

Amendment (Mr. Patterson, Essex) negatived on the following division:—

YEAS :

Messieurs

Amyot,	Dodd,	McDougald,
Baker (Victoria),	Dugas,	McNeill,
Beaty,	Farrow,	Massue,
Benoit,	Girouard (Jacq. Cartier)	Mitchell,
Benson,	Gordon,	Orton,
Bergeron,	Grandbois,	Quimet,
Bergin,	Gunn,	Patterson (Essex),
Billy,	Haggart,	Reid,
Blondeau,	Hawkins,	Richey,
Brecken,	Hickey,	Riopel,
Cameron (Victoria),	Hurteau,	Robertson (Hamilton),
Coughlin,	Kilvert,	Scott,
Coursol,	Kranz,	Shakespeare,
Curran,	Labrosse,	Small,
Cuthbert,	Lesage,	Smyth,
Daly,	Mackintosh,	Tassé,
Daoust,	Macmillan (Middlesex),	Tyrwhitt,
De Beaujeu,	McMillan (Vaudreuil),	Vanasse, and
Desaulniers,	McCarthy,	Wallace (York).—58.

NAYS :

Messieurs

Allison,	Fleming,	McMullen,
Auger,	Forbes,	Méthot,
Bain,	Foster,	Montplaisir,
Bécharde,	Fréchette,	O'Brien,
Bell,	Geoffrion,	Paint,
Bernier,	Gigault,	Patterson (Brant),
Blake,	Gilmour,	Pickard,
Bourassa,	Girouard (Kent),	Pinsonneault,
Bowell,	Guilbault,	Platt,
Burpee (Sunbury),	Guillet,	Popé,
Cameron (Inverness),	Hackett,	Robertson (Shelburne),
Campbell (Renfrew),	Hall,	Ross (Middlesex),
Caron,	Harley,	Roya',
Casey,	Holton,	Scriver,
Casgrain,	Homer,	Somerville (Brant),
Catudal,	Innes,	Somerville (Bruce),
Chapleau,	Jamieson,	Springer,
Cimon,	Keefer,	Taylor,
Cochrane,	Kinney,	Tilley,
Costigan,	Kirk,	Trow,
Davis,	Landerkin,	Vail,
Dawson,	Landry,	White (Cardwell),
De St. Georges,	Langevin,	Williams,
Desjardins,	Lister,	Wood (Brockville),
Dundas,	Macdonald (King's),	Wood (Westm'land), and
Dupont,	McMillan (Huron),	Woodworth.—80.
Fisher,	McCrane,	

Mr. GIROUARD (Jacques Cartier) moved :

That the Bill be not now read the third time, but that it be referred back to the Committee of the Whole, to amend clauses ninety-eight and ninety-nine, so that the offences therein defined shall subject the offender only to the payment of a penalty not exceeding \$20.

Clause ninety-eight is as follows:—

Any person who, having violated any of the provisions of this Act, compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or—if a complaint has been made—with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, shall be guilty of a misdemeanor, and on conviction thereof shall be imprisoned at hard labor in the common gaol of the county or place in which the offence was committed, for the period of three calendar months.

And clause ninety-nine:

Every person who is concerned in, or is a party to the compromise composition off settlement mentioned in the next preceding section, shall be guilty of a misdemeanor, and, on conviction thereof, shall be imprisoned in the common gaol of the county or place in which the offence was committed for the period of three calendar months.

Now, I believe that these clauses are too severe, especially when we consider that section ninety-one declares that any person who sells liquor without a license or otherwise than under the provisions of this Act, shall be subject to a penalty not to exceed \$50. I therefore move that clauses ninety-eight and ninety-nine be amended, so as

Mr. Ross (Middlesex).

to subject the offender only to a penalty of \$20. I think that the penalty ought to be less than that of a person who sells without a license. I must say that clauses ninety-eight and ninety-nine are most extraordinary indeed. Today, under the Criminal Law of England, which is the law of this country, a man may compound a misdemeanor without committing a crime; but here, although the offence compounded is not a crime, still the compounder, whether the principal or not, is guilty of a misdemeanor.

Sir LEONARD TILLEY. \$20 is a very small penalty.

Mr. GIROUARD. It is small, but we must consider that the principal can only be fined at the outside \$50, and he may be fined 50 cts. or \$1. It is most extraordinary that a party compromising an offence which is not a crime, is guilty of a misdemeanor and may be sent to gaol for three months. It seems to me that in a case of this kind, the second party should be subject to a penalty about one-half of that of the principal offender.

Mr. WHITE (Cardwell). Make the penalty the same as in the other case—not to exceed \$50.

Mr. GIROUARD. Very well.

Mr. SPEAKER. Shall the motion be amended by adding the amount of the penalty shall not exceed \$50?

Bill recommitted and reported.

On motion for third reading,

Mr. PATTERSON (Essex) moved :

That the Bill be recommitted to a Committee of the Whole, in order to amend it by expunging sub-section 5 of section 42, and to substitute the following therefor:—The Board may authorize the granting of two additional hotel licenses beyond the number limited by this Act, in a locality largely resorted to by travellers or visitors.

He said: I think that in the case of towns like Windsor in which there is a large visiting population, the principle which applies ordinarily in deciding the number of hotels should not be enforced. I do not think that in estimating the hotel population for a town of that kind you should only include the actual number of resident inhabitants. I believe that, at all events, it would be perfectly safe in such cases to leave the matter to the discretion of the Commissioners.

Sir LEONARD TILLEY. I fear that in passing this amendment in its present form, we will open a door to all sorts of applications for an additional number of hotels. Special provision is made in the Bill for Niagara Falls, which is, of course, an entirely exceptional place; and also for watering-places during six months of the year, but I do not think that such exceptional circumstances apply in the case of Windsor.

Mr. BLAKE. I think the amendment is entirely too vague in its terms. Besides, who is to decide what places are largely resorted to?

Mr. MCCARTHY. Perhaps the matter might be decided on by adding in the second sub-section after the words "Niagara Falls," "two hotels at Windsor."

Mr. FOSTER. I do not see why, because you make an exception in the case of Niagara Falls, which is one place in the world, we should make also an exception for Windsor. If we do, we will find other hon. members asking for similar exceptions.

Mr. PATTERSON (Essex). I think the position of Windsor, which is the Canadian terminus of two great railways, and opposite a city of between 200,000 and 300,000 of a population is so exceptional that it could not be made a ground or precedent for other amendments of the same kind. The principle adopted by hon. gentlemen on the Treasury benches seems to be not to allow any amendment they can prevent. I do not see that there is any consistent