

Attorney-General agreed that it was very important the Province should have the jurisdiction, but it was impossible to say what the courts would ultimately decide in the matter.

Mr. Meredith said the case quoted by the Attorney-General concerned the construction of railways and did not bear directly on the case in hand.

Mr. Balfour briefly expressed his hope that when the exact extent of Provincial jurisdiction in this case was settled it would be well at the same time to take steps to settle the long-standing case of the relations of railways with municipalities with regard to the question of drainage. Some five years before the Legislature had passed a railway drainage act, providing machinery whereby drains could be constructed along and under the roadbeds of railways under certain restrictions and agreements with the companies. The question was raised by the Minister of Justice at Ottawa as to whether the Province had power to pass such an act or not, and it was suspended until some arrangement had been agreed upon. Since then it has been in abeyance, and municipalities, in their dealings with companies regarding drainage matters, have to construct the works at their own expense, and subject to such terms as the companies chose to dictate, or else appear before the Railway Committee at Ottawa. He hoped that the question could be settled.

Mr. Waters then spoke. In drafting his bill, he said, he had endeavored to keep clear of the railway track. In the case to which the Attorney-General referred there had been interference with the roadbed, but in this bill there was no such interference. He thought it came under the head of civil rights and privileges which, by the B. N. A. act, are secured to the Provinces. He had expected the railway companies to object; he had seen the G. T. R. solicitor, Mr. Bell, who had run over much the same objections as those enumerated by Sir Oliver Mowat. But he did not care for these arguments as to the cost, for it was a matter of the lives and property of citizens. The Province should have power to protect these. He intended to put one or two questions on the order paper to get the opinion of the Attorney-General on this question of jurisdiction. He thought there should be full Provincial control upon the drainage question, and had remarked that the railway companies were careful so to act as not to raise the question of jurisdiction in that particular. As the bill had not secured the consent of the Government, he would withdraw it.

SALES BY AGENTS.

Dr. Barr (Dufferin) then moved the second reading of his bill to regulate the sale of goods entrusted to agents. He had brought up a similar bill last session, he said, and in the Legal Committee the opinion had been expressed that it did not go far enough, and owing to the lateness of the session it had been dropped. In accordance with the opinion then expressed he had drafted this bill so as to make it more elaborate. He then entered into a short explanation of the bill, which was designed, he said, to regulate sales between a manufacturer's agent and the purchaser. The law, he thought, too much inclined to protect the manufacturer against the purchaser. The bill wiped out liens in many cases, and would, he thought, put a stop to many acts of injustice which arise under cases of barter, the purchaser under present regulations often being obliged to pay twice over. His bill went further, and provided remedies for cases of hardship which often arise over the question as to whether the person offering the goods is the real owner or not. He believed the bill would benefit all parties.

Hon. Mr. Gibson in reply expressed the opinion that there is no very strong feeling in the country demanding such an act. In any case, Dr. Barr had taken a roundabout way of getting at what he wished. A year ago the bill to amend the revised statutes in this particular had come before the Legal Committee, and doubt arose over its provision that agents might be permitted to dispose of goods by barter, as to whether this amendment was in line with the English act or went beyond all precedents. This year the bill was reintroduced as a transcript of the English factors act, but did not repeal the Ontario statute. If this went through there would be two acts in existence which would in phraseology and arrangement sometimes come in conflict. The course taken was roundabout. On looking into the matter, he thought the matter could be arranged, if necessary, by inserting the required provisions as a sub-section of section 5 of the existing Ontario act, permitting agents not only to sell for cash but also to barter. He thought it absurd to re-enact the whole English act, but thought the bill should pass its second reading and be sent on to the Legal Committee.

Mr. Meredith remarked that last year the Legal Committee had approved of the bill, but had asked Dr. Barr to go further and adopt the principles of the whole of the English bill, and this session when he introduced it he was reproached for making additions to it. The bill was reasonable, he thought, when it was remembered that when the chapter in the revised statutes was drawn up it was a transcript of the English law on the subject, and Dr. Barr's bill was in turn a transcript of the English law as since amended. If there is any country in the world whose commercial legislation can be followed it is Great Britain, and if they had repealed the former act and enacted the new one it was a sign that the change should be adopted here. Section 9 of the proposed act Mr. Meredith, however, did not approve, as he thought it touched the question of the condition of sales, a question not advisable to stir up on the eve of a general election. Otherwise he was friendly to the bill.

The bill then passed its second reading.

INQUESTS ON VAGRANTS.

Dr. Barr then moved the second reading of his bill to amend the Coroners act, providing for the abolition in some cases of inquests upon vagrants dying in gaols. He advocated this in a very brief speech, claiming that the country is in a humor for retrenchment and would welcome this saving. The present holding of unnecessary inquests he thought an extravagance, as would be apparent by the returns showing how many such inquests had been held and what the verdicts were. The returns, however, had not come down yet. There had been a time when this was necessary, but that time had passed.

Hon. Mr. Gibson expressed some surprise at Dr. Barr's not waiting for the returns he had mentioned. The number of deaths in gaols was very small, and the evil, if existing, was so very limited in extent that he could see no necessity for interference. It is a safeguard to the public that inquiry should be made in case of deaths occurring in public institutions, and while inquests were not always held in the case of deaths occurring in public institutions, he was not sure that it would not be a good thing to have them. The fact that vagrants have no friends is a good reason why there should be the certainty of public inquiry into their deaths, as their lack of friends or social position rendered them peculiarly liable to unfair treatment. The expense was very slight. A stronger case must be made out before he could approve of the bill.

Mr. Meredith agreed with the Provincial Secretary. There was a danger in doing away with inquests in such cases; he regarded it as right that there should be such public inquiry made. There are few cases, and the fact that an inquiry will follow is the surest preventive of cruelty. It is unfair that because a man has been unfortunate and become a vagrant he should not be protected. The passage of the bill would be a retrograde step, and the few dollars saved would not be worth the decreased protection.

Dr. Barr accordingly withdrew the bill, protesting, however, that the provision as to physicians' certificates would obviate all danger of ill-treatment.

On the motion for adjournment, Mr. Meredith said he thought it would be a good thing if some copies of the factory act and compensation for injuries act were printed in a convenient form. Workmen frequently wanted to see these acts and could get possession of them only by getting a copy of the statutes.

Hon. Mr. Hardy said he thought there was a Bureau of Statistics pamphlet which included the bills named, and more copies of this could no doubt be printed.

The House adjourned at 4.30.