

of comment by counsel. It is the wish of the House below that the judge should not have the power of making any comments. Under the circumstances it is better to move that this House concur in the amendments of the House of Commons, and it will be then the law that no disclosure of communications between husband and wife during their marriage shall be given in evidence at all. We will have also the principle laid down in the Statute that the wife or the husband shall be a competent witness and can be called to testify on the facts of the case.

Hon. Mr. KAULBACH—I certainly endorse the amendments of the House of Commons, because they are in the line of the arguments I made in this House: usually, however, I do not convince the House.

Hon. Mr. POWER—Whatever our opinion may be of the desirability of the changes—and I think the wisdom of one of them is doubtful—we have really nothing to do but accept the amendments; because if we do not accept them the Bill is lost. The motion of the hon. Minister is the only one that we can carry.

Hon. Mr. ANGERS—I move that the Senate do not insist on their second and third amendments to the Bill respecting Witnesses and Evidence to which the House of Commons have disagreed, and that this House agrees to the amendments made by the Commons to the said Bill.

The motion was agreed to.

It being six o'clock the Speaker left the Chair.

### After Recess.

## DOMINION LANDS ACT AMENDMENT BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (109) "An Act further to amend the Dominion Lands Act."

(In the Committee.)

Hon. Mr. BOWELL—In the early settlement of Manitoba, the House is aware that certain sections of land in each township were set apart for school purposes. Some time in 1870—between 1870 and 1880—the

20-mile belt on either side of the road running from Winnipeg to Deloraine was withdrawn from settlement and homesteading, and reserved for the purpose of making land grants to any company that would construct railways through that section of the country. The land remained in that state for some few years. Afterwards it was opened for settlement, but in ignorance of the law at the time many of the first settlers in that country settled upon the school sections which they have continued to occupy up to this day, having made large improvements upon them, and it is considered a very great hardship to deprive them of the lands acquired by homesteading. It has been a source of grievance for a great many years in the province of Manitoba, and now, with the consent of the Government of Manitoba, it has been decided to pass an Act placing these settlers in the same position as they would have been in had they settled upon the lands which were open for homesteading at the time. Another provision of the law is that while they confirm these settlers in the title to the land upon which they live, and which was taken up previous to the year 1882, land of equal quality and as well located shall be set aside for school purposes. Mr. Greenway, on behalf of his Government, considering this an equitable settlement of the case, consents to the surrender of the sections originally set apart for school purposes, and accept others in lieu thereof, which of course will have to be to the satisfaction of that Government—land of equal quality and as well located. I may mention for the information of the House that this endowment for common school purposes has reached the sum of \$672,241. Of this sum \$329,699 has already been paid in and is invested as an endowment for their schools. For the balance of \$300,000, the security is on the land and the amount is drawing 6 per cent until the settlement. It was a wise policy, I think the House will say, at the time and this land will, if properly managed by the people of Manitoba, provide them with an ample fund to carry on their schools in the future. The reason that the Bill is confined to the year 1882 is the fact that the regulations in reference to school lands were fully known by every person going into Manitoba and the Territories at that time.

Hon. Mr. KAULBACH—This is not confined to the province of Manitoba, is it?