

a great deal better informed practically on the subject than I am, anticipates that the Act is likely to receive an extensive operation, then it becomes a matter of considerable importance how we shall increase the expenditure which the Act involves. Now, there is an Act somewhat in the same line in the Province of Ontario—to prevent the spread of contagious diseases amongst animals, and providing for the destruction of diseased animals—and animals suspected of disease. That Statute makes no provision, I understand, for compensation.

Mr. MULOCK. Do you refer to the Act respecting glanders?

Mr. THOMPSON (Antigonish). I refer to the Act of 1884.

Mr. MULOCK. Dealing with glanders, an incurable disease, which is a different matter.

Mr. THOMPSON (Antigonish). I would also point out that the English Act does not go as far as this. The hon. gentleman proposes with respect to one class of cattle to allow the compensation to go as high as \$300, whilst the highest compensation allowed in England is \$200.

Mr. McCARTHY. He says that may be altered in committee, and he does not adhere to that amount.

Mr. THOMPSON (Antigonish). I think there is some misapprehension as to another point which has been mentioned by the member for Wellington (Mr. Orton) and the member for Simcoe (Mr. McCarthy), and that is the apprehension that the right to compensation is forfeited if there has been at any time, and in relation to any other matter, an offence against the provisions of the Act. I do not think that is a reasonable construction of the Act. The provisions with respect to compensation are contained under the heading "Slaughtering diseased cattle." The 12th section makes provision to the effect that the Governor in Council may from time to time cause to be slaughtered animals suffering from infectious or contagious diseases, or animals which have been in contact with, or in close proximity to, a diseased or suspected animal, and the next section, which is the one that the hon. gentleman proposes to amend, is that which provides for compensation for the loss caused by the operation of the 12th section, and makes the compensation, it is true, dependent on the owner not having been guilty of an offence against the preceding sections. I should suppose that a reasonable construction would be that the offence was only to deprive the owner of compensation provided it were in connection with the subject matter with which those two sections are dealing. The hon. gentleman proposes another change which seems to me to involve a principle likewise. Instead of providing "that the Governor in Council may, &c.," when the owners are reported by the Minister of Agriculture not guilty of any negligence or offence, he proposes to reverse that provision by making this proviso:

Provided always that such compensation may be withheld in whole or in part where the owner or the person having charge of the animal has, in the opinion of the Governor in Council, been guilty.

In other words, instead of requiring that in the first instance, the Minister shall report that the owner has not been guilty, he proposes to constitute the Government in Council, in point of fact, a court for the purpose of trying the case and deciding that the owner has been guilty before compensation is to be withheld. It is perhaps not a very important distinction, but it is one involving some inconvenience in putting the burden of proof on the other party.

Mr. MULOCK. Where should the burden of proof be?

Mr. THOMPSON (Antigonish). I think it should be on the claimant, for the purpose of satisfying the Minister, if I am right in my idea that the offence is intended to be one
Mr. THOMPSON (Antigonish).

in connection with the same transaction out of which the loss arises. It would then be for the owner to convince the Minister or his officer that the offence had not been committed, though that would not be the case if it referred to a previous transaction. It does strike me that so extensive an alteration should be made unless some urgent necessity exists for it, and that necessity does not exist, if I am correctly informed, that the Act is not likely to be used.

Mr. BLAKE. I cannot at all agree with the views of the Minister. It is possible that his observations may properly apply to some of the details. For example: There may be a question as to what the precise amount of the compensation should be. But the hon. Minister takes two grounds. He says, first of all, that he thinks the Bill is premature, because no cattle have been slaughtered yet, except in one instance, and that we ought to wait until the injustice is done, and an inadequate compensation is paid, before we pass the Act; and when the grievance is established, this House will legislate for the future, and provide the just compensation. Then, he says, if the law is going to be broken, we must consider a good deal about this, because it will be extremely expensive. It would be premature to act before the Statute comes into operation; and after it does come into operation we had better not act, because it will cost us some money.

Mr. THOMPSON (Antigonish). I did not say that.

Mr. BLAKE. The hon. gentleman said it was going to be extensively used, and if it is, it is going to be used just where it will be required. The hon. gentleman must remember that this is not an old Statute. It was introduced, I think, last Session or the Session before. We had it under debate last Session, and a great many of us thought the hon. gentleman's provisions for compensation were inadequate. I thought so then, and I think so still. If it is intended to remedy an injustice which is likely to arise, it is better to provide against it than to wait until an injustice has resulted from neglect. If it is going to be an expensive thing in the public interest to give this protection to the cattle owners, we had better know it; but we must not allow an injustice to be done simply because it is going to be expensive to prevent it, which is practically the second argument of the Minister of Justice.

Mr. POPE. The hon. gentleman is quite mistaken about this being a new Bill.

Mr. BLAKE. I know there is the old law.

Mr. POPE. It is the same law except in one or two particulars. Last year \$150 was allowed as compensation for thoroughbred cattle. We raised the amount I think at the suggestion of the hon. member for Huron. I think I remember something of the case mentioned by the hon. member for Brant (Mr. Paterson). I do not remember what action was taken; but in my opinion it is clearly the intention of the Act that, when a man acts in good faith and does everything he can, and notifies the Department, he ought to come under the law. But with respect to the argument of the hon. member for West Durham (Mr. Blake), I think it has something to do with this matter whether we have ever been called on to put the law into practice. So far as Ontario is concerned, this law, with very few exceptions, has been on the Statute-book for eight or ten years, and never during that time have we been called on to slaughter one animal. There never has been a complaint made to the Department since that law was enacted that the price paid by the Department was not sufficient. Where we did put the law into operation, and where there was a necessity to do so, was in the Province of Nova Scotia, in Pictou, where we purchased, I think, 300 or 400 head of cattle. There the law was carried out exactly, and no complaint was made by the people affected by it.