

this Parliament, and enacting a law affecting elections over which we have not the slightest jurisdiction.

Mr. CASGRAIN. If the hon gentleman would have allowed me, I would have cut short that speech. If you refer to the Act passed last year, you will see that we have provided exactly what is in this Bill. It applies both to the Local Legislature and to the Federal Parliament.

Mr. CARON. But that is no answer that the hon gentleman should make mistakes two years running.

Sir RICHARD CARTWRIGHT. It was the House.

Mr. CASGRAIN. It is the House, not me.

Mr. CARON. It is no answer to say that the hon gentleman made the same mistake last Session. If it is wrong this Session, he should not have put it in the Bill last Session; or, if he found it out after the Bill passed last Session, he should have taken it out this Session.

Mr. MILLS. The hon gentleman will see, if he looks at the measure, that it is declared in this Bill that this is a crime; it is made a misdemeanour. Now, while the Local Legislatures can punish by fine and imprisonment any offence committed against any of the laws of the Provinces, it is very doubtful whether they could declare any particular act against their legislation a crime. I am not going to argue the question as to whether they can do so or not. They certainly have the power of declaring certain acts, by the British North America Act, offences against local legislation, and can punish them by fine and imprisonment, but I do not think, when they are specially authorized to punish such offences by fine and imprisonment, that we can assume that they have any implied power beyond that to make any offence a crime; and this Act declares that. Whether it is expedient or not expedient to declare offences against local legislation crimes, is another question; but there can be no doubt that, if it is proper to declare this act a crime, here is the proper place to make that declaration, and it is by an Act of the Parliament of Canada and not by an Act of the Local Legislatures that the declaration should be made. Now, the hon. the First Minister refers to the clause which he read, relating to contractors awaiting payment, and he thinks it strongly objectionable that we should declare that parties who have claims against the Government, should not, while those claims are in existence, be allowed to contribute to any other elections than their own. The fair way to consider this question is to consider what are the practical mischiefs that grow out of the power to make such contributions, on the part of persons who have claims against the Administration, the same as those who have actually subsisting contracts. Why, look at what transpired in the case of the Local Elections last year, in the Province of Ontario. Everybody knows the Shields' brigade, who went from this city into the Muskoka district. Everybody knows the relation in which those parties are said to have stood to the Administration. They were large contributors to the election of the Conservative candidate. Their corrupt acts were in part, and only in part, disclosed in the courts. It was rumoured abroad everywhere that those contractors had their work remeasured by an engineer favourable to them, for the purpose of enabling them to receive a larger sum from the Government than they otherwise would receive. Now, I am not saying whether that is a well-founded charge or not. I am expressing no opinion upon that. I do not care whether it is well-founded or not, for the purposes of this discussion. But it is a very serious matter that such a charge should be made, and that a large portion of the community should believe such an offence possible. Suppose they had already completed their contract, and were simply awaiting payment and asking for remeasurement of their work by an engineer more favourable to them than the one who had

been employed on the road, would not all the objections that apply to their conduct, while there is a subsisting contract, be equally applicable to them in case their work had been completed and was simply awaiting payment? I say that hon. gentlemen on that side of the House, as well as on this, will see that the objection would have been quite as strong if their work had been completed and the contributions had been made, as it was when the work was incomplete, and those contributions were made. If we propose legislation on this subject, we should look at the evils that are likely to arise in these cases, and should make our legislation what experience shows is necessary to remedy these mischiefs; and it seems to me that the objection is quite as strong in the case of parties who have been contractors and are awaiting payment from the Government, as if those contracts were still subsisting, and something was still required to be done on the part of the contractors. If the right hon. gentleman can point out any difference in the hypothetical cases that I have put, in the case of actual contract and the case of a completed contract awaiting payment, I should be delighted to hear the distinction which the hon. gentleman, no doubt, can make; but, to my mind, they seem to stand upon exactly the same footing, and the objections which lie against the one lie equally strong against the other, and if a remedy is proper in the one case a remedy is equally proper in the other.

Sir JOHN A. MACDONALD. I do not think it necessary to go into any discussion of that section. The hon. gentleman has explained his views and I have explained mine. But as to the point raised by the Minister of Militia, there is a good deal in it. The hon. gentleman (Mr. Mills), is quite correct in stating that a Provincial Legislature cannot declare any matter to be a crime or a misdemeanour or any other branch of the criminal law. What the British North America Act declares is that, for the purpose of enabling the Legislatures to enforce their laws, they can punish a breach of those laws by fines or imprisonment, or by fines and imprisonment. They can do that, but that does not make it a branch of the criminal law. Therefore, for the purpose of making it a branch of the criminal law, it must be put in a Bill here. But, on the other hand, the Parliament of the Dominion must be very guarded, as, under the guise of making a matter a criminal offence, they can rob a Local Legislature of most of its jurisdiction. They can say, for instance, that a man who does not pay his debts for a year has committed a misdemeanour, an offence, and shall go to gaol. That interferes with the law of contract.

Mr. MACKENZIE. Take the Factory Act as an illustration.

Mr. MILLS. The Factory Act is a case in point.

Sir JOHN A. MACDONALD. We will discuss the Factory Act when it comes up. Parliament could, in fact, deprive the Provincial Legislatures of most of their jurisdiction, for they could declare any breach of contract to be a misdemeanour. Now, the question is whether we ought to interfere with a subject connected with the election laws of the different Provinces. They can pass a law in the Provinces stating, in the words of this Bill, that no contractor shall be allowed to subscribe to any election, and if he does subscribe to any election and commits a breach of this Statute, then he is liable to fine and imprisonment. They can do that. Hence, I think my hon. friend's objection is well taken, in spirit, though if it is to be declared a misdemeanour, it can only be declared a misdemeanour by this Legislature.

Mr. CASGRAIN. I assent, with as good grace as possible, to the suggestion of my right hon. friend, and accept the amendment.