

## LEGISLATURE OF ONTARIO.

MONDAY, Dec. 6th, 1859.

The Speaker took the chair at 3:05 p. m.

### PETITIONS.

The following petitions were presented:—

Over 100 petitions were presented, praying that no charter be granted for the construction of a railway from Glencoe to a point on the Niagara River.

Mr. McCall presented a petition from J. R. Bachus, and others of Walsingham, for the passage of an Act to enable the Erie and Niagara Railway to extend their line.

Mr. Blake—From the Township Council of Amaranth, for participation in the Land Improvement Fund.

Mr. McDougall—From Board School Trustees of Renfrew, respecting the School Laws.

Mr. Williams (Durham)—From John Walsh, of Cavau, praying that the separation of the Counties of Northumberland and Durham be not allowed; also from Township Council of Manvers, Town Council of Port Hope, and Township Council of Hope, to the same effect.

Mr. Craig—From Robert Cross and others, that Bill No. 45, granting power to erect a dam on the river Garry may not become law.

### FIRST READINGS.

The following Bills were received:—

Mr. COVNE—Act to revise the Charter for a limited period of the Hamilton and Port Dover Railway.

Atty-General MACDONALD said the time for private Bills had elapsed and it could therefore not be received.

Mr. LYON said he believed that the parties thought it was a public Bill but on looking at it he found that it was a private Bill. The Bill was accordingly withdrawn.

Mr. LAUDER—Act to amend Chap. 69 of the Consolidated Statutes of Upper Canada, relating to the holding and conveying of real estate by the Religious bodies mentioned therein.

Atty-General MACDONALD again objected that it was not a public Bill; they might call everything that came forward there a public Bill.

After a few words from Mr. Blake, the Bill was received.

### UPPER CANADA COLLEGE.

Mr. CARNEGIE moved that the Select Committee on Upper Canada College be allowed to report from time to time.

Atty-Gen. MACDONALD wished to know the reason of this.

Mr. CARNEGIE said his object in making this motion was to ask permission to obtain the services of a reporter, and to reduce the quorum to nine. There were resolutions to this effect passed in Committee.

Atty-Gen. MACDONALD said that there could be no objection to the latter. With regard to the former, it might be very prejudicial to the interests of the College to have the partial evidence of the Committee placed before the House. They required that the whole evidence should be placed before them.

Mr. BLAKE said he understood the object of the Committee was in this case to report that they wanted a reporter, and to ask to be allowed to reduce their quorum to nine. As matters stood before, they could only report once.

Mr. CARNEGIE said the intention was simply to report this time, and then not to report again till they desired to make their final report.

Atty-Gen. McMURRICH said, without making such a proviso in their report they would not be liable to act any further.

Mr. CARNEGIE said, unless the Committee were allowed a reporter they would refuse to act any further.

Atty-Gen. MACDONALD said a short-hand reporter would cost more than an ordinary clerk, and if one committee were allowed a short-hand-writer others would expect to be allowed one. He did not consider the evidence so very important, but if it were, the newspaper reporters would take it in full and publish it in the press.

Mr. CHRISTIE said the Committee last year, after spending some time, found it was impossible to take down the evidence properly, and one was employed. He regretted that the Government had taken the stand they did. He was not prepared to go on with the affair unless the Committee were allowed a short-hand writer.

Mr. BLAKE said, in the Law Improvement Fund Committee, all the evidence was taken down by the chairman.

Hon. Mr. CAMERON said, if the Committee wished to appoint one they could do so.

The motion was withdrawn, and Mr. CARNEGIE presented one, asking merely for the reduction of the quorum to nine.

Carried.

### TENURE BY MEMBERS.

Mr. BLAKE introduced the following resolutions:—

"That the tenure, by members of this House, of employments of profit in the gift of the Executive, whether such profit be or be not payable out of the public funds, will tend to subvert the independence of this House, and should be prohibited.

"That the participation of members of this House in contracts for supplies to Provincial Institutions, sustained and controlled through the Executive, will tend to subvert the independence of this House, and should be prohibited.

"That the selection of sites for Provincial Institutions, established by the Legislature, should be made solely in the public interest, and should not be to any extent dependent on favour, or on the political opinions prevalent in the locality; and that to make it so dependant will tend to impair public morality and to subvert the independence of the House."

In moving the first resolution, Mr. Blake said that from time to time in the history of the legislation of the Province, and of England, Acts had been passed by which the number of persons eligible for membership to that House, who might be influenced by any favour on the part of the Government, had been very happily limited. An Act had been passed last session with the view of securing the independence of members of the Legislature, because it was felt that any person who was indebted to the favour of the Government for some emolument was rendered incapable of being as independent in his action as he ought to be, and prevented from discharging his duty to his constituency and to the country. The enactment was so wide in its application that it included payment of fees in the place of salary. For instance, the payment of Registrars, who received no money nor fees from the Crown, but only received fees from those for whom they worked, but whose appointment was received at the hands of the Crown, and who were liable to be dismissed by the Government, were rendered ineligible to sit in the House. But there were, however, some offices of profit to which the Executive had the power of nomination, but to which they did not contribute the emolument. There had been one of these classes of cases in which an hon. gentleman had been appointed to the office of arbitrator. This he thought, was obnoxious to the good rule laid down, quite as much as the case of a Registrar who received fees from the public, but who held his office at the pleasure of the Government. He therefore submitted to the House, with confidence, the propriety of the proposition submitted in these resolutions. He was sure that the interests of the House required that members of Parliament should be protected in their position. Men might be found quite as competent to fill the position as any members of the House. It appeared to him that although an hon. member might satisfy himself that the receiving of this favour of the Executive Government would not bias his conduct, it was yet impossible to avoid the effect in the public mind resulting from such a course of procedure. The course of conduct taken by an hon. member would always be received in the light of his connection with the Government, and it was desirable, in the interests of the reputation and high standing of the Chamber itself, that there should be no foundation for such an idea in the public mind. It seemed to him of great consequence that they should remove the last vestige of any power on the part of the Crown to interfere, either really or apparently, with the independence of members of this House. The law of the land prevented a Queen's Counsel receiving a £5 fee as Crown Counsel on a circuit, for the reason that they should be not at all influenced in their conduct by receipt of said emoluments; yet they still had the power of appointing a member of this House to an office which exercised influence over a considerable sum of money. He did not think that members ought to be placed in this situation, he did not think the Government ought to have the power, and if it was taken away, he was quite sure that the independence, standing and dignity of this House would be exercised. He would therefore move the resolutions, upon which, if adopted, he should found a Bill.

Atty-Gen. MACDONALD was of opinion that nothing would satisfy the hon. gentleman. The motion would not have been made if the Government had thought proper to appoint members of the Opposition;

but because it happened that Government after Government gave these offices to those who supported them, the hon. gentleman wished to bring in a Bill with the intention of repealing these powers. It was a wonder that they got along so well as they had done with these drawbacks. The hon. member had constituted himself the assessor of public morals, yet during the last 25 years Governments had been earnestly proclaiming from the Speaker's chair that the country was prospering on every hand by trade and commerce, and in the foundation of that on which the public morals of the country was placed, namely, the education of the people. The wonder was, how they, with this defect of system, and this immoral

system, had been able to get along at all. But into what a state of happiness and joy they would emerge when the legislation of his hon. friend was fairly established. The hon. member failing to get a fair issue with the Government, had come down with these resolutions in order to raise a party issue. He wished to relieve the Government of every vestige of influence that they had exercised; and that, because they could appoint an arbitrator between two municipalities requiring adjustment in financial affairs. Down comes the hon. gentleman, and says that it must be stopped. He could not believe that they were so corrupt in the House, as that hon. members were influenced by such appointments, or that such appointments were calculated to bring the House into disrepute, and especially in appointments by which the funds of the Government were not drained. He did not believe that the hon. gentleman would be able to convince the House or himself, that it was necessary to take away the power of making these appointments. These objections of the hon. member were raised for political purposes, and in the absence of any real occasion of complaining against the Government. The illustration of the hon. gentleman on matters of registration was singularly unfortunate, and he had also referred to the practice of England; but in reply, he would recall to his memory the action of Mr. Gladstone, in a case he mentioned, and also the appointment of Mr. Cobden, to negotiate the Anglo-French Treaty.

Mr. BLAKE—But what did he get?

Atty-General MACDONALD—I do not know what he got. (Hear, hear) The motion was brought forward against the hon. member for South Leeds; it was brought forward a mere party question, and as such, he hoped it would be defeated.

Mr. SMITH (North Leeds and Grenville) said in times gone by in England, it was found necessary to guard against the infringement of the rights of the people by the Crown. No one could object to the independence of the House being maintained, but he considered the attempt to preserve it in all its minor details, was only wasting time on trivial affairs. He supposed his hon. friend from Bruce, if invited to dine with a member of the Government, would consider it an attempt to subvert his independence, and would reply, "Get thee behind me Satan" (Laughter). He (Mr. S.) considered it a serious matter for anyone in this House to rise in his place and charge any of his fellow-members in such a manner as the hon. member for South Bruce had charged him (Mr. Smith). The cause might be attributed to the fact that his hon. friend was a member of a profession not remarkable for its honesty (laughter), and the hon. gentleman had sustained the credit of the profession in this respect since he had obtained a seat in this House.

Mr. McKELLAR called the attention of the House to the fact that the hon. member for North Leeds was reading his speech. (Laughter.)

Mr. SMITH contended he was only following the custom of the House. (Laughter). He believed all those eloquent speeches which went forth to the country to glorify their authors were all prepared beforehand. The only difference was, that while other hon. members learned theirs off better beforehand, he (Mr. S.) referred to his notes more frequently. (Laughter). He was charged with having gone over to the Government, after being elected a Reformer. It was alleged that for the paltry consideration of a few dollars he had sold himself. And this charge, too, came from the hon. member for South Bruce, who was running about the streets of Toronto in pinafores while he (Mr. S.) was fighting the battles of the Reform party. He would make a few personal explanations with regard to this charge. He came to this House as a Reformer, but was elected on his declaration to give the Patent Combination a fair trial, and to support the Confederation and abide by the consequences. Here commenced the difference between his hon. friend and himself. With the Union of the Provinces came a disruption of the Reform party. Those who supported the Coalition were read out of the party by its great leader. But the time of political execution was drawing to a close. It was on facts that principles were based. The facts in the case were that the issues of the past were dead and there was no use in fighting over them. Nevertheless when he entered the House he was expected to give unquestioning obedience to the Reform party. As soon as it was found out that he was determined to give the Government a fair trial he was excluded from the party. But he contended his course throughout had been a consistent one. He had come here with the intention of supporting the Government so long as it deserved support, but the moment it failed to govern the country well, he was prepared to go into opposition. He was sorry to say that the course of the Opposition from the beginning had been a very unwise one. They had been raising objections and wasting the time of the House on the most trivial questions. He deprecated this, and their unfair attempt to fasten unfounded charges on him. (Applause.)

Hon. Mr. RICHARDS wished to draw attention to what was the law in days gone by, and the law of the present day. The Act passed last session was founded on the same principles, and was almost identical with the one existing before the Union. In the year 1848, and for a few years succeeding a Reform Government was in power. A Government composed of such men as Lafontaine, Baldwin, and other great Reformers; and that Government followed the practice condemned by

the hon. gentlemen opposite. And if that Government could do so without a charge of corruption being brought against them, surely this Government ought not to be condemned for following their example. He pointed out several instances which had occurred in the past of hon. gentlemen whose integrity and honesty were beyond doubt, having not only given positions of emolument to members of the House, but actually held such positions themselves. If, therefore, this practice were wrong, under one of the most honest Governments the Legislative Assembly of Canada ever had, there were no less than eighteen members brought under so-called corrupt influences. The motion of his hon. friend from South Bruce was directed against the members of this House, and was a petty, underhand way of expressing want of confidence in the Government.

Atty-Gen. MACDONALD moved a six months' hoist.

Mr. BLAKE rose to a point of order. The Hon. Attorney-General had no right to rise a second time; he had made his speech and had no right to speak a second time.

After a short discussion Attorney-General Macdonald withdrew his motion.

Mr. GOW said these resolutions had been put before the House in the most delicate manner. No members of this Chamber had been mentioned. It was simply the principle which was condemned. He was surprised that the Hon. Commissioner of Crown Lands had gone back so far for precedent. If the hon. gentleman had gone far enough back he would have found Reformers who supported the burning of witches. He hoped the House would show by their vote that they had a due regard for their independence.

Hon. Mr. CAMERON said his hon. friend from South Bruce seemed determined to waste the time of the House in discussing theoretical questions. The hon. gentleman had advanced the idea that because Government had the power under two Acts of last session to give offices of emolument to two hon. gentlemen of this House, that the independence of its members was endangered. The hon. gentleman must have taken a very low estimate of the members of this House, if he could suppose that they were so easily influenced. The gentlemen who were thus appointed did not hold their offices on the sufferance of the Government. They had been appointed to perform certain duties, and they were expected to attend to this. He (Mr. Cameron) was surprised to hear his hon. friend complain that Reformers had received the offices. Did the hon. gentleman suppose that Reformers were more easily corrupted than Conservatives? (Laughter.) The fact was, that the issues of the past were dead; and although new issues might arise in the future, there was really no party at present but the one. He was sorry the hon. member for Bruce could not find some worthier subject on which to employ his talents.

Atty-Gen. MACDONALD again rose to move a six months' hoist.

Mr. BLAKE rose to a point of order.

Atty-Gen. MACDONALD said he had not spoken, he merely read the motion.

A short discussion arose, and Mr. Blake read the rule in question, which provides that no member shall move an amendment after having once spoken, because in moving the amendment he must address the House.

Atty-Gen. MACDONALD contended that he had a perfect right to make the motion. He had never heard such an objection made before.

Mr. SPEAKER said he was somewhat at a loss to decide this question, but he could see no reason why the hon. Attorney-General should not move a simple amendment.

The motion for a six months' hoist was then read.

Mr. McDUGALL contended that the independence of this House was a most important question, and without consideration of the cases alluded to, he believed the principle itself should be discussed. He did not think the mere good character of the Government should be permitted to influence the House in this matter. He would vote for the resolution.

Mr. McCALL (Norfolk) could not see any necessity for taking hon. members out of this House to perform public duties. There were numbers of people outside the House quite competent to fill all the offices the Government had to bestow. He had heard complaints from the people only last year that a member of the House had received a fee from Government.

Atty-Gen. MACDONALD—"Name him."

Mr. McCALL said he approved of the principle advocated by the hon. member for South Bruce; he would vote for the original resolution.

Mr. SINCLAIR said the mere fact that such a practice had been permitted, or that gentlemen had acted honestly and consistently while in the receipt of gifts from the Government, should not be accepted as arguments for the continuance of the practice. It was wrong, for beyond question it tended to subvert the independence of the recipient of the gift. The House should endeavour to remove every stumbling block which might tend to destroy the good government of the country. He would support the original resolutions.

Mr. LYON said the hon. gentlemen opposite had expressed perfect confidence in the Government of the day. They only desired to legislate for the coming Government. And who were to form the next Government? Why, the very hon. members opposite. They seemed to be afraid to trust themselves. The question was, were the Government guilty of buying up an opponent. If not, then the resolutions were brought up for no purpose. If they had, then the greater shame to the hon. members opposite that they had supporters who could be bought up. But he denied that the actions of the hon. gentlemen against whom this charge had been made had been inconsistent. They supported the Government because they had expressed to their constituents their intention to give it a fair trial.

Mr. OLIVER said the old stereotyped argument had been brought against these resolutions, that the practice complained of had existed in the past and should, therefore, be