

ONTARIO LEGISLATURE.

Second Parliament — Third Session.

WEDNESDAY, March 18.

The SPEAKER took the chair at 11.20.
EXECUTIVE COUNCIL.

Hon. Mr. MOWAT introduced a bill respecting the Executive Council, which was read a first time.

SOLEMNIZATION OF MARRIAGES.

On the motion of Hon. Mr. MOWAT the bill respecting the Solemnization of Marriages was read a third time and passed.

ADMINISTRATION OF JUSTICE.

On the motion of Hon. Mr. MOWAT the House went into Committee on the following resolutions recommended by his Excellency to the consideration of the House :

That it is expedient, that the payment of certain fees and expenses should be provided for, in order to carry out the provisions of the bill to make further provisions for the due Administration of Justice, as follows :

1. No rehearing, as mentioned in the 17th section of the said bill, is to take place until and unless the party rehearing shall first deposit in the hands of the proper officer of the Court in which the cause or matter is pending, the sum of thirty dollars, by way of security for any costs of the rehearing which he may be ordered to pay, unless dispensed with by an order of a judge in chambers. (Sec. 18.)

2. The Lieutenant-Governor in Council may, from time to time, fix the fees to be taken by constables for services rendered by such officers in the administration of criminal justice, or in any proceedings had before coroners or justices of the peace. (Sec. 67.)

3. For examining and noting service of jurors, the Clerk of the Peace shall be entitled to the sum of _____ per hundred names, for each year for which such examination shall be made. (Sec. 76.)

4. From and after the first day of July next, no fees or charges shall be payable for the benefit of the Crown upon any proceedings had in any County or Division Court, and so much of any Act or Acts as imposes any such fee is hereby repealed. (Sec. 89.)

5. The authority conferred by the Act passed in the thirty-second year of the reign of her Majesty, and chaptered twenty-three, upon the Board of County Judges, shall extend to the substitution of other fees to be paid to the clerks and bailiffs of Division Courts in lieu of fees payable to them under any statute. (Sec. 89a.)

6. The like fees as are now payable in the Superior Courts of Law to the clerk of Judges' Chambers at Osgoode Hall, to the clerk of the Practice Court, and to the clerk of the Heir and Devisee Commission respectively, in respect of proceedings had at Chambers, in the Practice Court, or before the said Commission, shall, subject to the provisions of the Act passed in the twenty-seventh and twenty-eighth years of the reign of her Majesty, and chaptered five, section twenty-one, be hereafter payable to the Crown, and shall be paid in stamps to be affixed and cancelled under the said last mentioned Act, and the Acts amending the same; and unless specially authorized, no person holding either of said offices, shall hereafter take for his own use and benefit, directly or indirectly, any fee or emolument whatsoever, save the salary to which he may be entitled by law; and all the fees received for, or on account of the said offices, shall form part of the Consolidated Revenue Fund of this Province. (Sec. 90.)

7. It shall be lawful for the Lieutenant-Governor in Council to direct payment to William B. Heward, Esquire, as the clerk in Chambers and Practice Court, and of the Heir and Devisee Commission, in lieu of the fees heretofore received by him for his own use, of an annual salary not greater than \$1,800.

Hon. Mr. MOWAT explained that he proposed leaving out the first resolution and to fix the annual salary of Mr. W. B. Heward, the Clerk in Chambers and Practice Court, at \$1,800.

Mr. RYKERT suggested that the salary

of Mr. Heward be fixed at \$2,000 a year, as the fees he received amounted to a much larger sum.

A discussion ensued, in which Messrs. Gibson and Currie accused the Opposition of inconsistency in proposing the increased amount to Mr. Heward, after they had criticised the conduct of the Government in raising the salaries of its officials.

The expunging of the first resolution was agreed to, and the Committee rose, and reported the resolutions as amended.

The resolutions were then referred to the Committee on the Bill to make further provisions for the administration of justice.

VOTERS' LISTS.

Hon. Mr. MOWAT moved the second reading of the bill respecting voters' lists. He explained that the object of the bill was to secure the placing upon the voters' lists the names of all those who were entitled to vote, and to prevent any registration of persons who had not legal votes. At present the voters' lists were taken entirely from the assessment roll as last revised. Alterations in the assessment rolls for the purpose of correcting the voters' lists could not be effected. One of the objections to the existing system was that two often the Court of Revision assumed a political character, sometimes of one side of politics, and sometimes of the other. The same was the case with the assessors. He did not make any charge against these officials, but it was alleged by both parties that persons were left off, or put on the assessment rolls for the purpose of affecting the voters' lists. Again, the state of the voters' lists was often not known till the day of the elections, and persons who, up to that time, thought they had votes, discovered they had none at all. The question was how to remove this difficulty. The English system was to employ a revising barrister, whose duty it was to consider and determine all questions with regard to the right of voting. A similar plan was adopted in the bill brought in by the late Government of the Dominion Parliament. He (Mr. Mowat) proposed that instead of employing a revising barrister, the services of the County Judge should be utilised. A revising barrister appointed by the Government of the day would never secure public confidence. He also proposed that an alphabetical list should be prepared by the clerk, which list should be subject to revision under a simple process by the County Judge. It would be the duty of the Clerk to have the lists printed and posted up, and he proposed that copies should be sent to every member of the Municipal Councils, to every Postmaster, to the Treasurer of the municipality, the County Sheriff, the County Judge, the Clerk of the Peace, the members of the Local House and the House of Commons, and to the unsuccessful candidate for whom votes were given at the last election, and in fine, to all persons to whom it would be proper to apply for information in regard to the voters' lists. If no objection was made to the voters' list, then it should be considered complete, and the revision for which the bill provided should not take place. The bill also provided for affording facilities for the production of witnesses before the Judge, and also contained penal enactments in regard to votes obtained by false and spurious returns of bogus property.

Mr. RYKERT thought the bill a move in the right direction. He thought, however, that the clerks should be required to return the voters' lists before the 15th of August.

Mr. BOULTBEE approved of the general principle of the bill, as the revision under the whole system was productive of great evils.

Mr. PRINCE made some remarks.

Mr. DEACON thought the bill should meet with the approval of both sides of the House. He wished to know whether the revision of the Judge was to be considered final to all intents and purposes.

After some further expressions of approval from other members, the motion was carried, and the bill read a second time.

SUPPLY.

On the motion of the Hon. Mr. CROOKS the House went into Committee of Supply.

The following items, making up the sum of \$176,481.82, under the head of Miscellaneous Public Works, were passed :—

Washago Channel to Wharf.....	\$ 1,000 00
Sydenham Road Improvements..	644 74
Muskoka Falls, Rock Excavation.	4,565 36
Lock between Mary's and Fairy Lakes.....	18,980 69
Ryerson Road works.....	511 34

On the item of \$8,279.73 for Settlers' Homestead Fund,

Mr. RYKERT asked whether it was true