

Mr. COSTIGAN. It must be remembered that this Bill was not prepared by myself, but by the law clerk, who is supposed to be thoroughly acquainted with the Acts now in force, and who has given a careful examination to the whole subject. By other Acts similar powers are given to the Governor in Council.

Mr. BLAKE. We do not know what regulations the Governor in Council may make for the recovery of penalties. The ordinary custom of the law should not be departed from, and if special powers are required in this case they should be defined in the Bill. The hon. gentleman says the Bill was prepared by the law clerk. If we have not the right to discuss measures, we might as well pass a short Act, setting forth that the Bills prepared by the law clerk should become law.

Mr. COSTIGAN. I merely stated that the Bill was prepared by the law clerk after a very careful examination of the subject. The law stated that certain matters shall be done by regulations; those regulations must, however, be within the law itself, and not contrary to the Act, or going beyond the powers of the Act.

Mr. BLAKE. The regulations, of course, will not be contrary to the Act, but the Act gives excessive power to the Governor General in Council.

Mr. WHITE (Renfrew). I do not think that any very great evil will arise under the operation of this clause. It does not give the Governor in Council power to impose any other than a money penalty, and this is restricted by the Act itself, to a sum not exceeding \$500. It seems to me that the mere mode of recovering this penalty is not a question for very material consideration. At all events, the Governor in Council cannot frame any regulation by which any greater penalty than the immediate payment of money for the infraction of any regulation adopted by the Governor in Council, can be enforced, nothing more severe can be done; and I do not think that anything in this Act enables the Governor in Council to make regulations by which any person may be imprisoned.

Mr. BLAKE. It is quite true that it provides only a money penalty, limited to the sum which the hon. gentleman may consider wholly light and frivolous, \$500; but to some people this might be rather an important sum, and a rather serious question, though it might not be so to the hon. gentleman; and, under the regulation which may be framed, this could be recovered by immediate procedure, without any judicial trial, without any enquiry, without any proper provision for ascertaining the facts relating to the subject. All this could be done under the legislation proposed. Now, what seems to me objectionable is that it is proposed to hand over to the Governor in Council power to prescribe rules contrary to the ordinary course of the law, because, if that were followed, well and good, we would not then want any regulations; and, therefore, these may be more severe, and how much more you cannot tell. There is no limitation whatever. It might be by immediate process of distress, without trial and without enquiry.

Mr. WHITE (Renfrew). The subject always has remedy against the Crown for improper execution. If there has been no infraction of the law, the subject can recover against the Crown.

Mr. BLAKE. With all deference to the hon. gentleman, I think it would be very difficult for him to establish that proposition. With regard to the second sub-section, I wish to say I think this is only adopting what is contained in recent, though not so very recent, legislation. My own opinion is very strongly against the multiplication of these voluntary and extra judicial oaths. I think that a solemn declaration is what ought to be substituted for an oath. It accomplishes all proper purposes, the person being liable as for perjury. We have an Act, if I remember aright,

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on the Statute-book for the suppression and mitigation of voluntary and extra judicial oaths, and here it is proposed to multiply them. I would ask the hon. gentleman before he takes the third reading—for I will not now, after what he has said, make an amendment on the moment—on these and other points about which I make suggestions, to consider them; and to see whether it would not be as convenient and as efficient to substitute a solemn declaration under an existing Act of Parliament for the proposed oath.

On section 4,

Mr. BLAKE. The first sub-section of this clause, as I mentioned to the hon. gentleman privately a moment ago, is somewhat contrary to the hon. gentleman's statement on the introduction of the resolutions, in that it strikes at property after it has passed from the hands of the person liable to pay the dues. The property in question is to be liable to pay at any rate to the extent of double the dues, although it may be converted into lumber and sold, and passed away from the original proprietor or person, who passed it through the booms, slides or dams, and the person who ought to have paid it, seems to me that this is rather objectionable. I quite admit, speaking from memory, that there is a provision with reference to stumpage, that the timber shall continue liable, and it is continuing that step further, I think, to provide that stuff, after it has been cut up and become boards and sold in that condition, and passed out of the hands of the original person, shall be liable to be followed and seized not merely for single dues, but also for double the amount that may be due.

Mr. COSTIGAN. Under the Consolidated Statutes, power was taken for the collection of stumpage; and I suppose it will not be argued that the Government have not the same right to protect itself in connection with tolls due upon timber which has passed through slides and public works that the Local Government have in connection with stumpage. In fact the same officer collects both dues.

Mr. LAURIER. Abolish that provision regarding stumpage also.

Mr. COSTIGAN. They have the power to follow the timber until the stumpage is paid, and also to follow the lumber sawn from that timber. They can go into any lumber pile or yard, where they believe any portion of the timber, liable to stumpage is mixed up with other lumber, and seize the whole of this lumber, while the burden of proof rests with the owner to establish what is and what is not liable. Now we do not ask the Committee to go that far in connection with toll dues. We ask only to hold the timber liable, and liable for double the amount of the dues chargeable upon the timber which passed through the slides.

On sub-section 2,

Mr. BLAKE. Once again, this provision seems obnoxious and open to a good deal of objection. This timber, which as timber passed through the slide, is afterwards cut into lumber and gets into other hands altogether; but the innocent purchaser is liable to have the whole of his lumber chargeable *en masse* with whatever may be due on the part of the original owner.

Mr. COSTIGAN. A similar provision exists with regard to the collection of stumpage.

Mr. LAURIER. Would it not be more advisable, instead of making this Bill similar to the Stumpage Law, to soften these provisions. The law on stumpage is now in force, and is an old law passed before Confederation; but now the lands belong to the Provincial Governments, except, perhaps, in the North-West Territories. If so, it is in very rare instances, and I, therefore, suggest that it would be advisable to amend the law in that direction.

Mr. WHITE (Renfrew). The hon. gentleman will remember in regard to the Ottawa river in particular, and a