

Atty-General MACDONALD moved the House go into committee on Friday to consider resolution:—

There shall be paid annually to each stipendiary magistrates in the territorial District of Parry Sound and Thurler the sum of dollars.

THIRD READING.

to make valid certain commissions for affidavits issued by the Court of Bench.—Mr. Craig (Russell)—was third time and passed.

APPOINTMENTS.

Mr. CAMERON presented a return to the address of His Excellency praying for 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, and the emolument, if any, derivable from any source in respect thereof:—

Mr. Macpherson, arbitrator, 13th Jan. Emolument, \$6,200, including disbursements.

Mr. Alan, trustee Toronto and Nipigon bonus fund, Sept. 11, 1869. Emolument, unknown.

W. Lauder, M.P.P., trustee Toronto and Bruce bonus fund, Sept. 11, 1869. Emolument, unknown.

Mr. Grealey, M.P.P., sheriff of Prince Edward county, March 15, 1870. Emolument regulated by statute.

Mr. Cameron, M.P., counsel of the House, 13th Jan. 1868. Emolument, including disbursements.

Mr. Smith, M.P.P., third arbitrator in matter between the town of Perth and the county of Lanark, Oct. 12, 1868. Emolument, unknown.

Mr. D. Smith, M.P.P., third arbitrator in matter between Ottawa and the county of Lanark, Sept. 6, 1869. Emolument, unknown.

Mr. Macdougall, M.P., trustee for Canadian Northern bonus fund, 23th Nov., 1870. Emolument, unknown.

Mr. H. Cameron, M.P., to conduct Crown business at Assizes:—

Spring and Fall, 1868..... \$ 840  
" " " 1869..... 682  
" " " 1870..... 1,312

Mr. A. Harrison, M.P., to conduct the business at Assizes:—

Spring and Fall 1869..... \$528  
" " " 1870..... 162

Mr. Macdougall, to conduct the Crown business at Assizes (Winter), 1871. Account rendered.

Provincial Secretary's Office, Toronto, January 25, 1871.

RAILWAY BONUSES.

After recess, the debate was resumed on the third reading of the Bill to amend the Act passed in the thirty-second year of the reign of her Majesty, chapter 61, and intitled "An Act to incorporate the Peterborough and Haliburton Railway Company" and the Act amending the same, passed in the thirty-third year of the reign of her Majesty. (Mr. Carnegie)

Mr. BLAKE said that he would move an amendment to the effect that the Bill be not read a third time, but that it be referred back to committee of the whole, to be amended by expunging all the words in the second section after the word "repeal." He said that this Bill was founded on the view that the powers given by a former Act were not sufficient to operate those powers, and the Company came back practically to a position that were granted by the former Act. The amendment repealed the clause giving the former powers, by striking out the words "townships and towns clause." As he knew, there had been no discussion in the House on the general question involved at the point now submitted—namely, on the general question whether there should be sectional bonuses by parts of townships, or groups of townships, in accordance with the provisions of this Bill on that subject—provisions which were contained in several charters now before the House. He would like to call the attention of the House to a few of these clauses, not, however, with any special reference to this particular railway company. There was now such a description of powers introducing into railway bills, that it was necessary, at the earliest opportunity of the House in reference to the general question of the policy of these powers, that he objected to was, that power should be given with reference to the taxation of parts of townships against their will. The power sought for was this, that the majority of ratepayers in any one section presenting a petition to the Council, the Council was bound to act, and that corporation the power to say they should select for taxation purposes such an area as they chose, then the House would be legislating in favour of the majority tyrannizing over that area, and dragging into their schemes as many reluctant men as they would. To legislate in that manner would not be in accordance with the spirit of our municipal institutions, or the general rules that prevailed in this country. That was the principle in regard to township bonuses, and the House committed itself to that principle, it would do more to excite dissatisfaction in the country than it now do.

The House saw that the applications for railways were based on the principle that municipalities should aid; and the House adopted the principle of which, if that spoke, it would create limited conditions, by saying that those interested should erect themselves into partnerships, and submit a by-law. The practical effect of this was, that those of the ratepayers personally benefited by the promotion of a railway were to have the power not to tax themselves but to propose to be taxed for such sections of a township as they might embrace not only the

which, if personal considerations had solely guided his actions, his course would have been entirely different, it was in the present case. Every township which had given him a majority was against the principle he was supporting, while the township of Carriek gave a majority of 117 or 120 against him. (Hear.) His position in the county, he believed, was imperilled by the stand which he considered it right to take on this question. If he was impelled by any motives of gaining popularity, or any desire for personal position, he would have done his best to have frowned down the motion he had considered it his duty to submit to the House.

Mr. FERRIER said he was opposed to the grouping of townships, but thought that the Bill before the House was worthy of support.

Mr. PARDEE said that this matter had never been before the House, but had been discussed in the Railway Committee, and several members who had formerly opposed it there had now changed their minds in the matter. He believed that the people would lose all confidence in their municipal institutions, if the principle laid down of grouping townships became law. He agreed that a majority must rule, but it must be within certain well-defined limits. He did not think that the proposition now before the House was within the limits which it was desirable to maintain. The case of a bridge, cited by the hon. Secretary, was not applicable. It was for the use of the whole community. He supposed that such action was reciprocal, and further the building of a bridge was a public work, whereas the building of a railway was a private undertaking. He asked the House not to violate one of the most important principles of their municipal institutions, for the purpose of furthering the granting of aid to railways. After referring to the action of the State of Michigan, on the matter of railway bonuses, which had been in the direction of the proposed amendment, he (Mr. Pardee) contended that the legislation now submitted would be most prejudicial. The power of dividing townships was one which, if assented to, would create a great feeling of disappointment and dissatisfaction in the country.

Mr. GRAHAME (York) considered there were great objections to the grouping of townships. He thought that the principle proposed to be adopted in the Bill would be dangerous as a precedent.

Mr. GRAHAM (Hastings) supported the Bill, and claimed that it should be discussed on its merits.

Mr. SCOTT (Grey) supported the views of the hon. member for South Bruce. He thought as a general principle that the townships affected should be named; and with regard to the Bill, he was not aware that any injustice would be done.

Hon. Mr. McMURRICH said he failed to see the injustice complained of. In Toronto, two thirds of the ratepayers of a street could petition the corporation for improvements, which, after being done, the whole street would have to pay for. The same principle would apply to the question now before the House.

Mr. CARNEGIE argued that there was no injustice in the provisions of the Bill. He did not believe that, even if it were in their power, the ratepayers of one group of townships would unjustly tax a smaller group. It was well known that originally the townships were blocked out without reference to community of interests; and to say that on year township should give a bonus for railway undertakings, was to say there should be no railway enterprises at all. The hon. member for South Bruce had stated that this principle was new to the House, but every member knew that seven Bills with the same provisions had passed last session. It was well known that some men were opposed to improvements, no matter how beneficial they might be; and that it was impossible to get an unanimous vote. The line would have to be drawn somewhere. The present Bill was opposed by certain parties, not because its provisions were unjust, but because it did not suit their particular purposes.

Mr. CALVIN said he partially agreed with the member for South Bruce, because there should be a limit somewhere.

Mr. CURRIE said that the principles of this Bill had been discussed before, and were not unknown to the House. As a general thing the people of the country had grown railroad made. But there was sufficient power in our municipal laws, as they now stood, to give sufficient power to any municipality to aid in the construction of railways. Any county council had a right to pass a by-law with reference to railways, and submit that law to the ratepayers. He would vote in favour of the amendment of the member for South Bruce.

Mr. McCOLL (Norfolk) said that the principle involved in the Bill was a most vicious one, and if carried would inflict the greatest injury on our municipal system. There was a railway mania abroad, which he thought was stimulated by the expectation of the distribution of the surplus. He would vote for the amendment.

Mr. LOUNT said if a rebellion was to follow railway legislation it had better be taxed together. He was not prepared to go to the extent of the hon. member in his remarks with regard to the grouping of townships. There had been a great advance in public opinion in the matter of railways, which were now looked upon with much greater favour. Any one who considered that the rights of the minority were to stand against these schemes, put a stumbling-block to the prosperity of the country. He thought a devil had been conjured up in order to be combated. The difficulty that existed at present in foreshadowing the result of a vote in favourable districts, was sufficient to insure it not being submitted to a township minority. It was often the case that many of the inhabitants of the minority townships were in favour of the grant. There were two sides to this question. An opposing township between two favourable ones might refuse aid because it would think that its neighbours would pay for the railway, and thus derive all the benefits of a railway without contributing a cent. This intermediate township ought to be compelled to contribute towards the railway. The result of such a case was, that the two townships were coerced into contributing more than their fair quota. He did not think the House would support the amendment, which, however just it might be theoretically, would have a damaging practical tendency.

Hon. Mr. CAMERON said the question whether the principle in question would act prejudicially, or not, would be determined by a reference to legislation in the past. The whole principle of municipal institutions permitted the taxation of the whole municipality for an improvement the benefits of which were not shared equally by all the townships. The facts of the matter were simple: In the county of Bruce a railway was projected through the north riding, and also through the township of Carriek, in the south riding, leaving the other portions of the south riding unprovided for. The bonus was submitted to the ratepayers, and the township of Carriek, gave a large majority against the by-law, but the north riding, aided by Carriek, carried the by-law, and taxed the municipalities in the south riding in aid of the railway. It so happened that shortly afterwards another railway was projected, this time running through the south riding. The township of Carriek was grouped in for a bonus to this railway, but it said, "It is true that you are going to be benefited by this railway, and that we have compelled you to assist us in building our road, but we are not going to assist you. Therefore, we will raise the question as to the propriety of grouping townships." That was the reason why this opposition was brought forward. (Hear, hear, and a laugh.) It had been a principle that local taxation should take place for local improvements, and the Bill asked for something similar in this case. He could see nothing objectionable in the principle of the Bill. It was naturally unjust for a railway to compel a man to part with any portion of his land against his will. It was an interference with private rights, and general and public good required that it should be done, and this was all that was asked here. With regard to the argument that the two townships would be coerced by the three, the majority of the three, of course, exercise the ruling

BLAKE—But who will make the decision?

Hon. Mr. CAMERON contended that the majority had always ruled, and had always compelled the minority to contribute to enterprises of this kind.

Mr. BLAKE made a personal explanation if there was one question more than another that had ever come before the House, it

which, if personal considerations had solely guided his actions, his course would have been entirely different, it was in the present case. Every township which had given him a majority was against the principle he was supporting, while the township of Carriek gave a majority of 117 or 120 against him. (Hear.) His position in the county, he believed, was imperilled by the stand which he considered it right to take on this question. If he was impelled by any motives of gaining popularity, or any desire for personal position, he would have done his best to have frowned down the motion he had considered it his duty to submit to the House.

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The amendment was put to the vote and lost—Yeas, 30. Nays, 35.

YEAS—Anderson, Baxter, Beatty, Blake, Boyd, Christie, Clemons, Craig (Russell), Currie, Eyre, Finlayson, Fraser, Galbraith, Gow, Graham (York), Lauder, McCall (Norfolk), McCall (Elgin), McDougall, McKim, McLod, Oliver Pardee, Rykert, Scott (Grey), Sexton, Sinclair, Smith (Kent), Smith (Middlesex), Wigle—30.

NAYS—Barber, Boulter, Calvin, Cameron, Carling (London), Carling (Huron), Carnegie, Cockburn, Coghoun, Cook, Corby, Coyne, Craig (Glenora), Crosby, Evans, Ferrier, Fitzsimmons, Graham (Hastings), Hays, Hooper, Lount, Lyon, Macdonald, McGill, McMurrich, Macneil, Murra, Paxton, R. A. Richards, Smith (Leeds and Grenville), Strange, Swinerton, Tett, Wallis, Williams (Duchess), Wilson—35.

On motion of Mr. Carnegie, the debate on the Bill was adjourned.

THE DORCHESTER GLEBES.

Hon. Mr. RICHARDS resumed the adjourned debate on Mr. Beatty's resolutions respecting the Dorchester glebes. He said that some of these lands—of which there was a quantity in the County of Welland—had been sold since he had been in office. These lands were scattered over the Province, and were to be treated as Crown Lands. The difficulty was—to decide who was entitled to receive pre-emption. The principle had already been affirmed that these lands were Crown lands, and belonged to no religious body.

Mr. BEATTY said that the Commissioner had accepted the principle involved in his resolutions. Though it had been said these were Crown lands, the clergy of that locality were deriving revenue from them. Why did not the Government take possession of these lands, and why did not the revenue from them go into the Treasury, and not into the pockets of the clergy? It had been decided that the clergy had no right to these lands, under the Clergy Reserve Act of 1855.

Hon. Mr. RICHARDS said the question would have to be settled ultimately as to who should have the right to purchase these lands. It was not at all certain that the Government would not interfere in this matter, but it would not do so at present.

The motion was then withdrawn.

MUNICIPAL INSTITUTIONS.

Mr. RYKERT moved the second reading of Bill relating to Municipal Institutions. Carried and referred to select committee, consisting of Messrs. Cameron, Perry, Pardee, Gow, and the mover.

WEST OXFORD.

Mr. OLIVER moved to recommit Bill to legalize and confirm the survey made by William Smiley, Deputy P.L.S., of that part of the township of West Oxford lying at the southerly part of the said township, known as the 5th and 6th concessions.—Carried.

LONDON, HURON AND BRUCE RAILWAY COMPANY.

Hon. Mr. CARLING moved the second reading of the Bill to incorporate the London, Huron and Bruce Railway Company.—Carried.

ST. JOHN'S CHURCH, ANCASTER.

Bill was read a second time, to vest certain real estate in the Churchwardens of St. John's Church, in the Township of Ancaster, with authority to sell the same, and to purchase other lands, and otherwise to apply the proceeds thereof.—Mr. Sexton.

PETERBOROUGH.

Bill was read a second time, to amend an Act to authorize the Church Society of the Diocese of Toronto to sell certain parts of the Rectory Lands of Peterborough, and for other purposes.—Mr. Carnegie.

The House adjourned at 10:20 p. m.

NOTICES OF MOTIONS.

Mr. Anderson—Bill for the prevention of corrupt practices at Municipal Elections.