

FRIDAY, Jan. 20.

The House opened at 3:15.

The SPEAKER in the chair.

#### PETITIONS.

Mr. Smith (Middlesex)—From the township Council of Biddulph, praying to be exempt from taxation in respect to the graveling of public highways.

Mr. Lauder—From the township Council of Proton, praying for the sale of certain lands in that township.

Hon. Mr. Carling—From David McEwen and others, of London, praying that an Act may pass to incorporate the London, Huron and Bruce Railway Company; and 19 others to the same effect.

#### PRESENTING REPORTS.

Hon. J. S. MACDONALD presented the eighth report of the Railway Committee. He also presented the fifth report of the Committee on Private Bills.

#### THE COURT OF CHANCERY.

Hon. J. S. MACDONALD (who was almost inaudible in the gallery) introduced a Bill respecting the Court of Chancery. He said that the Bill referred to the internal management of the Court—a matter of which he did not know much personally. He was sure the Bill would be satisfactory to the profession as a whole, for some pains had been taken in its preparation. The Bill proposed to create the office of referee—an office which would facilitate the business before the Court. The hon. member for South Bruce, at the commencement of the session, had spoken to the effect that the powers of the Judges should not be delegated to the Secretary. He (the Attorney-General) had replied that he knew nothing of the matter except through reports. Since that time, he was in a position to say that the Judges had come to the conclusion that the Legislature should declare the past decisions of the Secretary to be valid. The Bill, therefore, would propose that all the decisions of the Secretary since the 10th of November, 1866, the date of his appointment, should be declared to be as valid and effectual as those of the Judges.

Mr. BLAKE said that with regard to the explanation just given, he would call the attention of the House to what took place at an early stage of the session. At that stage he took the opportunity of inquiring if the Attorney-General proposed to take any steps as to the Judges' Secretary. The Attorney-General replied, "No, that it was not his intention to do so."

Hon. J. S. MACDONALD—Hear, hear.

Mr. BLAKE—At the same time, however, the Attorney-General admitted the proceedings of the Secretary were not legal. He (Mr. Blake) put two resolutions on the paper, the first of which was—that the duties of the Secretary being of a judicial character, they could not be performed by him. This assertion of his (Mr. Blake's) was now admitted by the Bill introduced by the Attorney-General to be correct. The second resolution was to the effect that the mode of administering justice in the Chancery Chamber was unsatisfactory, and ought to be changed. That proposition was also admitted—if he understood the explanations given by the Attorney-General—in the new Bill; for if the Judges were enabled to give their judicial powers to the Secretary, they would also confer on him the powers to give judicial opinions. The Bill proposed to legalize the past proceedings of the Secretary; and he (Mr. Blake) was glad that the opinions of the Attorney-General on that matter had entirely changed. At an earlier period of the session the Atty.-General was not willing to do anything in this matter or the Secretary's proceedings, but now he asked the House to consent to legalize them.

Hon. J. S. MACDONALD said that the Judges themselves had asked to have this matter settled, while the hon. member for South Bruce had no evidence in support of his application except his own statement. The opinion of the Judges was paramount to that of the hon. member for South Bruce.

Mr. BLAKE—Not paramount; but the same way. (Hear, hear.)

Hon. J. S. MACDONALD said that the Judges still maintained the Secretary had a right to act as he did; but as some objection had been raised as to the question of validity, in the decisions of the Secretary, the Judges suggested that there should be legislation on that point.

The Bill was read a first time.

#### RETURN.

Hon. Mr. CAMERON presented return to address for a statement of the number of persons who have settled on the free grant territory.

#### THE SURPLUS BILL.

On the orders of the day being called,

Mr. BLAKE asked the Government at what time it was intended to make the financial statement; and also when the measure referring to aid to be given to railways would be submitted.

Atty.-Gen. MACDONALD said the introduction of the measure respecting aid to railways was necessarily postponed. They had railways still before the committee which had not yet come before the Government. It was necessary to know to what extent these applications would reach before the Government could bring down any scheme for dealing with the surplus.

Mr. BLAKE—Can you give us any idea of the time when it will be brought down?

Atty.-Gen. MACDONALD said he was of opinion that the Government were quite competent judges as to the proper time when to bring down the scheme. The House might have patience and wait for it.

Mr. BLAKE—Hear, hear.

Atty.-Gen. MACDONALD—I wish the hon. gentleman to understand that the Government will do as they please in the matter. If he does not like it, let him bring the question before the House, and I believe he will be satisfied with its answer. Let him bring his cohorts to bear upon us to compel us to bring down the scheme if he likes; it will not matter to us.

Mr. BLAKE said he had made merely a customary enquiry. It was of importance to the House to know, and if the Government could give it any idea of the time when their schemes could be brought down, and he regretted that these simple questions should have excited the ire of the hon. gentleman. (Hear.) But, in both cases, the hon. gentleman had failed to answer his simple enquiries. He would repeat his question as to the estimates.

Atty.-Gen. MACDONALD said the hon. Treasurer was not in his place; but they would be brought down next week, he believed.

Mr. BLAKE—At the end of it, I suppose.

Atty.-Gen. MACDONALD—I don't know; they will come down in good time.

Mr. BLAKE—You mean there is a good time coming. (Laughter.)

The matter then dropped.

#### LAND ARREARAGES.

Hon. Mr. RICHARDS moved concurrence in resolutions respecting abatement of arrearages on Crown, Clergy, and Grammar School lands.

Mr. BLAKE said he should move some amendments in its detail when the Bill was before the House.

The motion was then agreed to.

#### TRIAL OF ELECTION PETITIONS.

Atty. Gen. MACDONALD that the House go into Committee of the Whole on the following resolutions—Mr. Hays in the chair:

1. The expenses attending the sittings of the Judges of the Superior Courts when trying election petitions, under the authority of any Act to be passed during the present session of the Legislative Assembly.

2. The travelling and other expenses of any such Judges, and all expenses properly incurred by a Sheriff in attendance on him, and providing a Court under any Act as aforesaid.

3. The sum of            dollars per annum to the Clerk of the Court of Queen's Bench for services to be performed by him in connection with the said Act.

4. The reasonable expenses of any witnesses called and examined by the Judge at any such trial as aforesaid.