

the two to which they have dissented, it rests with this Chamber to say what course shall be adopted. The amendments to which they have dissented are the one proposed by the hon. gentleman from Richmond, the proviso to clause 5, and the amendment of the hon. gentleman from Prescott, clause A.

Hon. Mr. MILLER said there were four amendments, to two of which the Commons had disagreed. They had struck out the proviso in the 5th clause, and they had assented to the amendment which was based on that proviso.

Hon. Mr. DICKEY said he had objected strongly to clause "A," on the ground that it was unconstitutional, and the Commons had also entertained that view of the case. If the other Chamber had been logically consistent, they ought to have accepted the amendment of his hon. friend from Richmond to the 5th clause.

Hon. Mr. MILLER did not think there was any inconsistency in the position taken by the other House in reference to these two amendments. They had rejected the first amendment—that was the one he had proposed to the 5th clause—not on the ground of its unconstitutionality, but on the ground of its inexpediency. It was clear that that was the only course they could have adopted, because the effect of this proviso would be to limit the application of the 5th clause, and if it were constitutional to give the larger power in that clause, as it came before the House, certainly there could be nothing unconstitutional in limiting that power in the proviso. With regard to the amendment of his hon. friend from Prescott (Dr. Brouse), the House would recollect how it was moved. His hon. friend had not had time to frame the amendment properly, though, if the suggestion which was thrown out at the time had been adopted, it would have made the amendment perfectly constitutional. The difficulty was that the word "principal" had been introduced where the word "interest" only should have appeared. He (Mr. Miller) had had the authority of the Minister of Justice on the point that, if it had been made conditional that no interest could be recoverable under a mortgage where the power of sale was

reserved unless notice of sale were given for two months, it would have been perfectly constitutional. He had had a conversation yesterday with the Minister of Justice, who had taken objection to the word "principal" being introduced. He (Mr. Miller) had not changed his mind in the slightest degree as to the power of the House to make the amendment in the form that he had suggested; and the only regret that he had was that, in the hurried framing of the amendment, there had not been time to word it properly.

Hon. Mr. DICKEY thought his hon. friend was mistaken. Clause "A" had been rejected on the ground that it professed to deal with the principal, and that was an objection which he (Mr. Dickey) considered valid. The House of Commons had placed themselves in this position: they had objected to the amendment to the 5th clause, and, having rejected that proviso, which would have confined its operation to cases in the 1st section—that was to say, to cases of interest on sinking fund—they allowed the last amendment, based upon that proviso, to remain. Therefore, with all submission to his hon. friend, he contended that the inconsistency still remained.

Hon. Mr. BOTSFORD—I move that the Senate insist upon the amendment to the 5th clause.

Hon. Sir ALEX. CAMPBELL—I doubt whether that is desirable, unless we wish to throw out the Bill altogether. Is it not better to have the Bill as it stands, with these two amendments, than to drop it? The amendment of the hon. Senator from Richmond is one which would probably be introduced in another session, and the other might also be framed in such language—I do not say that I am of that opinion—as would render it constitutional and unobjectionable. Then there would follow the curious anomaly, which is that, the last amendment referring to the proviso, struck out of the 5th clause, would remain. Still it would do no harm. It would be odd and absurd, it is true, but it would not interfere with the Bill. Whether that would not be better than rejecting the Bill altogether is for the House to say.

*Hon. Sir Alex. Campbell.*