

power might be fairly given to the board of examiners to issue a warrant without the affidavit. My hon. friend shakes his head; my impression is that that is not an arbitrary power to give the . . . If they are satisfied that he can give evidence, they should be able to issue their warrant without an affidavit that the party can give material evidence; otherwise the ends of justice may be defeated, and a proper affidavit might not be obtainable at the time. Greater powers might be given to examiners to issue a warrant on it appearing that the man has evaded service, or, having been served, has refused to attend.

Hon. Mr. ANGERS—I am sorry that I cannot agree with my hon. friend upon this point. It must be recollected that we are dealing with the liberty of the subject in a case of this kind. This procedure is to be followed by imprisonment and a fine. When you come to deprive a man of his liberty because he did not attend the court or tribunal, you should establish, in the case of a civil servant as well as in ordinary criminal cases, that the man is a competent witness, and that the person making the affidavit is credibly informed that he can supply material evidence, and that he has been properly served and summoned to come before the board. Therefore, I think the same precautions that are taken in the ordinary criminal courts, before they send a man to jail for contempt, should also be observed in a case before a Board of this kind. I hope, therefore, that the hon. gentleman will waive his objection, as he will understand that, in dealing with the liberty of the subject, too many precautions cannot be taken.

Hon. Mr. LANDRY, from the committee, reported the bill without amendment.

SECOND READINGS.

Bill (B) "An Act for the relief of William Wallace Colton."—(Mr. Clemow.)

Bill (C) "An Act for the relief of Mary Bradshaw Falding."—(Mr. Clemow.)

Bill (D) "An Act for the relief of Helen Woodburn Jarvis."—(Mr. Clemow.)

BILLS INTRODUCED.

Bill (33) "An Act to amend the Act to grant certain powers to the Sible and Spanish Boom and Slide Company of Algonoma, Limited."—(Mr. McCallum.)

Bill (29) "An Act to incorporate the James Maclaren Co., Limited."—(Mr. McLaren.)

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Monday, 27th May, 1895.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Mr. McINNES (B.C.)—Before the orders of the day are proceeded with, I desire to address the House on a question of privilege. I wish to call the attention of the Senate to a letter which appeared in the *Ottawa Citizen* of last Thursday. It is as follows:—

BRITISH COLUMBIA PENITENTIARY.

Editor *Citizen*: In the first paragraph published on this institution in this morning's issue of the *Citizen*, the following is quoted from my annual report to the Minister of Justice: "The subsequent career of many of the witnesses, notably of the accountant and storekeeper (a nephew of Senator McInnes, of British Columbia), etc." This is an error. It is not W. H. Keary, the dismissed accountant, but Thomas McInnes, late steward, and now a refugee in the United States, who is nephew of the polished and amiable Senator referred to.

The two quotations in the third paragraph appear to involve a contradiction. I said, "As might be expected, the penitentiary was deteriorating these last two years." And again, "My inspection of this institution not having been made since October, 1892, I have no information to give regarding its administration." This means information derived from my own personal knowledge and observation, but in my official capacity as inspector. I had other sources of information, even from the acting warden, which enabled me to form an opinion as to the incompetency and shortcoming of the present administration of the penitentiary. Hence the two statements can be reconciled as facts without being a "fling."

Yours truly,

J. G. MOYLAN.

OTTAWA, 22nd May.