

Baker (Victoria),	Girouard,	Pinsonneault,
Barker,	Gordon,	Pope,
Bell,	Grandbois,	Pruyn,
Benoit,	Guilbault,	Reid,
Bergin,	Guillet,	Robertson (Hamilton),
Blondeau,	Hackett,	Robertson (Hastings),
Bowell,	Haggart,	Ross,
Bryson,	Hay,	Royal,
Burnham,	Hickey,	Shakespeare,
Burns,	Hilliard,	Small,
Cameron (Victoria),	Homer,	Sproule,
Campbell (Victoria),	Hurteau,	Stairs,
Carling,	Jamieson,	Taschereau,
Caron (Sir Adolphe),	Kilvert,	Tassé,
Chapleau,	Kinney,	Taylor,
Cochrane,	Kranz,	Temple,
Colby,	Landry (Montmagny),	Thompson (Antigonish),
Costigan,	Langevin (Sir Hector),	Townshend,
Coughlin,	Lesage,	Tupper,
Cuthbert,	Macdonald (King's),	Tyrwhitt,
Daly,	Mackintosh,	Valin,
Dawson,	Macmillan (Middlesex),	Wallace (Albert),
Desaulniers (Maskin'è),	McMillan (Vaudreuil),	Wallace (York),
Desaulniers (St. Maurice),	McOallum,	Ward,
Dugas,	McCarthy,	White (Cardwell),
Dundas,	McDougald (Pictou),	White (Renfrew),
Dupont,	McDougall (O. Breton),	Wigle,
Everett,	McGreavy,	Wood (Brookville),
Farrow,	McLelan,	Wood (West'm'd),
Ferguson (Leeds & Gren),	McNeill,	Woodworth.—106.
Ferguson (Welland),		

Amendment negatived.

Bill read the third time, on a division, and passed.

SUMMARY PROCEEDINGS BEFORE MAGISTRATES

House resolved itself into Committee on Bill (No. 84) to make further provision respecting Summary Proceedings before Justices and other Magistrates.—(Mr. Thompson, Antigonish).

On section 1,

Mr. CAMERON (Huron). Is this exactly the Bill which was before the House last Session, and which did not become law, though it passed the other branch of the Legislature?

Mr. THOMPSON (Antigonish). It is substantially the same Bill.

Mr. CAMERON (Huron). There is no change?

Mr. THOMPSON (Antigonish). There are one or two changes. There is no change in the first clause. I will call attention to the changes when we reach them.

Mr. CAMERON (Huron). I opposed the passage of the Bill last year, and gave my reasons for doing so. I do not intend to oppose the passage of the Bill this Session. Upon reflection, I think the Bill is a good Bill. I am inclined to favor the principle of the Bill. I have no doubt that the Bill will become law, if not this Session, at some future Session of Parliament; but I think it has not passed the Imperial House of Commons or the House of Lords. I do not think there is a Bill on all fours with this that has received the sanction of Her Majesty the Queen, and I think, therefore, that it ought not to be carried here. I think the proper rule is that no legislation should pass this Parliament until it passes the Imperial Parliament; and therefore, though I am in favor of the principle of the Bill, I think it should not pass at this stage.

Mr. THOMPSON (Antigonish). I am glad to see that the hon. gentleman has changed his mind since last night, but I think the objection ought to have come at the second reading of the Bill, at least.

Mr. MILLS. If that is a proper rule, it ought to have been applied at an earlier stage. The hon. gentleman has laid down a rule, and has affirmed it again, that would practically render the existence of this Legislature unnecessary. If we are not to legislate on a subject of this sort

without its first being dealt with by the Imperial Parliament, then there is no particular reason why the Imperial legislation should not extend to this country and this Legislature be dismissed and sent about its business. It seems to me that we may exercise some discretion ourselves and investigate a subject on our own account. But this Bill certainly goes a long way in the way of rectifying every wrong that a magistrate may commit, and taking from the party, who may consider himself aggrieved by the action of the magistrate, all possibility of redress.

Mr. THOMPSON (Antigonish). I did not suppose the hon. member for West Huron (Mr. Cameron) was serious when he referred to what took place last night, as applicable to this Bill, as the hon. member for Bothwell (Mr. Mills) seems to be. He will excuse me, therefore, for saying that the two cases are not at all analogous. My objection to the Bill last evening was not merely that it should not be passed until passed by the British Parliament, but that inasmuch as our criminal code was framed very closely upon that of the Mother Country, and the Bill proposed to make extensive amendments in the procedure by which that code is worked, and inasmuch as that subject was under the consideration of the Imperial Parliament, it would be better to defer that Bill. I do not think this is quite in similar circumstances. The convictions have to be made in this country by a class of officers who are not as experienced or skilled in the technicalities of convictions as are the magistrates administering similar laws in England, and I think the necessity is much more apparent in this country for removing the chance of taking successfully purely technical objections to the proceedings of Justices who may happen not to be skilled in the practice or administration of the law. In the Bill of last year it was proposed to provide that the convictions should not be set aside if it appeared from the depositions "or other affidavits" that an offence had been committed. The words "or other affidavits" are omitted from this Bill.

Mr. DAVIES. I think it is very unfortunate that this matter should be dealt with in this way. Our Act relating to summary convictions was largely based upon the English Statute, and in all those cases where it deviated from English Statutes I think it made a mistake. I think, in the first place, that some of these sections go a great deal too far. In our Summary Jurisdictions Act we have discretion given to the Supreme Court where application is made to quash a conviction made by a magistrate, a very extensive discretion, indeed, where application is made to quash convictions on matters of mere form or any technicality, and even in matters going further than mere form. They have power to dismiss the conviction, or to maintain and amend all the proceedings, from the summons right down to the conviction. Then we had commissioners appointed to revise our Statutes, and they revised this Statute and made a re-draft of a number of sections of this Summary Jurisdictions Act. They were legal men drawn from all parts of the Dominion, assisted, I believe, to some extent, by members of the Government, and they gave a great deal of consideration to each of these sections, and the Act, as they amended it, is now before a special committee to whom the Consolidated Acts were referred, and I think they are a better tribunal to judge whether the amendments proposed by this Bill should be introduced. The result of the passage of this Bill, I fear, will be to create carelessness on the part of the magistrates. I agree with the Minister of Justice when he says that many of the magistrates in Canada are not as well educated, or as capable of drawing up legal forms, as English magistrates are, but I say the existing law provides fully for that state of things. My experience has not been that injustice has been done from want of sufficient power