

The House then unanimously agreed to the introduction of the bill, and its second reading was set down for Monday. Meantime a special committee will deal with it.

#### The Constables Bill.

Mr. Carscallen resumed the debate on the second reading of the constables bill. In passing he expressed the hope that now that the House had heard the explanations respecting the historic ram, which had been introduced into the discussion in the House by the hon. member for East Middlesex, the historical animal would not be resurrected again for some time. Taking up the consideration of the bill, he said that after hearing the arguments presented for the bill that it was easy for anyone to reason themselves into the support of anything which it is in their interest to promote. He repudiated the inference sought to be cast by the Minister of Education and other speakers on the Government side that the Opposition contended that retrospective legislation was wrong. He pointed out that every year in every Legislature of the land ex post facto legislation was passed, but he charged that the Minister of Education had spoken apparently from a brief placed in his hands, without taking the trouble to determine the difference between ex post facto and retrospective legislation. The hon. member at once plunged into the consideration of the various precedents upon ex post facto legislation, and the application of the rule applying to it, quoting extensively from Cooley in support of his contention that the precedents offered by the Minister of Education do not apply to the existing case. There was not, he contended, a single precedent upon which the present bill could be justified, and he challenged the Government to show in the whole record of jurisprudence any ground for Parliament usurping its functions for the purpose of gaining a party advantage. He charged that the Minister of Education had not given the House and the country in his speech yesterday the information which he should have, in order that they might understand the application of the precedents to the present situation. The hon. gentleman had quoted from Phillips v. Eyre, but he did not inform the House of the nature of the case, which was such that every member of this House or of any British legislature would have voted for the bill unanimously. The hon. gentleman had not told them that the case originated in Jamaica, and that it arose from occurrences during a time of war on the island. The Opposition took the ground that this bill deprives men of their rights to go before the courts of justice, and the Conservative party would resist it to the utmost of their power. What, he asked, are the objects and purposes of the bill? Is it a public measure in the interests of the public generally? Or is it a measure designed simply and purely to keep seven men in office? "I charge that the object, the main feature of the bill, while hon. gentlemen proclaim that they are rushing to the courts, and that they are anxious to go to the people, to which I shall presently refer, the intention

and purpose of this bill, as declared by the Attorney-General upon the floor of this House, is to get the Government out of the hole!" said Mr. Carscallen, amid Opposition cheers. "I submit that the great powers of Parliament are being used for that purpose, and that it is not only a misuse, but a great abuse of the powers of Parliament to devote them to any such purpose." he continued. Taking up the charge by the Attorney-General that Parliament was being held up, he said:—"I deny the charge that Parliament is being held up, but the hon. gentlemen opposite are holding up the Conservative party in this country, and they are holding them up by the support of the majority of this House." (Opposition cheers.) He hoped that in the further consideration of this question they would approach it with that fairness which should characterize all gentlemen occupying a seat in this House. In the first place, the bill is presented to the House when the Ministry is two short of their regular and proper number, when the House should have had the combined judgment of the Ministry upon this subject; whether it has the combined judgment of a properly constructed Ministry or not it is difficult to say.

He contended that the bill was not fair, and was equally as bad as the first supposed bill they understood the Government was going to introduce. The precedent at Ottawa was no justification, and the Government should not take advantage of it. He asserted that the bill would be most fruitful of litigation, and would be a greater expense to petitioners. The postponement of trials until after certain questions are answered by the Court of Appeal was tantamount to placing manacles upon the petitioner. The petitioner was entitled to the judgment of the trial Judge for whatever it is worth, and that was not what they were to have. They should, he held, stand or fall by the interpretation of the Judges. Why was the Government so considerate about the constable vote? Would they be so anxious if, as they professed, they believed that half of the election

day constables voted in favor of the Conservative candidates? He again argued that the Ontario ballot was not a secret one, and went on to assert that the bill would be a precedent for all sorts of wrong, and the people should unite to oppose such a state of affairs. He repeated his charge that the constable members were sitting as Judges upon their own cases, cases in which they had a personal interest. The effect of the bill would be very prejudicial to public interests. If the decision of the trial Judge is with the Liberal party they would, he contended, let it stand; if it was against them they would have a new election. That was an instance of the unfairness of the bill. In conclusion Mr. Carscallen moved in amendment, seconded by Mr. Colquhoun, that the bill be not now read, but that the said bill be read a second time six months hence. (Conservative applause.)

#### Preventing Larceny.

Mr. Garrow (West Huron) expressed his surprise that with a measure so plain and simple in its purpose it should