

The Committee then rose, reported the bill with some amendments, which were concurred in, and the third reading was fixed for next Wednesday, when

Hon. Mr. Mitchell invited the members of the House to be prepared with any reasonable or useful amendments which might make the bill more perfect, and give greater satisfaction to the country, and he would be quite willing to accept them.

The House then went into Committee of the Whole on the Bill from the House of Commons—"Secretary of State's Department Bill," (Hon. Mr. Allan in the Chair.)

Hon. Mr. McCully wished to express his strong disapprobation and objection to the vast and dangerous powers, as he thought, which the bill gave to the head of the Department, respecting the administration of the Indian Lands and taking the functions and powers of the ordinary tribunals of the country, which would be alike dangerous and unwise, such as the arrest and imprisonment of trespassers, &c. Such vast and extraordinary powers were unheard of in any free and civilized country, where British laws were administered.

Hon. Mr. Ross replied that these powers which seemed so alarming to his hon. friend, had been possessed and exercised by the late Government of Canada for years, and never exerted any suspicions or alarms of dangers, and had never been complained of to his knowledge. In fact he thought these extraordinary powers the only safe and wise mode to adopt. In case of the Indians, who were infants in the eye of the law, some guardian had to be appointed, and who so well suited and likely to act so fairly as the Government, who could have no motive or inducement to do wrong between them and the public domain. He knew it as a fact, until the Government got that power, there were perpetually cases of complaint and hardship occurring to those poor people by trespassers on these Indian lands, which the Government could only settle by some such powers granted as those under the present Act, which were not new in Canada, having always been the law of this part of the Dominion.

Hon. Mr. Mitchell defended the provisions of the bill as not open to the objections of the hon. member (Mr. McCully). The Governor in Council was authorized by the bill to take cognizance of any such cases as might be petitioned against. In whose hands could the remedy be placed with as much security to

these poor people, (who wanted all the protection the Government could give them,) as in a Minister of the Crown, responsible to the country for his administration of these, as well as all other matters.

Hon. Mr. Sanborn argued that he thought it of the last and greatest importance that the Government should be invested with full summary powers, to reach and punish trespassers on Indian lands, which powers were quite compatible with the liberty of the subject; which of course he was no advocate for restricting or interfering with. The hon. member referred to instances in his own immediate neighborhood, in a township composed nearly all of Indian lands, where he contended that it was absolutely necessary that the Government should possess such powers in trust, as would enable them to deal with speculators summarily. Of course the case was of its nature exceptional, and so should the powers be, which would be more honoured in the breach than in the observance, but he had no doubt, that in future as the past, the wisdom and moderation of the Government would enable them to steer clear of difficulties and well-grounded complaints, and enable them to administer justice to all parties.

Hon. Mr. Ritchie felt strongly the danger of investing any one Minister of the Crown with such extraordinary powers as in this bill. It is no security that in future some Minister may not abuse these powers, which the subordinates, it appears, up to this time, have not fortunately done. He felt strongly against assisting in granting increased powers to the Secretary of State. While heretofore the authority was only granted to the employees of the Department by instructions from the Governor in Council, now we empower the head of the Department directly under this bill.

The debate was prolonged at considerable length by Messrs. McCully, Ritchie, McCrea, and Wark, against this clause, and Messrs. Mitchell, Ross, Sanborn, Macpherson, Hazen, Dickey and Tessier in support of the provisions contained in the said clause of the bill.

Mr. Tessier dwelt at some length on the right of petition which every British subject had of petitioning the Crown for redress of any wrongs. He could not see where the Act authorized imprisonment summarily, which could only follow persistence in illegal trespass or occupation on these lands, which was surely not too great power to give the Government against squatters in bad faith on

lands belonging to these poor Indians, who are minors in the eye of the laws and must have guardians. He concluded an energetic and able address by expressing the clauses of this bill as eminently in keeping with British institutions and laws. And under all the circumstances of the case would much prefer giving the power to the Government than being obliged to have recourse to the courts with all the delay, uncertainties and loss attending an appeal to these tribunals.

Hon. Mr. Dickey suggested a proposition giving the Government the summary powers wished for; but that there should be an appeal so that any injustice done by haste or inadvertence might be remedied. He hoped this might be accepted as a kind of a compromise, and the measure would be improved by it he felt convinced, and meet the views of both sides of the House.

Hon. Mr. Mitchell wished to consult his colleagues on the subject, and begged the clause might be passed over for the present, and to-morrow he would be able to state if the Government could accept the amendment, and so meet the wishes of this House.

Hon. Mr. Sanborn did see how the right of appeal could be allowed unless several other clauses of the bill were altered so as to harmonize with the proposed change, which would alter the whole complexion and principles of the bill, and if the House decided to accept the amendment he would suggest that the Bill be referred to a Select Committee to make the required changes.

Hon. Mr. Mitchell then explained, in answer to questions by some hon. members, that it was the intention of the Government to change the land to a money trust, and felt some change was required for the investments of these trust funds, but assured the House the Government would give the matter their earnest attention during the recess; and would thereupon bring in some measure providing for the education of the Indians, and whatever other measure might be deemed wise and advantageous to their interests and ameliorations physically and morally.

The Committee then (it being six o'clock) rose, reported progress, and asked leave to sit again to-morrow.

The House thereupon adjourned until to-morrow at three o'clock p.m.
