

ing the apparent reasonableness of that proposition, strong representations have been made against it from the principal ports of the country, and finally it has been determined that there shall be a modification of this, which will prevent the power of obtaining a writ of *certiorari* from being used to defeat the ends of justice. In any case where the offender is only temporarily here, of course to give him the power of applying for a writ of *certiorari*, which, in Quebec, at all events, suspends the the proceedings on the conviction, would be practically to defeat the ends of justice, because before the *certiorari* could be got rid of and the writ enforced the offender would be beyond the jurisdiction of the court. All that would be needful for an offender to do who is convicted at any port in Quebec would be to notify the prosecutor and the magistrate that he proposed on such a day to apply for a writ of *certiorari*, and after receipt of that notice the magistrate would not proceed to issue any writ or warrant in pursuance of the conviction. That, of course, is a grievance which gives the Boards of Trade a right to complain, and I propose when the Bill goes to committee to suggest a modification to this clause—a proviso which will provide in effect that where a writ of *certiorari* is applied for the mere notice of application or the application itself shall not suspend the proceedings on the conviction, but such proceedings shall only be suspended upon an order of the judge to whom the application is made or to be made for cause shown. As I propose to change it, the law will be that the offender will have redress by moving the conviction to a higher court, and if he shows a *prima facie* case to that higher court he can get an order from the judge to stay proceedings.

HON. MR. DRUMMOND—The objection of the Board of Trade is that this measure has been brought forward at a late stage of the Session, and without sufficient notice, so that the effect of the change could be duly considered; and while I have no doubt that the amendment which has now been proposed by the leader of the House will cover the ground and remove the difficulty to a large extent, still it will be open to the objection that there is no time to consider the effect of it. Under the circumstances, I have no doubt what-

ever that this honorable House would desire to do full justice to the seamen, and see that they are not punished recklessly or wrongly, but it would better to amend the Bill as proposed, and let it stand as amended until next year. I have not heard of any instance in which a crying evil has resulted from the law as it stands on the Statute, book, and certainly the course of giving a little time for consideration, more especially to the shipping and commercial interests, would appear to be desirable at this advanced period of the Session. The amendment proposed by the hon. leader, for which I thank him, would still be open to the same objection of not being sufficiently considered. I have a letter from the Board of Trade, but as what they say would be modified, or perhaps entirely removed by the amendment now suggested, I do not say anything as to that; but they lay stress upon the suggestion that this Bill has not been made known at all to any of the shippers or merchants at the port of Montreal, while it has only recently been issued in amended form, and the council pray the Senate to reject the Bill this Session. In another letter, directed to the Acting Minister of Marine, the council of the Board of Trade say that they are impressed with the idea that in any case the amendment should not be made until there is ample time for the shipping interests to be heard from. I throw out the suggestion, as in duty bound, which has been placed in my hands. To express an opinion of my own on legal procedure would be in the worst possible taste, and I have no intention of doing so.

HON. MR. KAULBACH—I have no objection to further enquiry. From my knowledge of the country and my interest in shipping, of course I would be naturally opposed to this Bill, but the arbitrary power in the hands of a magistrate to punish a seaman without any redress has been exercised to such an extreme extent that this law cannot be too soon put in operation. However, as it affects largely the shipping interests, I have no objection to the suggestion of my hon. friend from Montreal being considered by the Government.

HON. MR. ABBOTT—It is more than a fortnight since I received an elaborate letter from the lawyer of some large commercial body in Quebec, and from some of