

Select Committee composed of Hon. Messieurs Letellier de St. Just, Scott, Dickey, Campbell, Penny, Bureau, Odell, Trudel, and the mover, to meet and adjourn when they please.

#### CRIMINAL JUSTICE IN N. BRUNSWICK

On motion of Hon. Mr. LETELLIER, the House went into Committee of the Whole on the bill, from the Commons, to amend the law respecting criminal justice in New Brunswick.

Hon. Mr. SCOTT explained the object of the bill, which defined the term competent Magistrates, as regards New Brunswick, in the sense it bore in Ontario, where certain offences could be tried before those authorities, not triable before such officers in the Lower Province. An amendment designed the extension of this act to Nova Scotia also. In New Brunswick they could not apply to all Justices of the Peace the term competent Magistrate. The bill did not prejudicially interfere with the jurisdiction of the Magistrates.

The bill was reported from Committee with amendments, which were concurred in, and was read a third time.

On motion of Hon. Mr. FERRIER the House then adjourned.

THURSDAY, April 30, 1874.

The House met at three o'clock.

#### QUESTION OF ORDER.

Hon. Mr. BENSON said he rose to present a petition which he thought had been improperly objected to yesterday. He had since considered the matter, and came to the conclusion he was in order on his first action. The petition was from the inhabitants of the town of St. Catharines, for aid to enable them to build an addition to the General Marine Hospital. He then moved its reception, and observed the object in view was a very important one, which deserved the serious consideration of the Government. It would be remembered that yesterday an honorable member (Mr. Miller) raised the point of order, stating it could not be received, as it was a money petition, and, the Secretary of State concurring, he (Mr. Benson) had withdrawn it. On looking into the matter since, however, he found he was then perfectly in order, which had induced him to present the petition again to-day.

Hon. Mr. MILLER argued that petitions like this one, for a grant of public money, could not be presented to the Senate or

received by it, according to the B. N. A. Act. The initiation of money votes rested solely with the Government, and must be made through the House of Commons on a message from the Crown. Therefore the Senate had no power to grant public money with such preliminaries, and it would be absurd to petition them to do that which they had not the power to do. He contended, in addition, that it was contrary to the rules of Parliament, and particularly under our system of Government, established by the Act of Confederation, to entertain such a petition. It could not properly be presented to the other House, and surely could not to this Upper House, which had no control whatever over subjects of this kind. They only rejected or received such votes as were sent them from the Commons. He considered the petition altogether out of order.

Hon. Mr. BENSON said he restricted the question to the reception of the petition, and contended there was no rule against the reception of a petition, even for money, citing the analogous or kindred power of the House of Lords, which was under no rule or usage forbidding the presentation and discussion of petitions for procuring redress or assistance; and although the Lords had no right to initiate taxation, or its increase, they were not constitutionally debarred from initiating enquiry by their own Committees into financial matters. The consent of the Lords was indispensable to every measure, whether in supply or otherwise, and it was desirable they should be prepared by due investigation and enquiry, to give or withhold their assent. These were the views set forth in the authorities. He contended he was strictly in order, and that it was well the matter should be finally settled.

Hon. Mr. AIKINS thought his hon. friend (Mr. Miller) had allowed himself to be drawn into an error in this matter. The House of Commons made a rule for themselves, no doubt, and the motive, in regard to their convenience, could be easily understood. But the Senate had no rule on the subject, having to be guided by the views and action of the House of Lords. They received petitions of this kind. Mr. Todd believed the Senate had no right to receive such petitions. There was no rule forbidding it while their own rules prescribed that in all unprovided cases they were to be guided by the usage of the House of Lords. Now it was their usage to receive papers of this kind.