) An Act for the Relief of George Robert Buttonshaw (Mr. McMullen). Int., 145; 2nd R.*, 149; 3rd R.*, 150 (c. 75).

(J) An Act respecting the Northern Empire Railway Company (Mr. Talbot). Int., 145; 2nd R.*, 150; 3rd R.*, 356 (c. 136).

(K) An Act respecting the Erie, London and Tilsonburg Railway Company (Mr. Coffey). Int., 145; 2nd R.*, 150; 3rd R.*, 208 (c. 96).

(L) An Act respecting Bay of Quinté Railway (Mr. Power). Int., 150; M. 2nd R., Mr. Power, 151; M. agreed to, 152; 3rd R.*, 208 (c. 67).

(M) An Act to regulate the Transportation of Intoxicating Liquors (Sir R. Scott). Int., 151; 2nd R. posponed, 245; rem., Sir R. Scott, Mr. McSweeney, 274; Mr. Cloran, 275; Mr. Lougheed, 279; Mr. Wood, 280; Mr. Domville, 281; Mr. McMullen, 293; Mr. Béique, 294; Sir R. Scott, 295; Mr. David, 296; Mr. Cloran, 296; Mr. Cloran, 301; Mr. Yeo, 306; Mr. Baird, 307; Mr. Robertson, 308; Mr. Poirier, 310; Mr. Ross (Middlesex), 312; rem., Sir R. Scott, 388; Sir R. Scott, 409; Mr. Cloran Mr. Power, 409; Mr. Boyer, Mr. Gibson, 410; M. to adjourn debate, Mr. Power, 412; M. carried on division, 412; rem., Mr. Power, Sir R. Scott, 424; Mr. Robertson, 427; Mr. Yeo, 428; Mr. Belcourt, 430; Mr. Lougheed, 430; Mr. Ross, 431; Sir R. Scott, 437; Mr. Power, 439; M. 2nd R. carried on division, 446; M. (Sir R. Scott), 462; rem., Mr. Cloran, Sir M. Bowell, Mr. Power, 462; Sir R. Scott, Mr. Landry, 463; M. ruled out of order, 463; M. (Sir R. Scott), 475; rem., Mr. Power, Sir R. Scott, Mr. Landry, 475; Mr. Ellis. Sir M. Bowell, 476; in Committee, rem., Sir R. Scott, 509; on clause 1, rem., Mr. Wood, 510; Sir R. Scott, 512; Mr. Cloran, 514; Mr. Béique, 516; Mr. Cloran, 540; in Committee, Mr. Ross (Middlesex), 584; Mr. Béique, 588; Mr. Cloran, 589; Sir R. Scott, 590; Mr. Domville 592; M. (Mr. Domville) 593; M. lost, 593; M. that Committee rise (Mr. Domville), 593; M. adopted, 593.

(N) An Act for the Relief of Hope Eileen Moreland Drinkle (Mr. Douglas). Int., 159; 2nd R.*, 186; 3rd R.*, 206 (c. 91).

(O) An Act for the relief of Frederick Joseph Gustin McArthur (Mr. Watson). Int., 2nd R., 206; 3rd R.*, 210 (c. 124).

(P) An Act for the Relief of Jessie Maud Mary Maxwell (Mr. Edwards). Int., 203; 2nd R.*, 217; 3rd R.*, 221 (c. 123).

(Q) An Act respecting the Kingston, Smith Falls and Ottawa Railway Company (Mr. Derbyshire). Int., 203; 2nd R.*, 217; 3rd R.*, 263 (c. 116).

(R) An Act to incorporate the Montreal, Kapitachuan and Rupert's Bay Railway Co. (Mr. Young). Int., 207; 2nd R.*, 210; 3rd R.*, 432 (c. 129).

(S) An Act to incorporate the Retail Merchants Association of Canada (Mr. Young). Int., 207; 2nd R.*, 388; M. 2nd R., Mr. Young, 432; agreed to, 433; 3rd R.*, 524 (c. 156).

(T) An Act for the relief of Archibald Laurie (Mr. Gillmor). Int., 207; 2nd R. postponed, 222; M. 2nd R. (Mr. Robertson), 240; 2nd R. postponed, 241; 2nd R.*, 264; M. 3rd R. (Mr. Gillmor), 284; amt. Mr. Landry, 284; rem., Mr. Bostock, Mr. Landry, 284; Mr. Cloran, 285; Mr. David, Mr. Ross, Mr. Power, 286; amt. Mr. Landry

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rejected, 287; M. (Mr. Gillmor) carried, 287 (c. 118).

(U) An Act to incorporate the Northern Quebec Colonization Railway Company (Mr. Tessier). Int., 218; 2nd R.*, 240; 3rd R.*, 317 (c. 138).

(V) An Act to amend the Dominion Lands Act (Mr. David). Int., 218.

(W) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company (Mr. McHugh). Int., 222; 2nd R.*, 269; 3rd R.*, 373 (c. 140).

(X) An Act to incorporate the Protectorate Life Assurance Company of Canada (Mr. McHugh). Int., 223; 2nd R.*, 269 (c. 151).

(Y) An Act to amend the Government Annuities Act, 1908 (Sir R. Cartwright). Int., 223; M. 2nd R. (Sir R. Cartwright), 269; M. agreed to, 270; in Committee, Sir R. Cartwright, Mr. Frost, Sir M. Bowell, 332; M. (Mr. Frost), 333; M. agreed to, 333; M. 3rd R. (Sir R. Cartwright), 356; amt. (Mr. Frost), 356; rem., Sir M. Bowell, Sir R. Cartwright, 357; Mr. Lougheed, 358; amt. (Mr. Frost) withdrawn; M. 3rd R. agreed to, 359 (c. 4).

(Z) An Act for the relief of Bernard Shea (Mr. Frost). Int., 242; 2nd R., 264; 3rd R.*, 284 (c. 162).

(AA) An Act for the relief of Clara Louise Holden (Mr. Derbyshire). Int., 242; 2nd R.*, 289; 3rd R.*, 301 (c. 164).

(BB) An Act respecting the Sovereign Trust Company (Mr. McHugh). Int., 262; 2nd R.*, 316; 3rd R.*, 374 (c. 164).

(CC) An Act to incorporate the Nipigon-Albany Canal and Transportation Company (Mr. Young). Int., 261; M. 2nd R. (Mr. Watson), 289; rem., Mr. Wilson, 289; Mr. Watson, Mr. Lougheed, 290; M. 2nd R. agreed to, 291.

(DD) An Act to incorporate the Weyburn Security Bank (Mr. Douglas). Int., 264; 2nd R.*, 316; 3rd R.*, 356 (c. 177).

(EE) An Act respecting the Grand Trunk Railway Company of Canada (Mr. Watson). Int., 264; 2nd R.*, 316; 3rd R.*, 381 (c. 104).

(FF) An Act for the incorporation of the Ottawa, Rideau Valley and Brockville Railway Company (Mr. Derbyshire). Int., 300; 2nd R.*, 436; 3rd R.*, 451 (c. 144).

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(GG) An Act to incorporate the Morrisburg Ferry and Dock Company (Mr. Derbyshire). Int., 300; M. 2nd R. (Mr. Beith), 321; rem., Mr. Lougheed, Sir R. Cartwright, 321; Mr. Power, 322; M. 2nd R. agreed to, 323; 3rd R.*, 432 (c. 132).

(HH) An Act respecting the Calgary and Fernie Railway Company (Mr. De Veber). Int., 300; 2nd R.*, 317; 3rd R.*, 432 (c. 77).

(II) An Act to incorporate the Ottawa and Montreal Transmission Company, Limited (Mr. Ellis). Int., 316; 2nd R. postponed, 333; M. 2nd R. (Mr. Béique), 364; rem., Mr. Lougheed, Mr. Power, Mr. Cloran, 365; 3rd R.*, 432 (c. 142).

(JJ) An Act for the relief of James Albert Greene (Mr. Frost). Int., 316; 2nd R.*, 333; 3rd R.*, 334 (c. 105).

(KK) An Act respecting the Montreal and Southern Counties Railway Company (Mr. McSweeney). Int., 316; 2nd R.*, 353; 3rd R.*, 432 (c. 131).

(LL) An Act for the relief of Alexander Augustus Barthelmes (Mr. Derbyshire). Int., 317; 2nd R.*, 359; 3rd R.*, 373 (c. 66).

(MM.) An Act for the relief of Cecilia Maria Pringle (Mr. MacKeen). Int., 317; 2nd R.*, 353; 3rd R.*, 356 (c. 150).

(NN) An Act for the relief of Ada Ann Reed (Mr. Bostock). Int., 317; 2nd R.*, 353; 3rd R.*, 356 (c. 154).

(OO) An Act for the relief of Elmer Walter Scott (Mr. Robertson). Int., 333; 2nd R.*, 388; 3rd R.*, 396 (c. 161).

(PP) An Act to incorporate the Catholic Episcopal Corporation of Timiskaming (Mr. Lougheed). Int., 333; M. 2nd R. (Mr. Landry) 388; rem., Mr. Wilson, 388; Mr. Dandurand, Sir M. Bowell, 390; M. 2nd R. agreed to, 390; 3rd R.*, 432 (c. 82).

(QQ) An Act to incorporate the Laurentian Insurance Company of Canada (Mr. Casgrain). Int., 334; 2nd R., 374; 3rd R.*, 432 (c. 117).

(RR) An Act respecting the Dominion Bank (Sir R. Scott). Int., 334; 2nd R.*, 374; 3rd R.*, 432 (c. 89).

(SS) An Act to incorporate the Federation of Chambers of Commerce of the Province of Quebec (Mr. Cloran). Int., 333; rem., Mr. Landry, M. (Mr. Landry), 354; 2nd R.*, 540; reported from Com., Mr. Thomp-

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son, 653; M. Mr. Cloran, rem., Mr. Landry, M. (Mr. Cloran) agreed to, and amts. concurred in, 654; 3rd R.*, 667; on French translation, rem., Mr. Cloran, 679 (c. 99).

(TT) An Act to incorporate the Gatineau and Ungava Railway Company (Mr. Cloran). Int., 356; 3rd R.*, 451 (c. 102).

(UU) An Act respecting the Essex Terminal Railway Company (Mr. McHugh) Int., 356; 2nd R.*, 388; 3rd R.*, 494 (c. 98).

(VV) An Act respecting the Dominion Atlantic Railway Company (Mr. Power). Int., 356; 2nd R.*, 388; 3rd R.*, 432 (c. 88).

(WW) An Act for the relief of Ellen Mellor Fleming (Mr. Derbyshire). Int., 395; 2nd R.*, 432; 3rd R.*, 436 (c. 100).

(XX) An Act to incorporate the Pioneers Loan Company (Mr. Watson)). Int., 395; 2nd R.*, 432; amts. concurred in, 541; 3rd R.*, 543 (c. 148).

(YY) An Act for the relief of John Green (Mr. Derbyshire). Int., 434; 2nd R.*, 461; 3rd R.*, 470 (c. 106).

(ZZ) An Act for the relief of James Thornton Brownridge (Mr. Watson). Int., 434; 2nd R., 461; 3rd R.*, 471 (c. 72).

(AAA) An Act respecting the Brandon, Saskatchewan and Hudson Bay Railway Company (Mr. Power). Int., 450.

(BBB) An Act to incorporate the St. Lawrence and Ungava Railway Company (Sir M. Bowell). Int., 460; 2nd R.*, 493.

(CCC) An Act to amend the Criminal Code (Mr. Belcourt). Int., 460; order discharged, 544; M. 2nd R. Mr. Belcourt, 614; rem., Mr. Power, 618; Mr. Cloran, 618; Mr. Derbyshire, 619; Mr. Power, 669; Mr. Belcourt, 670; Mr. Cloran, 671; Mr. Lougheed, 674; rem., Mr. Coffey, 912; Mr. Poirier, 914; Mr. Choquette, Mr. Thompson, Mr. Power, 915; Sir M. Bowell, Mr. Belcourt, 916; Bill withdrawn, 917.

(DDD) An Act respecting the Alberta and British Columbia Railway Company (Mr. Lougheed). Int., 464; 2nd R.*, 496; 3rd R.*, 563 (c. 63).

(EEE) An Act respecting the British Northwestern Fire Insurance Company (Mr. Watson). Int., 464; 2nd R.*, 496; 3rd R.*, 623 (c. 70).

(FFF) An Act respecting the Guelph Junction Railway Company (Mr. Gibson). Int., 476; 2nd R., 518; rem., Mr. Béique,

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625; Sir M. Bowell, 627; M. to adopt amt. (Mr. Béique), 631; amt. Mr. Landry, 632; Mr. Power, 632; Mr. Ross (Middlesex), 632; Mr. Dandurand, 633; Mr. McMullen, 633; Mr. Forget, 634; Mr. Watson, 636; amt. (Mr. Landry) lost on division (c. 14; n.c. 34); M. to adopt amt. of Com. carried on same division reversed, 640; M. 3rd R. (Mr. Watson), 657; amt. (Mr. Béique), rem., Sir M. Bowell, 657; amt. (Mr. Béique) agreed to, 658; rem., Mr. Béique, 658; M. 3rd R. (Mr. Béique), 658; amt. (Sir M. Bowell), 658; amt. lost, 659; M. 3rd R. agreed to, 659 (c. 107).

(GGG) An Act to incorporate the Buctouche Railway and Transportation Company (Mr. Thompson). Int., 493; 2nd R., 518; 3rd R.*, 563 (c. 73).

(HHH) An Act to incorporate the Alberta, Peace River and Eastern Railway Company (Mr. Watson). Int., 582; 2nd R.*, 612; 3rd R.*, 657 (c. 64).

(III) An Act for the relief of Emily Maude Nicholl (Mr. Jaffray). Int., 620; 2nd R., 663; 3rd R.*, 667 (c. 135).

(JJJ) An Act for the relief of Edna Sibley De Mar (Mr. Jaffray). Int., 620; 2nd R., 663; 3rd R.*, 667 (c. 87).

(KKK) An Act for the relief of Clifford Buell Lillie (Mr. Watson). 1st and 2nd Rs., 666; M. 3rd R. (Mr. McMullen), 667; rem., Mr. Ellis, 667; M. 3rd R. agreed to, 667; on M. to pass Bill, rem., Mr. Béique, 667; Mr. Bostock, Mr. Ellis, Mr. McMullen, Mr. Choquette, 668; M. to pass Bill carried on division (c. 25; n.c. 20) (c. 119).

(LLL) An Act for the relief of Roland James Botterill (Mr. Bostock). 1st and 2nd Rs., 666; 3rd R.*, 667 (c. 68).

(MMM) An Act for the relief of James Alexander Forster (Mr. De Veber). 1st and 2nd Rs*, 678; 3rd R.*, 705 (c. 101).

(NNN) An Act to provide for the cases of certain persons ceasing to be employed in the public service of Canada (Mr. Power). Int., 678.

(OOO) An Act to correct an error in Chap. 126 of the Revised Statutes of Canada, entitled an Act respecting Telegraphs. 1st R.*, 704; M. 2nd R. (Mr. Béique), 704; M. agreed to, 705; 2nd and 3rd Rs.*, 876 (c. 56).

(6) An Act to amend the Criminal Code. 1st R., 620; M. (Mr. Watson), 620; rem.,

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Mr. Choquette, 620; Mr. Watson, 621; M. agreed to, 621; M. 2nd R. (Mr. Watson), 660; rem., Mr. Wilson, Mr. Watson, 660; Mr. Davis, 661; Mr. McHugh, 661; M. 2nd R. agreed to, 662; M. (Mr. Watson), 662; rem., Mr. Wilson, Mr. Lougheed, Mr. Davis, Mr. Watson, 663; M. (Mr. Watson) agreed to, 663; in Com., rem., Mr. Davis, Mr. Wilson, Mr. Davis, Sir R. Cartwright, 818; Mr. Watson, 819; Mr. Davis, 821; on clause 3, rem., Mr. Wilson, 823; sub-clauses adopted, 824; on sub-clause 2, rem., Mr. Davis, Mr. Watson, 824; Mr. Wilson, 825; sub-clause adopted, 825; on sub-clause (*e*), clause 2, rem., Mr. Davis, Mr. Lougheed, 825; on clause 3, rem., Mr. Davis, Mr. Dandurand, 825; Mr. Ellis, 826; sub-clause adopted, 826; on sub-clause (*f*), rem., Mr. Davis, 826; Sir M. Bowell, Mr. Wilson, Mr. Lougheed, Mr. Davis, 827; sub-clauses (*g*), (*h*) and (*i*) adopted, 828; on sub-section 2, rem., Mr. Wilson, Mr. McHugh, Mr Davis, 829; amts. (Mr. Davis), 829; amts. lost, 829; M. 3rd R. agreed to, 829 (c. 10).

(9) An Act to amend the Inland Revenue Act (Sir R. Cartwright). Int., 121; 2nd R., 143; in Com., Sir R. Scott, Mr. Landry, Mr. Power, 146; Sir M. Bowell, Mr. Lougheed, 147; B. reported without amendment, Mr. Bostock, 148; M. 3rd R., Mr. Dandurand; M. agreed to, 150 (c. 30).

(12) An Act respecting certain supplementary Conventions between His Majesty and the President of French Republic. 1st R., rem., Sir R. Cartwright, Mr. Landry, 121; M. to suspend rule (Sir R. Cartwright); M. agreed to, 122; M. 2nd R., Sir R. Cartwright, rem., Mr. Dandurand, 122; Sir M. Bowell, 123; Mr. Casgrain, 127; Mr. Jones, 128; Mr. Power, 129; Mr. Douglas, 130; M. agreed to, 131; 3rd R.*, 131; R.A., 131 (c. 21).

(13) An Act to amend the Criminal Code respecting injuries to persons due to motor vehicles. 1st R.*, 935; M. 2nd R. (Sir R. Scott) 935; rem., Sir R. Scott, Mr. Domville, 935; Mr. Power, 936; M. 2nd R. agreed to, 936; in Com., on clause 1, rem., Mr. Bostock, clause adopted, 936; on clause 2, rem., Sir M. Bowell, Sir R. Cartwright, Mr. Forget, 936; clause agreed to, 936; reported from Com., 936; 3rd R.*, 936 (c. 13).

(17) An Act to authorize the Government of Canada to acquire by lease, lines of railway connecting with the Government

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Railway (Sir R. Cartwright). Int., 151; M. to postpone 2nd R., Sir R. Cartwright, 185; M. agreed to, 185; M. 2nd R. (Sir R. Cartwright) 224; rem., Sir M. Bowell, 225; Mr. Wood, 227; Mr. Domville, 234; Mr. McMullen, 237; rem., Mr. Power, 245; Mr. Macdonald (B.C.), 250; Mr. McSweeney, 251; Mr. Ellis, 253; Mr. King, 256; Mr. Wilson, 258; Mr. Wood, 260; Mr. Cloran, 323; Mr. Legris, Mr. Casgrain, 330; Mr. McHugh, Mr. Robertson, 381; Mr. McGregor, 382; Mr. Ross (Halifax), 386; M. 2nd R. carried on division, 387; in Com., rem., Sir R. Cartwright, Mr. Power, 483; Mr. Lougheed, 484; Mr. McSweeney, Mr. Macdonald (B.C.), 485; Sir M. Bowell, 486; Mr. Thompson, 488; Mr. Wood, 489; Mr. Ross (Halifax), 490; Mr. Gibson, 490; Mr. Dandurand, 491; Mr. Mitchell, 493; on clause 3, amt. Mr. McMullen, 525; rem., Mr. Lougheed, 526; amt. adopted, 526; amt. Mr. Power, 526; rem., Sir R. Cartwright, 526; amt. agreed to, 526; amt., Mr. Power, 526; rem., Sir R. Cartwright, 527; Wood, 530; Mr. Cloran, 530; Sir M. Bowell, 531; Mr. Power, Mr. Thompson, 532; Mr. Lougheed, 533; amt. dropped, 533; on sub-clause 4; amt. Mr. Power, 534; Mr. Dandurand, 534; Sir R. Cartwright, Mr. Cloran, Mr. Wood, 534; Mr. Power, Mr. Thompson, 535; Mr. McSweeney, 536; amt. lost, 536; M. (Mr. Béique), 536; M. agreed to, 536; M. (Mr. Béique), 536; rem., Mr. Lougheed, Mr. Casgrain, 536; M. agreed to, 537; amts. from Com. concurred in, 537; M. 3rd R. (Sir R. Cartwright), 607; M. (Mr. McMullen), 607; M. (Mr. McMullen) lost, 608; M. 3rd R. agreed to, 608; on Message from H. of C. disagreeing to amts. of Senate, rem., Sir R. Cartwright, 927; M. (Mr. Power) 927; rem., Mr. Power, 927; Mr. Thompson, 930; Mr. Béique, Mr. Ross (Middlesex), Sir M. Bowell, Mr. Mitchell, 931; original amt. adopted on division (c. 22; n.c. 18), 932; M. (Mr. Power) 932; rem., Mr. Watson, Mr. Power, Sir M. Bowell, 932; M. (Mr. Power) agreed to, 932; report of Com. for assigning reason to H. of C., adopted, 935; M. to represent Senate at conference (Sir R. Cartwright), 954; M. agreed to, 954; Message received from H. of C., 959; rem., Sir M. Bowell, 959; Mr. Béique, 960; M. to adopt report of Com. (Mr. Béique) 960; M. agreed to, 960 (c. 25).

(20) An Act to prevent the introduction or spreading of insects, pests and diseases destructive to vegetation (Sir R. Cart-

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wright). Int., 463; 2nd R.*, 542; in Com., rem. Mr. Wilson), 664; reported from Com., 664; 3rd R.*, 667 (c. 31).

(23) An Act to incorporate the Northern Mortgage Company of Canada (Mr. Chevrier). Int., 159; 2nd R.*, 186; 3rd R., 263 (c. 137).

(25) An Act respecting the Water Carriage of Goods (Sir R. Cartwright). Int., 703; 2nd R.*, 762; 3rd R.*, 852 (c. 61).

(27) An Act respecting the British North America Mining Company (Mr. Casgrain). Int., 242; 2nd R.*, 263; 3rd R.*, 460 (c. 69).

(28) An Act respecting the Campbellford, Lake Ontario and Western Railway Co. (Mr. Campbell). Int., 135; 2nd R.*, 145; 3rd R.*, 151 (c. 78).

(29) An Act respecting the Columbia and Western Railway Company (Mr. Bostock). Int., 159; 2nd R.*, 186; 3rd R.*, 208 (c. 85).

(30) An Act respecting the Eastern Townships Railway Company (Mr. Mitchell). Int., 148; 2nd R.*, 150; 3rd R.*, 208 (c. 93).

(31) An Act respecting the Kamloops and Yellowhead Pass Railway Company (Mr. Bostock). Int., 135; 2nd R.*, 145; 3rd R.*, 151 (c. 114).

(32) An Act respecting the Nicola, Kamloops and Similkameen Railway and Coal Company (Mr. Bostock). Int., 135; M. 2nd R., Sir R. Cartwright, 143; M. agreed to, 144; 2nd R.*, 145; 3rd R.*, 151 (c. 134).

(34) An Act respecting the Ottawa, Northern and Western Railway Company (Mr. Belcourt). Int., 135; 2nd R.*, 145; 3rd R., 151 (c.143).

(35) An Act respecting the South Ontario Pacific Railway Company (Mr. McMullen). Int., 135; 2nd R.*, 145; 3rd R.*, 151 (c. 163).

(36) An Act respecting the Union Life Assurance Company (Mr. Jones). Int., 151; 2nd R.*, 210; 3rd R.*, 244 (c. 169).

(37) An Act respecting the Walkerton and Lucknow Railway Company (Mr. McMullen). Int., 135; 2nd R.*, 145; 3rd R.*, 151 (c. 174).

(38) An Act respecting the West Ontario Pacific Railway Company (Mr. McMullen). Int., 135; 2nd R.*, 145; 3rd R.*, 151 (c. 176).

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(42) An Act respecting the Edmonton and Slave Lake Railway Company (Mr. Young). Int., 135; 2nd R.*, 145; 3rd R.*, 151 (c. 95).

(43) An Act respecting the Hudson Bay Insurance Company (Mr. Ross, Moosejaw). Int., 262; 2nd R.*, 316; amts. concurred in, 434; rem., Mr. Thompson, 434; Sir M. Bowell, 435; Mr. Béique, Mr. Bostock, Mr. Landry, 436 (c. 110).

(44) An Act respecting the Montreal Central Terminal Company (Mr. Edwards). Int., 333; 2nd R., 374; concurrence in amts. postponed, 433; rem., Mr. Béique, Mr. Thompson, Mr. Power, 447; Mr. Ellis, 448; Mr. Campbell, Mr. Dandurand, Sir M. Bowell, 449; rem., Mr. Lougheed, Mr. Béique, 476; Mr. Dandurand, Mr. Thompson, Mr. Ellis, 477; Mr. Edwards, 480; Mr. David, Mr. Power, 481; order postponed, 543; M. (Mr. Edwards), 640; rem., Mr. Watson, Mr. Owen, 640; Mr. Dandurand, 641; Mr. Loughted, 643; Mr. Béique, 644; Mr. Landry, 645; Mr. Choquette, 645; Mr. David, 646; Mr. Wilson, Mr. Wood, 647; amt. (Mr. Edwards) lost, 649; rem., Mr. Landry, 649; Mr. Power, (Acting Speaker), 651; Bill withdrawn, 652; M. (Mr. David) 679; rem., Mr. Power, 679; Mr. David, Mr. Bostock, Mr. Béique, 680; Mr. Choquette, 681; Mr. Landry, 682; Mr. Cloran, Mr. Dandurand, 683; Mr. Belcourt, 684; Mr. Lougheed, Mr. Speaker, Sir M. Bowell, 685; Mr. Young, 686; M. (Mr. David), 687; rem., Mr. Landry, Mr. Dandurand, Mr. Power, 687; Mr. Choquette, Sir M. Bowell, 688; Mr. Speaker, 689; Mr. Bostock, 691; Mr. David, 693; Mr. Poirier, 694; Mr. Lougheed, 698; Mr. Young, 702; Notice of M. (Mr. Béique), 727; M. to suspend rules, Mr. Casgrain, 728; rem., Mr. Lougheed, 728; on amts. by Com., rem., Mr. Edwards, 729; amt. (Mr. Béique), 729; amt. withdrawn, 731; M. to concur in amts. of Com. (Mr. Edwards), 743; rem., Mr. Power, amt. (Mr. Béique), 743; M. to adopt report (Mr. Béique), 744; rem., Mr. Owens, Mr. Dandurand, 744; Mr. Speaker, Mr. Edwards, 745; M. (Mr. Béique) agreed to, 745; M. to suspend rules (Mr. Edwards), 745; M. agreed to; 3rd R., 746.

(45) An Act respecting the Phœnix Assurance Company, Limited (Mr. Robertson). Int., 135; 2nd R.*, 145; 3rd R.*, 150 (c. 146).

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(46) An Act to incorporate the Pine Pass Railway Company (Mr. Roy). Int., 135; 2nd R.*, 145; 3rd R.*, 436 (c. 147).

(51) An Act to incorporate the Montmagny Mutual Fire Insurance Company, and to change its name to 'Factories Insurance Company' (Mr. Choquette). Int., 185; 2nd R.*, 206; 3rd R.*, 460 (c. 128).

(52) An Act to incorporate the Nelson River Railway Company (Mr. Watson). Int., 463; 2nd R.*, 518; 3rd R.*, 582 (c. 133).

(55) An Act to amend the Seed Control Act (Sir R. Cartwright. Int., 185; 2nd R.*, 240; in Com., rem., Sir R. Cartwright, Mr. Wilson, 270; Mr. Lougheed, Sir M. Bowell, Mr. Power, 271; Mr. Douglas, Mr. Bostock, 272; 3rd R.*, 284 (c. 54).

(59) An Act respecting the St. Maurice Valley Railway Company (Mr. Mitchell). Int., 151; 2nd R.*, 177; 3rd R.*, 208 (c. 159).

(58) An Act respecting the Montreal, Ottawa, and Georgian Bay Canal Company (Mr. Casgrain). Int., 151; M. 2nd R., Sir R. Scott, 173; rem., Mr. McMullen, Mr. Power, 174; Mr. Belcourt, 175; Mr. Edwards, 176; M. agreed to, 177; 3rd R.*, 208 (c. 130).

(61) An Act respecting the Canadian Northern Railway Company (Mr. Davis). Int., 220; 2nd R.*, 263; 3rd R.*, 432; M. to recede from amt. (Mr. Davis), 496; M. agreed to, 496 (c. 80).

(62) An Act respecting the Esquimalt and Nanaimo Railway Company (Mr. Riley). Int., 185; 2nd R.*, 206; 3rd R.*, 263 (c. 97).

(63) An Act respecting the Manitoba and Northwestern Railway Company of Canada (Mr. Watson). Int., 185; 2nd R.*, 206; 3rd R.*, 263 (c. 121).

(65) An Act to amend the Winding-up Act. 1st R.*, 935; M. 2nd R. (Sir R. Cartwright), 935; M. 3rd R. agreed to, 935 (c. 62).

(67) An Act respecting the Improved Paper Machinery Company (Mr. Kirchhoffer). Int., 218; M. 2nd R. (Mr. Kirchhoffer); rem., Sir M. Bowell, 240; 2nd R., 261; 3rd R.*, 381 (c. 111).

(68) An Act respecting the Kettle River Valley Railway Company (Mr. Ross, Middlesex). Int., 151; 2nd R.*, 177; 3rd R.*, 208 (c. 115).

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(69) An Act respecting the Prince Albert and Hudson Bay Railway Company (Mr. Davis). Int., 434; 2nd R.*, 461; 3rd R.*, 657 (c. 149).

(75) An Act to amend the Criminal Code. 1st R.*, 936; M. 2nd R. (Sir R. Scott), 936; M. 2nd R. agreed to, 937; in Com., on clause 1, reported from Com, 937; 3rd R.*, 937 (c. 11).

(78) An Act respecting the Edmonton, Dunvegan and British Columbia Railway Company (Mr. Roy). Int., 151; 2nd R., 177; 3rd R., 208 (c. 94).

(79) An Act respecting the Hamilton, Waterloo and Guelph Ry. Company (Mr. Gibson). Int., 582; 2nd R.*, 612; 3rd R.*, 657 (c. 108).

(80) An Act to incorporate l'Institut de Notre Dame des Missions (Mr. Ross, Middlesex). Int., 220; 2nd R.*, 432; 3rd R.*, 729 (c. 112).

(82) An Act respecting the Merchants and General Insurance Company (Mr. Casgrain). Int., 212; 2nd R.*, 219; 3rd R.*, 244 (c. 126).

(83) An Act respecting the Vancouver, Westminster and Yukon Railway Company (Mr. Bostock). Int., 333; 2nd R.*, 366; 3rd R.*, 432 (c. 173).

(85) An Act to amend the Criminal Code (Sir R. Scott). Int., 151; M. 2nd R., Sir R. Scott, 188; rem., Mr. Power, Mr. Lougheed, 191; Mr. Ross (Middlesex), 193; Mr. Belcourt, 194; Mr. Bostock, Mr. Davis, 195; Mr. Poirier, 197; Mr. Béique, 198; Sir R. Cartwright, 199; Sir M. Bowell, 200; M. agreed to, 202; M. (Sir R. Scott), M. agreed to, 221; amts. Sir R. Scott, 221; in Com., Sir R. Scott, Mr. Belcourt, 291; Mr. Power, 292; on sub-clause 3, amt. Mr. Power, 319; amt. Mr. Power agreed to, 319; on sub-clause 4, rem., Mr. Wilson, Sir R. Scott, 319; Mr. Power, 320; clause adopted, 321; Mr. Lougheed, 321; 3rd R.*, 356 (c. 12).

(86) An Act respecting the Western Canada Power Co. (Mr. Bostock). Int., 284; 2nd R.*, 317; 3rd R.*, 432 (c. 175).

(89) An Act respecting the Calgary and Edmonton Railway Company (Mr. Lougheed). Int., 213; 2nd R.*, 221; 3rd R.*, 432 (c. 76).

(90) An Act respecting the Central Ontario Railway Company (Mr. Ross, Middlesex). Int., 220; 2nd R.*, 244; 3rd R.*, 317 (c. 84)

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(91) An Act to incorporate the London and Lake Erie Railway and Transportation Company (Mr. Coffey). Int., 284; 2nd R.*, 317; 3rd R.*, 396 (c. 120).

(92) An Act respecting a patent of the Mond Nickel Company (Mr. Belcourt). Int., 212; 2nd R. postponed, 222; 242; rem., Mr. Cloran, 241; Sir M. Bowell, 242; 261; 2nd R., 262; 3rd R.*, 317 (c. 127).

(93) An Act respecting the Vancouver and Coast-Kootenay Railway Company (Mr. Bostock.) Int., 185; 2nd R.*, 206; 3rd R.*, 263 (c. 170).

(95) An Act respecting the Naval Service of Canada (Sir R. Cartwright.) Int., 653; M. 2nd R. (Sir R. Cartwright), 677; rem., Mr. Lougheed, 705; M. (Mr. Lougheed) 713; rem., Mr. Casgrain, 713; Mr. Landry, 721; Mr. Roche, 731; Mr. Macdonald (B. C.), 739; Mr. Legris, 741, 746; Mr. Poirier, 748; Mr. Cloran, 751; Mr. David, 755; Mr. David resumes, 762; Mr. Choquette, 766; Mr. Dandurand, 774; Mr. Ross (Middlesex), 782; Sir M. Bowell, 793; Mr. Béique, 805; Mr. DeBoucherville, 811; Mr. Boyer, 813; Mr. Ross (Halifax), 815; amt. lost on division; M. 2nd R. agreed to, 818; in Com., on clause 6, rem., Sir M. Bowell, 830; clause 6 adopted, 830; on clause 9, rem., Mr. Lougheed, Sir R. Cartwright, 830; clause 9 adopted, 831; on clause 10, rem., Mr. Lougheed, Sir R. Cartwright, 831; clause 10 adopted, 831; on clause 12, rem., Mr. Ross (Halifax), 831; clause agreed to, 831; on clause 16, rem., Mr. Loughed, Sir R. Cartwright, 831; on clause 18, rem., Mr. Ross (Halifax), Sir R. Cartwright, 832; clause 18 adopted, 832; on clause 19, rem., Mr. Lougheed, 832; Sir R. Cartwright, Sir M. Bowell, 833; clause 19 agreed to, 834; on clause 23, rem., Mr. Ross (Halifax), Sir M. Bowell, Sir R. Cartwright, 834; Mr. Lougheed, 835; Mr. Dandurand, Mr. Macdonald (B.C.), Mr. Power, 836; clause 23 agreed to, 839; on clause 25, rem., Sir R. Cartwright, Mr. Lougheed, Mr. Ross (Halifax), 839; on clause 32, rem., Mr. Ross (Halifax), 839; Sir M. Bowell, Sir R. Cartwright, 840; on clause 44, rem., Sir M. Bowell, Mr. Lougheed, Sir R. Cartwright, 840; clause 44 agreed to, 840; Bill reported from Com., 840; 3rd R.*, 840 (c. 43).

(96) An Act respecting the Canadian Pacific Railway Company (Mr. Watson). Int., 220; M. 2nd R. (Mr. Watson); M. agreed to, 244; 3rd R.*, 317 (c. 81).

BILLS—SERIATIM—*Con.*

(97) An Act respecting the Pacific and Atlantic Railway Company (Mr. Ross, Middlesex). 2nd R.*, 264; 3rd R.*, 373 (c. 145).

(98) An Act respecting the Trust and Loan Company of Canada. Int., 463; 2nd R., 518; 3rd R.*, 623 (c. 168).

(99) An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company (Mr. Bostock). 2nd R.*, 432; 3rd R.*, 494 (c. 172).

(101) An Act to provide for the investigation of Combines, Monopolies, Trusts and Mergers (Sir R. Cartwright). Int., 703; 2nd R.*, 762; M. 2nd R. (Sir R. Cartwright), 866; M. agreed to, 867; in Com., on clause 1, rem., Sir M. Bowell, 879; Sir R. Cartwright, Mr. Lougheed, Mr. Kerr, Mr. Dandurand, Mr. Choquette, 880; Mr. Watson, Mr. Béique, 881; M. (Mr. Choquette) 883; rem., Mr. Wilson, 883; Mr. Dandurand, Mr. Forget, Sir R. Cartwright, Mr. Kerr, 884; Mr. Edwards, 886; Mr. Young, Mr. Béique, 888; amt. (Mr. Choquette) lost, 889; on clause 5, rem., Mr. Bostock, Mr. Dandurand, 890; clause adopted, 890; on clause 11, rem., Mr. Power, 890; clause adopted, 890; on clause 12, sub-clause 4, rem., Mr. Lougheed, Mr. Dandurand, 890; sub-clause adopted, 891; clause 15, rem., Mr. Lougheed, Sir R. Cartwright, 891; clause adopted, 891; clause 21, Mr. Dandurand, 891; Sir M. Bowell, 892; clause adopted, 892; clause 22, rem., Sir M. Bowell, Mr. Dandurand, Mr. Lougheed, 892; Sir R. Cartwright, 893; clause adopted, 895; clause 23, rem., Mr. Landry, Sir M. Bowell, Mr. Dandurand, Mr. Lougheed, 895; Mr. Kerr, 897; Mr. Béique, 900; clause 41, rem., Mr. Power, Mr. Jaffray, 900; Mr. Dandurand, Sir M. Bowell, clause adopted, 901; clause 24, rem,. Mr. Lougheed, 901; Mr. Dandurand, Mr. Derbyshire, 902; rep. from Com., 902; M. 3rd R. (Sir R. Cartwright), 910; rem., Mr. Béique, 910; Mr. Landry, Mr. Power, amt. (Mr. Béique), 911; rem., Sir M. Bowell, 912; M. 3rd R. agreed to, 912 (c. 9).

(102) An Act respecting Immigration (Sir R. Cartwright). Int., 463; M. 2nd R. (Sir R. Cartwright), 508; rem., Mr. McDonald, Mr. Lougheed, 508; M. agreed to, 509; in Com., Mr. Lougheed, Sir R. Cartwright, 553; Sir M. Bowell, 554; Mr. Power, 555; Mr. Wilson, 557; Mr. Choquette, 560; Mr. Gibson, 561; Sir R. Cartwright, 570; Mr. Lougheed, Mr. Power, 571; Sir M. Bowell,

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573; Mr. Watson, 574; Mr. Cloran, 575; Mr. Wilson, Mr. Power, 577; B. rep. from Com. without amt., 582; M. 3rd R. (Sir R. Cartwright), 608; rem., Mr. Choquette, 608; Mr. Cloran, 609; Mr. Macdonald (B.C.), 610; M. 3rd R. agreed to, 611 (c. 27).

(103) An Act to amend the Navigable Waters Protection Act (Sir R. Cartwright). 2nd R.*, 653; in Com., rem., Mr. Power, Sir R. Cartwright, Mr. Lougheed, 664; rep. from Com., 666; order discharged, 762; M. 3rd R. (Sir R. Cartwright), 869; rem., Mr. Lougheed, Mr. Dandurand, 869; Mr. Lougheed, Mr. Macdonald (B.C.), 871 (c. 44).

(104) An Act to control the rates and facilities of ocean cable companies, and to amend the Railway Act with respect to telegraphs and telephones, and the jurisdiction of the Board of Railway Commissioners (Sir R. Cartwright). Int., 463; M. 2nd R. (Sir R. Cartwright), 568; M. agreed to, 569; M. to refer B. to Com. (Sir R. Cartwright), 569; rem., Mr. Wilson, Mr. Roche, 569; M. agreed to, 570; 3rd R.*, 705 (c. 57).

(105) An Act to amend the Telegraphs Act (Sir R. Cartwright). Int., 463; 2nd R., 570; 3rd R.*, 729 (c. 55).

(106) An Act respecting the Canadian Northern Ontario Railway Company (Mr. Jones). Int., 463; 2nd R.*, 495; 3rd R.*, 563 (c. 79).

(107) An Act to incorporate the Ottawa, Montreal and Eastern Railway Company (Mr. Casgrain). Int., 242; 2nd R.*, 264; M. to refer report back to Com., 404; rem., Mr. Béique, Mr. Casgrain, Mr. Dandurand, Mr. Cloran, 404; Mr. Power, 407; M. agreed to, 408; 3rd R.*, 432 (c. 141).

(108) An Act to incorporate the Rainy River Radial Company (Mr. Watson). Int., 463; 2nd R.*, 496; 3rd R.*, 583 (c. 152).

(111) An Act respecting the Dominion Millers' Association (Mr. McGregor). Int., 463; 2nd R.*, 496; 3rd R.*, 563 (c. 90).

(115) An Act to incorporate the St. Lawrence Power Transmission Company, Limited (Mr. Watson). Int., 593; M. to suspend rules (Mr. Young) agreed to, 621; M. to adopt rep. of Com. (Mr. Young) agreed to, 621; M. 2nd R. (Mr. Watson) 653; M. agreed to, 653; M. to concur in amts. (Mr. Béique) 666; rem., Mr. Landry, Mr. Béique, 666; M. agreed to, 667; 3rd R.*, 705 (c. 166).

(120) An Act respecting the Royal Guardians (Mr. Casgrain). Int., 593; 2nd R.*, 653; 3rd R.*, 667 (c. 158).

(110) An Act respecting the Algoma Central and Hudson Bay Railway Company (Mr. Ross (Middlesex). Int., 220; 2nd R., 244; 3rd R.*, 381 (c. 65).

(112) An Act to incorporate the Independent Order of Rechabites (Mr. McHugh) Int., 269; 2nd R.*, 316; 3rd R.*, 460 (c 153).

(113) An Act respecting the Manitoulin and North Shore Railway Company (Mr. Ross, Middlesex). Int., 220; 2nd R., 264; 3rd R.*, 373 (c. 122).

(114) An Act respecting the Richelieu and Ontario Navigation Company (Mr. Casgrain). Int., 284; 2nd R.*, 317; 3rd R.*, 436 (c(157).

(116) An Act to incorporate the Toronto Eastern Railway Company (Mr. Ross, Middlesex). Int., 582; 2nd R.*, 612; 3rd R.*, 657 (c. 167).

(118) An Act to incorporate the Burrard Inlet Tunnel and Bridge Company (Mr. Young). Int., 353; 2nd R.*, 408; M. 3rd R. (Mr. De Veber), 470; amt., Mr. Béique, 470; 3rd R., 470 (c. 74).

(121) An Act to incorporate the Saskatchewan Central Railway Company (Mr. Young). Int., 380; 2nd R.*, 432; 3rd R., 470 (c. 160).

(123) An Act respecting the Central Canada Manufacturers Mutual Fire Insurance Company (Mr. Frost). Int., 463; 2nd R., 496; rem., Sir M. Bowell, Mr. Frost, 496; 3rd R.*, 705 (c. 83)

(124) An Act respecting the Eastern Canada Manufacturers Mutual Fire Insurance Company (Mr. Frost). Int., 463; 2nd R., 496; rem., Sir M. Bowell, Mr. Frost, 496; rep. from Com., 654; M. Mr. Thompson, 654; 3rd R.*, 705 (c. 92).

(125) An Act to amend the Land Titles Act (Sir R. Cartwright). Int., 464; 2nd R.*, 542; M. 3rd R. (Sir R. Cartwright), 583; rem., Mr. Lougheed, 583; Sir R. Cartwright, Mr. Lougheed, 612; amt., (Sir R. Cartwright) agreed to, 623; M. 3rd R. (Sir R. Cartwright) agreed to, 623 (c. 36).

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(126) An Act to correct a clerical error in the French Convention Act, 1908 (Sir R. Cartwright). Int., 507; 2nd R., 544; rep. from Com. without amt., 567; 3rd R.*, 623 (c. 22).

(127) An Act respecting the Grand Trunk Pacific Branch Lines Company (Mr. Gibson). Int., 380; 2nd R.*, 432; M. 3rd R., (Mr. Casgrain) 451; M. agreed to, 451 (c. 103).

(128) An Act to incorporate the James Bay and Eastern Railway Company (Mr. Casgrain). Int., 464; 2nd R.*, 496; 3rd R.*, 624 (c. 113).

(129) An Act to incorporate the Ontario and Ottawa Railway Company (Mr. Jones). Int., 464; 2nd R.*, 496; 3rd R.*, 563 (c. 139).

(130) An Act respecting the Vancouver Island and Eastern Railway Company (Mr. Bostock). Int., 464; 2nd R.*, 496; 3rd R.*, 583 (c. 171).

(132) An Act to amend the Gas Inspection Act (Sir R. Cartwright). Int., 464; 2nd R.*, 537; in Com., rem., Sir M. Bowell, Sir R. Cartwright, 612; B. rep. without amt., Mr. Bostock, 613; 3rd R.*, 623 (c. 23).

(138) An Act to amend the Customs and Fisheries Protection Act (Sir R. Cartwright). Int., 464; M. 2nd R. (Sir R. Cartwright), 539; rem., Sir M. Bowell, 539; M. agreed to, 540; in Com., rem., Mr. Power, Sir R. Cartwright, 614; B. rep. without amt., 614; 3rd R.*, 623 (c. 15).

(141) An Act to amend the Indian Act (Sir R. Cartwright). Int., 464; 2nd R., 567; M. 3rd R. (Sir R. Cartwright), 659; rem., Mr. Macdonald (B.C.), 659; M. 3rd R. agreed to, 660 (c. 28).

(145) An Act to amend the Railway Act (Sir R. Cartwright). Int., 867; M. 2nd R. (Sir R. Cartwright), 902; M. 2nd R. agreed to, 902; in Com., on section 1, rem., Mr. Dandurand, 903; section adopted, 903; on section 7, rem., Mr. Power, Mr. Dandurand, 903; Sir R. Cartwright, Mr. Kerr, 904; clause allowed to stand, 904; on clause 8, rem., Mr. Dandurand, 904; clause adopted, 905; rep. from Com., 905; in Com., on clause 7, rem., Sir R. Cartwright, Mr. Power, Mr. Domville, 926; clause adopted, 927; 3rd R., 927 (c. 50).

(163) An Act to amend the Volunteer Bounty Act, 1908 (Sir R. Cartwright). Int., 867;

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2nd R., 876; in Com., rem., Sir M. Bowell, Sir R. Cartwright, 877; M. 3rd R. (Sir R. Cartwright), 910; M. agreed to, 910 (c. 60).

(150) An Act respecting the Restigouche Boom Company, and to change the name to the Restigouche Log Driving and Boom Company. Int., 464; 2nd R.*, 496; 3rd R.*, 612 (c. 155).

(151) An Act to provide for the adjudication of small claims arising in respect of operation of the government railway (Sir R. Cartwright). Int., 507; 2nd R., 545; M. 3rd R. (Sir R. Cartwright), 624; rem., Mr. Choquette, 624; 3rd R.*, 657 (c. 26).

(173) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending respectively the 31st March, 1910, and the 31st March, 1911, 1st 2nd and 3rd Rs., 461 (c. 1).

(180) An Act to amend the Royal Military College Act (Sir R. Cartwright). Int., 464; M. 2nd R. (Sir R. Cartwright), 537; M. agreed to, 538; in Com., rem., Sir M. Bowell, Sir R. Cartwright, Mr. Lougheed, 613; rep. without amt., Mr. Gillmor, 613; 3rd R.*, 623 (c. 52).

(181) An Act to authorize the sale or disposal of certain public lands in or in the vicinity of the cities of Toronto and Winnipeg respectively (Sir R. Cartwright). Int., 464; M. 2nd R. (Sir R. Cartwright), 538; M. agreed to, 538; in Com., rem., Sir M. Bowell, Sir R. Cartwright, Mr. Lougheed, 613; B. rep. without amts., Mr. McKay, 614; 3rd R.*, 623 (c. 49).

(182) An Act respecting the payment of Bounties on lead contained in lead-bearing ores mined in Canada, and to promote the production in Canada of zinc (Sir R. Cartwright). Int., 507; M. 2nd R. (Sir R. Cartwright), 545; M. agreed to, 545; 3rd R.*, 623 (c. 37).

(184) An Act to provide for the testing of glassware used in connection with milk tests (Sir R. Cartwright). Int., 464; M. 2nd R. (Sir R. Cartwright), 538; M. agreed to, 539; in Com., rem., Mr. Lougheed, Sir R. Cartwright, 614; B. rep. without amt., Mr. Derbyshire, 614; 3rd R.*, 623 (c. 59).

(185) An Act respecting the Commission for the Conservation of Natural Resources (Sir R. Cartwright). Int., 524; 2nd R., 563; rem., Mr. Macdonald (B.C.), Sir R.

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Cartwright, 625; rep. from Com., and 3rd R., 625 (c. 42).

(186) An Act to amend the Irrigation Act (Sir R. Cartwright). Int., 464; 2nd R.*, 568; in Com., rem., Mr. Dandurand, Mr. Lougheed, 652; rep. from Com., 653; M. 3rd R. postponed, 660; rem., Mr. Lougheed, 660; 3rd R.*, 667 (c. 34).

(188) An Act to amend the Act respecting the National Battlefields at Quebec (Sir R. Cartwright). Int., 507; M. 2nd R. (Sir R. Cartwright), 545; M. agreed to, 547; in Com., rem., 619; M. 3rd R. (Sir R. Cartwright), 624; rem., Mr. Choquette, 624; M. agreed to, 625 (c. 41).

(191) An Act to provide for further advances to the Harbour Commissioners at Montreal (Sir R. Cartwright). Int., 508; M. 2nd R. (Sir R. Cartwright, 547; rem., Mr. Lougheed, 547; Sir M. Bowell, 548; Mr. Dandurand, Mr. Casgrain, 549; M. 2nd R. agreed to, 550; in Com., rem., Sir R. Cartwright, Mr. Lougheed, 620 (c. 40).

(192) An Act to amend the Fisheries Act (Sir R. Cartwright). Int., 703; 2nd R.*, 762; in Com., Sir R. Cartwright, Mr. Macdonald (B.C.), 853; on clause 7, rem., Mr. Lougheed, Sir R. Cartwright, 854; clause agreed to, 854; on clause 14, rem., Mr. Lougheed, Sir R. Cartwright, Mr. Belcourt, Mr. Power, 854; rep. from Com., 855; 3rd R.*, 872 (c. 20).

(193) An Act to amend the Meat and Canned Foods Act (Sir R. Cartwright. Int., 508; M. 2nd R. (Sir R. Cartwright), 550; rem., Mr. Lougheed, Sir R. Cartwright, 550; Sir R. Scott, Mr. Cloran, 551; Sir M. Bowell, 552; M. 2nd R. agreed to, 552; in Com., rem., Sir R. Cartwright, Mr. Lougheed, 625; 3rd R.*, 657 (c. 38.)

(194) An Act to amend the Militia Pension Act (Sir R. Cartwright). Int., 464; 2nd R., 568; in Com., rem., Sir M. Bowell, Sir R. Cartwright, 663; rep. from Com., 663; 3rd R.*, 667 (c. 39).

(195) An Act respecting the Currency (Sir R. Cartwright). Int., 524; M. 2nd R. (Sir R. Cartwright), 563; rem., Mr. Lougheed, 563; Sir R. Cartwright, Sir M. Bowell, 564; M. 2nd R. agreed to, 565; 3rd R.*, 659 (c. 14).

(196) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending the 31st March, 1910 (Sir R. Cartwright). Int., 464; M. 2nd R. (Sir R. Cartwright), 494; rem., Sir M. Bowell, 494; M. agreed to, 495; M. 3rd R. (Sir R. Cartwright), 495; M. agreed to, 495 (c. 2).

(197) An Act to amend the Post Office Act (Sir R. Cartwright). Int., 621; M. 2nd R. agreed to, 663; in Com., rem. (Sir R. Cartwright), 678; rep. from Com., 678; 3rd R.*, 705 (c. 47).

(198) An Act to amend the Industrial Disputes Investigation Act, 1907 (Sir R. Cartwright). Int., 703; 2nd R.*, 762; in Com., on clause 2; rem., Sir R. Cartwright, Mr. Lougheed, 855; 3rd R.*, 855 (c. 29).

(204) An Act to authorize the erection of certain wharfs and buildings in the Harbour of St. John (Sir R. Cartwright). Int., 761; M. 2nd R. (Sir R. Cartwright), 874; rem., Mr. Lougheed, Mr. Ellis, 874; M. withdn., 875; 2nd R.*, 905; in Com., on clause 1, rem., Mr. Power, Mr. Ellis, Sir R. Cartwright, 925; rep. from Com., 925; M. 3rd R. agreed to, 925 (c. 53).

(205) An Act to amend the Civil Service Act (Sir R. Cartwright). Int., 653; M. 2nd R. (Sir R. Cartwright), 669; M. agreed to, 669; in Com., rem., Sir R. Cartwright, 840; Mr. Lougheed, Sir M. Bowell, 841; on clause 6, rem., Sir M. Bowell, Sir R. Cartwright, 842; clause agreed to, 842; on clause 9, Sir R. Cartwright, Sir M. Bowell, 842; clause agreed to 842; on clause 12, rem., Sir M. Bowell, Sir R. Cartwright, Mr. Ross (Hal.), 843; clause adopted, 843; on clause 21, rem., Sir M. Bowell, 843; Mr. Power, 844; Mr. Thompson, 845; Mr. Lougheed, 846; amt. agreed to, 847; rep. from Com., 847; M. 3rd R. (Sir R. Cartwright), 872; amt., Mr. Power, 872; rem., Sir R. Cartwright, Mr. Power, Mr. Landry, Mr. Thompson, 872; M. 3rd R. agreed to, 872 (c. 8).

(206) An Act respecting Escheats (Sir R. Cartwright Int., 829; M. 2nd R. (Sir Richard Cartwright) 862; rem., Mr. Lougheed, Sir R. Cartwright, Mr. Belcourt, 862; M. 2nd R. agreed to, 863; in Com., rep. from Com., 863; M. 3rd R (Sir R. Cartwright) 863; M. agreed to, 863; M. 3rd R. (Sir R. Cartwright) 872; rem., Mr. Choquette, Sir R. Cartwright, 873; Mr. Dandurand, 874; Mr. Ross (Middlesex); M. 3rd R. agreed to, 874; (c. 18).

(207) An Act to amend the Judges Act (Sir R. Cartwright). Int., 829; M. 2nd R. (Sir

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(208) An Act to provide for the payment of bounties on crude petroleum (Sir R. Cartwright). Int., 761; M. 2nd R. (Sir R. Cartwright) 875; rem., Sir R. Cartwright, Sir M. Bowell, 875; in Com., on clause 2, rem., Mr. Lougheed, Sir R. Cartwright, 876; rep. from Com., 876; 3rd R., 876 (c. 46).

(209) An Act to amend the Canada Temperance Act (Sir R. Cartwright): Int., 829; M. 2nd R., (Sir R. Cartwright), 865; M. agreed to and B. passed, 866 (c. 58).

(212) An Act to amend the Government Annuities Act, 1908: 1st R.*, 937; 2nd R., 937; 3rd R.', 937 (c. 51).

(217) An Act to amend the Prison and Reformatory Act (Sir R. Cartwright). Int., 829; 2nd R., 866; 3rd R.* 866 (c. 48).

(226) An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned. 1st R.*, 917; M. and 2nd R. (Sir R. Cartwright) 917; rem., Sir M. Bowell, 917; Sir R. Cartwright, 918; M. 2nd R. agreed to, 919; M. 2nd and 3rd R. (Sir R. Cartwright) 920; rem., Mr. Power, Mr. Thompson, 920; Mr. Domville, 921; M. 3rd R. agreed to, 921 (c. 51).

(227) An Act to incorporate the Canadian Northern Alberta Railway Company and to aid in the construction of its railway (Sir R. Cartwright). Int., 919; M. 2nd R. (Sir R. Cartwright) 921; rem., Mr. Beique, Mr. Landry, 921; Mr. Power, Sir M. Bowell, Mr. Domville, 922; in Com., on clause 2, 5, 6; 923; M. 3rd R. agreed to, 924 (c. 6).

(228) An Act to assist in maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian press. 1st R., 919; M. 2nd R. (Sir R. Cartwright) 919; M. 2nd R. agreed to, 919; M. 2nd R. (Mr. Dandurand) 938; rem., Mr. Macdonald (B.C.), Mr. Dandurand, 938; M. 2nd R. agreed to, and Bill passed, 938 (c. 7).

(229) An Act to encourage the construction of dry docks. 1st R.*, 2nd R.*, 938; M. (Sir R. Cartwright) 938; rem., Sir R. Cartwright, Sir M. Bowell, 938; Mr. Lougheed) Mr. Macdonald (B.C.), 939; in Com., on clause 8 (a), rem., Mr. Power, 939; Mr. Choquette, Mr. Dandurand, 940; clause adapted, 941; on clause 14, rem., Sir M. Bowell, Sir R. Cartwright, Mr. Choquette, 941; Mr. Casgrain, 942; rep. from Com., 942; 3rd R.*, 942 (c. 17).

(230) An Act respecting the City of Ottawa. 1st R.*, 942; M. 2nd R. (Sir R. Cartwright) 942: rem., Sir M. Bowell, 942; Mr. Landry, Mr. Casgrain, 943; M. 2nd R. agreed to, 943; in Com., rem., Mr. Landry, Mr. Casgrain, Mr. Belcourt, Mr. Choquette, Sir M. Bowell, 943; reported from committee, 944; 3rd R.*, 944 (c. 45).

(231) An Act respecting bounties on iron and steel made in Canada. 1st R.*, 947; M. 2nd R. (Sir R. Cartwright) 947; M. 2nd R. agreed to, 947 (c. 33).

(232) An Act to amend the Government Railways Act. 1st R.*, 944; M. 2nd R. (Sir R. Cartwright) 944; M. 2nd R. agreed to, 944; in com., rem., Sir M. Bowell, Sir R. Scott, 944; Mr. Lougheed, 945; Sir R. Cartwright, 946; rep. from Com., 947; M. 3rd R. (Sir R. Cartwright) 954; rem., Mr. Beique, Mr. Lougheed, Mr. Dandurand, 954; M. 3rd R. agreed to, 954 (c. 24).

(233) An Act to amend the Customs Tariff, 1907. 1st R*, 963; M. 2nd R. (Sir R. Cart-Wright) 963; rem., Sir R. Cartwright, Sir M. Bowell, 963; M. agreed to, and Bill passed, 965 (c. 16).

(235) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending 31st March, 1911; 1st R.*, 966; M. 2nd R. (Sir R. Cartwright) 966; rem., Mr. Lougheed, Sir R. Cartwright, 966; M. 2nd R., agreed to and Bill passed, 967 (c. 3).

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