

ONTARIO LEGISLATURE.

FIRST SESSION — THIRD PARLIAMENT.

FRIDAY, Dec. 30

The Speaker took the chair at three o'clock.

PETITIONS.

Mr. Hodgins—Of W. Shackleton, of Chatham, for an Act to authorize him to practice as a P. L. Surveyor.

Mr. Hodgins, 2; Mr. Monk, 1; Mr. Lauder, 1; Mr. Scott, 1; Mr. Bell, 1—From inhabitants of Thunder Bay District, for an Act to separate certain townships from the municipality of Shuniah.

Mr. Bell—Of the Central Station and Warehousing Company of Toronto, for an Act to amend their Act of Incorporation.

Mr. Patterson, (Essex)—Of the Township Council of Maidstone, for certain amendments to the Assessment Act.

REPORTS.

Mr. Deroche presented the first Report of the Committee on Standing Orders.

Mr. Clarke (Wellington) presented the first Report of the Standing Committee on Printing.

The Reports were received.

BUILDING SOCIETIES.

Mr. MOWAT introduced a Bill to make further provision for Permanent Building Societies. He explained that the Dominion Parliament had passed a Bill, the most of whose provisions had been found to be outside its jurisdiction, and he intended to embody in this Bill its leading features.

The Bill was read the first time.

BILLS INTRODUCED.

Mr. Meredith introduced Bills to enable the Law Society to admit E. T. Essery and Fred. Rowell to practise as Barristers-at-Law.

Also—A Bill to incorporate Waterloo as a town.

Mr. Dawson introduced a Bill to incorporate the Prince Arthur and Kaministiquia Railway.

Mr. Ferris introduced a Bill to amend the Act passed by the Parliament of Canada, in the 23rd year of Her Majesty's reign, cap. 98.

RETURNS.

Mr. WOOD presented the following returns:—

Of bonds and securities of public officers filed in the Provincial Secretary's office in 1874.

Relating to the distribution of the Statutes of Ontario.

Showing the receipts of Crown Land Officers in 1875.

Repairs upon, and maintenance of, Parliament Buildings from 1867 to 1875.

ASYLUMS AND PRISONS.

Mr. LAUDER asked when the report of the Inspector of Asylums and Prisons, which had been promised on Wednesday, would be brought down. It was important that the information it contained should be before the House in making the appropriations for 1876.

Mr. WOOD said he had promised it for Wednesday on the strength of a promise given by the printers, but some more pressing work had intervened, and it would now, he expected, be distributed on Monday.

SUPPLY.

On motion of Mr. CROOKS the House went into Committee of Supply, Mr. Clarke (Wellington) in the chair.

On the item Court of Queen's Bench, Mr. CROOKS explained that it had been found necessary to re-engage an assistant clerk of process, at a salary of \$500, the clerk having been paying the salary for such an officer out of his own pocket for some time.

The item, Queen's Bench, \$9,020, passed, as did Court of Common Pleas, \$5,110.

On the item, Superior Judges and Court of Appeal, \$16,410.

Mr. MOWAT said it had been hoped at first that one Registrar would have been able

to perform the duties both of the Court of Chancery and that of Error and Appeal, but this had been found impracticable, hence the increase of \$2,000 under this head.

Mr. LAUDER objected to the sum of \$13,000 as allowances to the Superior Judges granted by 33 Vic., cap. 5, Ontario Statutes. Mr. Blake had taken very strong ground against Ontario paying salaries as allowances to Dominion officers. After the disallowance of the old Act the one had been passed under which this money was allowed to be appropriated to the judges as Commissioners to consider appeals from the Crown Lands Department and as judges of the Heir and Devisee Court. He asked for an expression of opinion from the Government on the question as to whether the Province was to continue paying the judges.

Mr. MOWAT said that he found the statute existing when he acceded to office; and it was one thing to question an Act at the time it was passed, and another to repeal an Act at a subsequent day. The people were anxious to secure the best talent for the highest judicial offices, and it was therefore necessary to pay the judges liberal salaries. If the additional \$1,000 a year to each judge had not been paid, the Province would most probably not now have possessed the services of any of the present judges of the Court of Error and Appeal. Those judges had also acted as Commissioners of the Court of Heirs and Devisees, and had also acted on the work of consolidating the statutes. If all the judges of the Province were to be accorded by the Dominion Government similar additional allowances to those made by Ontario, the payment would press more heavily on this Province than the payment of the allowance by the Legislature.

Mr. MEREDITH asked if payment of additional allowances to judges other than those of the Court of Error and Appeal was authorized by the statute of 1869.

Mr. MOWAT replied that, in effect, all the judges could sit as judges of the Court of Error and Appeal.

Mr. MEREDITH enquired if any appointment had yet been made to the position of Registrar of the Court of Appeal.

Mr. MOWAT replied in the negative.

Mr. MACDOUGALL thought that the judges of the smaller Provinces should not receive the same salaries as the judges in the same position in the larger Provinces. As the surplus of expenditure of the Dominion was derived from Ontario, no saving would be effected by the Province in having the additional payments made by the Ottawa Government. The appearance of the item for additional allowances in the estimates was a complete vindication of the action of the Sandfield Macdonald Government in granting the increase to the judges' salaries.

The item was passed.

On item, \$132,000 for criminal justice,

Mr. CROOKS explained that the increased appropriation of \$11,000 arose from the increase of crime. The number of days' maintenance of prisoners was 15,000 more than in 1874, which caused a much larger expenditure than formerly. The cost of transferring prisoners from gaols to penitentiaries was also larger than previously. The increase of \$1,000 in Crown Counsel prosecutions was due to the grave character of many of the cases coming before the Courts. An additional vote under this general head would be required to be taken in the supplementary estimates.

Mr. MOWAT said the rule was that the supplementary estimates would include any extra expenditure required under this item.

Mr. MACDOUGALL (Simcoe) said there was no doubt some increase in crime, but he hoped there would not be a necessity for the large increase asked for. He thought local lawyers, such as the County Attorneys, ought to be able to perform the duties of Crown Counsel, instead of friends of the Government being employed for the purpose.

Mr. MOWAT pointed out that there had been a gradual increase in the amount asked for under this head. It had always been the practice to appoint as Crown Counsel gentlemen other than County Attorneys. The judges had suggested that it was desirable that the County Attorneys should not be the Crown Counsel. The ablest men at the Bar were in the habit of going to all parts of the country to defend prisoners, and it was therefore necessary to have able men to conduct the Crown business. Besides that, it was desirable that the Crown