

ONTARIO LEGISLATURE.

FOURTH PARLIAMENT—SECOND SESSION.

WEDNESDAY, Jan. 26.

The Speaker took the chair at 3 p. m.

PETITIONS.

By Mr. Morris—Of William S. Fraser and others, of Edinburgh, praying that the Bill before the House respecting the Anglo-Canadian and Omnium Securities Company may not pass.

By Mr. Boulter—Of the Township Council of the united counties of Elzevir and Grimsthorpe, praying that the Bill before the House respecting the Toronto and Ottawa Railway, and the by-law granted by the township, may not pass.

By Mr. Waters—Of the County Council of Middlesex, praying for certain amendments to the Municipal and Jurors Acts.

Twelve petitions for free markets.

By Mr. Bell—The petition of the Erie and Huron Railroad Company, praying that an Act may pass to extend the time for constructing their road.

OTHER PETITIONS.

The following petitions were presented on Monday in addition to those already published:—

The Attorney-General—Of the Board of Trustees of Chalmers' Church, Woodstock; also, of the Trustees of St. Andrew's Church, East Oxford.

Mr. Pardee—The petition of the Sarnia Gas Company.

Mr. Gibson (Hamilton)—Of the Victoria Railway Company; also, of the Federal Fire Insurance Company; also, of the Great Western Railway Company.

Mr. Robinson (Kent)—Of the Township Council of Raleigh.

Mr. Patterson—Of the County Council of York. Mr. Paxton—Of the Whitby, Port Perry, and Lindsay Railway Company.

Mr. Peck—Of the Toronto and Nipissing Eastern Extension Railway Company.

Mr. Nairn—Of William Collier and others, of Port Dover.

Mr. Metcalfe—The petition of the City Council of Kingston.

Mr. Parkhill—Of the Trustees of the Presbyterian Church, Orangeville; also, of John Stewart and others, of Lisle; also, of Thomas McCabe and others, of Lorette.

Mr. Dryden—Of Robert Hodgson and others, of Columbus; also, of the Township Council of Pickering; also, of Frederick Neale and others, of Oshawa.

Mr. Freeman—Of the Port Rowan and Lake Shore Railway Company.

REPORTS OF COMMITTEES.

Mr. DEROCHE presented the first report of the Committee on Standing Orders, which was adopted.

RETURNS.

The following returns were laid on the table by Mr. Fraser:—

Return of the Orange Lodges incorporated under the General Act of 1874.

Return relative to Police Magistrates.

Return relating to bonds and securities in the Provincial Registrar's Office.

REPORTS.

The report of the Inspector of Prisons and Asylums was laid on the table.

THE ESTIMATES.

The estimates for the year 1881 were laid on the table, accompanied by a message from the Lieutenant-Governor.

FIRST READINGS.

Mr. Deroche—A Bill to consolidate the debt of the counties of Lennox and Addington.

Mr. Morris—A Bill to amend the Act of Incorporation of the Roman Catholic corporations of Kingston and Toronto.

Mr. Nairn—A Bill to incorporate the city of St. Thomas.

Mr. Deroche—A Bill respecting the debt of the county of Frontenac.

Mr. Bell—A Bill to amend the Acts of the Toronto, Grey, and Bruce Railway Company.

Mr. Neelon—A Bill to incorporate the St. Catharines and Niagara Central Railway Company.

Mr. Near—A Bill to change the name of the town of Clifton to that of Niagara Falls.

Mr. Deroche—A Bill respecting the village of Millpoint.

Mr. Striker—A Bill respecting the Prince Edward Railway Company.

Mr. Lauder—A Bill to incorporate the Yorkville and Loop Line Railway Company.

Mr. Gibson—A Bill to transfer the securities of the Anglo-American Security Company.

Mr. Patterson—A Bill relating to the incorporation of the village of Brockton.

Mr. Morris—A Bill respecting the London Y. M. C. A.

Mr. Awrey—A Bill to enable the Hamilton and Dundas Street Railway Company to amend their Act of Incorporation.

Mr. Lyon—A Bill for leave to separate certain municipalities from the township of Neebing, and to erect them into separate municipalities.

Mr. Parkhill—A Bill to amend the Act of incorporation of the Toronto Tontine Insurance Company.

Mr. Peck—A Bill to amend the Acts of Incorporation of the Midland Railway Co. of Canada.

Mr. Boulter—A Bill to incorporate the Hawkeye Gold and Silver Mining Company.

PUBLIC ACCOUNTS.

In answer to Mr. Lauder,

Mr. WOOD said that the Public Accounts for 1880 would be ready early next week.

THE JUDICATURE BILL.

The House resolved itself into Committee of the Whole to consider the Judicature Bill, Mr. Sinclair in the chair.

The title of the consolidated Courts was set out as "The Supreme Court."

Mr. GIBSON suggested the adoption of the term "Superior" Court instead of "Supreme" Court, to designate the consolidated Court.

The ATTORNEY-GENERAL thought it would not be advisable to make any change. The term

"Supreme" was the one adopted in England. He did not anticipate any confusion from having a term identical with that of the Supreme Court of Canada. For various other reasons he would like the term "Supreme" retained.

The clause was carried.

The seventh sub-section of clause 3 was amended so as to read thus: "Such one of the said three judges as is at the time of the passing of this Act entitled to precedence over the other two shall be the first President of the High Court; and the President of the said High Court shall be that one of the Presidents of the Queen's Bench, Chancery, and Common Pleas Divisions, who, for the time being, is first in order of seniority."

Mr. LAUDER suggested that the consideration of the Bill in Committee should be postponed, as he believed many of the members of the House had not read it.

Mr. MOWAT said that if any members wished it he would have no objection to allowing the Bill to stand for a little while, although the subject had been before the House and country for a considerable time. The consideration of the Bill might be proceeded with, on the understanding that any clauses occasioning divergence of opinion should be allowed to stand in abeyance.

Mr. HAY thought that if the cost of suits in the County Court was reduced it would have a beneficial effect. He cited a case wherein very large costs had been given a lawyer.

Mr. MORRIS, in view of the suggestion of the Attorney-General, said he would have no objection to proceeding with the consideration of the Bill.

Mr. MERRICK said it had been stated that his side of the House were prepared to adopt the principle of the Bill. He would not, however, go so far as that. It was stated that the Bill had a tendency to centralize the law business, and London for one instance had condemned the principle of the Bill. Much trouble and expense would be entailed on practitioners before they could understand the new system.

Mr. FRASER said it was possible that the hon. member had not read the Bill, or having read it, did not understand it. Speaking as a county practitioner he might say that the objections against the centralization urged last session were now removed in the present Bill. The difficulty of expense and trouble in understanding the new system was indispensable and contingent to the introduction of any improvement. Gentlemen of the profession would have to go to work and study the new system. He would refer to the question of cost raised by the hon. member for North Perth. He had said a County Court suit involving \$105 created a bill of costs of \$80. He (Mr. Fraser) could understand some exceptional cases having that amount of costs, but nothing was gained by the statement of an individual case. He could tell hon. members that the lawyers' fees, exclusive of sheriff's fees, in an undefended County Court suit did not exceed \$8 taxed costs. It would be better from a lawyer's point of view if they were allowed to make their own terms with their clients, as in the United States, instead of having the system of taxing the costs according to a tariff. The fees of lawyers were talked about, but he ventured to say that outside the large cities very few lawyers were deriving a good income from the practice of their profession. His hon. friend also referred to the increase of the jurisdiction of the Division Courts, and stated that the agitation for a further increase of jurisdiction would emanate from the litigants. They all knew, however, that such agitation always emanated from the Division Court officials. (Hear, hear.) As to the Bill itself, there was no reason for deferring its consideration. When work was ready for the House it should be proceeded with, and not leave themselves open to the charge of meeting for the first couple of weeks for purposes of recreation. (Hear, hear.)

Mr. HAY said he had not charged the profession with collecting excessive costs, but he thought that very large costs had been taxed in the case to which he referred. He could cite many cases in the County Court where the costs amounted to \$80 in suits where no examinations had been taken and no witnesses subpoenaed.

Mr. HARDY was confident that the hon. gentleman was mistaken.

Upon reading clause 13,

Mr. MOWAT moved to strike out the last two lines, as their insertion was a mistake. Carried.

The word "such" was struck out of the 16th clause.

The consideration of the 18th and 20th clauses was postponed.

With reference to the 25th clause,

Mr. GIBSON suggested the insertion of the words "for the purpose of equalizing the business" after the words "rules of Court." He thought some provision should be made for the equalization of the business.

Mr. MOWAT did not anticipate any dissatisfaction among the judges, but if any difficulty was experienced in that direction, a short remedial Act would be introduced next session.

The clause was carried.

A discussion took place on clause 30 as to the advisability of shortening the time within which applications could be made for new trials, in order to prevent dishonest debtors evading judgments.

Mr. FRASER explained that an order could be given by the judge for immediate execution if he saw fit.

The clause was carried.

THE BUDGET.

The ATTORNEY-GENERAL stated that the Treasurer would be prepared to make his financial statement to-day.

The House adjourned at six o'clock.

NOTICES OF MOTION.

Mr. Harcourt—On Friday next—Order of the House for a return containing the minutes of the Senate of the University of Toronto, from date of last return to close of 1880.

Also—On Friday next—Order of the House for a return giving copies of all correspondence between the University of Toronto and any college or collegiate institute respecting affiliation since 1873.

Mr. Freeman—On Friday next—Order of the House for a return of all market fees and market rents received in each city, town, and village in Ontario for the year 1879.

Mr. Nairn—On Friday next—Bill to amend the Voters' Lists Act.

Mr. Monk—On Friday next—Bill to amend the