

same was sold. He explained that this was a matter which was creating a great deal of interest in new municipalities. The timber on road allowances was claimed by Government and by the Municipalities. He had taken the trouble to look through the Statutes to find to whom the timber really belonged. He found that the municipalities possessed the power, and if so, Government had no right to claim the dues for timber on the road allowances. In one township they had collected no less than \$440 of these dues. Now, if the municipal authorities were expected to keep these public roads in repair, they should be allowed to claim the timber and materials for keeping them in good order. He hoped the Government would take the just, fair, right and honest view of the matter and not only resign all claims to the timber on road allowances, but return all dues collected from municipalities (very unjustly in his opinion) and allow those who had to keep the roads in order, the means of doing so.

Mr. GALBRAITH was glad the hon. member for South Simcoe had brought up this question. In many municipalities it required all the timber on the road allowances to build bridges and keep the roads in repair.

Mr. COCKBURN rose to express his approval of the views expressed by the hon. member for South Simcoe. He hoped the Government would do justice in this matter.

Hon. Mr. RICHARDS said the timber originally belonged to the Crown, and where licenses had been granted, except where the lands had been settled, the licensee possessed the right to cut the timber. These road allowances not being settled, it would be a breach of faith on the part of the Government to deprive the licensee of the right of cutting the timber on them.

After some further discussion the motion was carried.

#### LAND IMPROVEMENT FUND.

Mr. BLAKE moved that the report of the Select Committee, to whom were referred the petitions relating to the Land Improvement Fund, be adopted. In making this motion, he said that a Committee had been granted to enquire into the truth or not of the fact that the various districts had been settled upon the faith of a reservation in the purchase money of School and Crown Lands for local improvements; and if that statement was found to be true that the settlers of these counties were, not as a matter of favour at all, but as a matter of right, entitled to that fund, and that the sales which had taken place between 1853 and 1861 should be treated as made upon that understanding, and that the returns should be made. He had moved in that House for returns of amounts received and still receivable on lands sold between the Act of 1853 and the issue of 1861 of the Order in Council, in which it was assumed—erroneously, he thought,—that the fund was withdrawn. That return was ordered to be printed and distributed, and at an early period of the present session he had moved for a committee to inquire into the matter, and it had held a great many meetings and had examined a great many witnesses, and had presented a report of which it was now his intention to move the adoption. That report dealt with the facts of the case, the committee expressly understanding that their order did not require them to offer any opinion as to what the justice of the case should require. But the facts which were established by the reports of the committee, he wished to bring under the consideration of the House with regard to their correctness; and if the report was adopted, he should submit to the House certain resolutions founded upon the report. He thought that the result of the researches of the Committee was that in 1852, shortly before the same Act was passed, a new policy was inaugurated with respect to the vacant lands of the country. Shortly before that the School Lands had been appropriated to the extent of a million of acres, and there had been but very little settlement upon them—in 1853 but one-tenth of them having been settled. Under these circumstances a policy was adopted of strict conditions of actual settlement, of a reduction in price, and of the reservation of a certain sum out of the price in order to accomplish the removal of that great obstruction to settlement, and to facilitate the settlement of the country by the construction of roads. That view was carried out by the Land Act, which authorized the repayment by the Government of a certain proportion of the purchase money for local improvement. Very soon after that the settlements increased, the evidence proving that nine-tenth of the remaining School Lands were sold in 1853-4-55, and there was a proportionate increase in the settlement of Crown Lands. It appeared that the opinion of the settlers was shared, in the county he (Mr. Blake) represented, by the Crown Lands agent. The evidence showed that it was not merely the opinion and belief of the settlers, but it was also shared by several of the agents in other counties. It was established by the clearest evidence in the case of his own county particularly, and in the case of other counties, that the agents represented to the intending settlers that this was the effect of the Order; and to use as nearly as he could the language that had been used by the settlers; he would say that the impression was that although they usually paid \$2 an acre, it was virtually only \$1½, because half a dollar of that price was given back again in the expenditures upon works which otherwise the settlers would have to pay for themselves. Now, as he stated on a former occasion on which he addressed the House, if the settlers were able to show that these were the circumstances of purchase, they had a right to claim the money. This hypothesis was established. The settlers purchased on the faith of those statements, and they were as a right entitled to a return of the money. It appeared that a considerable portion of the proceeds of these sales had been collected by the late Government of Canada, and a considerable portion had been received by this Government. The settlers having bought, at \$200 per acre, on the understanding that one-fourth or one-fifth, as the lots happened to be Grammar or Common School lands, was to be returned, the Crown was bound in good faith to the subject with whom it contracts, to supply them with the funds which the D-

Boy of the Government, which the law of the country, which the Orders in Council, which the representations of the agents indicated. This was the position he urged but it would not be the necessary consequence of the adoption of the report. The report merely stated the circumstances of the case, and it would be for the House to deal with the resolution as in its wisdom it might see fit. Without further remarks he moved that the resolution be adopted.

Hon. Atty.-Gen. MACDONALD said it was important that the evidence should be submitted to the House. This was an unusual measure, and in a matter of this magnitude and importance the House should be in possession of what they now only knew by hearsay. Government would be prepared to deal with the report and resolutions that the hon. member gave notice of moving, after the evidence should be considered. Every matter which would throw light on this subject would be published as early as possible. He did not think the hon. member for Bruce had any reason to complain that the Government had not given the matter the consideration which was due it.

Mr. BLAKE—O, no; I don't complain of that.

Atty.-Gen. MACDONALD hoped this measure would not be pressed till all the evidence relating to it which had been adduced should be published. The hon. Treasurer had not lost sight of this important question when urging the claims of Ontario before the arbitrators. Government would not be open to the charge of having omitted to move in the matter.

Mr. MONTEITH said he had met a large number of the settlers, who had purchased on the representations of the Crown Lands agents, and they all looked for the fulfilment of the promises made them. On the faith of these promises, several municipalities had gone on making public improvements, and when they found out that Government had broken faith with them, and left them burdened with taxes, many settlers left the country. He hoped the Government of Ontario would take an honest, upright course in the matter; and when the arbitration between Ontario and Quebec should be settled, that this money would be returned to the settlers. But even though the funds in the treasury should not be swelled by the result of that arbitration, there was a surplus on hand, and a portion of it should go to paying the claims of the settlers.

Mr. HAYS said this was a simple matter of justice, and he hoped the Government would not throw any obstacle in the way of repairing the wrong done the settlers.

Mr. SINCLAIR said a general feeling prevailed among the settlers that they had been treated with great injustice. He hoped the Government would not delay in rendering justice to the wronged settlers. He hoped the report would be printed as soon as possible and the matter settled this session.

Mr. SCOTT (Grey) said the settlers in the constituency which he represented looked upon this as a right, and claimed as a right to have this money returned.

Mr. LAUDER was glad this matter was being prosecuted. The settlers looked upon this matter with much greater interest than on the brilliant discussion on the 13 resolutions. They felt that it was a matter which affected them more immediately. He was glad the matter had received the favourable notice of the Government.

Hon. Mr. WOOD said this was a matter which should be well considered before arriving at any decision with respect to it. A long time had elapsed since the alleged promises had been made the settlers, and it would be well to weigh the evidence and examine the circumstances carefully. In anticipation of this, the Government had taken up the question and were disposed to deal fairly with the settlers.

Mr. McDUGALL said all who had spoken on this question were representatives of western constituencies. He, as a representative of an eastern constituency interested in this question, wished to say that the settlers in eastern part of the country looked for justice and an early settlement of their claims.

Mr. BLAKE hoped the Government would not drop the question. It would be well to adjourn the debate. In reply to the hon. member for Grey's remarks respecting the thirteen resolutions, he wished to say that the intelligent electors of South Bruce, at any rate, took an interest in these abstract questions, and so did the electors in Grey as their representative would find to his cost at the next election.

Mr. GOW made a few remarks in support of the motion.

The debate was then adjourned.

#### DORCHESTER GLEBES.

Mr. BEATTY moved an address for copies of all Orders in Council affecting certain lands known as the Dorchester Glebes, and also all correspondence relating to the same.

He explained that there were several parts of the county which were claimed by the Church, and rents were collected from settlers occupying them. He desired to have the claims investigated. The motion was carried.

#### PRIVATE BILLS.

The following Private and Local Bills were read a third time and passed:—

Bill (No. 50), respecting the Fair Ground of the County of Oxford.—Mr. Perry.

Bill (No. 48), to incorporate the Kingston and Madoc Railway.—Mr. Strange.

Bill (No. 42), to provide for the conveyance of land sold by the late Z. S. M. Hersey, and to authorize the sale of certain village lots belonging to his estate.—Mr. Boyd.

Bill (No. 57), to legalize, confirm and establish the re-survey of the town of Chatham, in the Province of Ontario.—Mr. Smith (Kent).

Bill (No. 58), to enable the Corporation of the Town of Chatham to dispose of certain lands.—Mr. Smith (Kent).

Bill (No. 62), to exempt from Municipal Taxation, for a certain period herein mentioned, a Sugar Refinery, proposed to be erected in the City of Toronto.—Mr. Wallis.

#### HARBOUR TOLLS.

Mr. SCOTT (Grey) moved that the House go into Committee of the Whole on certain proposed resolutions with reference to the levy of tolls at Collingwood. On making this motion he knew there was an objection urged against it, that it should be dealt with by the Dominion Government. In this case, however, it was a small local work that the municipality proposed to construct at the mouth of Beaver River. It was rather hard that the municipality should not be allowed to construct this work, and collect tolls therefrom.

Hon. Mr. CAMERON said he had no objection to the measure, but it did not come within the control of this Legislature. All matters relating to trade and navigation were, by the 10th clause of the Union Act, controlled by the Dominion Government. The honourable member should bring his Bill before the House at Ottawa.

Mr. SCOTT (Grey) said this was purely local work. No aid was asked from the Dominion Government. The people only wished to construct a small local work with their own money, and to collect their own tolls.

Hon. Mr. CAMERON said he could not see any difference between making this claim, and the Corporation of Toronto claiming the control of Toronto Harbor.

Hon. Mr. McMURRICH said there was no comparison between the two. Toronto Harbor was very different from the mouth of a small creek.

Mr. SCOTT (Grey) thought it was rather hard to deny the people the right to build their own harbor.

Mr. BLAKE said this was a difficult subject to deal with. Last session a Bill was brought before the Dominion House, and the question was then discussed whether such small matters should be dealt with by the local or the central government. It was decided that the central Government had the right to deal with those matters. It was extremely difficult that there should be conflicting legislation in such matters.

Atty.-Gen. MACDONALD said once this Government should derive the right to construct their own harbours, the Central Government might refuse to construct any more such public works in the Province. He for one was unwilling to test the matter while there was no tribunal to bring it before. If the hon. member for Grey insisted on pressing this measure, and the House should pass it, it would be sent to the Dominion Parliament and very likely would be disallowed. It would be better for the hon. member to bring it before the Central Government, and, if they should decide that it was a matter to be dealt with by the Local Legislature, this House would then take it up. This was unquestionably an interference with the rights of the Dominion Parliament.

Mr. SCOTT contended this was a private matter, and should be dealt with by this Legislature. He would not press the matter, however, if the Government would not sanction it.

The motion was ultimately withdrawn.

#### RELIGIOUS BODIES.

Mr. LAUDER moved the second reading of Bill (No. 99) to amend the Act chapter sixty-nine of the Consolidated Statutes of Upper Canada, relating to the holding and conveying of real estate by the religious bodies mentioned therein.

After some discussion, the Bill was read a second time, and referred to a Select Committee, composed of Hon. Mr. Cameron, Messrs. Scott (Ottawa), Boyd, Coyne, Beatty, and the mover.

#### REGISTRATION OF BIRTHS, &c.

Mr. BOYD wished to know if the House had any objection to his moving, in the absence of Mr. Pardee, the second reading of the Bill (No. 101) to amend 32 Vic., cap. 30, of the Statutes of Ontario, intitled "An Act to provide for the Registration of Births, Marriages and Deaths?"

Hon. Mr. CAMERON said he had no objection to that; but this was a matter which more properly came within the province of the Dominion Government. There was no doubt that the law was very generally disregarded throughout the Province, and something should be done to enforce it.

After some discussion, the Bill was read a second time and referred to a Select Committee, composed of Hon. Mr. Cameron, Messrs. Scott (Ottawa), Lount, Pardee, McDougall, Fraser, and the mover.

Bill No. 102, to amend and extend the provisions of the Act cap. 30, Con. Stat. U. C., respecting interpleading (Mr. Lauder), was read a second time, and referred to Hon. Messrs. Richards, Cameron, and Messrs. Lount, Clarke, and the mover.

#### SOLEMN DECLARATIONS.

Mr. GREELY moved the second reading of Bill No. 27, to permit solemn declarations to be substituted for oaths in certain cases. The remarks of the hon. gentleman in explanation were inaudible in the gallery.

Mr. BLAKE said he remembered that the hon. Atty General had stated that "a man was not prepared to swear to everything that he might say." (Laughter).

Atty Gen. MACDONALD admitted that he made such a statement in his "celebrated speech at Brooklin;" and he was prepared to repeat it.

The Bill was read a second time without further remark, and referred to a Select Committee, consisting of the Hon. Mr. Richards, Messrs. Blake, Galbraith, Oliver and the mover.

#### AFTER RECESS.]

Mr. CARNEGIE moved that Mr. Galbraith be added to the Select Committee on Bills. Carried.

#### PETERBOROUGH.

Mr. CARNEGIE moved that the Bill No. 54, to consolidate the debt of the town of Peterborough, and to authorize the issue of debentures on the security of Town Property and other purposes, be not now read a third time, but referred back to a Committee of the whole House, to consider an

## LEGISLATURE OF ONTARIO.

WEDNESDAY, Dec. 15.

The SPEAKER took the chair at three o'clock.

#### NEW BILL.

Atty. Gen. MACDONALD introduced a Bill to organize the district of Parry Sound, which was read a first time; second reading to-morrow.

#### COMMITTEE REPORTS.

Reports were presented from the Committee on Standing Orders, recommending that an extension of time should be given to railway Bills.

Atty. Gen. MACDONALD hoped that this would not become a precedent. There was no necessity for this extension, if hon. members would only attend to their business. Concurred in.

The Standing Committee on Railways presented the third report, stating that the various Bills had passed through Committee. Concurred in.

#### PISCICULTURE.

Mr. SCOTT (Grey), asked whether Government intended to make appropriation of the public funds of this Province to Samuel Wilmot, Esq., of Newcastle, to encourage the artificial propagation of fish in the lakes and rivers in this Province.

Hon. Mr. WOOD said this Government had nothing to do with the fish of the sea. The Minister of Marine and Fish (laughter) of the Dominion had charge of this matter. Mr. Wilmot was in Ottawa last Session with specimens of his fish, and brought the question of pisciculture before the Government, and procured an appropriation in aid of his enterprise.

#### TIMBER ON ROAD ALLOWANCES.

Mr. FERGUSON moved an Address for a Statement showing the several amounts or approximate amounts received by the Crown Lands Department, from the sale or disposal of timber lying, growing or being on the several road allowances in the several Municipal Corporations of or in Ontario during the past three years; the Corporations from which the said timber was or is being taken, and the names of the several parties to whom the