

# ONTARIO LEGISLATURE.

FOURTH PARLIAMENT—THIRD SESSION.

(By Our Own Reporters.)

FRIDAY, Jan. 27.

The Speaker took the chair at 5 o'clock.

## PETITIONS.

The following petitions were presented:—

By Mr. Metcalfe—Of John McMahon *et al.*, of Kingston, praying that the Bill to close Earl-street in the city of Kingston may not pass.

By Mr. Wood—The petition of the trustees of the Methodist Episcopal Church at Orangeville, praying that an Act may pass to enable them to sell certain lands.

By Mr. Chisholm—Of the County Council of Peel, respecting certain protective clauses in the Act of last session relating to the Toronto, Grey, and Bruce Railway Company and to confirm a certain agreement with the Grand Trunk Railway Company.

By Mr. Lauder—Of the Township Council of Artemesia to the same effect.

By Mr. Cascaden—Of David Moore *et al.*, of South Dorchester, praying that the Bill to incorporate the London and Port Burwell Company may not pass.

By Mr. Nairn—Of Gabriel G. Murphy *et al.*; also, of Joseph E. Norman *et al.*, all of Malahide, praying that an Act may pass to incorporate the London and Port Burwell Railroad.

By Mr. Near—Of the Welland Agricultural Society, praying for a continuance of the yearly grant to the Agricultural and Arts Association; also, of the County Council of Welland, praying for certain amendments to the Jury Act.

By Mr. Nairn—Of Asa Miller *et al.*, of Elgin, praying for a certain amendment to the Act regulating the law of evidence; also, of James W. Rushton *et al.*, of St. Thomas, to the same effect.

## THE ADDRESS.

Mr. MOWAT, continuing his speech on the Address, said there are a few additional points, Mr. Speaker, suggested by the observations of my hon. friend the leader of the Opposition, on which I think it right to say a few words, and perhaps a word or two on observations that have fallen from other hon. members who are opposed to us. Whilst the two great questions, the veto and the boundary, have occupied our chief attention during this debate, other matters have likewise been brought before us. One of the most important of these has been the course pursued by this Government with reference to the sale of timber limits, and on that point I will just offer an observation or two. We have been assailed with regard to that course during this debate, but the House will remember, and the country will remember, that this is a very old ground of complaint against us. We have had two elections since we were first assailed on this subject, and it will demonstrate to the people of this country how faithful we must have been to our public trust, and how free from any ground for criticism we have kept ourselves, when hon. members of the Opposition, in order to attack us now, have to go back to something which they brought up two general elections ago, and on which the people pronounced against them. (Cheers.) When these matters were fresh, and the sale of 1872 had just occurred, the people were alive to the importance of the various views urged in regard to it. The matter was discussed very fully and with great virulence on both sides, and the people pronounced at the next election against my hon. friend upon that point. The same matter was made to do duty at the next general election, with which we had to do, but the attempt, a more feeble one than on the first occasion, resulted precisely as it did on the previous occasion. And now, in local questions, the only matter which my hon. friends have to refer to is to return to that exploded ground of attack. I congratulate the House and my colleagues and the country that we are able now to make that statement, and I will offer a word or two upon the merits of the question. The policy we have pursued is not one which was inaugurated by us. It was the policy of all political parties long before 1872. It has been the policy of this country for a quarter of a century, and what is more, it is the present policy of the friends of the hon. gentleman opposite at Ottawa, only without those safeguards which we enjoy, and with results entirely different from those we are able to exhibit to the country. The authorities at Ottawa do not bring these matters before Parliament, and the sales which they effect are certainly very different in their results from the sales effected by us. It is well known that the sale of 1872 was the one which surprised all those who had to do with the matter. The sagacious Commissioner who then had the Department of Crown Lands, selected his time for that sale so wisely, that not only were larger prices secured than had ever been brought before for similar limits, but larger prices than anybody anticipated, whether in the trade or not. The present Commissioner has shown himself just as sagacious as his predecessor. He chose the best possible time for the sale which took place a few weeks ago, and the result has surprised those in the trade and others, even more than the first sale had done. There is not the shadow of pretence that the best period was not chosen for each of those sales, or that the result has not been most advantageous to the public treasury. These sales are necessary in the interest of settlement and in the interest of revenue, and it is not always possible to tell during the session whether or not we will require to place limits in the market before the next session. So much depends upon the market and upon many other considerations which may take place in the meantime, as has been held was the case here. My hon. friend, the Commissioner of Crown Lands, has spoken on the subject, and he cited observations made by Mr. Todd in his book with regard to the impropriety of ordinary administration being brought

before the Legislature, and my hon. friend from London denounced the contention of the hon. Commissioner upon that point. Now, there may or there may not be a difference of opinion as to whether a sale of this description is one of ordinary administration. My hon. friend says it is not, his friends at Ottawa say it is, intended to be brought before Parliament. That was the view of the late Sandfield Macdonald, the former leader of hon. gentlemen opposite, that we are not at liberty to regard this in any different light where we saw that unless sales were to take place without waiting, for example, for this session of Parliament, there would be very great loss to the treasury. (Cheers.) Another matter has been referred to in the debate by the leader of the Opposition, in which he said that we are taking points in other hands, and that we are centralizing the patronage in our own hands. Now, that is a remark that is frequently made by Opposition speakers in this House, and is repeated in resolutions passed by Conservative conventions, and yet they all know that there is just one class of officers formerly appointed by local bodies of which we have assumed the patronage. I refer to the license inspectors. We were urged to this course by petition after petition, memorial after memorial, both by the friends of temperance and the licensed victuallers, not only by our own friends but by the friends of hon. gentlemen opposite. (Cheers.) There was a consensus of opinion upon that point. For a time we hesitated to assume the duty that pressed upon us, but when we found that the general consensus of the opinion of Ontario accorded with that view we felt that there was no course but one open to us—that it was a duty we could not shrink from, that we were bound to accept that patronage, and the people have thoroughly acquiesced in it. I do not remember that we have had a single petition asking us to change our policy on that point, and I am perfectly sure that the great bulk of our county, township, village, town, and city councils are perfectly willing that we should retain that power in our hands. It is under these circumstances that it is in the interest of temperance, order, and good government that we found it necessary to take that bit of patronage into our own hands. I would be perfectly willing to rest the whole claim of this Government upon that single circumstance before the electors of this country—(cheers)—and I have no doubt that the change will meet with general approbation. There are some things which are better done by the central authority rather than by the local bodies. But, Mr. Speaker, these are subjects which really occupy very little the thoughts of members on either side of the House just now. Inside of this House and out of it public attention will be fixed on the two great questions to which I have referred. There is a strong feeling abroad that on one of these questions there has been a great departure—a new departure—on this subject on the part of the authorities at Ottawa; that there has been an entire change of policy in regard to this matter—a change which is ruinous to Provincial autonomy. My hon. friend is obliged to take the ground that there is absolute discretion on the part of the Dominion Government in the matter to pass disallowance upon the Acts passed by the Province. My hon. friend knows that soon after Confederation the views on this question were laid down by Sir John Macdonald, which have been substantially acted upon since by all the Governments in power, but now it seems that all these views are to be thrown to the winds. Now, practically, there is to be no limit to the exercise of Dominion authority. This matter is so important that I hope the House will bear with me while I call attention to the very language in which Sir John laid down his views upon this question. Let me just ask how it is that those views are not now acted upon? How is it that my hon. friends now say that he is not to be tied down to these conditions? He has not himself asked to be released from them. Has he changed his views about that, or has he been overruled by his colleagues? In either view of the matter it is a very serious thing for the Province. It is impossible to overestimate the gravity of this departure if Sir John himself has changed his views on this matter, and if the other view is correct that his colleagues have overruled him the result will be to change completely those constitutional rules that we thought to be binding. How completely the Provinces in regard to that matter are at the mercy of the authorities of the day! Whilst we were believing that we had the guarantee of very important principles for our guidance we find that those principles have no weight whatever. Sir John was not considering such matters for the first time when laying down these rules. He had been many years in public life, and his ability was recognized. He said in laying down those rules:—“In deciding whether any Acts of the Provincial Legislatures should be disallowed or sanctioned the Government must not only consider whether they are affecting the interests of the Dominion or not, but also whether they are unconstitutional, and whether they exceed the jurisdiction of the Local Legislature, and in cases where the jurisdiction is concurrent whether it clashes with the legislation of the General Parliament.” These were the principles laid down, and there was in them no suggestion even watch would justify the disallowance of a Provincial Act unless it came under the conditions here laid down. (Cheers.) Unless the Act affected the interests of the whole Dominion, when no one could object to its disallowance, or else where in whole or in part it had gone beyond the power of the Province to act—

Mr. MEREDITH—No, no unless unconstitutional.

Mr. MOWAT asked if his hon. friend meant to say that in using the term “constitutional” Sir John Macdonald had not reference to the B. N. A. Act. What did “constitutional” mean when used without reference to the B. N. A. Act, and without reference to the disallowance of Provincial Acts? He did not know, unless it should be with reference to disallowance for the same reasons which the Imperial Parliament have, according to modern practice, been in the habit of disallowing our Acts. They all knew that the contrary rule once prevailed when Downing-street interfered on the same principle as governed Mr. Mosseau in dealing with the Streams Act—considering whether the Act was a good one or a bad one—but that time has passed away, and for years the Home Government has admitted that we are entitled in this country to form our own judgment as to what is good or bad in our own interest, and they have not interfered with