

ONTARIO LEGISLATURE.

THIRD PARLIAMENT—SECOND SESSION.

MONDAY, Feb. 19.

The Speaker took the chair at 3 o'clock
THIRD READINGS.

The following Bills were read the third time and passed:—

To enable the Corporation of Cobourg to aid certain manufacturing establishments—
Mr. Hargraff.

To incorporate the city of Brantford—Mr. Hardy.

CITY OF TORONTO BILL.

Mr. BELL moved the House into Committee of the Whole upon the Bill respecting the City of Toronto, the Toronto Water-Works, and other matters, explaining that certain amendments were to be made in accordance with an agreement which had been come to between the Corporation and the representatives of the two Gas Companies.

The House went into Committee on the Bill, and adopted the proposed amendments.

Mr. HODGINS moved an amendment providing for the election of the Mayor of Toronto by the Council, remarking that if it was right for the County Councils to elect their presiding officer from among themselves, no objection could be taken to the City Council having the same privilege. The Speaker of the Legislative Assembly was elected by the members of the House, and the universal practice among deliberative assemblies seemed to be the same.

Mr. BELL said the law at one time provided for the election of the Mayor by the City Council, but the alteration had been made in accordance with the petition of the citizens. No petition from the people had ever been made for a return to the old system, and it would be dangerous to accede to the wishes of the City Council where these did not agree with those of the citizens.

Mr. ROBINSON opposed the amendment.

Mr. O'DONOGHUE considered it would be unfair to the people to take away from them the right of electing their own Mayor. The people had not asked the House for this legislation, and it would be wrong to pass the resolution.

Mr. MACDOUGALL (Simcoe) could see no analogy between the election of a Mayor of a city and that of the Warden of a county. The only argument that weighed with him was that advanced stating that a better class of men would be elected to the Council if the old system were returned to. But no evil had been shown to arise from the present system, and it would therefore be inexpedient to pass the amendment.

Mr. CROOKS said he was one of those responsible for bringing about the present system. The City Council might elect a Mayor who did not possess the confidence of the community, while under the present system that officer would be generally the choice of the majority of the citizens. The law had not been long enough under test to decide whether it did work well or not. If elected by the Council the Mayor would be influenced to favour the interests of the particular ward he represented.

Mr. CAMERON said he did not think that a privilege once given to the people should be taken away till it was shown it was abused.

Mr. HODGINS said the Council were the representatives of the people, and that body had petitioned for the change. As to the functions the Mayor had to discharge they were simply those of a presiding officer.

The motion was carried by 30 to 29.

The Committee rose and reported the Bill with amendments.

PEOPLE'S GAS COMPANY.

The House went into Committee of the Whole on the Bill to incorporate the People's Gas Company.

Mr. BELL moved an amendment to the effect that the provisions of the Bill should be subject to clause 13 of the Bill respecting the city of Toronto, the Toronto Water-works, and other matters.

The Bill was reported with amendments.

ESTATES OF INTESTATES.

On the motion for the third reading of the

Bill respecting the Administration of Estates of Intestates dying without known relatives in Ontario.

Mr. CAMERON moved the reference of the Bill to Committee of the Whole, with instructions to amend by providing that the Government shall not interfere with the property of any other intestates than those having no known relatives.

Mr. MOWAT contended that it was the duty of the Government to preserve the property of intestates and prevent its being wasted when the heirs could not be readily communicated with, and no one was present to look after their interests. The evil was one which had very frequently come under his notice as Attorney-General.

The House divided on the amendment, which was lost:—Yeas, 25; Nays, 43.

YEAS.—Messrs. Bell, Boulter, Broder, Cameron, Code, Coutts, Creighton, Deacon, Fleisher, Grange, Kean, Macdougall (Simcoe), McMahon, McRae, Merrick, Monk, Moxley, O'Sullivan, Patterson (Essex), Preston, R. s. v. Wigs—25.

NAYS.—Messrs. Appleby, Baillet-Latour, Barter, Bethune, Bishop, Bonfield, Chisholm, Clarke (North), Clarke (Wellington), Cole, Crooks, Dawson, Deroche, Ferris, Fraser, Gibson, Graham, Grant, Hardy, Hargraff, Harkin, Hay, Hodgins, Hunter, Lane, Lyon, McCraney, Maasie Miller, Mowat, Pardee, Patterson (York), Parton, Robinson, Ross, Sexton, Sinclair, Spritzer, Striker, Widdifield, Williams, Wilson, Wood—43.

The Bill was then read the third time.

TORONTO STREET RAILWAY COMPANY.

Mr. CAMERON moved the House into Committee of the Whole on the Bill respecting the Toronto Street Railway Company.

Mr. FRASER took the point of order that the amendments proposed were in excess of the notice given in the Ontario Gazette and local papers, inasmuch as they proposed the substitution of a clause for one which it was proposed to repeal, whereas the notice only stated the intention of proposing an amendment for the repeal of a sub-section in the present Act.

Mr. CAMERON said that the practice of the House had been that Bills might be completely changed from their original shape as stated in the notice.

Mr. PARDEE said that the intention of the sub-section which it was proposed to substitute for the one to be repealed was only to make clear what would be the force of the Act without the present sub-section or the one which it was proposed to put in its place.

Mr. BETHUNE said that the intention of the rule of the House which had been referred to was to give those interested in Bills full opportunity of discussing them *pro and con*. In the present case, there had been the fullest discussion on behalf of both parties. If by a technical objection of this kind a Bill could be thrown out at the close of the session, then the sooner the rule was done away with the better. (Hear, hear.)

Mr. BELL hoped that after the very full discussion of the Bill in the Railway Committee it would not be thrown out on such an objection as the one taken by the Commissioner of Public Works. He thought the House should have power to order the suspension of a rule in such cases as the present.

Mr. FRASER said that when rules were carefully framed they should be observed. For his own part, he had taken the objection without any suggestion from, or consultation with any one. He believed the Bill was unjust to the Railway Company, and believing that would oppose it at every stage, as he felt it would be his duty to do so.

Mr. MACDOUGALL (Simcoe) remarked that the very same objection as that taken by the hon. Commissioner of Public Works might be taken against at least two thirds of the Bills passing through the House, as fully that proportion were altered in essential particulars in passing through the Standing Committee.

The SPEAKER said—I do not agree with the hon. member for South Simcoe that the objection is taken too late. There are numerous instances in the journals of the objection being taken at this stage. I do not think, however, it is for the Speaker to take upon himself the responsibility of sending a Bill back to the Committee on Standing Orders. That would be a very serious responsibility indeed, and one which I will not assume, unless it were clearly forced upon me. The Speaker may decide upon the course to be adopted, and even indicate his own opinion, but it is for the House to order in a case like this. The Speaker referred to a case which occurred in March, 1865, respecting the Cobourg and Peterboro' Railway, when, the Speaker having pointed out