

HON. MR. VIDAL—It will be necessary, as a matter of form, that we take action upon the next amendment, though of course it falls to the ground by the amendment which has just carried. I move that this House doth concur in the amendment made by the House of Commons to the words restored to the said Bill in page two, line fifteen.

HON. SIR ALEX. CAMPBELL—I move in amendment

That the Senate doth disagree to the further amendment made by the House of Commons to the words stricken out of the Bill by the said sixth amendment, for the following reasons:—

1. For the reasons above given for insisting upon the said sixth amendment

2. Because the said further amendment is not consequent upon the said sixth amendment.

3. Because by the said further amendment Clergymen charged with giving certificates to be used for the purpose of evading the provisions of "*The Canada Temperance Act, 1878*," would be tried summarily before Justices of the Peace, which is even more to be deprecated than that Medical men should be.

The amendment was agreed to on the same division.

HON. MR. VIDAL—I move that this House doth not insist on its 10th amendment to the said Bill to which the Commons disagree. This relates to striking out the forms given in the schedules.

HON. SIR ALEX. CAMPBELL—I dissent as strongly from this as from any other of the amendments. It was proposed in the Bill originally that certain forms should be laid down for the guidance of magistrates. Now those forms are misleading, and I have instances which I propose to offer to the House where they are misleading. There are three forms given—8, 9 and 10—which point to a conviction before a magistrate for offences over which the magistrate has no jurisdiction. A magistrate has no jurisdiction over the offence of tampering with a witness; he has no jurisdiction over compromising or compounding a prosecution; he has no jurisdiction over the offence of being party to a compromise, nor are these offences made offences over which a magistrate

has jurisdiction by the Act. Nothing could be more misleading than offering to a magistrate a form to do a thing which he has no right to do. I propose that we insist upon our amendments, and that we give these reasons:—

1st. Because the forms given in the schedule to the Bill are vague, loose and misleading.

2nd. Because in certain cases the said forms might lead magistrates to make convictions contrary to law, as, for instance, the forms numbered 8, 9, and 10 respectively in "Schedule O," which relate to indictable offences not punishable on summary conviction.

3rd. Because it is not expedient to make any further departure from the long established and salutary rules of procedure and evidence in criminal cases.

HON. MR. SCOTT—I had nothing to do with the drawing up of those forms and have not compared them with the Act to see whether provision has been made for punishing parties for subornation. I find under clause 100 of the Canada Temperance Act that any person who violates the law is liable, on summary conviction, to a penalty or punishment, and it makes provision for the trial of such offences before certain officials. Has my hon. friend looked carefully into that?

HON. SIR ALEX. CAMPBELL—Yes, I have looked into it and had it looked into by one of my own officers.

HON. MR. SCOTT—The hon. gentleman may be right. I have not looked into it and cannot pronounce any opinion. On the former point, however, I consider the hon. gentleman is wrong.

The motion was agreed to on the same division.

HON. MR. VIDAL moved that this House doth not insist upon its 11th amendment to the said Bill to which the Commons disagree.

HON. SIR ALEX. CAMPBELL—This is the clause which proposed to permit the sale of small beer, light wines and cider. The House of Commons disagree to this amendment for the following reasons:—