

# LEGISLATURE OF ONTARIO.

## SECOND PARLIAMENT—THIRD SESSION.

MONDAY, Jan. 12.

The Speaker took the chair at 3 o'clock.

### PETITIONS.

Mr. Cameron presented a petition praying for an Act of Incorporation for the Ancient Order of Foresters' Friendly Society.

Mr. Boulton presented the petition of Mr. F. C. Capreol, praying for the appointment of a delegate to the Washington Convention respecting cheap transportation to the seaboard.

Mr. Gow presented the petition of John Harris *et al.*, for aid to the St. Joseph's Hospital and Asylum of Guelph.

Hon. Mr. McKellar presented the petition of H. J. Hubertus *et al.*, for incorporation of the Ottawa and Parry Sound Railway Company.

Mr. Meredith presented a petition from the City Council of London, praying for an Act to amend a certain agreement between the London and Port Stanley Railway Company and the Great Western Railway Company.

Mr. Rykert presented the petition of John Roirdan *et al.*, for an Act to incorporate the village of Merriton.

Mr. Bishop presented petitions from the County Council of Huron, praying (1) for amendments to the School Law; (2) for amendments to the Municipal Act; and (3) for amendments to the Assessment Act.

Mr. McCall presented the petition of John Charlton *et al.* praying for an Act to incorporate the Homœopathic College of Physicians and Surgeons of Ontario.

### DEBATE ON THE ADDRESS.

On the Orders of the Day being called,

Mr. MERRICK resumed the debate on the Address. Referring to the argument of the hon. member for Stormont, he said he entirely dissented from the opinions of that hon. gentleman, and asserted that the reasons set forth in the case of the reservation of the Prince Edward Island Orange Bill were also good in this case. He cited from the instructions to the Governor General to prove that the reasons of the Government for reservation should accompany the Bills reserved, and referred to the case of several Bills passed in the time of Sir Edmund Head, which had formerly been disallowed, but were then assented to. Unless the Government announced in the House that there were constitutional grounds for refusing the sanction of the Governor to certain Bills, he held that it was an infringement of the liberty of the people for the Government to reserve any Bill after it had passed the House by a majority. If the Government were opposed to the incorporation, and were unable to control the House upon the subject, they should have resigned their places. He declared that he was not prepared, as representing the Orangemen, to accept the proposed general law for the incorporation of societies, and stated it as his belief that even in this way the body would never get the benefit of a corporate existence. They would have to go before the Governor-in-Council, and be subject to scrutiny and trouble to which they would never submit. He charged the Government with being influenced by a hidden power, which, notwithstanding the promises of the Premier, had prevented the Government from as yet proposing any remedy for the injustice to Protestants arising from the present Marriage License Law. He contended that the Government in both those matters were subject to the dictation of a power which was adverse to the interests of Orangemen, and he called upon all members of the Order to vote against them upon this question, if they wished to be true to their brotherly bonds. He declared his intention of voting for the amendment.

Dr. CLARKE maintained that Orangeism was calculated only to continue the strifes which were engendered at other times in the mother land. He glanced at the history of the Order, and said he could not accord to the friends of Orangeism honesty of purpose in pushing the question to the utmost limit as they were doing, and in exhibiting a determination not to be satisfied with any legislation but that which they desired. With regard to the constitutionality of the

action of the Government, he considered the digest of the law upon the subject made by the hon. member for Stormont as clear and comprehensive, and none of the legal gentlemen on the other side of the House had controverted the case as laid down by the gentleman he had referred to, and by the Attorney-General. He was of opinion that it was a case which ought to have been referred to the Governor-General, and he trusted that every act of the Government would be as free from unconstitutionality as was the one in question. He would regret even if, by this loop-hole, Orangemen could obtain a corporated status in the land. He denied that the Order was of any benefit to the country, except as a charitable institution, and he referred with warmth to the ill-feeling and divisions it created amongst certain classes of Canadians. "Canada First" should be the motto of every Canadian, and he regarded the objects of the Society in question as inapplicable to this age, and particularly this country. The only object of the Order which was not behind the age was that of charity, and he thought the Government should be sustained on its action in this question.

Mr. MEREDITH, in opening his remarks, said they had nothing to do with the question of the propriety of incorporating the Orange body; but the question before the House was whether, the Orange Bills having been passed through all the stages by a majority of the members, the Government were justified in reserving them for the signification of the pleasure of the Governor-General. He contended that the Queen was not a member of the Government of this Province, which was composed, according to the Act, of a Lieut.-Governor and the House of Assembly. He charged hon. members upon the Government benches with inconsistency, looking at their action in this matter in the light of their recent expressions of opinion upon a Dominion question involving the discussion of the extent and power of the Constitution. He asserted that the Government of Sir John A. Macdonald, although they might have been wrong in the action they took in regard to those Bills, were not responsible to this House for that action, and it was therefore to the gentlemen who were directly responsible that this House had to look—these gentlemen that this House had to condemn, if condemnation were necessary. That it was, he was clearly and distinctly of opinion. He denied the right of the Government to reserve any Bill passed by a majority in this House for the pleasure of the Governor-General, and contended that upon the subjects covered by the Act of Confederation, or not excluded by that Act, the legislation of the Provincial House was binding and final. He, therefore, declared it his intention to vote for the amendment of the hon. member for North York.

Hon. A. CROOKS, in criticizing the observations of the hon. member for East Toronto, said that hon. gentleman's object was principally to enlist an unkind feeling against His Excellency's advisers for the course they had taken with regard to this Bill. He had also made use of very strong language, for which he was properly rebuked during the remainder of the session. The amendment to the amendment simply asked for the concurrence of the House in the course adopted by the Government in advising His Excellency to reserve these Bills for the signification of the pleasure of the Governor-General. The question upon the amendment did not in the slightest degree involve the consideration of whether the House was not fully justified in passing the Bills through their various stages. Nor did it assume to submit to the House any other question but the constitutionality of reserving these Bills. After glancing briefly at some of the arguments of the hon. member for East Toronto which he considered inapplicable, he (Mr. Crooks) regarded it as clearly the duty of the Executive to advise the reservation of these Bills for the signification of the pleasure of the Governor-General, and that the passing of the Bills would have been contrary to the Queen's instructions. He referred to the fifth section of the British North America Act, which provided that the Governor-General should reserve any Bill passed in the Dominion Legislature, of a character which had been previously disallowed by Imperial authority, for the signification of Her Majesty's pleasure, and afterwards alluded to the provision regulating reservation of Bills from the Provincial Legislatures for the signification of the pleasure of