

still more applies, probably, to the amendment which is now before the House, as they could not have had it in their power to consult a lawyer as to the effect of this amendment, having received it probably this morning. In the House of Commons this Bill was introduced by the Minister of Marine and Fisheries of his own motion, and I do not know that in presenting it to the House he instances any particular case in which hardship was inflicted; but it was obvious that to withdraw all appeal from the decision of two justices of the peace, in a small port, for instance, would lead to the infliction of hardship on the seamen; but the obvious necessity of this case is that justice should be administered, in the first instance, and, in the second instance, that it should be swift and absolutely without delay, as the ship might be sailing. Take the example of a ship calling at Sydney for coal and a mutiny occurring amongst the crew. There would probably be no judge at that port, but two justices of the peace could act and commit the seamen to a period of imprisonment which, I think, under the Act, is not exceeding twelve weeks for certain offences. Very great hardship might be inflicted in that case, but if, by the aid of some local lawyers, the case could be lifted out of the hands of those justices, and referred to the nearest town in which a superior court judge could be found, it would lead to the detention of the ship and consequent loss to the owner. The fact is, the case would have to be abandoned altogether. It appears to me that the Government should have accompanied the introduction of this Bill with a statement of some instance of hardship which would justify its introduction. I am told, on the authority of the shipping interest, that no such instance can be adduced. I do not know anything about it personally.

But the fact remains in favor of the passage of the Bill, that when it was introduced in the House on the Government side it obtained the assent of the leaders of the Opposition. The Hon. Mr. Laurier expressed the opinion that it thoroughly met with his approval, but it did not go far enough in the direction of liberating the seamen from a possible injustice inflicted on them, and that opinion was joined in by Mr. Blake. Under the circumstances, I confess to be somewhat in a dilemma, not having an opinion of my own as to the

effect of the amendment. I am therefore disposed to ask the leader of the Government whether, under the circumstances, it would not be justifiable to delay it to another Session, and if he does not see his way to that, I have to express the thanks which I certainly feel for this amendment. The modification which has been suggested appears to me, on the first blush, to remove the main objection to the Act as it came to our House.

HON. MR. MILLER—There is no doubt there are important interests on both sides to be protected in this Bill. The shipping interest should, of course, receive due consideration and protection; and the seamen also are entitled to every consideration and protection from Parliament. The Province of Nova Scotia is one of the largest ship-owning countries in the world, in proportion to her population, and before Confederation our law was to allow a writ of *certiorari* in all seamen's cases. They were tried before two magistrates. The ordinary appeal was taken away, but the writ of *certiorari* was allowed, and I think very properly so. No doubt, occasional instances of hardship may occur in appeals, even under writs of *certiorari*, but we must not attempt to legislate too strongly or entirely against one class because of a possible or occasional injustice happening under the law. It is a very serious thing under our system of jurisprudence to take away an appeal from the subject where judgment is given in the lowest court. I do not desire to speak disrespectfully of the magistrates of this country; I allude more particularly to the magistrates in my own Province, where commissions were issued to an unnecessary extent, and without proper discrimination. The judgments of these men are not always regarded as entitled to the highest respect, and in cases that may arise under the Seaman's Act it would be a great hardship to continue the law as it is and deny any appeal whatever from the decisions of these courts. I think the amendment proposed by the leader of the House should meet any objection that the shipping interest may have to this act of justice to the seamen, because the proceedings are not to be stayed by the mere notice and application for a writ of *certiorari*, but may be carried out and executed until an order of a judge, having competent jurisdiction, issues, staying the effect of