

## LEGISLATURE OF ONTARIO.

WEDNESDAY, Nov. 24, 1859

The SPEAKER took the chair at three o'clock.

The following petitions were presented:—

By Mr. Christie—From Thomas Stock and 196 others of East Flamboro', praying that no alteration in the school law may take place, as proposed in the Bill now before the House.

Hon. Mr. Cameron—From George Venal and others, of Toronto, praying for amendments to the municipal laws, so far as labourers are affected.

Mr. Williams—From the Hamilton Wesleyan Female College, praying for a Bill to amend the Act of Incorporation.

Mr. Ferrier—From the Village Council of Elora, praying for an Act to legalize a certain by-law of said village.

Mr. Eyre—From William McConnell and others, of Northumberland, praying for an Act to separate certain townships.

Mr. Coyne—From Alexander McDonald, of Hamilton, praying for an Act to revive the charter of the Hamilton and Port Dover Railway Co. for certain purposes.

Mr. Paxton—From the Whitby and Port Perry Railway Co., praying for an Act to amend their charter.

Mr. Wigglesworth—From the Town Council of Windsor, for an Act to enable the electors to decide by vote upon the erection of a gaol and court-house.

Mr. Christie—From Rev. Mr. King and others of Toronto for the repeal of that portion of the Municipal Assessment Act which exempts from taxation the salaries and residences of clergymen.

Mr. Grahame—From the Weston Church School, for an Act of Incorporation.

Mr. Fitzsimmons—From J. B. J. Robinson and others of Newark, for an Act to incorporate them under the name of the "Brockville Chemical and Superphosphate Co."

Mr. Hayes—From the Township Council of East Wawanosh, for share in the Land Improvement Fund.

Mr. Fitzsimmons—From David Ford Jones and others of Gananoque, for an Act to relieve him (Mr. Jones) from certain trusts.

Mr. Wallis—From the City Council of Toronto, for an Act to authorize them to exempt the Sugar Refinery of John Aldwell from taxation.

Mr. Boulter—From Hon. B. Flint and others of Hastings, for an Act to incorporate a company for the construction of a Railway from Kingston to Madoc.

Mr. Barber—From John Dewar and others of Milton, for an Act to render the Benchers of the Law Society elective.

Mr. Oliver—From J. McCaughey and others of Ingersoll, praying the same.

Mr. Wallis—From John A. Aldwell, of Toronto, for an Act to incorporate the Toronto Sugar Refinery, and to exempt the same from taxation.

For an Act to enable the Erie and Niagara Railway to extend their line—By Mr. Pardee—From John McKenzie and others, of Petrolia; from Patrick McLaughlin and others, of Moore; from the Village Council of Oil Springs; from P. Barclay and others, of Petrolia. By Mr. McCall—From E. S. Hellger and others, of Walsingham; from R. Kilmaster and others, of Walsingham. By Mr. Baxter—From Joseph Hall and other, of Cayuga.

For the establishment of an Asylum for the Blind—By Mr. Smith—From the Town Council of Chatham; by Mr. Christie—from the Township Council of Beverley; by Mr. Galbraith—from the Township Council of Ramsay; by Mr. Beatty—from the Village of Welland; by Mr. Sexton—from the Township of Binbrook; by Mr. Hays—from the Township Council of East Wawanosh; by Mr. Ferguson—from the Township Council of Mulmur.

Mr. Scott—From the Brockville and Ottawa Railway Company, for an Act to enable them to sell a part of their line to the Canada Central Railway Company.

Mr. Scott—From the "Ottawa Mechanics' Institute" and the "Ottawa Natural History Society," for an Act to amalgamate the two societies under the name of the "Ottawa Literary and Scientific Society."

Mr. Greely—From George O'Leary and others, of the Township of Reach, for certain amendments to the Insolvent Act.

### LAW FEES AND TRUST FUNDS.

Hon. Mr. WOOD, in introducing a Bill, intitled "An Act respecting Law Fees and Trust Funds," explained that they had now the control of certain law fees connected with the Province of Ontario. They were known in the profession by the name of "C. F.," "F. F." and "L. S. F."—the Consolidated Fees, the Fee Fund, and the Law Society Fees. The total of these fees amounts to between \$70,000 and \$80,000 a year. The Consolidated Fee Fund was originally payable to certain officers of the Court of Queen's Bench; but in 1849, by the Commutation Act of that year, these fees were funded and the officers made payable by salaries, the

fees then going into the Consolidated Fund of the Province. The Fee Fund originated many years ago as a fund for the payment of the Judges of District Courts. This continued for a time, until the Judges were paid by salary, when the Fee Fund was commuted in as far as it would go to pay the salaries of the Judges. The fees were extended to the Division Courts, and were kept in a separate form in the Public Accounts, under the designation of the "F. F. Fund." The Law Society Fund was imposed by Act of Parliament for the purpose of enabling the Law Society to provide accommodation for the Superior Courts. Osgoode Hall was, in great part, one result of that fund; and on the credit of these fees, debentures were issued by the Province of Upper Canada. It was not necessary for him to go into any particulars with reference to the debentures, and he would only say that about \$16,000 of them were now outstanding; and in consequence of the improvements that had been made in Osgoode Hall and elsewhere, the debts that were founded on these fees were standing in the Public Accounts at \$140,000, in addition to the sum of \$16,000 of debentures, making the debt of the Law Society on account of this fee fund to stand at about \$150,000. To this fund was also charged the expenses of Clerks of Assize in the different counties, and the issuing of precepts by the Clerks of Assize in the City of Toronto. The amount of fees of the Law Society—and this was the reason for which he more particularly wished to introduce this Bill—amounted to between \$14,000 or \$15,000 a year, which was quite large enough to pay the interest on this debt, and to make a considerable reduction on the principal. In 1867, the principal was reduced by upwards of \$4,000; and, of course, the reduction would be the greater as the principle was paid off, so the interest would then be less, and, in the course of some years, this debt would be entirely swept away. It would then be for the Legislature to say if in the future these fees should be continued, or discontinued, or whether they be collected in some other form. As to the other two distinctions of fees, they now had the control of these fees, and no necessity existing for keeping these fee funds distinct from the Consolidated Fund, he proposed in this Bill to unite these fees; in fact, to unite the three funds, taking the average income of the Law Society's fees for five years. He proposed this change for the purpose of obviating what caused to the professional man great inconvenience and trouble by the different accounts, and stamps, and funds, and equal incumbrance to the distribution of stamps also. The necessity of keeping these various accounts, together with many other reasons, was very troublesome. He had communicated with the President of the Law Society, and he said that so far as the Law Society was concerned, they were quite willing to agree to this alteration, and that the present system was, in fact, only established to defray the expenses of the courts; and that when this debt was wiped out, it would be for the Legislature to say what they would do with them. He, therefore, proposed to issue a new stamp, and to have only one stamp, but, of course, of different denominations and also to put into one account in the Consolidated Revenue the entire proceeds of the three sources of revenue, charging the Consolidated Revenue only with the amount of the average annual income of the Law Society from its fees. He also proposed to do away with what was called the Grammar School Measure Fund, and to do away with any distinction that might exist in reference to that portion of the Common School Fund which shall be awarded to the Province of Ontario. The Common School Fund arises out of a certain portion of many acres of land that have been set apart, and the Statute provided that the capital of the Fund should not be entrenched upon, and should be kept entirely apart for the use of the Province until it reached the total of \$200,000. It had never yet reached that amount, and although grants had been made in respect of it it had always been kept distinct, and the grants to schools had been paid out of current revenue. There would be no gain in the continuance of the accounts in their present form, unless it was to mystify them. People did not take the trouble to understand them, and loss was occasioned thereby. It was not proposed to interfere with these funds. The Income Fund and the Grammar School Fund arose from the interest of the capital of the fund standing at \$332,000. There could be no harm so far as he could see in giving up these funds, and he proposed therefore to give them up, and to provide in lieu of them year by year, a vote of Parliament.

The Bill was then read a first time, and the second reading fixed for Friday.

### OTHER FIRST READINGS.

The following Bills were also introduced, and read a first time:—

Mr. CUMBERLAND—To establish municipal institutions in the district of Algonquin.

Mr. COYNE—To amend the charter of Port Credit Harbour Company.

Mr. CLARKE—To amend the Law relating to Bills of Lading.

Hon. Mr. CAMERON—To amend the Act incorporating the Toronto and Nipissing Railway.

Mr. RYKERT—To legalize the amalgamation of the Cobourg and Peterborough Railway Company, and the Mariposa Iron Company.

Mr. McKELLAR—To amend the Act incorporating the Erie and Niagara Extension Railway Company, and to change its name.

Mr. COLQUHOUN—To authorize the trustees of the Presbyterian Church in the Township of Finch, and in connection with that church, situated on lot 14 in the said township.

### REPAIRING OF GAOLS.

Mr. CRAIG (Glengarry), enquired whether the Government intend to re-enact the Statute which authorized aid to be given by Government to the repairing of gaols?

Atty.-Gen. MACDONALD was understood