

certified to be true extracts by the head of the Department. Now, if the hon. gentleman desires to facilitate the mode of proving documents that have been filed in the public Departments, a copy of the entry, or a copy of the document certified to be a copy of the entry or a copy of the document by the head of the Department, ought to be *prima facie* evidence in any court. The hon. gentleman knows that, especially in the Department of the Interior, some cheaper mode of proving entries in the public books there, and the existence of documents there than now prevails, ought to be adopted. For instance, we require some particular fact to be proved with reference to lands in the North-West Territories, and instead of being able to prove the entries in the public books, as we can in Ontario, by an extract certified under the hand of the head of the Department or his deputy, we require to send witnesses all the way from Ottawa to produce the original documents and to prove the original entry. Now, this Bill evidently contemplates that entries in books kept by the officers of the Crown shall be proved by two affidavits, one to be made by the officer who made the entry originally and who had charge of the book originally and who has charge of the books still, and one by another officer who proves that the copy is a true copy. The hon. gentleman will see that that legislation is utterly useless. I dare say the man who had charge of that book ten years ago, in nine cases out of ten, has not charge of it to-day.

Mr. CHAPLEAU. That makes no difference.

Mr. CAMERON. Yes, it does, under this clause, because sub-section a says:

"By the oath or affidavit of an officer of the Crown that such book was at the time of the making of the entry one of the ordinary books kept by such officer and that the entry was made in the usual and ordinary course of business, and that such book is in the custody or control of such officer; and"

It must be the same officer, the book must still be in his custody and control. But if the book passed out of his control, if the officer has gone into another Department, he cannot under this clause make an affidavit as it is required to be made. The hon. gentleman cannot point to any precedent for this.

Mr. CHAPLEAU. I understand it is copied from the English law.

Mr. CAMERON. I doubt it. I would like to know what law in England it is copied from.

Mr. CHAPLEAU. I have the document in my Department, and I know this law has been copied from an English law upon the same subject.

Mr. CAMERON. I have been unable to find any English law to serve as a precedent for this legislation, and I have examined the work of Taylor upon Evidence and several other works, and I have been unable to discover where the hon. gentleman found a precedent for this clause of the Bill. I say that the proper plan is to do as they do in Ontario, and permit extracts from public documents, certified by the head or deputy head, to be *prima facie* evidence of those extracts. I am satisfied that, if the hon. gentleman desires to reach the object he has in view, he will not reach it by this Bill.

Mr. BLAKE. I would like some explanation as to the class of cases and circumstances under which it is expected by this Bill to provide for the admissibility of evidence in civil cases. Of course, the Parliament of Canada, having exclusive authority to legislate on the subject of criminal law, with the exception of the constitution of courts of criminal jurisdiction, everything connected with criminal law belongs exclusively to Canada, and therefore the law of evidence in criminal matters belongs to Canada, and therefore, in so far as by this Bill it is proposed to provide for a *prima facie* admissibility of certain proofs of certain docu-

Mr. CAMERON (Huron).

ments in criminal proceedings, I see no objection to it myself. But I fail at the moment to observe what the limits are under which the hon. gentleman proposes effectually to provide for the admissibility of evidence in civil proceedings under this Legislature. In so far as under the laws of Canada affecting civil rights, and it is civil proceedings which are mentioned here I presume, although we may be able to constitute a court under our powers for the better administration of our laws, yet I apprehend that everything else must be governed by provincial authority, and we are not competent to provide for anything affecting the organisation of provincial courts, to alter the laws of evidence as they apply to civil cases. I find great difficulty, in consenting to the proposition that we here should alter the laws as to evidence, especially in civil cases. I should like to know, before the hon. gentleman persists in his motion for the second reading, what will be the cases and in what courts it is proposed to apply this measure, because though it appears to be an innocent measure, and it is innocent if it is amended to some extent, I agree with the hon. member for Huron (Mr. Cameron) that it seems to be unnecessarily precise and limited in its provisions; but if we are able to provide for the *prima facie* admissibility of one kind of evidence, we must be able to provide for the *prima facie* or other admissibility of all other kinds of evidence even in matters of civil proceeding over which we may have legislative concern. As to the latter I do not know what the range of those may be according to the hon. gentleman's view; but it may be that this Parliament may have power to originate a court for the better execution of its own laws without having authority to alter the laws of evidence so far as they apply to questions of civil rights.

Mr. CHAPLEAU. I think there is something in the objection taken by the hon. gentleman. The Court of Claims, proposed to be established during the present Session of Parliament, would have been a court to try civil actions, and in the prosecution of those cases the evidence to be brought, being evidence concerning accounts kept in the different Departments, might have been brought as provided in this Bill. To what extent, having established courts, which we have undoubtedly power to do to adjudicate upon cases of a civil nature, can we at the same time legislate about the procedure for the taking of evidence or make laws affecting evidence in those courts, that is a question to be considered, and there may be something in the objection taken although I do not see if at this moment. I have enquired from my colleague who conducted the measure in the Senate, whether the affidavit of the officer keeping the books at the time the copy of the entry is wanted, and who would have succeeded the officer who had made the entry, was the only affidavit needed. It stands to reason that the officer succeeding the officer who had made the entry should be allowed to make the affidavit that such a book was kept in the Department and kept by such officer. The Bill provides that besides the evidence of the officer keeping the book, another affidavit shall be required from another person stating that he has examined the copy of the entry in the book, and that it is a faithful copy. I presume that the same party may make an affidavit containing both allegations. I ask leave of the House to withdraw my motion, because I should not like to volunteer any opinion immediately on the point as to whether we could regulate the laws of evidence in cases of a civil nature, even if we had the right to provide for a tribunal to adjudicate upon civil matters.

Motion for second reading withdrawn.

COLONIAL AND INDIAN EXHIBITION.

Mr. POPE moved the second reading of Bill (No. 126) to provide for the fitting representation of Canada at the