

Townships, Cities, Towns and Villages be abolished except in certain cases."

Mr. CALVIN for one had no objections to place township superintendents under due restrictions. He did not deny that they were not what they should be, and Government should see that they were what they should be. But he objected to depriving the people of the right of choosing their Superintendents. For his part he felt it his duty to oppose the change.

Mr. SECORD said the House had received petitions against this proposed change, but none in favour of it, and he could not believe they desired a change. The new system would be an expensive one. It would be like a threshing machine, (laughter,) giving a great deal of straw and a little wheat. He would stand up like a man against this change. (Laughter.)

Mr. RYKERT said a large number of his constituents were in favour of appointing county superintendents.

Mr. TROW was opposed to the change.

Mr. McDUGALL was in favour of this clause. It was advisable to appoint some one to this office who could devote all his time to the performance of the duties appertaining to it.

Mr. CHRISTIE said he believed that there were many Counties which approved of county superintendents, and the interests of such Counties were better served by the appointment. He believed also that many Counties were much better served by the appointment of local superintendents, consequently he would much prefer to leave their appointment optional as was the case now, believing that much greater satisfaction would be the result in the working of the School system. The County which he represented (Wentworth) felt, he believed, strongly on this clause of the Bill, and have petitioned against it generally.

Mr. LOUNT was prepared to accept this clause if an inducement were offered to secure a man competent to discharge the onerous duties of a county superintendent. The remuneration proposed was not sufficient to procure the men best qualified for the position. He could not support this abolition of local superintendents without seeing some provision made to supply their place with competent officers.

Mr. McKELLAR said there was no part of the Bill he would more heartily support than this clause. In his County, after one failure in the operation of the county superintendent system, they had got the right man in the right place, and the gentleman had well fulfilled his duties. He thought that with the salary proposed they would be able to secure the services of qualified men, which was not always done under the present system. He wished to ask the Prov. Secretary whether the Board of Education would take such steps as not to exact a too searching examination from the city superintendents. They had been told that such a course would not be followed with the county superintendent, and he hoped that there would be no exceptions made in respect to the city superintendent.

Hon. Mr. CAMERON said the office was only an annual one, and there could be no idea of securing a permanent position. There was no doubt, however, some excellent men now discharging the duties of county superintendents who are not able to pass a severe examination, and it was intended to make a provision for them. City superintendents would be treated on the same basis. He might add that there seemed to be a great deal of difference of opinion as to the effect of the change proposed, but it struck him that it would be more desirable if hon. gentlemen, who were only speculating on the effect, would pay a little more attention to the opinions of a gentleman who had been engaged for a great number of years in examining the workings of the county and local superintendent system. In many cases the influence of an individual would be brought to bear upon the district, and no attention would be paid to the merits of the system proposed. He hoped that hon. gentlemen would not allow their opinions on the question to be influenced by local motives of consideration for individuals. He thought the payment, as proposed, would be decidedly advantageous.

Mr. MONTEITH thought that one or two qualified men did more good than many who were indifferently educated.

Mr. McLEOD considered that the time had come when each county should have an officer, such as it was proposed by this clause to appoint.

Dr. MCGILL said there were many arguments in favour of the appointment of a county superintendent. Such an officer should be a well educated man, and well posted in all the improved methods of teaching. He should also receive such remuneration as would permit him to devote all his time to the schools under his superintendence. He would be removed from the arena of petty local quarrels, and, consequently, would be better able to adjudicate impartially in such matters. He believed the clause was a good one, and he would support it.

Mr. GOW was also in favour of the clause.

Mr. HAYS was not in favour of the county superintendents retaining their position without undergoing the examination that would prove their competence for their position.

Mr. SINCLAIR objected to the proposal of his honourable friend to subject superintendents to an examination. Many gentlemen, who were best fitted for the position, would resign rather than submit to an examination. If County Councils were not allowed to appoint them, the county would lose their services. He would have much pleasure in supporting the clause, and giving the proposed change a fair trial.

Mr. PERRY said he must differ from the honourable gentlemen who represented our Common Schools as being in a languishing state. On the contrary, they never were in a more flourishing condition. Although not opposed to county superintendents, he saw no necessity for a change, and would support the amendment of the honourable member for Norfolk.

Mr. OLIVER also spoke against the clause, and in favour of the amendment.

Mr. GALBRAITH approved of the proposed change. The appointment of an officer whose exclusive duty was to look after the interests of the schools under his charge would do more to advance the cause of popular education than anything else. He would support the clause with all his heart. Hear, hear.

Mr. SCOTT (Grey) also spoke in support of the clause.

Mr. SEXTON did not think there was any desire on the part of the people for this change, and he would therefore oppose it.

Hon. Mr. CAMERON said the system had been tried in the neighbouring country, and had proved eminently successful.

Mr. McCALL (Norfolk) said the people of his constituency had held meetings and considered this measure thoroughly, and they had come to the decision that there was no necessity for this change. It would impose an additional charge on the Province of over \$53,000 per year. This money, if applied directly to the use of schools, would support 120 additional schools.

Mr. COYNE did not suppose that any member of the House would be carried away by the logic or eloquence of the hon. member for Norfolk. The opinion of some of that hon. gentleman's constituents was not to be taken as an expression of the views of the entire Province on the subject. He (Mr. C.) believed there was a growing desire on the part of the people for the change, and he had no hesitancy in giving it his hearty support.

Mr. FERGUSON believed township superintendents would answer the requirements of the country for some time to come. He held that as long as the majority of the people were satisfied with the present state of affairs, it was impolitic to make a change. At any rate, it would be well to let the people consider the matter a little longer before taking any action. The people know how to manage their own affairs, and should be allowed to do so. He would, therefore, vote against the clause.

Mr. CODE could not agree with the remarks which had just fallen from the last speaker, that the people were opposed to a change. He (Mr. C.) could say, from his own observation, that the people were in favour of the measure, and particularly of this very clause. He was tired of hearing the old cry, "Let well enough alone," from those who had no desire to improve themselves or let others progress. He was convinced there was a necessity for this change and he would sustain it. (Hear, hear.)

Mr. BARBER and Mr. CROSBY spoke against the clause, on the ground that the present system was a good one and the people were satisfied with it.

Hon. Mr. CAMERON said the people did not want the Common School Law at all; in the first place it was forced on them, and now they were satisfied with it.

Mr. WILSON said the people of his constituency (N. Norfolk) were almost unanimous in their opposition to this Bill. He hoped the Bill was not framed to make situations for a number of office-seekers. Whether it was or not he felt it his duty to oppose it.

Mr. LUTON spoke in support of the Bill. There might be some objectionable clauses in it, but this was not one of them.

A vote was then taken on the first clause, which was carried, thirty-six members voting for it.

The two following clauses were adopted without discussion.

Mr. BAXTER moved, in amendment to the fourth clause, that the following be added thereto:—"Provided always that it shall not be lawful to appoint any person to be county superintendent who has not been engaged as a practical teacher for a period of at least three years, except such persons as may hold the office at the time of the passage of this Act."

After a short discussion the amendment was put to a vote and lost, and the clause was adopted without amendments.

The Committee rose and reported progress, and asked leave to sit again to-morrow.

The House rose at six o'clock.

AFTER RECESS.

The House went into Committee of the Whole on Bill (No. 16) concerning Sheriff's Sales for Taxes (Atty-Gen. Macdonald). Mr. Rykert in the chair.

Atty-Gen. MACDONALD said he did not introduce this Bill in a party spirit, but rather in a spirit of compromise. There was a great deal of disgust in the country respecting the tenure of lands purchased at Sheriff's sales for taxes. The object of this Bill was to remove all such apprehensions. The principle of the Bill was that the man who had failed to pay the taxes due on his lands, and had allowed them to pass away from him, should forfeit them in favour of the man who purchased them at a Sheriff's sale, and who paid his taxes regularly and improved the property. The first clause provides that sales for taxes shall be made valid if the purchaser had continued in occupation four years prior to this Act, and made improvements to the value of two hundred dollars, except when the taxes are paid before the sale, or in cases where the taxes, with interest thereon, shall be paid within the period limited by law for redemption, or in cases of fraud by the purchaser at the sale, or if the purchaser has been ejected.

Mr. BLAKE objected to the clause. The only case in which he would allow the purchaser to hold the land purchased at a tax sale, was when the purchaser had settled on the land and made improvements. With regard to the general provisions of the Bill, he might say that the analogies, to which the hon. gentleman had adverted, were in no sense or shape analogies for the passage of the present Bill. He had referred to the Statute of Limitations on lands, but that extinguished the right, as well as the remedy, after a period of 20 years. But he objected entirely to the assumption, that, because they had a Statute of Limitations, they could, therefore, enact a retro active Statute of Limitations; that, because they had allowed a man, who had allowed another man to remain on his property for 20 years, without any molestation, therefore they should pass a law that persons should not

lose their lands by some defects in the future, but should be immediately deprived of their lands. That was the difficulty of the Bill passing in its present shape—that they should now declare that the lands which belong to one man to-day should be held by another. He knew that it was viewed in a different light by others, and by members of this House, who would, when the Bill became law, become proprietors of farms which, until it was passed, were not theirs. It was very reasonable in them to say that the lands for which they had given a few dollars, but which are now worth thousands, should be confirmed to them. He could not recognize this as equity. A man did not fulfil what the law required, and in consequence of that he was to be subjected to something that the law did not provide. He thought that a man who had permitted his lands to be sold, but which were sold irregularly, should not be disposed of that purchaser without giving him payment for his improvements. One party should not obtain a profit over another at all in the matter. He did not think the hon. gentleman opposite had sufficient warrant to draw up this retro active Act; and he did not think that, although he might pass it through the House, it would commend itself to the country at large.

Mr. LOUNT said if his hon. friend objected to the principle of the Bill, he should never have given it any support. He should never have given his assent to allow it to progress as far as the Committee of the Whole. The hon. gentleman was opposed to the principle of confirming these sales, unless where the purchaser was actually in possession. Now, there were thousands of acres of land in the Province allowed to remain unimproved and the taxes unpaid, simply because the municipal authorities were not able to sell them for the taxes due on account of the insecurity of the titles in such cases. He hoped the House would not oppose this measure, which was calculated to quiet a great deal of alarm which now existed in the country with respect to such titles.

Mr. BLAKE said this measure was simply a confiscation, instead of a protection of private rights, and as such he opposed it.

Hon. Mr. CAMERON said, under the existing custom, the law of the land was set aside through slight informalities and irregularities in carrying it out. Now, he considered such trivial mistakes should not be allowed to interfere with the security of the titles.

The clause was adopted.

On the second clause, providing that sales shall be made valid in cases of vacant lands, if the purchaser has paid eight years' taxes, a discussion arose.

Atty-Gen. MACDONALD withdrew the clause, and substituted the following:—

"The first section, subject to the exceptions in the subsections thereof, shall apply also to make the sale valid in those cases in which the tax purchaser shall not have occupied the land, or any part thereof, or having occupied, shall not have occupied for the four years mentioned in the first section, or shall not have made improvements thereon to the value mentioned in such section; provided the tax purchaser has since the sale, and prior to the first day of November, one thousand eight hundred and sixty-nine, paid at least eight years' taxes charged on the said lands; and, provided that the owner had not occupied the land, or some part thereof, for one year between the conveyance by the Sheriff and the said first day of November."

The operation of the clause would be that there must be a least eleven years of taxes unpaid before the provisions could come into operation, three years and six months before the tax sale, and at least eight years after the sale. They held that a man who had not paid his taxes for eight years after the sale, and three years before the sale should not possess the right to recover the land. He thought that the operation of the clause would be beneficial; the time that they had introduced was very lengthy, and it was desirable in the interests of the country that some definite limit should be placed on this matter.

Mr. BLAKE did not consider it right on the part of the Legislature to take away the lands of one man to give them to another, because the first had forgotten to pay his taxes for eight or eleven years. The hon. gentleman had told them that it was a very long time that he had given; but the law held that no length of time in the repayment of taxes should make a man lose his title. If a man paid taxes for eight years, he was quite prepared to give him some compensation for his payments. But there were many cases in which taxes were not paid through various causes, and the lands would be sold for a few dollars with a questionable title. He did not think the purchaser, who thought he had bought a farm for a few dollars, should be defrauded of the taxes he had paid during the years that he held the property, and he should therefore move that the taxes paid by the purchaser should be returned to him, and he should be paid 10 per cent. interest on them.

Atty-Gen. MACDONALD considered that the hon. gentleman had given an extreme case, and had not pointed to those cases where parties had been known to refuse to redeem their lands. With reference to personal knowledge of these matters, he could speak from a personal knowledge of thirty years. He had known cases where an intimation was given to persons of the necessity of their paying their taxes, and yet they would not pay a dollar, preferring to let the lands go. The lands might then be sold over and over again during the following twenty years, and in that time the land which was supposed to be irreclaimable, and quite a wilderness, became developed, and made prosperous by some railway passing through it. The parties originally owning had left the country, and some persons, finding out these defects in the titles of the present holders, went to England or the United States, and have purchased the rights of the third generation for a paltry sum, and then have come back, and made those who were now the possessors and occupiers of the lands, pay large sums of money in order to

dispossess of their claim. He thought that there was considerable hardship in this.

Mr. BLAKE said the clause before them referred to cases where the purchaser had gone into occupation.

Atty-Gen. MACDONALD considered that the case was one of hardship. The Court of Chancery based its judgments on principles of equity, but we know many cases in which the equity of that Court had been very hard. They sought to provide that those who had omitted to look after their property, and who let a man who had obtained the land spend money on his land in improvements should surrender their rights to that purchaser. This was the principle of the Bill, and he had no doubt that the second clause would commend itself to the consideration of the House.

Mr. BLAKE said he had not referred to his own position, but it had been alluded to by the hon. gentleman. He could understand why the hon. gentleman did not like the Court of Chancery, for he remembered that its decrees had been promulgated against him, and that he had had to pay for land which otherwise he would have obtained for comparatively nothing.

Atty-Gen. MACDONALD—Don't spare me. (A laugh.)

Mr. BLAKE said he should not. He did not hesitate to admit that there were hard cases on both sides. But the hon. Atty-Gen. wished to transfer all the hardships to one side. He (Mr. B.) could point to the case of widows and orphans losing their property through not having paid their taxes. He could not object to a law which would operate in the future, but he would oppose a law which, like this would be retro-active.

Mr. LOUNT said if the hon. member for Bruce was prepared to do justice at all, he should not do it in a half and half way, but mete out even handed justice to all. If justice was to be done, the purchaser should not only be returned his purchase money with interest at ten per cent, but all the expenses attending the purchase.

Hon. Mr. CAMERON said this Bill gave the original owner eight years to contest the sale. If he did not take advantage of this term he should forfeit his right to the property altogether. He could bring a writ of ejectment against the purchaser, and prove his claim to it if he desired to hold it.

Mr. LAUDER would vote for the second clause, because he believed a certain limit should be allowed for the redemption of a lot. Eight years was a fair term to all. It would hardly be fair to keep the purchaser in uncertainty respecting his title. He was compelled to pay taxes on the lot, and he could not sell it, for who would buy a lot with such an uncertain title? In this Province, where land changed hands so often, it was necessary to confirm the titles within a reasonable time. For these reasons he would support the second clause. The exceptional nature of the sales required exceptional legislation.

Mr. McLEOD believed municipalities should be held responsible for the acts of their officers. If irregularities occurred at tax sales, the municipalities should be held liable for them.

Hon. Mr. RICHARDS made some explanations respecting the clause which the Atty-Gen. had introduced.

Mr. LYON would not support a retro-active measure. He did not believe in passing an Act which would at once destroy the claims of the original owners. If the Atty-Gen. would amend the clause so as to give such persons a year's notice before allowing the law to go into force, he would support it. He believed they should have fair warning, and if they did not act on that, then their lands should be taken from them.

Hon. Mr. McMURRICH—I would vote for that.

Mr. FERGUSON could not agree with his hon. friend. He was giving too much protection to the original purchaser.

The clause was adopted.

The third clause was adopted without discussion.

The fourth clause was adopted after a short debate.

On the fifth clause, which provides that purchasers who have been ejected, shall be entitled in equity to the value of improvements, a discussion arose.

Mr. PARDEE had no objection to supporting the clause, if its action were to be confined to the future. But the clause was retro-active. It was proposed to legislate in cases which have already been decided. He deprecated stirring up such cases. It would be better to let them remain as they have been settled, and legislate for the future alone.

Mr. HAYS said the legislation of this evening would bring ruin on many a man in this Province. It would, doubtless, benefit a certain class, but it would injure a much larger portion of the community. No one could wish to have these tax titles quieted more than he did, but he did not believe this Act would have the desired effect. It would be better to let the Courts of law decide all cases of the past, and let the House legislate for the future alone. As the Bill now stood, he would be obliged to oppose it.

Atty-Gen. MACDONALD proposed to let the House decide on a limitation of the time to which this Act should apply.

Mr. PARDEE said he was opposed to retro-active legislation in any shape, or for any length of time. He hoped the hon. Attorney General would withdraw this clause.

Mr. BLAKE said the Attorney General seemed to desire to effect a compromise—to limit the time to five years. He (Mr. B.) was opposed to the principle of retro-active legislation.

After some further remarks the clause was adopted, with some slight amendments.

The remaining clauses were carried without discussion, Mr. Blake urging that the 7th clause might be allowed to stand, but that it would be disallowed.

The Committee reported the Bill with amendments. The reception of the report was fixed for Thursday.

TORONTO HOUSE BUILDING ASSOCIATION.

Bill (No. 22) to incorporate the Toronto House Building Association, (Atty-Gen.)