

HON. MR. TRUDEL moved, seconded by HON. MR. DEVER, that clause 27 be struck out.

Lost on division.

HON. MR. HAYTHORNE moved that the 53rd clause be struck out. He said, in moving the omission of the 53rd clause, which he did at this stage by consent, instead of the Committee of the Whole, he would be as brief as possible, knowing the House was weary of this discussion. It could not, however, be said that in adopting this course he was acting from factious motives, since he had supported the Government on every division which had been taken on this bill. He opposed the clause not only because he considered it to be unnecessary, because the Executive had their proper responsible legal advisers—the Crown law officers—but because it was inexpedient to mingle law and politics, and because Ministers might to some extent relieve themselves of their responsibility to Parliament for the advice they gave the Crown, on the plea that they acted on the advice of the Supreme Court. It was most essential that the principle of Ministerial responsibility should be maintained inviolate, and therefore the utmost caution should be exercised to prevent a clause of this nature slipping through unperceived. Hon. gentlemen should remember that their power of interpretation ceased when the bill passed; and as to repealing it, he reminded them that the consent of other parties would be required before that could be accomplished. He did not see that the general utility of the bill would be interfered with by the omission of this clause—as it had no reference to the establishment of the new Court of Appeal as such. He should move, seconded by the Hon. Mr. Wilmot, that the clause be struck out.

The motion was put and declared lost on division.

HON. MR. HAYTHORNE said, as his motion to omit clause 53 had been lost, perhaps the Hon. Secretary of State would not object to amend the clause by adding some words restricting its operation. He would, therefore, move, seconded by Hon. Mr. Wilmot, that the following words be added to the end of the clause:—

“But nothing in this clause contained shall be held to release Ministers of the Crown from their responsibility to Parliament for any advice they may give to Her Majesty's representative in this Dominion.”

The question of concurrence being put thereon, the same was, on a division, resolved in the negative.

The bill was then read a third time as amended, and passed.

ESQUIMALT AND NANAIMO RAILWAY.

HON. MR. SCOTT moved the second reading of the bill to authorize the construction of a railway from Esquimalt to Nanaimo, in British Columbia. He said that owing to the failure to carry out the terms of Union with British Columbia, it became necessary to enter into negotiations with her, in order to effect a better understanding and to the relief of Canada from the very stringent terms of the Union. Consequently, Mr. Edgar visited that Province last spring, with a view to conciliating the people, and ascertaining their feelings in reference to extension of the time for carrying out the terms, or building the Pacific Railway. It was then suggested, among other things, that the Government of Canada should build a railroad on Vancouver Island; that was conceded rather through the interference of the Imperial Government, who thought it was a concession that might fairly be made, and it was in accordance with the desire of the Dominion, to create a state of good feeling in British Columbia. We had been obliged to extend very considerably the time of the completion of the railway. This island road was to be built under terms similar to those of the bill authorizing the construction of the Canada Pacific Railway; 20,000 acres and \$10,000 a mile would be given for its construction, and a further sum of four per cent. on the amount stated in the tender. In consequence of Government having undertaken to lose no time in the construction of this work, it was impossible to complete the surveys and have the contracts prepared at the meeting of Parliament. Government, therefore, asked authority to accept tenders and give out the work after Parliament rose. There was, however, a provision in the bill, that if the work was not

