

sufficient information to enable us to make a satisfactory report thereon.

Under the trusts of the settlement made by the late Mrs. Kingsmill, the trustees were to invest the trust funds in "such securities" as might seem expedient to them; this would not give them power to invest the moneys in the purchase of lands, and therefore the purchase of the lands in question does not seem to be warranted by the deed of settlement.

The trustees would have a lien for the amount they advanced, if it has not been repaid; and I would think it reasonable, if there be any need for an Act, that it should specify that the proceeds of the sale were to be applied in payment of the amount advanced by Mr. Kingsmill's trustees, and interest thereon, or whatever balance of this sum may remain unpaid; and that the rest of the purchase money should be held under the trusts of Mrs. Kingsmill's settlement.

If this property is worth a sum of money over and above what is needed to repay the advance made by Mrs. Kingsmill's trustees, it is obviously unfair that this sum should be withdrawn from the trusts of Mrs. Kingsmill's settlement. The result would be as follows:—Say the property is worth five thousand dollars, and there is due to Mrs. Kingsmill's trustees, for the amount advanced by them, two thousand five hundred dollars, there would be a sum of two thousand five hundred dollars remaining after this payment; that sum should go to the trustees of Mrs. Kingsmill's settlement; and under this instrument, Mrs. Kingsmill being dead, Mr. Kingsmill is absolutely entitled to the amount; the effect of the Act would then be to take from Mr. Kingsmill two thousand five hundred dollars which he, or any person having claim against him, would be entitled to, and to settle it upon his children; the unfairness of this is so obvious that I need not do more than call attention to it; on the other hand, if this property be worth only one thousand dollars, and the trustees have advanced upon it two thousand five hundred dollars, or have bought it for Mrs. Kingsmill's trust estate, the Legislature would apparently be sanctioning this breach of trust.

It should be borne in mind that, while the persons apparently interested in estates give their consent to the legislation which is asked, there may be interests outside of those before the House which would be extinguished by granting what is demanded.

The sale from the Building Society to Mr. and Mrs. Kingsmill's trustees—for the same gentlemen represent both estates, appears to have been a private one, and therefore is no test of the pecuniary value of the property, and we are not informed of the fact whether or not the money advanced from Mrs. Kingsmill's trust estate to make this purchase was ever repaid, though, from the facts stated, it may be inferred that it has not been.

It is most unsatisfactory in advising on a matter of this kind, without full information as to all the facts and without having a copy of the instruments, upon the exact wording of which so much depends.

We cannot at present see that it is reasonable to pass the Act here asked for.

Upon being supplied with the information referred to, we may find cause for coming to a different conclusion.

I have the honour to be,

Your obedient servant,

WM. B. RICHARDS,

C. J.

CHARLES T. GILMOUR, Esq.,

Clerk of the Legislative Assembly, Toronto

On motion of the Hon. Attorney-General MOWAT, seconded by the Hon. Mr. CROOKS, it was ordered that the foregoing Reports be entered on the Journals of this House.

BILLS INTRODUCED.

Mr. CROSBY—To prohibit the use of traction engines on the highways of this Province.

SCHOOL LANDS.

Mr. SCOTT (North Grey) asked whether it is intended to extend to settlers on School Lands of inferior value a compensation commensurate with that granted to settlers on ordinary Crown Lands, as unless this course is adopted the proposed relief will be of little use, and the parties residing on School Lands adjoining Crown Lands will have just cause of complaint.

Hon. Mr. SCOTT said that he thought the House was quite aware, from the explanations he had given a few days ago, that it was impossible to deal with the School Lands on a basis as liberal as that adopted with respect

to the Crown Lands. He had stated that for the present the reduction would simply be one-fifth. His hon. friend was aware that there had already been a reduction on the School Lands. They were sold originally for \$2 50—in some exceptional cases the price was higher. They were subsequently reduced to \$2, at which price they remained for twelve or fifteen years. The intention now was to make a uniform reduction of one-fifth till they could see their way perhaps to dealing with these lands in a more liberal way. For the present the subject was so embarrassed on account of the share of Quebec in these lands that it was impossible to be more liberal just now.

DUES ON SQUARE TIMBER.

Mr. MACDONALD asked whether any Order in Council in reference to the increase of duty on square timber in the Ottawa Territory, from a cent and-a-quarter per cubic foot to two cents, which the Commissioner of Crown Lands stated to the House was to be made, has yet been passed. And when it is intended that such increased duty shall attach, and whether it shall be retrospective and affect timber already cut.

Mr. SCOTT said the subject had been under the consideration of the Government, but no Order in Council had been passed. He had notified the agents of the Department that an increase of dues was contemplated, and that no receipt should be given for dues till the action to be taken by the Government was announced. With reference to the latter part of the question, it was quite impossible for him to say what his colleagues might think upon the subject, but was sure they would do what was fair.

TIMBER LICENSES.

Mr. MACDONALD, in resuming the debate on Mr. Rykert's resolutions in reference to the sale of Timber Licenses, said that the importance of the subject was so great, and the interests concerned so weighty, that it was the duty of every man to throw aside all party feeling in the matter, and express his own convictions freely. He himself had no personal or pecuniary interest in the subject, and was altogether free to discuss the question without prejudice. So far as the Commissioner of Crown Lands was concerned, he denied that because the policy of that hon. gentleman was criticized on the Opposition side of the House, any personal attack was intended. His (the speaker's) friends were actuated in their course by a desire to promote sound legislation, uninfluenced by party considerations. He went on to say that, as the member for North Huron had characterized the amendment of the member for South Grey as "clap-trap," he would advise that hon. gentleman to go to school and learn what "clap-trap" really meant; for in reality the amendment was clear and fair in principle. Referring to the rule itself, he said that the advertisement

ordering it was issued before the Order in Council was passed, and that there had been no proper survey of the lands. He was pleased, however, that the Government had not endorsed the sentiments uttered by one of their supporters—that it was possible that higher prices had been paid for some of the blocks than they were really worth, so that much would be gained by not having had the lands well surveyed. Immigration hither from other lands was to be desired, but care should be taken that any measure for the promotion of such did not clash with the other interests of the Province. There were lots of lands other than those in the Huron district that were available for settlers, and the sale was premature so far as the question of settlement was concerned. He had not been able to see the soundness or cogency of the reasons advanced by the Government for the sale of the territory, and he had no doubt that if the question of the sale had been previously submitted to the House and left an open one the sale would not have been countenanced; though had it been considered as a vote of confidence or non-confidence in the Government it might have been supported by their friends. Holding these views he was in favour of the amendment of the member for South Grey; and though he did not expect it would be carried, he thought that the arguments adduced against the Government policy in regard to large sales of timber lands and the condemnation it had met with would have a beneficial effect hereafter.

Mr. ARDAGH said the motion was at least an implied censure on the Government, and unfortunately on that account anything that might be said *pro* or *con* would have very little effect in changing the votes to be given by any but the few independent members like himself. He was sure there had been no intention on the part of the