

ONTARIO LEGISLATURE.

Fourth Parliament—First Session.

LEGISLATIVE ASSEMBLY,
Toronto, Feb. 19.

The Speaker took the chair at three o'clock.

PETITIONS.

The following petitions were presented:—

By Mr. ———Praying that the sale of intoxicating liquors may be prohibited on holidays.

By Mr. Kerr—From the City Council of Stormont, Dundas, and Glengarry, asking for aid to build a bridge.

By Mr. McKim—From the Town Council of Mount Forest, against the Bill abolishing market fees.

REPORT AND RETURNS.

Mr. HARDY presented the report of the Commissioner of Agriculture and Arts for the year 1879.

Also—A return showing the cases in the County Courts argued and adjourned for judgment in 1878.

Also—A return showing the aggregate fees received by each judge of the County Courts of the Province who is also a surrogate judge.

Also—A return respecting University College, Toronto.

Also—A return of correspondence between the Government of the Province of Ontario and the Government of the Dominion regarding the Boundary Award.

PERMANENT BUILDING SOCIETIES.

Mr. MOWAT introduced a Bill entitled an Act for the Relief of Permanent Building Societies.

Mr. MEREDITH said as these societies had been expecting this measure for some time, it would be well for the Attorney-General to explain its provisions.

Mr. MOWAT said it was probably well known to most members of the House that a number of actions had been brought against these societies for failure to send in the returns and affidavits required by the Dominion and Provincial Governments respectively. It seemed that in some cases the forms which had been sent out by the two Governments did not quite cover the whole ground which the statute provided for, the Departments which had the matter in charge having misapprehended a little the full extent of what was required by the statute. In some cases there was not an exact, though there was a substantial, compliance with the requirements of the Act. Very heavy penalties might be recovered by anybody who chose to enter an action for every day the return was delayed; and it seemed reasonable, since these Companies had been misled by both Governments, that these actions, involving enormous sums of money, should be stayed. There were precedents in England for the course which he proposed to take, and in all these cases the costs incurred by the prosecutor were allowed, and that course would be provided for in the present Bill. It was found, too, that the present affidavit of verification was altogether too stringent, that in fact it required details to which the Companies could not possibly make oath.

Mr. MEREDITH said, as he understood it, the parties had not at all been misled by the Dominion Government with reference to the affidavit, but only by the Ontario Government, as it did not include what was required by the statute.

Mr. MOWAT said he had numerous interviews with the various parties affected, and they had given him to understand that neither the Dominion nor the Provincial forms complied with the Act.

Mr. GIBSON (Hamilton) said that he believed that the Ontario form was faulty in not going far enough, and that the Dominion Government did not require any form.

The Bill was read the first time.

FREE GRANTS.

Mr. PARDEE moved the third reading of the Bill to amend the Free Grants and Homesteads Act.

Mr. MEREDITH moved in amendment

that the Bill be not now read the third time, but that it be referred back to Committee of the Whole forthwith, with instructions to amend it by providing that settlers who have already entered upon free grant lands, and have not located upon but who shall locate upon such lands within three years of the passing of this Act, shall have the option of receiving either patents giving them the right to Crown timber which is given by the existing law, or the rights which are proposed to be given by said Bill. He remarked that it had always been the policy of the Crown Lands Department to recognize the rights of squatters upon free grant lands. There were several townships in the Parry Sound and Muskoka Districts almost entirely taken up by persons who were not locatees, and he thought they should adopt the amendment he proposed as being but a recognition of their rights.

Mr. PARDEE said the hon. gentleman proposed to treat those who had no rights to their lands in a more favourable manner than those who were yet to go into these territories; in other words, that those who should go in during the next three weeks should have rights which would not be enjoyed by those who should go in thereafter. It would be utterly impossible to conduct the Crown Lands Department if any such option were allowed, for they might have 10,000 or 15,000 settlers who would come forward and say, "We will take our patents in this way," and as many more who preferred to take them in another way. No attempt had been made by the hon. gentleman to show that the Bill was going to interfere with the interests of the settler, and he most certainly should have done so before proposing an amendment at once so loose and so sweeping. He challenged the hon. gentleman to point out a single respect in which the Bill would interfere with the rights of the settler or of the squatter who might become a locatee, for the fact was that the Bill proposed to give back to the settlers what was equal to one-half of the net revenues of the Province from this source. (Hear, hear.)

Mr. BOULTER favoured giving the settlers their choice of location. The Bill before the House would not give satisfaction. Settlers already on their land had gone in under the old regulations, and, finding themselves misled, they would leave the country. He thought it would be well to postpone the passing of the Bill at present.

Mr. MILLER thought the Act was in the interest of the people, and that under its working they had received greater advantages than would be obtained by the proposed amendment. He would oppose the amendment.

The amendment was lost on the following division:—

YEAS.—Messrs. Baskerville, Bell, Boulter, Broder, Calvin, Creighton, French, Harkin, Jelly, Kerr, Lauder, MacMaster, Meredith, Merrick, Metcalfe, Monk, Morgan, Morris, Near, Richardson, Robertson (Hastings), Rosevear, Tooley, White, Wigle—25.

NAYS.—Messrs. Appleby, Awrey, Baxter, Bishop, Blezard, Bonfield, Caldwell, Chisholm, Cook, Crooks, Deroche, Dryden, Ferris, Field, Fraser, Freeman, Gibson (Huron), Gibson (Hamilton), Graham, Harcourt, Hardy, Hawley, Hay, Hunter, Laidlaw, Lees, Livingston, Lyon, McCraney, McKim, McLaughlin, McMahon, Mack, Miller, Mowat, Nair, Neelon, Pardee, Patterson, Paxton, Peck, Robinson (Kent), Robertson (Halton), Ross, Sinclair, Springer, Striker, Waters, Watterworth, Wells, Widdifield, Wood, Young—53.

Mr. WIGLE said that the member for North Waterloo and the member for West Elgin were not in their seats when the resolution was read.

Mr. WIDDIFIELD said that it had been arranged, in view of Mr. Harcourt's illness, that he should pair with Mr. Parkhill, who was called home. If the gentleman opposite insisted on Mr. Harcourt's name being struck off the list, he (Mr. Widdifield) asked that his name should be taken off instead.

Mr. SPRINGER said he was in his place when the resolution was read.

Mr. COOK thought that if a member was in the gallery or within hearing at the time of the reading of the resolution, he was entitled to speak and vote upon it.

The SPEAKER ruled that Mr. Cascaden and Mr. Harcourt were not entitled to vote.

Mr. PARDEE moved the third reading of the Bill. (Opposition cries of "No, no.")