

ONTARIO LEGISLATURE.

TUESDAY, Nov. 9, 1869.

The SPEAKER took the chair at three o'clock.

PETITIONS.

The following petitions were presented:—

Mr. Scott (Grey)—From the Board of Public Instruction for the County of Grey praying for certain amendments in the Common School Act.

Mr. McKellar—From the Township of Dawn, praying for the establishment of an Ophthalmic Hospital.

HURON AND ONTARIO CANAL.

The question being again put on the reception of the petition of the Huron and Ontario Ship Canal Company, which was deferred from yesterday,

Attorney-General MACDONALD requested that the petition be read.

In the petition, which was accordingly read by the Clerk, the Company stated that they had made such arrangements with engineers, contractors and capitalists in the United States and Great Britain, as would secure the early construction of the Huron and Ontario Ship Canal; and they prayed the House to take the matter into consideration with a view to the Government being enabled, with the sanction of the House, to adopt such measures as they and the House shall deem expedient to expedite the commencement and progress of this work.

Attorney-General MACDONALD said that, according to the construction put last session on the Imperial Act of 1867, petitions asking for aid in the shape of money or land could not be received. If his honourable friend, who had introduced this petition (Mr. Graham), desired an alteration of this ruling, he should give notice that the ruling, together with that portion of the Act on which it was based, should be referred to a Committee with a view to a re-consideration of the question. It seemed a simple thing to receive a petition, but the next step would be to refer that petition to a Committee, and get a report from the Committee in favour of aid. This petition, he considered, could not be received, if any member objected.

Mr. FERGUSON would perfectly agree in the view taken by the Attorney-General, if it was the fact that any aid was asked for. But there was not a single word in the petition asking for anything of the kind, and he did not think there was anything in the ruling of last year which should prevent this petition from being received. Even that ruling, however, he thought should be re-considered. In the Dominion Parliament last session, a petition from this Company, a great deal stronger than what they sent in to this body, was received. The same objection was raised there, but was overruled.

Atty.-Gen. MACDONALD—If they committed mistakes at Ottawa, I cannot help that.

Mr. FERGUSON said the hon. gentleman was part and parcel of the House at Ottawa, and was responsible for its acts. And not only was the petition received, but a Committee was appointed and made a report, which he had no doubt would have been adopted, but for the fact that it came in, almost at the last moment of the Session. He denied that there was anything in this petition about money, land, timber or stone. It stated that arrangements had been made with engineers, contractors and capitalists which would secure the construction of the work. Would there be any harm in having a Committee to investigate whether this was a correct statement, and if they found it was, to give the Company the benefit of it, and tell them to go ahead? When the House considered that it was a work which involved the expenditure of forty millions of money, and that it was a work which would carry the products of this country and of the great West to every part of the civilized world, surely they might give it at least their good wishes. The petitioners then prayed the House to take the matter into consideration, with a view to measures being taken to expedite the commencement and progress of the work. There was nothing there about asking for land or money. The hon. gentleman continued to urge that the petition ought to be received, with a view to its going before a Committee, and contended that the rule which had been invoked against it should be rescinded. He believed that such a rule, interfering with the people's right to petition was distasteful to ninety-nine out of every hundred of the people of Ontario.

Mr. GRAHAME (York) said the petition was constructed in the shape it was now presented in for the very purpose of avoiding coming under the rule of last year, and there was nothing in it which would allow of the interpretation that the Attorney-General had put upon it, because it neither asked for money, land, or anything of that kind. He still held to the opinion that petitions of that nature should be received. If the rule were fully followed, as laid down by the Attorney-General, the House would not be able to receive a petition in favour of any asylum or similar institution, because they all, more or less, contemplated something in the nature of money; in fact, every petition partook of that nature. Therefore, he held that if they threw out this petition, they would destroy the right of petition altogether. On almost any subject on which a petition might be presented to the House there must be something of the nature referred to, in the way of building, or in some other way; but this did not in any way refer to such questions, as had been already observed by the hon. member for South Simcoe. It was therefore directly within the rule of the House in this fact, and he thought, therefore that the precept established by the Dominion Parliament in receiving a petition of a very much stronger character than that of the petitioners in this case, ought to guide to a very large extent the decision of this House. He remembered that when the rule of last year was adopted it was held out by the Attorney-General as an argument in favour of it, that the Dominion Parliament would not receive any such petition as it was then forbidden; but this had not been done. He thought, therefore, that the petition should be received.

Mr. LOUNT considered the right of petition as one of the privileges of this House generally, but he was afraid that if the ruling of the hon. Attorney-General were followed out, the right of petition would be entirely lost. There was not in the present petition a single word nor the slightest instruction on the part of the petitioners that they wanted a grant of land from the Crown or help from the Treasurer's strong box. He believed that petitions of this nature, which were properly prepared and couched in respectful language, and which asked for nothing in breach of the principles of the House, nor for anything from the Home Treasurer's strong box, ought to be received. He regretted that the Atty.-General should, in his antagonism to the project, so far prove his hostility on a matter which was looked at with interest both in the old country as well as in this, as to oppose the reception of this petition. The Dominion Parliament received petitions of a much stronger nature, and he thought that they should look upon the ruling of that House as that of a Superior Court. Some of the wording of the clauses of the petition were then referred to by Mr. Lount as proof that there was nothing in it that made it fall under the rule of last year as to the non-reception of petitions asking for aid in any way. He hoped the House would not allow the petition to be laid aside.

Mr. McKELLAR said, according to the hon. member who had just spoken, this petition did not ask for anything. He would like to know then what was the object of bringing it before the House at all? It is a petition from a corporation merely stating that they have made arrangements for constructing a canal. If they had made such arrangements he was sure no one wished to interfere with their carrying them out. He considered this petition an insidious attack on the privileges of the House. He would much rather they had come boldly forward and asked for aid. He believed the principle of refusing to accept petitions asking for money grants was a good one, and that such matters should rest with the Government. It was true that the hon. member for South Simcoe was exceedingly indignant with the Government.

MR. FERGUSON.—“What?”

MR. McKELLAR.—Exceedingly indignant! If the hon. member wished to oppose the Government let him move a vote of want of confidence and he would find hon. members ready to assist him. (Laughter.) The hon. gentleman knew very well the steps to be taken but he was desirous of making a long speech to show his constituents what he had done for the scheme, yet at the same time he was supporting the Government which opposed it. He (Mr. McKellar) did not wish to prolong the discussion, but for his part he thought the petition should not be received. If what these hon. gentlemen said were true, the petition should not have been brought into the House at all. If they wanted nothing, it was wasting the time of the House to discuss the question any further. But the real object of these hon. gentlemen was apparent. If they could have this petition received they would follow it up with a demand for a grant of land. He could not see how hon. members could vote for its reception. The section of the country which he represented would not sustain him in voting for it. Ontario was not prepared to give to this enterprise ten millions of acres of its public domains, more particularly as the Company had already made arrangements for the construction of the canal. The House was prepared to correct anything which might be wrong with the charter of the corporation. If that was what was wrong, let them state it, and they could depend upon it they would receive satisfaction.

Mr. FERGUSON denied the assertion of the honourable member for Bothwell that he was indignant with the Government.

Mr. McKELLAR—Well, isn't it so?

Mr. FERGUSON repeated his denial.

Not only was he not indignant with the Government, but he stated that the Attorney-General took the right course if he believed that this petition was an infringement of the rules of the House. Last session, it was not the Attorney-General who raised objections on a similar occasion, it was the Liberal side of the House. It was the leader of the Opposition who wished to deprive the people of the right to petition.

Mr. McKELLAR—No, it was not.

Mr. FERGUSON said, then it must have been Mr. Blake, the second leader. So strongly Conservative, was that hon. mem-

ber, that he would not allow any violation of the rules of the British House of Commons. In the Dominion House of Commons it was the leader of the Liberal party, Mr. Mackenzie, who last spring opposed a petition similar to the one now before the House. He (Mr. Ferguson) did not think the hon. members on the other side of the House had a right to put words in the petition that it did not contain. The leader of the Opposition asserted that it asked for ten millions of acres of land. There was no such thing in the petition. It did not ask for land. He contradicted the hon. member because he did not wish it to go abroad to the world that the Company asked for a grant of any kind. The assertion was founded merely on the suspicion of the hon. member.

Mr. BOYD said the hon. member for South Simcoe had taken occasion to charge the Opposition with wishing to prevent the right of petition. As a member of the Opposition he denied the charge. It was true that the hon. member for Bruce last session drew the attention of the House to the fact that by the rules of the House, the ruling of the British House of Commons shall be followed. The hon. gentleman at the same time showed that in no case could a petition asking aid from the Crown be received. It was apparent to all why such a rule should be enforced, for if no such rule existed the Government would be deluged with such petitions. But, while he took this ground, he could not agree with the Attorney-General. It had been the custom—not always resorted to, however—to receive petitions affirming abstract principles, though not seeking aid from the Crown, and that these in their abstract principles could be discussed and afterwards referred to a committee. He (Mr. Boyd) could therefore, vote for this petition, as it did not ask for a grant. Let it be received and referred to a committee; and even though they should undertake to suggest a grant of money or land, that grant need not be given unless recommended by the Crown. He therefore sympathised with the member for South Simcoe, and would vote for its reception.

Mr. WALLIS believed the petition ought to be received, as it did not ask for a grant. He would suggest that it be received and referred to a committee, who could examine it, and if they should find anything wrong with it they could report it to the House.

Atty.-Gen. MACDONALD said he should be sorry that the country should for a moment suppose that this House would refuse a petition which complained of any grievance. If the liberty of the person was assailed, or anything else occurred which called for the interference of this Legislature, and a petition was sent in, asking a remedy, he should be sorry if it were supposed that any matter of that kind would not receive the attention of the House. But he must protest against the doctrine that every petition must be received, which had for its object inferentially or insidiously a claim upon the domain or the revenue of the country. The petition of this Company, chameleon like, had appeared in various shapes. To-day it assumed a new form, and asked the House to take the matter into consideration. To take what into consideration? Every one knew that it was their claim that the Government should give ten millions of acres of its lands to this Company. The example of the Dominion House of Commons has been invoked in favour of receiving this petition. It was true that the House of Commons received the petition. But why? Only to get rid of the importunities of those who were down in Ottawa lobbying for a grant, and who had rooms in the Parliament Buildings, in which they had their gin, and whiskey, and brandy and champagne, and guzzled there from morning to night, button-holing members and taking them in. (Laughter.) To get rid of all this, the House allowed a Committee to sit on the question, a Committee comprised of friends of the Company. But, when their report came up, presented by the member for West Toronto, Mr. Harrison, what did the leader of the House do? Why, Sir John A. Macdonald laughed it out of the House. (Hear, hear.) He knew well that unless this scheme received some sanction or other here, it would be the death-knell of those who were moving in the matter; but that was not a sufficient reason why the House should depart from its rules, in order to please them. He asked the House to assist the Government in protecting the domain and the treasury of the country. The Government would be unworthy of the position which they held, if they did not take their stand against a thing of this kind, even though pressed on them by their best friends. For his own part, he was ready to take the responsibility of protecting the people of this country against being drawn into jobs and schemes which must end in complete failure, and could benefit only those persons who were actually promoting them. If this petition asked for aid, it could not be received. On the other hand, if it asked for nothing, it was equally incapable of being received. The House was willing that it should be presented and printed for the information of the community at large, and with that its promoters ought to be satisfied. If it were received, the next thing would be to ask that it should be sent to a Committee.

Mr. PARDEE—Cannot the House refuse to refer it to a Committee?

Attorney-General MACDONALD—Certainly, but in that case there would be nothing gained by receiving it. If it were received now, there would be another fruitless discussion on the question of referring it to a Committee.

Mr. GRAHAME (York) begged to protest against the insinuation of the Attorney-General, that there was anything in the nature of a job connected with this matter.

Attorney-General MACDONALD—You don't know.

Mr. GRAHAME said he had had the honour of bringing this project before the House on more than one occasion, and was well aware of all connected with it, and he disclaimed and scorned the insinuation of the Attorney-General.

Mr. FERGUSON made some further remarks. He contended that the Attorney-General had given up his case, inasmuch as he had now shifted his ground, and claimed that the petition, instead of asking for land or money, asked for nothing, and therefore could not be received. That was a new object-