

Mr. MILLS (Bothwell). I suggest the addition of the words "and such officer as may from time to time be appointed by the Governor in Council."

Sir CHARLES HIBBERT TUPPER. As hon. gentlemen opposite generally seek to restrict the powers of the Governor in Council, I did not venture to suggest the insertion of the words "such other officer as might be from time to time appointed by the Governor in Council." I was too modest.

Mr. MILLS (Bothwell). I hold the Government responsible for the efficient discharge of their duties, and I do not undertake to tie up the prerogative of the Crown by regulations of this sort.

Sir CHARLES HIBBERT TUPPER. I accept the suggestion with a great deal of pleasure.

Mr. LAURIER. You can have the same service time and time again.

On section 3,

Mr. EDGAR. I hardly think that this provision as to proving the insanity of a convict, would be sufficient to meet the requirements of the provinces, because it only requires a report in writing from one surgeon. Under the Ontario statute, the proof required before admitting an insane person into an asylum is very different. They say: No person shall be admitted into an insane asylum except upon the order of the Lieutenant-Governor (and that refers to special cases which are provided for afterwards) without the certificate of two medical practitioners, each testifying to the signatures of two subscribing witnesses and bearing date within three months of the time of entry to the asylum. That, of course, is to ensure the protection of the liberty of the subject, and I suppose it might be said that the liberty of the convict is not of such importance. In section 6 of the Ontario Act there is a provision for admitting into an asylum those who are imprisoned for an offence, under the authority of any of the statutes of the province, and that may be done upon such evidence as the Lieutenant-Governor deemed sufficient. But, if you look at section 29 you will see that the judges and the medical practitioners have to make a personal examination of a person committed to jail as insane, and under section 33, they have to make a certificate as to the insanity of the prisoner. It would be well for the Minister of Justice to see that he does not introduce a mode of proof of insanity which might be considered insufficient.

Sir CHARLES HIBBERT TUPPER. I have considered the point, and I would like the hon. gentleman (Mr. Edgar) to remember, that we are not dealing with the province of Ontario alone. The most dangerous thing we could do, would be to put any hard and

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fast rule that would be a condition precedent to our acting under the statute in regard to admission into local asylums. Each province will no doubt have a system of its own with regard to the requirements necessary for the admission of insane patients. We avoid all these difficulties by simply taking power from Parliament to arrange with these various asylums. We must comply with every rule they have and with their terms, and it is to be an arrangement with them on their consent or no arrangement whatever. In following the Act out, we have gone upon our own surgeon's certificates, as we always have heretofore, and while different asylums have different rules and requirements for certificates, it is enough for us to get authority to deal with our patients. We keep on the old lines in that respect. We either make an arrangement with the local authorities, or if we fail, we have to take care of our criminal insane ourselves.

Mr. DAVIES (P.E.I.) All your arrangements are contingent on an agreement being made with the provinces.

Sir CHARLES HIBBERT TUPPER. Certainly.

Mr. DAVIES (P.E.I.) How do you dispose of your insane convicts, if you fail?

Sir CHARLES HIBBERT TUPPER. We take care of them as we do now. We have some in Kingston at present.

Mr. EDGAR. There is a good deal in what my hon. friend (Sir Charles Hibbert Tupper) says, that he will be forced to comply with whatever the provincial arrangements are, and if he takes that view of the case and is prepared in every case to meet the objections, that might remove the difficulty.

Sir CHARLES HIBBERT TUPPER. In Ontario they have been most obliging even under present circumstances. Some patients that it would have been impossible for us to have properly treated at Kingston, have been taken off our hands by the local authorities by arrangement; but we have had to pardon the prisoners in order to send them to the asylum. One or two cases have been mentioned to me by my officers where the insanity was of a very short duration, and the prisoner escaped punishment in that way.

Mr. MULLOCK. Does the Minister think that the certificate of one surgeon will meet all cases? The surveillance in the penitentiary is much stricter than in an asylum, and a prisoner who, on the certificate of a single surgeon may be removed to an asylum, may be less carefully guarded there, and escape. That has happened. Recently in the States a very dangerous criminal, a train robber, succeeded in satisfying the prison surgeon that he was insane, upon which he was taken to an