

ONTARIO LEGISLATURE.

FIRST SESSION — THIRD PARLIAMENT

TUESDAY, Jan. 18.

The Speaker took the chair at 3 o'clock.

REPORTS.

Mr. Fraser presented the fifth report of the Private Bills Committee.

Also, the Fourth Report of the Railway Committee.

BILLS INTRODUCED.

The following Bills were introduced, and read the first time:—

Mr. Wills—To facilitate the formation of joint stock companies for the manufacture of butter, cheese, and other dairy products.

Mr. Creighton—To enable women to vote at municipal elections, and on by-laws requiring the assent of the electors.

Mr. Deroche—Respecting the Streetsville and Port Credit Railway Company.]

ORANGE INCORPORATION.

Mr. MERRICK gave notice that he would to-morrow move that the report of the Committee on Private Bills be referred back to the Committee with instructions to declare the preamble to Bill No. 64, respecting the incorporation of the Loyal Orange Association of Western Ontario proven.

PAYMENT OF WITNESSES IN CRIMINAL CASES.

Mr. MOWAT moved the first reading of a Bill to provide for the payment of criminal witnesses. He said that he might remind the House that at present some witnesses were paid in criminal prosecutions, namely, those who came under the class of indigent witnesses. Though there was no express enactment for the payment of many witnesses who were now paid, there had been a degree of liberality in construing the statute in that respect, so that in reality many were now paid who could not really be called indigent witnesses. He went on to point out the difficulties which had been encountered in framing the measure. One of these difficulties was as to the classes of witnesses to which the law should apply. If they had such an act it must apply to cases of treason and felony, but it was very difficult to draw the line beyond these at which they should stop, without including all offences of a criminal character under Provincial and Dominion Acts. If they did not draw the line somewhere, those who had large experience in these matters assured him that the number of cases would be enormously large, and they all knew how large a class of cases which were called misdemeanours did not possess a criminal character. Such cases were very numerous, and they would be likely to increase if they provided for the payment of all witnesses who might be summoned to give evidence in them. What they would like to do would be to make provision for the payment of criminal witnesses in cases of crime according to the popular signification of the term. He thought it extremely doubtful if it would be expedient to go beyond treason and felony, which would embrace about five-sixths of those cases in which witnesses for the Crown should receive pay. Another question was, how far, and before what Courts, they should authorize the payment to be made. The conclusion they had arrived at was that witnesses in the Courts of Common Law, Oyer and Terminer and General Gaol Delivery, General Sessions, and County Judges' Criminal Courts should be paid, excluding those who attended as witnesses in cases before Justices of the Peace in matters which were under their jurisdiction. If they found it desirable to alter the law hereafter it could be done much more easily in extending the cases in which payment should be made than in lessening them. In 1874 the total number of witnesses summoned to attend County Judges' Criminal Courts throughout the Province had been 2,235; the total number attending the Assizes and Sessions, 4,219, or in all, 6,454. Adding others who might be supposed to come within the operation of the law the number might be increased to say between 7,000 and 8,000. This would give hon. gentlemen some idea of the sum that would be required to meet the expenditure, taking the average at \$5 each. Another question was as to who should make the payment, and upon this subject there had been great differences of opinion, some thinking

that the time had come when all such expenses should be defrayed by the localities. This was the practice, he believed, in England and in some of the American States. Another method was for the whole amount to be paid out of the general revenue. To this plan he thought there were several objections, one of them being that so close a check upon payment could not be exercised as when payment was made by the localities. They had also to look at the future, as our revenue was to a very large extent fixed, and it was not desirable to put charges upon general revenue which might be defrayed by localities. Another mode was to have a portion paid from the general revenue, and a portion by the municipalities, this being in accordance with the plan now followed with regard to other expenses connected with the administration of justice. They had made a rough estimate of the proportion to be paid by each, and had found it to be about one-third by the general Government and two-thirds by the localities. The conclusion they had come to on the whole was that it would be best to follow the plan as nearly as possible now followed with regard to the other expenses of the administration of justice. The Bill was not a very long one, and it contained such clauses as were necessary to carry out the provisions he had named.

In answer to Mr. Scott,

Mr. MOWAT said it was not intended to pay witnesses in cases of felony in the preliminary investigation before the Justices.

In answer to Mr. Merrick,

Mr. MOWAT said the Government did not intend to alter the law in reference to the payment of witnesses for the prisoner. No Government could stand such an expenditure as would be required to pay all the witnesses for prisoners.

PUBLIC ACCOUNTS.

Mr. GOW presented a report of the Public Accounts Committee, asking for a reduction of the quorum from nine to seven.

Mr. MACDOUGALL complained that the motion to submit questions to sub-Committees had been defeated in the Committee, and the result was that as a Committee of investigation it was a failure.

Mr. GOW said both parties had been anxious to have a thorough investigation. One party thought the best way would be to have sub-Committees, the other that it would be best to have the enquiry in the full Committee. It would be very wrong for any gentlemen to withdraw because their view was not adopted. Such a course as that would cause the disruption of all the Committees.

Mr. LAUDER advocated a change in the end of the financial year. It was understood when so large a Committee was appointed that the object was to have sub-Committees appointed.

Mr. WOOD denied that there was any such understanding. The Committee had not objected to the appointment of sub-Committees on questions of minor importance, but had felt that the more serious matters should be dealt with by the whole Committee.

The report was adopted.

MATTERS OF ADMINISTRATION.

Mr. MOWAT introduced a Bill respecting certain administrative matters therein mentioned. He stated that the Bill contained three clauses, which related to as many subjects. The first clause proposed to relieve the Lieutenant-Governor, when he desired, from the necessity of signing certain documents by giving him power to appoint a Deputy Governor similar to that possessed by the Governor-General under the British North America Act and under his commission. The signing of marriage licenses, for instance, was a very onerous duty, sometimes occupying several consecutive days, while marriage certificates were not signed, and in like manner when his Honour was absent there were documents of a routine and formal character which it was inconvenient to leave unsigned. During the illness of the late Governor great inconvenience was experienced in this respect. He proposed not to interfere with the duties of the Lieutenant-Governor as defined by the British North America Act, but to confine the operation of this measure to those matters which were within the legislative authority of this House. With regard to the second clause, it had been found that from the increase of business in the courts increased accommodation was required at Osgoode Hall. The amount in the hands of the Court of Chancery had increased from something like \$80,-