

LEGISLATURE OF ONTARIO.

FOURTH SESSION—1ST PARLIAMENT.

THURSDAY, Dec 8, 1870.

The SPEAKER took the chair at half-past three o'clock.

PETITIONS.

Petitions were presented:—

Mr. Craig (Glengarry)—From the Agricultural Society of the county of Glengarry, praying for certain lands to be vested in them. Also from the trustees of the Presbyterian church of Kenyon, praying for an Act to enable them to sell certain lands.

Mr. Fitzsimmons—From Hiram Baker of Wolford, praying for an Act to make valid certain By-laws of Wolford, and a conveyance made thereunder.

Mr. Cumberland—From the Toronto, Simcoe and Muskoka Junction Railway Company, for an Act to amend their charter.

Mr. Scott (Grey)—From C. R. Sing and others of St. Vincent, praying for an Act to incorporate the North Grey Railway Company.

Mr. Carnegie—From the Provisional Directors of the Peterboro' and Haliburton Railway, praying for certain amendments on their charter.

Mr. Williams (Durham)—From the Midland Railway of Canada, praying for an Act to authorize the consolidation of its bonded debts, and the issue of new bonds in substitution therefor.

NOTICES OF MOTION.

Mr. Blake—On Friday—Address to His Excellency for copies of all correspondence not already brought down, between His Excellency and the Canadian Government, and between the Governments of Ontario and of Canada, touching any addresses of this House, or touching immigration, or touching the public debt and assets.

Also—Address for a statement of the names of all persons, members of this House, or of either branch of the Legislature of Canada, who have been appointed by the Government of Ontario to any office, commission or employment; showing the nature of the appointment, its date, and the emolument, if any, derivable from any source in respect thereof.

Also—Address for a statement of the names of all persons who have, since the beginning of last session, received appointments or promotions in the public service; with the dates of the appointments, and the names and emoluments of the offices, showing the increase, if any, in the public charge on this head.

Also—Address for copies of the warrants, depositions, and other judicial proceedings taken on the arrest of A. Scott and Pere Richot, on a charge of murdering Scott at Fort Garry, and of the judgment given on the application of these persons for a writ of Habeas Corpus.

Also—Address for copies of all correspondence and memorials as to the filling of the vacancy in the sheriffalty of Prince Edward, to which Mr. Greely, then member of that court, was appointed.

Also—Address for copies of all correspondence, reports, and Orders in Council, and other papers, not already brought down, touching the arbitration between the Provinces, with a statement of the expenses thereof already paid, and an estimate of those remaining unpaid, if any.

Also—Address for a statement of the moneys expended—

1. In draining the land first purchased for the London Lunatic Asylum.
2. In fencing the same.
3. In draining the land secondly purchased for the same Asylum.
4. In fencing the same.

5. In other improvements on the same; and for an estimate of the amount, if any, that will be required to complete each of these works, and of the total cost of the institution, and for copies of any advertisements, tenders, or contracts, in relation to the above works.

Also—Address for copies of all correspondence between the Government and the Judges of the Court of Chancery, and of any representations from the practitioners of that Court, with reference to the administration of any of the subordinate offices therein, and of any Orders in Council on this subject, and of any letters of resignation of any of the officers, and of the patents or other warrants of appointment of any persons appointed since last session.

Also—Address that the House will on next, resolve itself into a Committee of the Whole House to consider of the following resolutions:—

1. That this House concurs in the views expressed on the report of the Select Committee on the Land Improvement Fund, made to this House at its last session.

2. That the dealings of Governments with settlers should be characterized by the utmost good faith.

3. That it would not be in good faith for any Government to alter the arrangements under which the Land Improvement Fund was constituted, and to receive the purchase moneys of the lands, without providing for the due application, in accordance with such arrangements, of the proper proportions of the proceeds of all sales made during the continuance of the Fund.

Also—Bill intituled, "An Act to further secure the independence of the Legislative Assembly, by rendering ineligible therefor all persons holding employments of profit at the nomination of the Crown."

Mr. Boyd—Friday—Address to His Excellency the Lieutenant-Governor for copies of all correspondence between the Governments of Canada and Ontario (not already brought down,) touching any Act of the Legislature of Ontario, and specially touching the disallowance of the Act granting the supplies for 1869.

Also—Address for statement of the various expenditures made and contracted for in connection with the following public works, to-wit: The improvement of navigation of Scugog river, the cut between lakes Joseph and Rousseau, and the new road between Washago and Gravenhurst, with the names of the contractors, and of any reports and estimates made for the Public Works Department in respect thereof.

Also—Address for returns of the number of persons confined in the jails of this Province, specifying the crimes of which they were convicted, and at what period of their age, the length of time for which they were to be so confined, with cost of maintenance. Also, whether they can read and write. Same return to include all convictions from the 1st January, 1868, to the 31st December, 1868. Also, the extent of accommodation afforded by such jails.

Also—Address for return of the number of persons who, since the 1st day of November, 1869, have settled on free grant lands, with the number of acres located, and the names of the townships in which such persons have settled.

Also—Address for copies of all plans, estimates, advertisements, tenders and contracts for the land and work, and any reports of the architects or departmental officers in connection with the Blind Asylum, and a statement of the various expenditures made or contracted for, respecting the same.

Also—Address for copies of all advertisements, tenders and contracts for work, to be carried out under the Drainage Act of 1869, and any reports of the engineers or arbitrators in connection with such work, with a statement of the various expenditures made and contracted for in respect of the same; and for copies of any Orders in Council appointing, or instructions issued to, the arbitrators, and of all correspondence between the Government and the municipal authorities on the subject of drainage in the municipalities.

Hon. Atty. Gen. Macdonald—Address to the Governor General, congratulating His Excellency upon his elevation to the peerage of Great Britain and Ireland.

Mr. Grahame (York)—Bill intituled "An Act to amend chap. 36 of the Statutes of Ontario" relating to Assessment Law.

Mr. Boyd—Address for copies of estimates, advertisements, tenders and contracts for the construction of the locks between Balsam and Cameron lakes; reports of the engineers as to the progress made in the construction, with a statement of the various expenditures made and contracted for in respect of the same.

Mr. Lount—Address for copies of all correspondence, reports and papers connected with the Lunatic Asylum at Orillia, and the removal of the inmates thereof to London.

Attorney-General Macdonald—Bill respecting the Law Society of Upper Canada.

Attorney-General Macdonald—Bill respecting the trial of controverted elections.

Mr. Blake—Address for statement of the average number of lunatics and idiots for the years 1866, 1867, and 1868 in each of the following asylums:—1. Toronto; 2. Branch in the east; 3. Orillia; 4. Malden. And of the number now in:—1. The Toronto asylum; 2. The London asylum; and of the number which can be accommodated in each of these establishments.

On motion of Mr. SCOTT (Ottawa), seconded by Mr. H. LYON, leave of absence was granted to Mr. Clarke (South Grenville), for a fortnight, on account of ill-health.

On the motion of Atty.-General MACDONALD, a Select Committee of ten members was appointed to prepare the lists of Standing Committees.

On the Order of the Day,

Mr. CARNEGIE rose to move the reply to the address from the Throne. After alluding to the hesitation with which he entered upon the task, he went on to say he was sure this House and the people of Ontario would receive with satisfaction the announcement that the Arbitrators appointed under the British North America Act of 1867 had made their final award; for we were now in a position to realize our financial situation in spite of any injustice that might have been done to us. He believed, and his constituents believed, in spite of the great demonstration of last night, that our present satisfactory financial position was in a great measure attributable to the gentlemen now on the Treasury benches. (Hear, hear, from the Government benches.) He gave his support to the immigration policy of the Government, and also to their policy respecting the reservation of pine trees. In the Bobcaygeon region at the present day there was ample evidence of the results of allowing the pine trees to be cut down; for there were in that section at the present time neither settlers nor pine trees. There was a great deal of land in the back country covered with hardwood, and on these lands we should induce people to settle. He heartily endorsed the policy of making railways through those districts which did not now possess them. He also supported the policy of improved public instruction, the policy proposed to be adopted with respect to controverted elections, and the central prison system. He concluded by alluding to the prosperity Ontario enjoyed, and hoped that our connection would long continue with the sea-girt isle; for no matter how we might differ in other things, this was the heart's desire of every true Canadian. (Hear, hear, from the Opposition benches.)

Mr. MURRAY seconded. This was the first time he had addressed the House, and after the speech of the hon. mover to the address, but little remained for him to say upon the matter. He was glad to see that it was the intention of the Government to devote the surplus to the purposes stated in the address. They were the things necessary to promote the progress of the Province, and especially of those distant portions of it such as that he represented. It was lamentable that there were too many idiots in the country.

Mr. BLAKE—(Hear, hear.)

Mr. MURRAY thought the provision of institutions for these unfortunates would be beneficial. He hoped to see the last paragraph of the address carried out, and that they would all waive their personal and political sympathies, and work for the good of their country. (Hear.) He came here prepared to give the Government a fair trial. He had done so, and in his opinion they were entitled to the confidence of the people of the country. He believed that the people were loyal, and that there was no doubt the country would continue to be prosperous and its people happy.

The SPEAKER then put the address. The first paragraph having been adopted without discussion.

Mr. EDWARD BLAKE rose to speak on the second. After referring to the eloquent terms in which the address had been proposed, he said that the member for Renfrew (Murray) had stated that he came there determined to give the Government a fair trial, and would continue to do so, having no reason to be dissatisfied with them. Such was usually the conclusion of men who came to this House to give the Government a fair trial. (Laughter.) He noticed the vehemence with which the hon. member for Peterboro (Carnegie) had avowed his fealty to the Government; but if his memory served him, it was not later than the close of last session that the hon. member had risen in his seat and condemned some of the actions of the Government. He knew his hon. friend's locality, and he knew that an election was approaching, and more than all he knew that there was a railway policy foreshadowed in the address. (Hear.) He also knew that Renfrew was very much isolated, and that the hon. member was doubtless desirous of removing that isolation, and consequently would look with favour on that part of the address. His county (South Bruce) was also equally isolated, but he preferred to wait and see the policy of the Government brought down before he gave it his approval. (Hear.) The first substantial ground taken in the reply was that having reference to the arbitration. They had heard a good deal, not here but elsewhere, about the praise that was due to the Government for the part they had taken in the matter; but he had not yet heard it asserted that the Province had obtained more than justice, though he had heard that it had received less. (Hear.) If this was so, he hoped that they would have honesty enough, and generosity enough, as they were strong and able enough, to repair any wrong that they might find had been committed. (Hear.) For his part he believed that the Province had not received more than justice—he believed that there were some parts in which they had not received justice, not in the sense of unjust judgment, but in the sense that would impute judgment unfavourable on some points on which judgment might have been favourable. He did not impute, however, to the Administration in the slightest degree any result of that description—he felt that all the Administration could, under the circumstances, be called upon to do with reference to this arbitration was to have seen that the cause of the Province was properly laid before the arbitrators, and that having seen that, their duty was discharged and the result of the arbitration placed beyond their control. Still they knew that this arbitration business was not settled, in that the decision was not acquiesced in by the other province. They knew that very strong attacks are being made against the validity of the arbitration, and this upon two grounds. The first was that the cause was heard in a very large part of it, the evidence taken to a very large

extent, and the award made, in the absence of the arbitrator and counsel of the Province of Quebec. That might well have taken place without this administration being responsible for it in the slightest degree; but whatever be the validity of the objection to whatever might be taken on that score—this point he offered no opinion—and on no doubt that from the moral force of the award there was a detraction on account of the absence of the other party. The course that the other party counsel for Quebec had taken was extremely to be regretted. He attributed knowledge that he had been able to gain source open to him—to a serious error of judgment on the part of the members of the Administration, who had the conducting of the arbitration business. At an early period certain questions as to the principles of the termination should be discussed, and that a detraction should be arrived at by the arbitrators. These questions were discussed, and to what were the views of the arbitrators upon them. Thereupon the arbitrator and no formal decision should then be announced, but that the arbitration should be proceeded with without that announcement. It was, he was satisfied, intimated—though perhaps not formally—that the result of the time would be to cause the secession, so to speak, of the Quebec arbitrator. Notwithstanding that, the representatives of Ontario insisted and pressed on the arbitrators that they should deliver their formal judgment. This was done, and the result was that Judge Day withdrew from the arbitration. It was pointed out to the arbitrators that they gave their decision at the instance of Ontario. It was necessary to remember that the investigation was conducted in the absence of the other party. He thought Judge Day was to blame in the course he took; and that the Council also was to blame; but for all that, their course having been decided on, it would have been much better for the Province of Ontario not to have insisted on the pronouncing of the judgment at that time; but to agree that the arbitration should proceed, the evidence be taken, and all the arguments heard, and then if the withdrawal of the Province of Quebec had taken place it would have been less material. That result was frustrated by the ill-judged course pursued by the gentlemen opposite. (Cheers.) There was another ground on which the

award was attacked, that while made by two out of three arbitrators, the Quebec one being absent, it was made by the Ontario arbitrator and by Col. Gray. It was said by the Quebec press that they could not attach any weight to the arbitration as arrived at; that it would have been a quite different matter if the Dominion arbitrator had been an independent member, and not a pensioner of the Prime Minister of the Dominion; and that being, as he was, dependent on that Ministry for his daily bread, his award was not entitled to that weight it would have otherwise possessed. It might be said, what had this Administration to do with that?

Hon. J. S. MACDONALD—(Hear, hear.)

Mr. BLAKE said that it had a great deal to do with the matter. A measure was introduced into the Parliament of Canada to secure the independence of that Parliament, but it was a measure to destroy the independence of that body. He (Mr. Blake) proposed an amendment to that Bill, to exclude the possibility of such things happening as had happened with Colonel Gray. Against that amendment voted the Attorney-General of Ontario, the hon. member for London, and the hon. member for Brant. (Hear, hear.) Under these circumstances, it did not appear to him that his hon. friends had a great deal to say in reference to the award. If there were any difficulties about that award, they arose from the errors of judgment of the hon. gentlemen opposite. (Hear, hear.) The next position taken in the speech was with reference to the surplus. A very great deal of credit was taken for the production of that surplus. The mover of the reply had stated it to be his deliberate conviction that for the existence of the surplus we were indebted to the gentlemen opposite. He (Blake) should like to know of what it was composed; or whether it were not composed of the subsidy we are getting from the Dominion of Canada, and of the profits of our lands and forests? Practically, that surplus was composed of these items. Practically, if we had not control of these funds we would have no surplus. It was most extraordinary that gentlemen opposite should claim credit for that surplus, when some of them did their little best to defeat the confederation measure which brought it about. (Hear, hear, and laughter.) And yet for some two or three years past, we had heard for Ministers lauded and belauded for their economy in the voting of money. Now we heard them lauded and belauded for their intention of spending it. (Hear, hear.) Where the Administration committed a mistake was in not providing for the disposal of that surplus last session. He could not say that he knew, from the speech, exactly how they were going to spend it. Still he was not disposed to complain that the speech was composed in vague terms; for it was extremely convenient that it should be so couched as not to invite amendment from the other side. We were now treated to what the Attorney-General styled "brewing a policy." (Laughter.)

Hon. J. S. MACDONALD—(Laughter.)

"brown stout," at any rate, for it was very small beer. (Roars of laughter.) Something had been said in the speech with regard to education. No man could doubt that there could be an improvement in that direction. But he was not clear that it would be found practicable to establish some of the branches to which reference had been made. But he was quite disposed to listen attentively to what might be proposed for the improvement of our educational system in the manner indicated in the speech. We