

that day he would certainly apply it. The Government had endeavored to raise a cry about political motives being his object in bringing this matter up; but he maintained that it was the duty of that House to lend its influence towards any efforts that might be made to effect the arrest of the murderer, and he hoped hon. members would not stultify themselves by opposing the amendment. He had heard that some of those who were engaged in the murder of the unfortunate Scott—an emigrant from Ontario—were seen within the past few months in the Province of Manitoba; and yet they were allowed to go free. He heard that a newspaper reported that Governor Archibald had issued a little warrant for the arrest of those parties, but if such were the case there was little doubt that he ordered his parish constable to keep his blind eye toward the murderers. Now, he maintained that the Legislature of Ontario should raise its voice in insisting upon the arrest of the parties. The amendment affirmed that his House "rejoiced that efforts were being made to arrest the murderers." Did that House wish to rejoice over a matter of that kind? Was it not more in accordance with the desires of the people of Ontario to pass a resolution pressing the importance upon the Dominion Government of having these murderers arrested. He hoped that there would be blood for blood in this matter; that the murderer would ere long be brought to justice.

The amendment was put and carried on the following division:—

YEAS.—Messrs. Anderson, Beatty, Boulter, Calvin, Cameron, Carling, (London) Carling, (Huron) Carnegie, Clarke, Code, Colquhoun, Corby, Coyne, Craig, (Glengarry) Craig, (Russell) Cumberland, Currie, Eyre, Ferguson, Fitzsimmons, Graham, (Hastings) Grahame, (York) Hooper, Lount, Lount, Lyon, Macdonald, McCall, (Norfolk) McCall, (Elgin) McGill, Matchett, Monteith, Murray, Read, Richards, Scott, (Gray) Scott, (Ottawa) Secord, Smith, (Leeds and Grenville) Strange, Swinarton, Tett, Wallis, Wigle, Williams, (Durham) Wilson, Wood—47.

NAYS.—Messrs. Barber, Baxter, Blake, Boyd, Christie, Clemens, Cockburn, Cook, Crosby, Evans, Ferrier, Finlayson, Fraser, Galbraith, Gov. McDougall, McKellar, McKim, McLeod, McMurrich, Pardee, Paxton, Perry, Sinclair, Smith, (Middlesex) Springer, Trow, Williams, (Hamilton)—28.

#### LONG POINT COMPANY.

Mr. McCALL (Norfolk) moved for a return of the names of those parties who had license to frequent Long Point on Lake Erie.

Hon. Mr. CAMERON stated that the Government had no power over the Company. The motion was then withdrawn.

#### UNOCCUPIED LANDS.

Mr. McDUGALL moved a resolution affirming the desirability of the resumption by the Government of unoccupied Crown lands upon which the purchase money had not been paid.

Hon. Mr. RICHARDS said that was the intention of the Government.

Mr. McDougall then withdrew his amendment.

#### CRIMINAL OFFENCES.

Mr. BOYD moved an address for copies of instructions issued to Clerks of the Peace and County Attorneys for the prosecution of criminal offences.

The motion was carried.

#### BILLS READ A SECOND TIME.

The following bills were read a second time and ordered for committee of the whole to-morrow:—

Bill to legalize and confirm a portion of the survey made by William Smiley, Deputy P.L.S., of that part of the township of West Oxford and other divisions and boundaries lying on the southerly part of the said township, known as the fifth and sixth concessions.

Bill to incorporate the Ontario Sugar Refining Company.

Bill to enable Sullivan Caverno to convey certain lands in the county of Welland.

Bill to incorporate the Simpson Loom Company.

Bill to close part of Church street, in the city of London, and vest the same in the Corporation of the said city.

Bill to incorporate the town of Walkerton, and to define the limits thereof.

Bill to incorporate the trustees of the Toronto General Burying Ground, to confirm certain purchases made by them, to authorize them to acquire additional lands for the purposes of the said trust, and to amend the Acts relating to the said trust.

Bill to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit John Netterville Blake to practice as an Attorney and Solicitor therein.

Bill to confer upon the Bishop and Incumbents of the diocese of Toronto similar powers to those held by the Bishop and Incumbents of the diocese of Ontario.

Bill to incorporate the Gnaanoque and Rideau Railway Company.

The House then rose at six o'clock.

#### EVENING SESSION.

On resuming—

Mr. COYNE moved that the House do go into committee on the bill to extend to the townships of Albion and King the provisions of the Act passed in the 22nd year of the reign of Her Majesty, and chaptered 59.

Mr. GRAHAME (York) moved in amendment that the bill be considered in committee this day three months. In doing so he stated that the measure was opposed by the parliamentary and municipal representatives on the ground that it interfered with the rights of the county of York. It was also contended by the opponents of the bill that there had not been sufficient information given by the representatives of Peel to bring out all the facts of the case. Since then, however, more information had been elicited from the Peel Council, but still more time was desirable before the bill

was passed through the Legislature. A measure was passed about twelve years ago by the Parliament of Canada, setting at rest a disputed question about a road allowance between the townships of Eto-bicoke and Gore of Toronto. The present bill proposed to extend that line along the whole of the county of York bordering on Peel. The representatives of the former county were willing to do what was fair in the matter, and, as an act of justice, they thought that there should be an equal quantity of land taken off both counties, and not the whole of it from York alone.

Hon. Mr. CAMERON did not intend to support the amendment altogether, but he thought it would be only right to postpone consideration of the bill for a week or so, and give time for sufficient information to be elicited in regard to the facts of the case. There were circumstances which showed that the 11th concession of King, fronting upon what was called the Indian or 36-mile line, had not a sufficient quantity of land, and it would be an act of injustice to place a road on the east side, and therefore take the whole of the allowance from King and Vaughan.

Hon. Mr. McMURRICH took a similar view of the case, and suggested that at least a week's time should be given before the House went into committee on the bill. He did not think it right that the road should be placed as the present scheme intended.

Mr. SWINARTON supported the bill and went into a full explanation of the whole matter. He said that the hon. member for North York did not, he thought, quite understand the matter, and stated that objection was being raised to the bill merely for the purpose of getting delay.

Mr. COYNE said that he thought the motion of the hon. member for West York was uncalled for, as the matter had been fully gone into while the bill was before the Committee.

Atty.-Gen. MACDONALD said that when the bill was before the Private Bills Committee the members were all but unanimous in their opinion that there should be a road on the east side of the Indian line. He did not consider that anything would be gained by referring the bill back to that committee, who had carefully considered the information laid before them and reported favourably of the measure.

Mr. BOYD spoke to the same effect.

Mr. GRAHAME (York) again urged that the bill should not in justice to the representatives of York be hurried through the House and thus allow them no opportunity to state their case before the Private Bills Committee.

Messrs. Blake and McKellar spoke in favour of allowing the bill to stand for a few days.

Atty.-Gen. MACDONALD replied that it was not possible for the Private Bills Committee to obtain any further information about the matter than they already had given them in a clear and concise manner.

On the amendment being put it was declared lost.

The House went into committee on the bill, which was adopted.

#### SALE OF POISONS.

Dr. MCGILL moved, seconded by Dr. BAXTER, that the House do not receive the report of the committee on the bill to regulate the sale of poisons, and respecting chemists, druggists and apothecaries, but that it be referred back to a committee of the whole House with instructions to reinstate clause four in the bill, it having been expunged by the committee. The clause referred to was struck out because it was said to interfere with trade and commerce; but it did not do so in the common acceptance of those terms.

Several members contended that it would be better to receive the report and then refer it back to the committee, if such was the wish of the House.

The report was then received and read; after which Dr. McGill's motion to refer the bill back to the committee was carried on the following division:—

YEAS.—Messrs. Anderson, Baxter, Boulter, Calvin, Cameron, Carling, (London) Carling, (Huron) Carnegie, Code, Corby, Coyne, Craig, (Glengarry) Craig, (Russell) Currie, Eyre, Ferguson, Ferrier, Fitzsimmons, Graham, (Hastings) Grahame, (York) Hooper, Lount, Lount, Lyon, Macdonald, McCall, (Norfolk) McCall, (Elgin) McGill, Matchett, Monteith, Murray, Read, Richards, Scott, (Gray) Scott, (Ottawa) Secord, Smith, (Leeds and Grenville) Strange, Springer, Swinarton, Wallis, Wigle, Williams, (Durham) Wilson, Wood—42.

NAYS.—Beatty, Blake, Boyd, Christie, Clemens, Colquhoun, Cook, Crosby, Evans, Finlayson, Fraser, Lunt, McCall, (Norfolk) McCall, (Elgin) McGill, McDougall, McKellar, McLeod, McMurrich, Oliver, Perry, Read, Sinclair, Smith, (Kent) Smith, (Middlesex), Trow, and Williams, (Hamilton)—26.

The House then went into committee on the bill—Mr. Rykert in the chair—and the committee rose and reported the bill as amended by the addition of the clause which had been previously struck out. It was ordered for a third reading to-morrow.

#### COMMON LAW PROCEDURE.

The House went into committee on the bill to amend the Act to regulate the procedure of the Superior Courts of Common Law, and of the County Courts—Mr. Eyre in the chair.

Hon. Mr. RICHARDS took exception to the clause giving power to attorneys to turn witnesses out of court in any case where they may see fit to do so. It would be better to leave that discretionary power in the hands of the Judge as it was now.

Mr. LOUNT thought the clause very objectionable where it provided that if a witness after his departure from court by order of the Judge should accidentally return before the proper time, his evidence could not be received if the Judge so decided. The result of such an order would be detrimental to the interests of parties in a suit and of justice. He saw no objection, how-

ever, to giving the Judge, at the request of counsel on both sides, power to compel the absence of a witness. Witnesses should not be punished because of the wrong-doing of witnesses.

Hon. Mr. CAMERON supported the clause and said it would work suitably.

Mr. BLAKE said the Commissioner of Crown Lands had conjured up difficulties which did not exist. A Judge should have power to cause witnesses to absent themselves till called upon to give evidence, but this power should only be exercised when parties tendered themselves as witnesses for themselves.

Mr. PARDEE supported the clause, and said the provisions therein were fair.

Hon. Mr. RICHARDS again spoke against the arbitrary power given to the Judge by the clause.

Atty. Gen. MACDONALD did not consider that the fears of his hon. friend, the Commissioner of Crown Lands, of injustice being done to parties in a suit, if the clause passed, were well grounded; and, at all events, he would give it his support.

Mr. RYKERT moved an amendment to the clause, which did not, however, affect it materially.

The amendment being carried, the committee rose, reported progress, and asked leave to sit again.

#### MUNICIPAL INSTITUTIONS.

The House went into committee on the bill to amend the Act intitled "An Act respecting Municipal Institutions in Upper Canada"—Mr. Ferrier in the chair.

Several members took exception to one of the clauses in the bill giving power to County Councils to collect tolls on certain bridges, and Mr. McKellar also gave notice of an amendment to the tenth clause, which he intended to propose.

On motion of Mr. Rykert, the committee rose, reported progress, and asked leave to sit again.

#### INDEPENDENCE OF THE LEGISLATURE.

Mr. ANDERSON moved the second reading of the bill to further secure the independence of the Legislative Assembly. The speaker explained that the object of the bill was to discontinue the practice of appointing members of this House to certain offices unless their resignation had been notified at least six months previously, or until after the dissolution of the House. He might say that in bringing forward this measure he did not intend to cast the slightest reflection on the ministry of the day or on any member of the House; nor did he do so in a party spirit, but simply because it involved a question of great importance, and he had promised his constituents to introduce such a measure, and he hoped it would receive the favourable consideration of the House. The members of the Legislature should be above suspicion, and by passing this bill there would be no ground for the imputations so frequently raised against the integrity or patriotism of members.

Mr. RYKERT raised a point of order. The bill now introduced was similar in principle to the one introduced by the hon. member for South Bruce, and which had been dealt with at an earlier part of the session. The present bill, therefore, could not, according to parliamentary practice, be discussed this session.

Mr. BLAKE said that the point of order raised was not correct. The bill he had brought in was much more extensive in its scope and embraced all offices of emolument whether Parliament paid the incumbents or their salaries came from other sources. The present bill declared that members should not be eligible for such appointments, while his bill did not disqualify members from acceptance of office, but that they should lose their seats if they did so.

The SPEAKER stated that having had his attention drawn to the question he had taken it into consideration and had decided that the principle of the present bill was nearly the same as the former one. He therefore did not consider this bill in order.

#### TAVERN AND SHOP LICENSES.

Mr. ANDERSON moved the second reading of the bill to amend the act intitled "An act respecting Tavern and Shop Licenses." The hon. gentleman explained that the object of the bill was to give mayors of towns where there is no police magistrate the same power under the 25th section of the act that police magistrates have in towns where they exercise jurisdiction, as it had been found in most cases that magistrates were afraid to deal with liquor cases on account of local considerations.

Hon. Mr. WOOD opposed the bill, as he did not think it right to delegate power to men elected annually to decide in liquor cases from which there could be no appeal. If there were men on the commission of the peace who were afraid from local considerations to act in these matters they should have their commissions taken from them.

Hon. Mr. CAMERON took a similar view of the case and hoped that the hon. member for Prince Edward would consent to withdraw the bill.

Mr. ANDERSON said that as the sense of the House appeared to be against the principle in the bill he would allow it to be discharged from the orders.

The bill was then withdrawn.

W., G. & B. R.R. Co.

The House went into committee on the bill to amend the acts incorporating the Wellington, Grey and Bruce railway, and to extend the time for completing the same—Dr. Boulter in the chair.

Mr. SINCLAIR moved an amendment to the fifth clause, to the effect that any by-law passed for the purpose of exempting from taxation should not remain in force for more than a year, instead of for 21 years as proposed by the bill.

The amendment was lost on a division.

Hon. Mr. CAMERON also gave notice of

an amendment which he would move to the seventh clause at a further stage of the bill in regard to the extension to Kincairdine.

In reply to Mr. Blake—

Mr. WILLIAMS (Hamilton) said that the reason permission to change the gauge of the line was asked for was to make it conform to the 4 feet 8½ inch gauge of the Great Western railway, the cars of which would then be enabled to run on the W., G. & B. line.

Mr. BLAKE said his hon. friend had overlooked the fact that the change of gauge from a broad to a narrow one would deprive the road of communication with Toronto and he hardly thought that such was the desire of the Hamilton company (Laughter.)

Mr. WILLIAMS replied that things had changed since the charter was first obtained.

Mr. FERGUSON contended that by altering the gauge it would be like taking money under false pretences, and that was a criminal act. (Laughter.) The Hamilton men had told the farmers that their's was to be a broad gauge road and had got bonuses; now they wanted to change the gauge.

Hon. M. CAMERON gave notice of an amendment to the 7th clause which he intended to move at a future stage of the bill.

The committee rose and reported the bill without amendment and the report was ordered to be received to-morrow.

#### SUGAR REFINERY.

The House went into committee on the bill introduced by Mr. Wallis to amend 33 Vict., cap. 71, intitled "An Act to exempt from municipal taxation for a certain period, a sugar refinery proposed to be erected in the city of Toronto"—Mr. Sinclair in the chair.

Mr. FERGUSON opposed the bill, holding that the principle of exemption in the present case was unjust to other parties whose property would have to be taxed more if taxes were taken off Mr. Aldwell's sugar refinery. He believed in the general principle of non-exemption from taxation and the House would in all probability impose taxes on its officials next week.

The committee rose and reported the bill without amendment, and it having been read a second time it was ordered for a third reading to-morrow.

The House adjourned at 11:30 p.m.