

Mr. MOWAT moved the third reading of the Bill respecting the Magistracy.

Mr. CAMERON moved in amendment, "That said Bill be not now read the third time, but be referred back to Committee of the Whole with instructions to strike out clause 9."

This clause provided for the appointment by the Lieut.-Governor in Council of Magistrates with special powers, who shall hold office at his pleasure.

Mr. MOWAT opposed the amendment, and said that the fact that there was such a clause in force would prevent the necessity of its ever being enforced. He trusted that the House would agree with him, and vote down the amendment.

Mr. MEREDITH argued that the passage of this clause was a reflection on the magistrates of the Province.

Mr. HARDY contended that there was no innovation contained in the clause; and that the powers conferred upon the Lieutenant-Governor in Council were only to be used on occasion demanded.

Mr. SCOTT did not think that it was desirable that magistrates with a roving commission should be appointed to go about stirring up strife.

Mr. HUNTER thought that before long the Temperance Act would be repealed in the County of Grey, and there would be no need to appoint additional magistrates.

Mr. LAUDER believed these magistrates would be used as suited the interests of the Reform party.

Mr. CREIGHTON contended that the so-called riot in the County of Grey had been magnified in undue proportions.

The amendment was put and declared lost on the following division:—

YEAS.—Messrs. Baker, Barr, Boulter, Broder, Calvin, Cameron, Code, Coatts, Creighton, Deacon, Flesher, Grange, Harkin, Kean, Lauder, Lyon, Macdougall (Middlesex), Macdougall (Simcoe), McGowan, Meredith, Merrick, Monk, Mostyn, O'Sullivan, Patterson (Essex), Preston, Richardson, Rosevear, Scott, Tooley, Wills—31.

NAYS.—Messrs. Appleby, Ballantyne, Baxter, Bishop, Bonfield, Chisholm, Clarke (Norfolk), Clarke (Wellington), Cole, Crooks, Currie, Dawson, De-roche, Ferris, Finlayson, Fraser, Gibson, Graham, Grant, Haney, Hardy, Hay, Hunter, Lane, Lyon, McCraney, McMahon, Massie, Master, Miller, Mowat, O'Donoghue, Pardee, Patterson (York), Paxton, Robinson, Ross, Sexton, Sinclair, Snetsinger, Spruener, Striker, Watterworth, Widdifield, Williams, Wilson, Wood—47.

Mr. CAMERON said that he moved that the entire clause nine be struck out, but now he moved that sub-section three of the same clause be eliminated. The following was the sub-section:—

(3) No other justice of the peace shall admit to bail or discharge a prisoner, or adjudicate upon, or otherwise act until after judgment in any case, where the initiatory proceedings were taken by or before such police magistrate, except at the general sessions of the peace, or in the case of the illness or absence, or at the request, of the police magistrate; and no such police magistrate shall have authority to act in any case for any city, town, or village which has a police magistrate of its own, except at the general sessions of the peace, or in the case of the illness, absence, or at the request of such last mentioned police magistrate; but nothing herein contained shall be construed to prevent a police magistrate appointed under this Act from acting within any such city, town, or village, in respect of any case arising outside of, such city, town, or village.

Mr. MOWAT said that the effect of this amendment would be precisely the same as that of the amendment just defeated. To eliminate this sub-section would defeat the objects of the Bill.

Mr. MACDOUGALL (Simcoe) contended that the present Administration had passed so much monstrous legislation that the people had revolted in many cases, and the Supreme Court had declared their legislation to be *ultra vires*.

Mr. FRASER said that this great constitutional authority (Mr. Macdougall) was the only member of the House who had introduced a measure which he boasted of throughout the country, and which had been ruled out of order. That was the Bill proposing to change the time of meeting of this House. If the argument of the Opposition was correct, it was an insult to the ordinary magistrates of Toronto to appoint one magistrate who should have exclusive jurisdiction. The same would be true of the appointment in Brantford.

Mr. MACDOUGALL (Simcoe) referring to the Bill which had been declared uncon-

stitutional, said, with all due deference to the ruling of the Speaker, that further search had confirmed him in his opinion that the Bill was constitutional.

The amendment was then lost on a division of 31 yeas and 45 nays. The vote was similar to that on the previous amendment excepting the absence of two Government supporters.

Mr. MEREDITH moved in amendment, "That the Bill be referred back to Committee of the Whole to amend the same by erasing the words 'admit to bail or' from the first line of sub-sec. 3, sec. 9, and by adding the words, 'except on substantial bail' after the word 'prisoner' in the second line, causing the clause to read:—'No other justice of the peace shall discharge a prisoner except on substantial bail, &c.'"

The amendment was lost on a division of 32 yeas and 46 nays.

The Bill was read a third time on the same division, and finally passed.

THE PUBLIC SERVICE.

Mr. Hardy's Bill respecting the Public Service of Ontario was read the third time and passed.

THE REVISED STATUTES.

The House again went into Committee on the Bill to make certain amendments to the revised statutes.

Mr. CAMERON objected to the clause providing that bondholders should not have a prior claim to working expenses of a railway. It was not to correct anything in the revised statutes, but was new legislation, affecting important interests in the Province. He thought the clause might well be left over till next session.

Mr. MOWAT said the clause referred to was in accordance with a resolution moved a few days ago by the hon. member for West Peterborough (Mr. Scott), only it did not go so far, as it affected only debts incurred subsequent to the passing of the Bill, while the resolution would affect existing debts.

Mr. CAMERON thought the clause should not be in the Bill at all. Several gentlemen had told him that it would have a most damaging effect, and might place in the hands of some persons the power to stop the running of a railway.

Mr. SCOTT briefly expressed his attention to support the clause of the Bill. He thought it was in the right direction, as it would place railway companies in the right relation to their creditors.

Mr. MEREDITH feared the Bill would interfere with the vested rights of present bondholders. It should, he thought, only affect bonds to be hereafter issued.

Mr. WILSON said the bondholders of railway companies were in favour of conceding this right to the creditors of the companies. He pointed out that there was a clause of this nature in the Canada Southern Railway Bill, inserted with the consent of the English bondholders. He hoped the clause would be left in the Bill unaltered.

Mr. CLARKE (Norfolk) was strongly in favour of the measure. There was too much legislation in favour of bondholders and stockholders, and not enough in favour of those who supplied railways with labour and material.

Mr. CAMERON contended that this legislation would injure the credit of the country, as it would show English capitalists that the people of this country would repudiate their claims.

Mr. HAY said that many bondholders had already been greatly reduced by their investments in Canadian railways, and it was very important to consider whether the effect of this Bill would not be to so reduce the value of railway bonds that they would be unsaleable. He feared the Bill, if it passed, would prevent the Province obtaining money to finish the unfinished railways in the country, and he therefore thought they ought to be very cautious in moving in this matter.

It being six o'clock, the Committee rose and reported.

RETURN.