

secondly, in a class in which they exceed jurisdiction but acted in good faith.

Mr. McCARTHY. In my experience I cannot recall any case in which a magistrate has been sued and damages recovered except where his conduct was deserving of the censure pronounced. It is imaginary to suppose the cases of magistrates who are victims improperly at the hands of defendants. We can imagine every thing. On the whole, I think it would be better for the magistrates not to interfere in a case of that kind, if the law be so doubtful that it invokes a different opinion in the final determination of the question of his jurisdiction. The amendment does not meet my view, and I will vote against the clause. We might insert after the word "peace" the words "on the ground that such justice has exceeded his jurisdiction."

Mr. CAMERON (Huron). The effect of the amendment is simply this. The magistrate has jurisdiction over a case, which jurisdiction gives him power to send a man to goal for 30 days. He sends him instead to goal for 6 months, and there is no remedy against the magistracy. I do not think any such amendment should be made. Magistrates must, like others, learn to know the law.

Mr. THOMPSON (Antigonish). The remedy is not taken away, but power is given to the court or judge adjudicating on the question to make an order taking away the remedy.

Mr. McMULLEN. I sympathise with the view expressed by the hon. Minister of Justice. I have sat on the bench for 20 years, and I know there are many cases in which magistrates are unwilling to act, owing to their fear of being put in for the costs. Every encouragement should be given to magistrates, when they undertake to discharge the duties of justice of the peace, to discharge those duties.

Amendment agreed to.

On section 6,

Mr. PATERSON (Brant). It has been suggested to me that in the 26th line of section 6, the words "justice or justices" should be struck out, and the words "clerk of the peace" substituted. It has been stated that instances have arisen in which "straw bail" was taken, and it would be much better to make the person named in the Act the clerk of the peace instead of justice of the peace.

Mr. THOMPSON (Antigonish). I would have no objection to that amendment, but I think it would entail great inconvenience in some places, where the applicant would have to travel a considerable distance to enter security.

Mr. CAMERON (Huron). I do not understand the intention to be to strike out the parties named in this section, but that the clerk of the peace shall also have the power. In some towns it is difficult to get a magistrate, but one can always get a commissioner, as every lawyer is a commissioner, and I would propose that the power be also given to commissioners.

Mr. PATERSON (Brant). I see the difficulty which the Minister of Justice suggests, namely, that the amendment might entail a good deal of expense, but his object seems to me to be to make the clerk of the peace, instead of the justice of the peace, act; the reason being that what is termed "straw bail" is sometimes taken, and that would be better avoided by taking away the power from the justice and giving it to the clerk of the peace.

Mr. THOMPSON (Antigonish). The difficulty can be met by adding the clerk of the peace.

Mr. McCARTHY. I do not know what object there is in having the clause. I thought you never could get a writ of *certiorari* without giving security.

Mr. THOMPSON (Antigonish). The law is not the same in all the Provinces. I would in line thirty-six have the

Mr. THOMPSON (Antigonish).

word "confirmed" altered to "affirmed." I understand the hon. member from Brant does not want the justice of the peace to be authorised to take the bail, but that the clerk of the peace should be substituted for the justice of the peace, as if both were left in it would only aggravate the difficulty which he states. We will leave the clause as it is, and discuss the point later on.

The Committee rose, and it being six o'clock, the Speaker left the Chair.

After Recess.

House again resolved itself into Committee.

(In the Committee.)

Mr. THOMPSON (Antigonish.) The clause which was under consideration at six o'clock is one taken from the Imperial Statute, 5 George II, and I should like to give the matter a little further attention. I therefore move that the Committee rise, report progress and ask leave to sit again.

Mr. McCARTHY. I would suggest to my hon. friend the Minister of Justice that the amendments made by the eleventh and twelfth sections ought to be printed in full. They are amendments of certain words in certain lines of certain Statutes, and it is difficult to understand them, and it will be difficult, when the Bill is passed, to construe them in their present form.

Committee rose and reported progress.

SUPPLY—INDIAN ADMINISTRATION IN THE NORTH-WEST.

Mr. McLELAN moved that the House again resolve itself into Committee of Supply.

Mr. CAMERON (Huron). I regret very much that the First Minister is not in his place to-night. I regret the occasion of his absence and I regret the fact of his absence, because I propose for a short time to discuss the administration of the Department over which the First Minister presides, and I always prefer discussing a question of that kind in the presence of the head of the Department. The First Minister, in his report for the year 1885, recently submitted to Parliament, states:

"That the Indians who revolted had no reason for so doing, in so far as their treatment was concerned, is sufficiently established by the concurrent testimony of all those connected with the management of the Indians in the North-West Territories.

I say that no statement could be further from the fact, and no allegation could be more at variance with the reports of the Department of Indian Affairs. But, even if that statement were true, it would not in any sense relieve the Department from the responsibility for the uneasy, dissatisfied and discontented state of the Indians, and for their ultimate outbreak in open revolt against the sovereign power of this Dominion. The officials of the Department are by no means reliable witnesses. Those who offended against the Indian; those who sinned against the Indian; those who robbed and cheated and swindled the Indian, as I shall establish before I sit down, and those who permitted the Indian of the North-West Territories to be frozen to death and starved to death, are not very reliable witnesses, are very unlikely to disclose their own misconduct and to admit their own criminality. The hon. gentleman ought to have fortified the statement he made in the report of his Department as to the conduct of the officials of that Department and the administration of Indian affairs by other and more reliable testimony than that of the officials incriminated. I shall, in discussing this question, pursue a different course. I shall establish the charges that I propose to make against this Government and the officials appointed by this Government by the reports of the honest, the few honest men that are connected with that ser-