

Hon. Mr. Mitchell said it had become fashionable of late to lecture him. He had already stated the facts in connection with this matter. The bill has been prepared since the early part of the session, but the Government did not think it right to introduce a bill of that kind into this Branch of the Legislature first, as it involved matters which had better be brought up in the House of Commons. The Hon. Minister of Justice had charge of the bill, and he had no doubt but it would be soon brought forward, when they would have an opportunity to consider it.

Hon. Mr. Campbell introduced a Bill entitled "An Act respecting the Department of Justice."

The "Bill respecting the Navigation of Canadian Waters," was then read a third time, and passed.

On motion of **Hon. Mr. Simpson**, the 9th and 12th reports of the Joint Committee on printing were adopted.

On motion of the **Hon. Mr. Chapais**, the continuation of the adjourned debate on the Act for the organization of the Department of Agriculture, was allowed to stand over until tomorrow.

The House went into Committee of the Whole, on a Bill entitled, "An Act respecting aliens and naturalization," Hon. Mr. Bill in the chair.

Several amendments having been made, in regard to aliens in Nova Scotia, the Bill was reported as agreed to. It was then read a third time, passed, and sent to the House of Commons for their concurrence.

On motion of the **Hon. Mr. Ferrier** the consideration of the Bill entitled, "An Act for the relief of Joseph Frederic Whiteaves," was postponed until this day week.

SECRETARY OF STATE'S DEPARTMENTAL BILL

On motion of **Hon. Mr. Campbell** the House went into Committee of the Whole for the further consideration of this Bill, when after the adoption of several clauses, and the question being put upon the 21st clause.

Hon. Mr. McCully said that an extended debate had taken place upon this clause and probably the principal points had been pretty well understood. He did not object to giving the Government plenary powers for this purpose, as probably they required them, but what he requested was, that they should be

subject to review. This could be arranged by striking out the two last lines of the section, "and such judgment shall not be removed by *certiorari* or otherwise, or be appealed from, but shall be final." If they passed the bill without this amendment they would be bringing the Provinces of Nova Scotia and New Brunswick under laws adapted to Manitoulin, because the Postmaster-General says this question cannot arise in either of those Provinces. If it is not likely to arise down there it is not likely to arise here, but if it should these laws will not give satisfaction. About four or five years ago the Government of Canada had some trouble on this question with respect to Manitoulin. That state of affairs may have been satisfactory to the Government, but it was not to the press of Canada, a portion of which attacked them for the course they took on that occasion, because the proceedings of the Government were considered very unsatisfactory. The public mind of Canada was agitated for a long time as to why this plenary power, given to the Secretary of State, when placed in the hands of the Commissioner of Crown Lands, did not work so satisfactorily as they desired. Whether this power was given under this clause he was not prepared to say, and he was not going to make any statement which he was not prepared to verify. If Manitoulin is an exceptional case he did not think it was necessary that there should be such a stain upon the statute book as would appear if this Act was passed. Suppose an officer should seize a man and imprison him for sixty days, or for some other illegal time, or takes some illegal advantage, how were they to get over the difficulty. The difficulty would be to set proceedings in motion to know whether the individual had exceeded his jurisdiction. He would ask, when a Judge makes a mistake on the bench, whether he is liable to action or not? The Secretary of State is made a Judge by this Act, and is protected in his official capacity, the same as any Judge of the Supreme Court. These Secretaries of State were the very men who sat in the Star Chamber of England, and did the mischief there. It was they who disturbed the peace of England, and they were one cause of the revolution. They supposed then that they were transacting business with the best intentions, but they made mistakes. Secretaries of State are not infallible, therefore it is that the laws of England are so extremely jealous of the liberty of the subject, and will not allow one man to incarcerate another and hold him without bail. Neither was there any law in

this Dominion which authorized any Judge to commit and hold a man in jail unless under very peculiar circumstances. It was the province of a jury to protect men against Judges who may unintentionally make mistakes. Why is it we can boast we live in a land of liberty, where the rights of subjects are well protected? It is because we have never given this power to Secretaries of State. At the time when encroachments were attempted to be made upon the ancient rights of the people of England by the Secretaries of State. Parliament did not give them the power, but instead of continuing such an Act forbade the attempt of any Secretary of State, or of Her Majesty and all the Secretaries of State together interfering between subject and subject, as these matters were to be decided in the courts of law alone. It is said this is an exceptional state of things; admit it. Is it so exceptional that a judge cannot look over the papers to see whether the right man has been arrested, and whether he has been legally condemned to this severe and undeserved punishment. He thought not. He would like to see the press of England treat on a subject of this kind. The Secretary of State has the right to depute that power to any man he may think proper. He may depute it not to a judge whose mind is trained in judicial matters, but to a land surveyor, as the question of lands more especially comes under that bureau. In his (Mr. McCully's) country there were no class of men who had been the cause of so much litigation as the land surveyors.

Hon. Mr. Campbell:—Except the lawyers.

Hon. Mr. McCully:—It is they who keep the lawyers, as they never agree upon any surveys, and their proceedings are always a fruitful cause of litigation. It is this class of men who will be called upon to administer this law. He had said enough, perhaps too much, as it was nearly the hour of their adjournment; he was sorry to have detained the House so long, and now with their permission he would move that the last two lines commencing "and such judgments &c.," should be omitted from the clause.

Hon. Mr. Hazen said he extremely regretted that the hon. gentleman should have thought it necessary to go over his speech a second

time, as he has used the same arguments again which he used yesterday. These arguments were better adapted to the jury of some small town than addressed to an audience of this kind. He (Mr. Hazen) questioned his right to speak on this subject in behalf of New Brunswick; he should recollect the state of his own Province which though not in open rebellion was in open defiance of this Parliament, as they had declared through their Attorney-General. He was not sympathizing with them, but he mentioned it because his hon. friend had characterized the people of Nova Scotia as being, so law abiding, and so fond of justice, in fact as being the most intelligent people on the face of the earth; while at the same time he designates this law of Canada as one only fit for the Indians of Manitoulin. It was just a law of this kind which has been required in New Brunswick and the want of which, during the last fifty years, has deprived the Indians of some of the most valuable lands in the Province. This was a good law and was a protection to these poor people, in order that they should not fall into the hands of needy lawyers, and to prevent them from being dragged into courts of justice. To bring the law into operation, the Crown has to make a proclamation to put under the protection of this law, not Nova Scotia or New Brunswick, but Manitoulin, or ten miles square at the Tobique as it may be required, and if injustice has been done to any man he can appeal to the Privy Council for redress. The members of the Privy Council are sworn to do Justice, and would any man object to go before a jury of that kind? Suppose a great wrong was done to a man; that he was put in jail, if he makes out a case before the Government, would not they give him redress whether it was one hundred pounds or one thousand pounds? His hon. friend (Mr. McCully) had put before the Committee facts which could never exist, for if a man is wronged he has an appeal through public opinion through the press, and redress can be obtained.

The time for adjournment having arrived, progress was reported and leave asked to sit again.

The House then adjourned until 3 o'clock to-morrow.