who did it without malice. He did not know the boys; he was only anxious to prevent a recurrence of the thing; but the jury gave a verdict against this unfortunate man, and he had to pay all the costs, amounting to about $200. Then the father of one of the boys brought an action against the magistrate. He harassed the magistrate for about a year; and when the case was tried he did not succeed, although the magistrate was subjected to costs of about $100, and was unable to recover them from the man because he was worthless. I think this clause will meet cases of that kind. It may be said that it will deter poor men from going to law; but I think there are a number of fair-minded people in any community who will be ready to enable a poor man to provide for the costs. I quite favor this clause.

On section 7,

Mr. LISTER. I do not see why the litigant should not be allowed to drop his appeal and take out a writ of *certiorari*, if he thinks proper, but why should he be debarred from carrying a conviction from the Court of Appeal to a higher court?

Mr. THOMPSON (Antigonish). This is to prevent persons who have been convicted from availing themselves both of the writ of *certiorari* and of the appeal. They should make the option, either of appealing or taking a writ of *certiorari*. In certain Statutes it is so provided, and it is not unreasonable to make it uniform.

Mr. CAMERON (Huron). A difficulty will arise sometimes from the fact that it is absolutely necessary to give notice of appeal to prevent goods being seized. A man, for instance, is convicted and ordered to pay a fine of $10, for which, if not paid at once, his goods will be seized. To prevent seizure, it may be necessary to give notice of appeal and the necessary recognisances, because, before he could get out a writ of *certiorari*, especially if the difficulty arose in an outer county, his goods would be seized and sold. A man ought, therefore, to have the option of withdrawing his notice of appeal and getting the judgment of a higher court. But under this clause, the moment he has given notice of appeal he is prohibited from invoking the decision of a higher court, and is bound to go to the Court of Quarter Sessions. It would be fair to prohibit the issue of the writ of *certiorari* after the conviction has been disposed of by the Court of Sessions, but prior to the meeting of the court the applicant should have the right to the writ of *certiorari* on abandoning his notice of appeal.

Mr. THOMPSON (Antigonish). We should not at all countenance the practice of allowing appeals to be taken, merely to stay proceedings until the writ of *certiorari* can be used. That would rather be an abuse of the right of the right to appeal. The section will not have the effect of making fatal to the writ of *certiorari* the preliminary steps in appeal; but it would be unwise to provide that a writ of *certiorari* could be gone on with after the appeal was determined, because that would enable the defendants to have two remedies in different courts.

Mr. CAMERON (Huron). He should not have the two remedies, but he should not be deprived of the writ of *certiorari*, simply because he has given notice of appeal to the Quarter Sessions, to prevent his goods being seized or himself being incarcerated. He ought to have the right to abandon proceedings and take his remedy *a certiorari*.

On section 8,

Mr. THOMPSON (Antigonish). This is to prevent the English Statute being any longer in force.

On section 9,

Mr. THOMPSON (Antigonish). The object of this is to prevent miscarriage of justice arising from want of proof of the proclamation.

Mr. WELDON. The court should take official notice of the proclamation, and there then need be no proof of a question of fact by affidavit.

Mr. THOMPSON (Antigonish). I quite agree with the hon. gentleman, and we will let this clause stand for the present.

On section 10,

Mr. WELDON. I think a provision should be added requiring the registrar to make the return.

Mr. THOMPSON (Antigonish). We will add: "And which shall forthwith be done."

On section 11,

Mr. THOMPSON (Antigonish). The object of that section is merely to extend the time for appeal in certain cases in which it has been found too short in remote localities. The hon. member for North Simcoe (Mr. McCarthy) suggested the other day that I should have these sections reprinted with the proposed alterations, and I would have had that done had it not been that these sections will take their place in the consolidation of the Statutes, so that no confusion can arise. The sections are very long, and I thought it was well to have them passed in their present form, as they will appear in full in the Bill for the consolidation of the Statutes.

On section 12,

Mr. THOMPSON (Antigonish). This is the section which I have substituted for section 9:

No order, conviction or other proceeding shall be quashed or set aside, and no defendant shall be discharged, by reason of any objection that evidence has not been given of a proclamation or order of the Governor General in Council; but such proclamation or order of the Governor General in Council shall be judicially noticed.

Bill reported.

MESSAGE FROM HIS EXCELLENCY.

Sir HECTOR LANGEVIN presented a Message from His Excellency the Governor General, as follows:—

LANSDOWNE.

The Governor General transmits to the House of Commons, for its information, copies of certain despatches from the Right Honorable the Secretary of State for the Colonies, and of other papers, with reference to the Aspy Bay affair.

GOVERNMENT HOUSE,

OTTAWA, 20th April, 1886.

LETTERS PATENT FOR INDIAN LANDS.

Sir HECTOR LANGEVIN moved the second reading of Bill (No. 102) to expedite the issue of letters patent for Indian lands.

Mr. BLAKE. Would the hon. gentleman give some explanation?

Sir HECTOR LANGEVIN. I stated the other day that this is, I think, word for word, the provisions that are contained in the Dominion Lands Act, and which are to apply to Indian lands.