

made as to certain proofs and notices, for the purpose of evidence.

Bill read the second time; and the House resolved itself into Committee.

(In the Committee.)

On section 1,

Mr. MILLS. I think we should have some further explanation with regard to the provisions of this Bill, and what the Government proposes to do under it. As I understand, this provision proposes to take into the hands of this Parliament the control of matters of procedure in civil cases as well as in criminal cases, in courts established by this Parliament. Under the 101st section of the British North America Act, if the Parliament of Canada were dissatisfied with the administration of the laws of Canada in the provincial courts, in addition to the establishment of a general court of appeal for the entire Dominion they might establish courts for the better administration of the laws of Canada. They might establish a bankruptcy court, or one having maritime jurisdiction, for the administration of the federal laws of this country, and where, in the practice prior to the Union, it has been usual to treat matters of procedure as matters of the law itself, as in the case of bankruptcy, it may deal with that subject also. That has been held by the Judicial Committee of the Privy Council, but by the 92nd section of the British North America Act among the matters within the exclusive powers of the Provincial Legislatures are :

"The administration of justice in the Province, including the constitution, maintenance and organisation of provincial courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those courts."

In the United States the circuit and district courts of the Federal Government that are established in the various States follow, in matters of procedure and practice, the procedure and practice adopted by the various States; and it seems, as far as one can gather from the provisions of the British North America Act, that it was intended that a similar practice should prevail in this country, and that everything relating to procedure and practice in civil matters should be regulated by the Provincial Legislatures. It is true, the Act says: "Procedure in civil matters in those courts," but I apprehend, on looking at the 101st section, that it was intended that the same practice should prevail in the federal courts, in so far as they are given original jurisdiction. Provision is made in section 101 for the constitution, maintenance and organisation, by the Parliament of Canada, of a general court of appeal for Canada, and for the establishment of any additional courts for the better administration of the laws of Canada; but nothing is said in this section, as is said in sub-section 14 of section 92, about regulating matters of procedure. It would, therefore, seem that it was not intended that that power should be conferred on this Parliament.

Mr. CHAPLEAU. I do not think the objection of my hon. friend can hold. If we were providing generally in this Bill for a mode of evidence in civil cases only, I could understand his objection; but he will see that we are limited in this power by 44 Victoria, chapter 28, to which I have referred, to courts established by the Parliament of Canada and such legal proceedings over which the Parliament of Canada has authority.

Mr. MILLS. The hon. gentleman will see that section 92, sub-section 14, in addition to giving power to the Provincial Legislatures to establish and maintain provincial courts, gives them also power to regulate procedure in those courts; but in section 101 there is no corresponding power given to the Parliament of Canada to regulate procedure in the courts established under that section. If it is

Mr. CHAPLEAU.

necessary to use the expression in the case of provincial courts, why not also in the case of federal courts?

Mr. CHAPLEAU. I am very much afraid the argument is too fine for me. I see very well that by sub-section 14 of section 92, all matters concerning procedure in provincial courts have to be regulated by legislation coming from another Legislature than this. Section 101 of the Constitutional Act says:

"The Parliament of Canada may, notwithstanding anything in this Act, from time to time provide for the constitution, maintenance and organisation of a general Court of Appeal for Canada, and for the establishment of any additional courts for the better administration of the laws of Canada."

I would add by this Bill, not only for the better administration of the laws of Canada, but that those laws should be on matters which could only be taken cognisance of by this Parliament, and when we provide for certain modes of proving documents that have to be produced in these courts, that is a matter we have a right to regulate. Though section 101 does not say that in the organisation of those courts, the laws of evidence or the procedure should be under the regulation of Parliament, that must necessarily be implied.

Amendment agreed to, and Bill reported.

ADULTERATION OF FOOD, &c.

Mr. McLELAN moved the second reading of Bill (No. 143) respecting the Adulteration of Food, Drugs and Agricultural Fertilisers. He said: This Bill is to amend the Act passed in 1884 respecting the adulteration of food and drugs. It makes some slight alterations that are found necessary and desirable for the working of the Act. The principal amendment is to subject food and drugs for cattle, and fertilisers for manuring purposes, to the same analysis as food and drugs for human purposes. Fertilisers, in the interests of those who purchase them, should be subject to be analysed and put under the same regulations as articles mentioned in the Act of 1884.

Mr. BLAKE. I think it is unfortunate the hon. gentleman should propose to press the second reading of a Bill of this description so shortly after it has come before the House. The Bill has gone through the Senate, and therefore has to go through its final stage here. It affects a number of trades, and some little time should be given to members for receiving communications from those who are interested in the measure, so that we may be able to thoroughly dispose of it and avoid the necessity of further amendment later. If I have persons engaged in any business in my constituency which would be affected by this measure, I deem it my duty to send them a copy of the Bill so as to receive their suggestions, but if the Bill is to go through now that will be entirely impracticable.

Mr. McLELAN. The Bill was before Parliament last year and considerably discussed. It has been before the Senate some time, and I think a knowledge of the amendments proposed has been communicated to all parties interested in the trade. As there is a sum of money to be provided for, we will have, before finally disposing of the Bill, to go into Committee the second time on the resolution, so that I think there is no undue haste in the matter.

Mr. BLAKE. The committee stage is the stage for discussion of this kind. The hon. gentleman says it was discussed last year. It did receive a certain amount of discussion, but it does not seem to have been perfectly understood—witness the present Bill.

Mr. MILLS. This Bill is one of the class which we have had before us this Session. There was the Sunday