

"Did He Think Haydon Was Going To Make The Money?"

(Continued from Page 12)

MADE OWN INVESTIGATION

Mr. Bennett: "The Government engineer is there to see what is going on, and he asked for a report of August. I realized that myself, because I had heard of these things; I sent an engineer here before I went to England, and he asked the Minister of Public Works and the Department of Railways and Canals to keep watch on that undertaking because of what I had heard. I received a report which I told the honorable member for St. John's (Mr. Gardiner) I thought would have to treat as a confidential report made to a Minister, as it was going on. I take it that the paragraph appearing in the newspaper with respect to the chief engineer and Deputy Minister has no relation to these facts.

"Now I ask this House to consider that significant fact. The Government of this country was defied. These people got their order-in-Council; they were diverting the River St. Lawrence; they breached the Hungry Bay Dyke which they had no right to do. They went on just as they pleased; they were so sure that the Government would be returned that they thought they could afford to take almost any chance in the world."

Mr. Euler: "If this company was forbidden, under the order-in-Council, to go on with construction until the plan had been approved by the Government, how is it they were permitted to go on for a year after the last election under the present Government?"

Premier Bennett: No approval was given within the year and the final plans were not filed within that time. The question of law is a simple one. Where a delegated power is being exercised by a Minister, has he any authority to exercise that power after the expiration of the period of time fixed within which he must do it? There are clear authorities that he has not such power. No application was made, as a matter of fact, beyond the filing of the plans. I will give in a single sentence the answer to my honorable friend from North Waterloo (Mr. Euler), who is of a very inquiring mind. These gentlemen took the view before the committee that all they were doing was digging a ditch on their own land.

Let me put it this way to the honorable gentleman. If their contention was right, that they were down there having bought a piece of land on which they were carrying on excavations, putting up some embankments and matters of that kind, this Government has no power to interfere.

Mr. Euler: But were they right? If they say that is what they were doing, they were right. And they sold bonds of the hydro-electric enterprise with which the Government had nothing to do. I hope I make myself clear.

They have breached the Hungry Bay dyke without consent. The story was that they could not do that either. I will confess to my honorable friend that it is a matter that gave me great concern when I found what they were doing; and it gave me great concern when I discovered the attitude they had taken, because it made our position so difficult. We could not launch injunction proceedings against them; they owned the land. They were not trespassers; this was their property, now that is the position.

QUEBEC'S RIGHTS

The Province of Quebec claims and has exercised certain jurisdiction over certain parts of the St. Lawrence. The Privy Council has been fled within the year which the Crown in right of the province, in the first instance. The question as to the right of the province with respect to the water has, for many reasons, not yet been decided. The leader of the Opposition (Mr. Mackenzie King) last evening indicated the difficulties, so far as the Supreme Court of Canada was concerned, with reference to the stated case presented for its consideration.

The Dominion has paramount right in respect of navigation, and, for myself, I never had any doubt in the world about the fact that there is no power under the Navigable Waters Protection Act to approve of plans such as these. The plan itself is clear. It makes no more reference to the matter than it does to a river in China, so far as that is concerned. I feel perfectly confident that this is so.

Mr. LaPointe: Does my right honorable friend claim that order-in-Council F. C. 422 has the effect of permitting the diversion of the whole St. Lawrence.

QUEBEC COUNSEL CO-OPERATION

Counsel for the Province of Quebec has co-operated with us with respect to this legislation and it is proposed to add a provision that nothing in the act shall in any sense be taken as interfering with any of the vested rights which the province of Quebec may have in hydro-electric development as distinguished from the canalization of the river.

Mr. LaPointe: Would that mean that the canal is to be declared for the general advantage of Canada, but that the power created by virtue of the works will be under the control of the Province of Quebec? Mr. Bennett: We could not make a declaration of that kind. That is something which will have to be decided ultimately by the courts. We propose to have a decision based upon a concrete case and not upon the theories which unfortunately engaged the attention of the supreme court.

CANCEL ORDER IN COUNCIL

With the approval of this House we propose to annul and cancel the order-in-Council. Having regard to the circumstances under which it was obtained and the defiance of Canada and of the Government, we propose to cancel it. The act will not become effective until proclamation of the Governor-in-Council is made to that effect.

We propose to ask Parliament to authorize the diversion of water from the stream to the extent to which the order in Council, provided, namely, 40,000 second feet. We shall provide for those people who put their bonafide money into this proposition under the debarments of \$300,000. This shall be carried out under such terms and conditions as the Governor-in-Council may approve. This statute also will come into effect upon proclamation of the Governor-in-Council.

The net result of the action which we propose to take will be to declare that this canal is a work for the general advantage of Canada. Second, we shall declare that the old order-in-Council under which it operated is no longer operative. Third that no grants out of the river St. Lawrence shall be made by order in Council, but only by Parliament. We shall provide further that the order in Council shall be on such terms and conditions that this undertaking, its successors or assigns shall be able to carry on.

But one of them must be that provision is made for bona fide investors who subscribed \$300,000 to the enterprise and whose money has been there expended.

Mr. Mackenzie King—My honorable friend used the expression "grants will be made." I assume what he refers to is approval of plans.

DE-WATER ST. LAWRENCE

Mr. Bennett: I say that the Province of Quebec has added 30,000 second feet to the original 60,000 second feet and the effect will be to render no longer navigable the River St. Lawrence. It is only navigable in a limited way at any time and the Governor-in-Council is now being asked to de-water the river so that it would not be navigable.

Mr. LaPointe: Not under order-in-Council F. C. 422. Surely the Government has the power to prevent digging a ditch on their own land.

Mr. Bennett: The Governor-in-Council granted only 40,000 second feet but the Province of Quebec has granted an additional 30,000 second feet.

Mr. LaPointe: But not this Government.

Mr. Bennett: Application has been made to the Government. If, under the Navigable Waters Protection Act they can grant one thing they can grant the other. If they can cause the river not to be navigable, they can de-water it altogether. As a matter of fact the plans have been approved—this leads me to the other point—to take the whole flow of the River St. Lawrence. In other words what was the River St. Lawrence yesterday is now to be the Beauharnois Canal. Yet it is said that it can be done under the statute which will not permit the erection of bridges across the river.

Mr. Bennett: They have no power over navigation and they do not pretend to have any right to take the St. Lawrence River away from its course. What a beautiful argument to say that you do not permit the diversion although you approve of plans for a contemplated diversion.

SUBMIT TO PARLIAMENT

Mr. Bennett:—No. A grant of water by Parliament.

Mr. King—A grant of water? Mr. Bennett—A grant to divert 53,000 cubic feet per second of water, being the 40,000 cubic feet per second authorized by the Province of Quebec, and the 13,000 cubic feet per second that belonged to the Robert interests and the Cotton Mill interests, making 53,000 cubic feet per second that this Parliament has granted, and it belongs, as far as the Dominion is concerned, to all the people. This is supplementing the act of the Province of Quebec that has already made a lease of its rights in that to the Beauharnois, and a right to determine its successors; that, so far as our legislative power extends without arrogating to ourselves a power which we do not possess, this Parliament will make the grant.

Mr. Mackenzie King—That is the same as the order in Council? Mr. Bennett—Exactly; but in the one case it is an order in Council and in the other it is Parliament. Mr. Garland (Bow River)—Under what form of management will the work now proceed?

Mr. Bennett—The honorable gentleman has asked a question to which I was just going to refer. I think I have indicated what we propose to do, assert the supremacy of Parliament on one hand, and declare once and for all that the methods by which the undertaking was commenced are not the methods by which it will be ended. Thirdly, to secure this undertaking and hasten its completion, because I believe it to be one of the greatest undertakings that could be completed in the national interest.

Then there arises the question as to who is going to control the enterprise, that is involved in the terms and conditions for which the order-in-Council must provide, because there are four alternatives, and four only, as I see the matter; first, the present management might be able to secure financial backing to enable them to continue. That is their business. I do not think they can, second, the property could be taken over by the Province of Quebec, under a hydro commission or a public commission. That I do not believe the province of Quebec will do.

Mr. LaPointe—And it is their own business.

Mr. Bennett—Absolutely, and nobody's else.

Third, it might be the Dominion might take it over although legal difficulties would arise to which reference was made yesterday and in regard to which I wholly agree of such a character that the inevitable result would be the stoppage of the enterprise. I say to the honorable member for Winnipeg North Centre (Mr. Woodsworth) who has just taken his seat: He must realize clearly we could not by any declaration of this Parliament, unless Quebec acquiesce and became a partner with us do that so far as the Dominion is concerned.

Mr. Euler—Would it not be competent for Parliament or for the Government of Canada by purchase, to take the place of the shareholders of the Beauharnois company? Mr. Bennett:—I had thought that question would be asked. The lease from the province of Quebec naturally provides that that province must occur in any alienation or transfer of that property and they won't exercise their own discretion in that regard. But I have no reason to believe they desire the Dominion of Canada to be operating a hydro electric plant in that province; neither have I any intention of asking that House for authority to do so.

700,000 REASONS

"I have given these illustrations because, as I have said to the House it does appear to me that the real gravamen of the charge against the company in the first instance is that it absolutely defied this Government. And when I say this Government, I mean the Government of Canada, under whatever auspices it may be conducted. Why did they do so? Any judge addressing a jury would say, 'It is for you gentlemen to say why.' Well, there were 700,000 reasons worth each 100 cents in the dollar."

Mr. Jacobs: "Is it not a fact that the plans have since been recommended for approval by the Department of Public Works, and have been waiting for the last eight months for the approval of the Minister?"

Mr. Bennett: "I mentioned that the engineer had recommended them, but the Minister is met with this legal difficulty—and I put it in the legal member of the House. Can a Minister, exercising a delegated power from the Governor-in-Council, legally exercise that power, when the period of time has lapsed within which the plans are to be approved, without the plans

DOMINION'S PARAMOUNT RIGHT

Mr. LaPointe: If my right honorable friend admits that the bed of the river and the land adjacent are the property of the Province of Quebec, is it not for that province to allow the diversion of the water and change the course of the river providing this Government approves of the plans which create the diversion.

Mr. Bennett: My honorable friend just overlooks one sentence. The paramount right of navigation is in the hands of the Dominion.

It is abundantly clear that no great undertaking such as this was contemplated. There is no provision there for the protection of investors or anything of an act which always occurs in an act of parliament of this kind. This (a section of the order) contemplates just the sort of thing one expects with respect to navigable rivers, such as booms and small matters of that kind and not a great national enterprise such as this.

Having said this much about the statute, the next question is what shall be done at the present moment. Subsection 10C of section 92 of the British North America Act

NO SAW-OFF CLAIM

One word more. The submission to the committee was broad. It has been suggested that a saw-off was arrived at with respect to some of the work of the committee. The committee was not investigating campaign funds, so-called; the committee was investigating this undertaking. Last night the right honorable gentleman (Mr. Mackenzie King) once more trying to get public attention away from Beauharnois began to talk about an investigation of campaign funds. For nine years the Liberal party was in power. Anyone who knows anything about campaign funds knows that in power is always able to obtain them with readiness, for the contributions that are made, not for corrupt purposes but for the purposes of enabling the organization of the party to be effective, are made on the assumption that the party in power is best able to attend to affairs because it has the power to do great injury to those who are carrying on business in this country.

NO ROYAL COMMISSION

I do not propose that there should be a roving commission going over Canada to ask every man that it met whether he contributed

having been filed. "I am not competent to advise the Minister of Public Works. The Department of Justice says that this is a question of the greatest legal difficulty. It is a question whether or not, under these circumstances, the Minister may, after the expiration of the time fixed for the filing of the plans, give his approval. It is a question whether or not he is functionary after the expiration of the time; because there has not been fled within the year anything to which he might give approval under the terms of the order in Council.

do, assert the supremacy of Parliament on one hand, and declare once and for all that the methods by which the undertaking was commenced are not the methods by which it will be ended. Thirdly, to secure this undertaking and hasten its completion, because I believe it to be one of the greatest undertakings that could be completed in the national interest.

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Mr. Bennett: I should think the honorable gentleman is a living illustration of just what that statement means in his opinion.

Mr. Chaplin: Now will the honorable member be good.

Mr. Garland (Bow River): Before the honorable gentleman proceeds to his peroration, I should like to ask him to revert for a moment to the question of management.

He has not yet made it clear to me in what form the new management will be. How will it be handled.

Mr. Bennett: I can assure the honorable member for Bow River one thing, and that is that I am not going to manage the company or ask the people of this country to manage it. I look to the bankers interested in that enterprise to see that it receives such management as will ensure the terms and conditions of the order in Council be properly agreed. It certainly must be changed, however, if that is what the honorable gentleman means. I could not undertake the management of that enterprise.

I have said we have no intention of appointing any roving commission to run around the country and ask people what they are contributing to an election—not any. If my right hon. friend gets any comfort out of that, well and good. The reasons for it are obvious.

Some of those who could give the most striking evidence with relation to campaign funds have passed to the beyond. There are others who out of the goodness of their hearts have made substantial contributions just as the right honorable gentleman said last night, for the purpose of promoting the policies and principles in which they believe.

The law as amended at the last session permitted corporations to make contributions, and that amendment was made at the instance of the gentleman from Winnipeg who has spoken today. That is the position. Contributions were made legal and proper, but in preceding elections that was not so.

Oh the morbid curiosity of people who desire to stick their noses into everybody else's business for the purpose of ascertaining just what their neighbors get or did not get. How many men who listened last night were beneficiaries in the election funds of the last general election? How many of them will

be sent to Right Hon. R. B. Bennett, Prime Minister and to Right Hon. W. L. McKenzie King, Leader of the Opposition.

Resolved that since the 11th of November has been made a public holiday, this Provincial Convention of the Canadian Legion, B.E.S.L., assembled at Charlottetown would suggest to the Dominion Command Canadian Legion, B.E.S.L. that mand Canadian Legion, B.E.S.L. that steps be taken to assure a religious service being held by all Branches of the Legion throughout Canada on the eleventh hour on that date annually, so as to keep before the people the fact that the day is one of remembrance of those who are serving our Empire and thanksgiving for a victory which brought about peace amongst the nations involved in the Great War.

Foreign Films—Resolved that whereas we notice with regret that the great majority of the Films shown in this Province are of foreign production and do not there fore set before the youth of our country those British manners, ideals and love of the great British Empire which we would desire. It is therefore resolved that this Provincial Convention of the Canadian Legion, B.E.S.L., assembled at Charlottetown would respectfully request and urge upon the proper authorities the advisability and great necessity of taking some steps to see that if possible the preponderance of the films shown in Canada are of Empire production.

Canadian School Books—Resolved that this Provincial Convention of the Canadian Legion, B.E.S.L., assembled at Charlottetown, desires to respectfully request the Board of Education to take steps towards assuring in so far as is humanly possible that all text books used in the Schools of the Province be written by Canadian authors and published in Canada, or when this is not practicable they be of Empire production.

Vacancies, Prov. Govt.—Resolved that this Provincial Convention of the Canadian Legion, B.E.S.L., assembled at Charlottetown desires to respectfully request the Premier and members of the Government of this Province to instruct the Provincial Secretary to advise the Prince Edward Island Provincial Command of any vacancies which are likely to occur from time to time, so that the Legion may have an opportunity of recommending a fit and proper person to fill the vacancy if one suitable for such position can be found within its membership.

Empire Trade — Resolved that this Provincial Convention of the Canadian Legion, B.E.S.L., in annual meeting assembled desires to place on record its hearty approval of the extension of trade within the Empire believing that through this means our Empire will be bound closer together and so cement for all time that friendship amongst its people learned and experienced during the Great War. Further resolved that all Branches in this Command be asked to join in furthering this cause by bringing before the Merchants and buying public the advantage and urgency of buying goods manufactured or produced within the Empire.

World Peace: — Resolved, that having in view the appeal from the League of Nations for eventual complete world disarmament we wish at this annual Provincial Convention of the Canadian Legion, B.E.S.L., assembled at Charlottetown, Prince Edward Island to place on record the hope we have that this most desired ideal may in its own good time be warranted by the good relations then existing amongst all the nations of the earth. Further resolved that we have however, in mind the recent words of the Right Honourable Ramsay MacDonald, Prime Minister of Great Britain when he referred in Parliament to what he termed "the melancholy record of Europe's armaments since all the Powers solemnly confessed that there could be no peace in continued armaments", and then declared that Britain was the only nation which had really cut down her armaments since the Great War, and that until other nations had also made like reductions, and further reductions would be undertaken by Britain. Be it therefore resolved that we now re-affirm the words of our Dominion Constitution as being under the present circumstances the surest means of maintaining world peace, viz "we advocate the maintenance by Canada of adequate and efficient forces of land, sea and in the air for the defence of our country and for the discharge of those obligations which rest upon us by virtue of our partnership in the British Empire"

Whereas the members of the O'Leary Branch of Canadian Legion B.E.S.L., declare they desire a real dent medical examiner, we would the Dominion Parliament in setting in Provincial Convention urge, alongside the 11th of November as a Day of Remembrance. Further resolved that a copy of this resolution be sent to Right Hon. R. B. Bennett, Prime Minister and to Right Hon. W. L. McKenzie King, Leader of the Opposition.

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Resolved that since the 11th of November has been made a public holiday, this Provincial Convention of the Canadian Legion, B.E.S.L., assembled at Charlottetown would suggest to the Dominion Command Canadian Legion, B.E.S.L. that mand Canadian Legion, B.E.S.L. that steps be taken to assure a religious service being held by all Branches of the Legion throughout Canada on the eleventh hour on that date annually, so as to keep before the people the fact that the day is one of remembrance of those who are serving our Empire and thanksgiving for a victory which brought about peace amongst the nations involved in the Great War.

Whereas we notice with regret that the great majority of the Films shown in this Province are of foreign production and do not there fore set before the youth of our country those British manners, ideals and love of the great British Empire which we would desire. It is therefore resolved that this Provincial Convention of the Canadian Legion, B.E.S.L., assembled at Charlottetown would respectfully request and urge upon the proper authorities the advisability and great necessity of taking some steps to see that if possible the preponderance of the films shown in Canada are of Empire production.

Canadian School Books—Resolved that this Provincial Convention of the Canadian Legion, B.E.S.L., assembled at Charlottetown, desires to respectfully request the Board of Education to take steps towards assuring in so far as is humanly possible that all text books used in the Schools of the Province be written by Canadian authors and published in Canada, or when this is not practicable they be of Empire production.

Vacancies, Prov. Govt.—Resolved that this Provincial Convention of the Canadian Legion, B.E.S.L., assembled at Charlottetown desires to respectfully request the Premier and members of the Government of this Province to instruct the Provincial Secretary to advise the Prince Edward Island Provincial Command of any vacancies which are likely to occur from time to time, so that the Legion may have an opportunity of recommending a fit and proper person to fill the vacancy if one suitable for such position can be found within its membership.

Empire Trade — Resolved that this Provincial Convention of the Canadian Legion, B.E.S.L., in annual meeting assembled desires to place on record its hearty approval of the extension of trade within the Empire believing that through this means our Empire will be bound closer together and so cement for all time that friendship amongst its people learned and experienced during the Great War. Further resolved that all Branches in this Command be asked to join in furthering this cause by bringing before the Merchants and buying public the advantage and urgency of buying goods manufactured or produced within the Empire.

World Peace: — Resolved, that having in view the appeal from the League of Nations for eventual complete world disarmament we wish at this annual Provincial Convention of the Canadian Legion, B.E.S.L., assembled at Charlottetown, Prince Edward Island to place on record the hope we have that this most desired ideal may in its own good time be warranted by the good relations then existing amongst all the nations of the earth. Further resolved that we have however, in mind the recent words of the Right Honourable Ramsay MacDonald, Prime Minister of Great Britain when he referred in Parliament to what he termed "the melancholy record of Europe's armaments since all the Powers solemnly confessed that there could be no peace in continued armaments", and then declared that Britain was the only nation which had really cut down her armaments since the Great War, and that until other nations had also made like reductions, and further reductions would be undertaken by Britain. Be it therefore resolved that we now re-affirm the words of our Dominion Constitution as being under the present circumstances the surest means of maintaining world peace, viz "we advocate the maintenance by Canada of adequate and efficient forces of land, sea and in the air for the defence of our country and for the discharge of those obligations which rest upon us by virtue of our partnership in the British Empire"

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