

unorganised territory, we have the power to say where it shall be tried.

Bill read the second time, considered in Committee, reported, read the third time and passed.

EVIDENCE IN CRIMINAL CASES LAW AMENDMENT BILL.—[BILL 120.]

(Mr. McDonald, Pictou.)

SECOND AND THIRD READINGS.

Order for second reading read.

MR. McDONALD: This Bill is for the purpose of enabling evidence in criminal matters to be taken as provided in the first clause. It is, to a large extent, a copy of the English law on the subject, and is for the purpose of obtaining the testimony in criminal matters of persons who are ill and likely to die.

Bill read the second time.

House resolved itself into Committee of the Whole to consider the said Bill.

(In the Committee.)

MR. GUTHRIE: I desire to add the following clause:—

“Any Judge of Superior Courts of Law, and Judges of the County Courts exercising criminal jurisdiction, shall have the power to make any order in the foregoing sections of the Act.”

A doubt might arise as to whether a Judge of the Queen's Bench, sitting at Nisi Prius, is a Judge of criminal authority. I would, therefore, add a clause extending it to any of the Superior Courts.

MR. McDONALD (Pictou): I think if the amendment is confined to Judges of the Superior Courts, we shall have time to consider, before the next meeting of the Legislature, if we desire to extend it further. The amendment will be to the effect that any Judge of the Superior Courts of Law and Judges of the County Courts exercising criminal jurisdiction, shall have the power to make any order under the foregoing sections of this Act.

MR. KIRKPATRICK said he wished to add an amendment which would specially provide for the legality of some evidence, which was now being taken, in a special case involving life. The evidence was being taken, in anticipation of the passage of this Act, in one of the Courts in Ontario—a case in which a person might die before the trial, and before, in fact, the passing of this Act. It was desirable, under the special circumstances of the case, that the evidence should be taken in accordance

with the law in force in England, namely, that a deposition taken before the trial may be read at the trial, in case of the death of the witness before the trial comes on. He (Mr. Kirkpatrick) knew it was not desirable to make any law retroactive, but under the special circumstances of the case, he proposed the amendment he had referred to. The prosecution would have notice to attend the examination, and, therefore, no wrong could be done.

MR. McDONALD (Pictou): I hope no such provision will be passed. It would be against the principles of justice; it would be dangerous to adopt such a course. It would make evidence at the trial of that which, when taken, was not evidence according to law. The hon. gentleman says no wrong could be done, because the prosecution would have notice. But as the law does make such using of evidence legal, then it would not be incumbent on the prosecutor to attend an examination which may be worthless. I shall certainly ask the Committee not to adopt the amendment.

Amendment (Mr. Kirkpatrick) negatived.

Bill, as amended, ordered to be reported. House resumed.

(In the House.)

Bill reported, read the third time and passed.

SUPPLY—CONCURRENCE.

Resolutions reported from Committee of Supply further considered.

On Resolution 166 (April 23), Indians of British Columbia, \$50,928.

MR. MILLS said he understood nothing had been done to give the Indians legal possession of their reservation. The Indians should be satisfied with reference to their claims on the reservation made to them, and he thought the appointment of Mr. Trutch was not a desirable one, if it was intended to allay feelings of distrust that had been created in the minds of Indians.

SIR JOHN A. MACDONALD said a suitable man would be appointed as Superintendent of the Interior, and that the hon. gentleman might dismiss any fears about the Indians as they would be properly attended to.

Resolution read the second time and agreed to.

MR. McDONALD.