

tions. I would like to sleep over this question. I have a great dread of falling into constitutional man-traps on either side. I would suggest to the hon. gentleman that he might, with advantage, adjourn the debate for twenty-four hours and proceed with other business.

Mr. FOSTER. I am quite willing to agree to that and to take it up on Saturday morning.

Sir RICHARD CARTWRIGHT moved the adjournment of the debate.

Motion agreed to, and debate adjourned.

#### HOMESTEAD EXEMPTIONS.

Mr. DALY. When the House adjourned at six o'clock I was going to ask, by the leave of the House, the privilege of presenting the Bill of the hon. member for West Assiniboia (Mr. Davin), an Act to repeal the Homestead Exemption Act. It is provided by section 3 of the Homestead Exemption Act that:

Any man who is the owner of an estate in fee simple or for life in laud, situate in the Territories, with a dwelling house thereon occupied by him, may register as a homestead an extent of such land not exceeding eighty acres, if in a rural locality.

The Legislature of the territory undertook to extend that to 160 acres, and it has been held by the Supreme Court of the North-west Territories, in the case re Claxton, that that ordinance of the North-west Territories is "ultra vires," and this places the people there in a very awkward predicament, and it is necessary, in order that the wishes of the people, as exemplified by the Legislature, should be carried out, that legislation should be had. With this view I am very desirous that this Bill should pass. I had the matter under consideration myself, but there were some legal difficulties in the way and the Bill I have brought down is not exactly similar to that of the hon. member for West Assiniboia (Mr. Davin). I will explain more at length in committee, and, with the permission of the House, I will move the second reading of the Bill.

Motion agreed to, Bill read the second time and House resolved itself into committee.

(In the Committee.)

On section 1,

Mr. DALY. I may explain that the Act respecting the Homestead Exemption Act of the Territories passed in 1886 provided among other things that a homesteader could register 80 acres as exempt from seizure; but the Legislative Assembly of the North-west Territories undertook by an ordinance to extend that to 160 acres. The ordinance remained in force about four years, and it was only last September or October that the Supreme Court of the Territories decided, in the case re Claxton that subsection 9 of section 1 of chapter 45 of the Revised Ordinances, pro-

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viding that 160 acres should be exempt from seizure under execution, was "ultra vires" of the Local Legislature. Now, by placing that ordinance upon their Statute-book the Legislature expressed the will and the desire of the people of the Territories that 160 acres should be exempted, and in order to carry out that desire this Bill is introduced. It is not intended to repeal the Homestead Exemption Act, as the Bill proposed by the hon. member for West Assiniboia (Mr. Davin) would have done, but simply to amend section 3 by striking out the word "eighty" and substituting the words "one hundred and sixty."

Bill reported, and read the third time and passed.

#### SUPPLY—CONCURRENCE.

House proceeded to consider resolutions reported from Committee of Supply.

Indian Affairs . . . . . \$10,000

Mr. DALY. Since a statement was made yesterday by the hon. member for North Wellington (Mr. McMullen), with reference to an account sent in by Mr. Reed, the commissioner, giving the items of certain railway fares and cab-hire on a journey he made to Kingston and the city of Toronto, I have investigated the matter, and I find that Mr. Reed went on that occasion to Kingston on the business of the department to meet the Presbyterian Synod there in connection with North-west matters. I find also that he went to Toronto to meet the superintendent of Methodist missionaries in connection with other Indian matters, at the request of the Superintendent-General, and that his railway fare and the usual charges were allowed by the department. I find further that during that time he was three days on leave, and no charge appears for any expense incurred during the three days he was on leave. I thought it only right, in justice to Mr. Reed, that I should make this statement to the House.

Kingston Penitentiary . . . . . \$190,443 66

Sir RICHARD CARTWRIGHT. The Solicitor-General was to have stated to the House, when this item came up for concurrence, the number of people he expected to employ in the binding twine manufactory, and also the location of the projected asylum and female prison.

Mr. CURRAN. With regard to the latter part of the hon. gentleman's question, I find a memorandum left by the Minister of Justice, which is to the effect that it is the intention that the female prison shall be erected in the field immediately to the east of the prison, and the asylum on the grounds north of the warden's residence. With reference to the other point, I find an explanation given by the Minister of Justice in the