

HON. MR. ABBOTT—The words “Superior Court” are used as indicating the court which is superior to the judge who makes the conviction.

The amendment was agreed to, and the Bill as amended was then read the third time, and passed.

CRIMINAL LAW AMENDMENT BILL.

COMMONS AMENDMENTS AGREED TO.

The Order of the Day being called,—Consideration of the Message from the House of Commons disagreeing to certain amendments made by the Senate to Bill (65) “An Act further to amend the Criminal Law.”

HON. MR. ABBOTT said: The amendments which were made in the House of Commons to the amendments in question are three in number. The Commons have disagreed to the amendment that we inserted in respect of the amount of penalty which by the law is stated to be \$500, and in order to prevent the possibility of this penalty being regarded as an invariable penalty, instead of merely a maximum penalty, this House inserted the words “not exceeding \$500.” The reason why I proposed to this House to insert those words was that in the Pardons and Punishments Act I found a provision which said, whenever a term of imprisonment was named in a statute the judge in sentencing the prisoner would have a right to diminish it according to his discretion, but not to exceed it. It was supposed that there was a clause respecting penalties in money of a similar character, but the Minister and myself looked over the Act with a fair degree of care, and we could not find any such clause, and it was for that reason that I suggested to put in the words “not exceeding.” On a more careful examination of the Act it is found that under the chapter respecting sureties there is a clause, such as we both thought was in the Act, but which we could not find, which makes the same provision with regard to penalties that is made with reference to imprisonment.

HON. MR. DEBOUCHERVILLE—What does it say?

HON. MR. ABBOTT—It provides that the judge may mitigate the punishment to any extent he thinks proper. There-

fore, I propose that we do not insist upon our amendment made to the 18th section. Then, with regard to the 20th and 21st amendments, we had already determined in that sense ourselves. We altered the name “North-West Territories” into “Western Territories,” and the House declined to accede to that, thinking it proper not to alter the name until the Bill had been passed which we decided upon and acted upon here, after passing that Bill. Therefore, I propose to the House that we should not insist upon that amendment. Then clauses 86 and 87 were clauses which had been proposed by the Department of Justice themselves, and were inserted at the end of the Bill—new clauses, which were said to be copied from the Ontario Act. Whether they be so copied or not, the House of Commons consider that the regulation referred to ought not to be authorized wholly by Orders in Council—there should be some more explicit indication of the will of Parliament as to the nature of the Orders in Council before they should be made, and I presume that is a principle that this House would concur in. I therefore ask that the House do not insist on the amendments made to those two clauses.

BILL INTRODUCED.

Bill (EE) “An Act further to amend the Dominion Lands Act.” (Mr. Abbott).

The Senate adjourned at 4.05 p.m.

THE SENATE.

Ottawa, Tuesday, May 13th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

ST. VINCENT DE PAUL PENITENTIARY.

HON. MR. BELLEROSE moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House, all the letters and correspondence that may have been exchanged between the Government and O. G. Bourbonnais, Esq., on the subject of his services as stenographer at the time of the visit of the Minister of Justice and the Secretary of State to St. Vincent de Paul Penitentiary, on the 10th and 11th of December, 1886.