

ONTARIO LEGISLATURE

FIFTH PARLIAMENT—FIRST SESSION.

Formal Opening of the House by the
Lieutenant-Governor.

THURSDAY, Jan. 24.

The formal opening of the Ontario Legislature took place yesterday afternoon. At half-past two o'clock the Legislative Chamber was filled with ladies and gentlemen, among whom were noticed Lieut.-Governor Aikins (of Manitoba), Chief Justice Hagarty, Justice Galt, Justice Rose, Judge Boyd (of the county of York), Bishop Sweatman, Bishop O'Mahony, Vicar-General Laurent, Rev John Langtry, Rev Dr Dewart, J K Kerr, Q.C., Mr H W Darling (President of Board of Trade), F Wyld, Thos Hodgins, Q.C., J George Hodgins (Deputy Minister of Education), Capt Snider (Eglinton), Col Shaw, Sheriff Jarvis, Mr J S McMurray, Consul of Norway and Sweden; Mr E Von Heimrod, Consul of Germany; Mr Howard, Consul of the United States; Mr Bendelari, Consul of Italy; J Herbert Mason, Lewis Moffatt, Col Milsom, Dr Oldright, Dr Leslie; W G McWilliams, City Solicitor; Col G T Denison, Police Magistrate; J S Miller, Parry Sound; W Buckingham, Winnipeg; Kivas Tully, C.E.; C P Clement, Berlin; Peter Ryan, P Hughes, J Gibson, P D Hughes; Hugh McMahan, Q.C., London. The following were among the ladies present:—Mrs Robinson, Miss Robinson, Mrs Gzowski; Mrs H McMahan, London; Mrs J B Miller, Parry Sound; Mrs B B Hughes, Mrs P Hughes, Mrs J K Kerr, Mrs Herbert Mason, Mrs W O'Connor, Miss O'Connor, and Mrs Morris. His Honour the Lieutenant-Governor arrived at ten minutes past three o'clock, attended by Col Gzowski, A.D.C., and Capt Geddes, A.D.C., and on ascending the throne

The SPEAKER, addressing His Honour, said:—

May it Please Your Honour:

The Legislative Assembly have elected me as their Speaker, though I am but little able to fulfil the important duties thus assigned to me. If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me and not to the Assembly whose servant I am, and who, through me, the better to enable them to discharge their duty to the Queen and country, herein humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to your person at all reasonable times, and that their proceedings may receive from you the most favourable consideration.

The PROVINCIAL SECRETARY said:—Mr Speaker, I am commanded by His Honour the Lieutenant-Governor to declare to you that he freely confides in the duty and attachment of the Assembly to Her Majesty's person and Government, and, not doubting that their proceedings will be conducted with wisdom, temper, and prudence, he grants, and upon all occasions will recognize and allow their constitutional privileges. I am commanded also to assure you that the Assembly shall have ready access to the Lieutenant-Governor upon all reasonable occasions, and that their proceedings, as well as your words and actions, will constantly receive from him the most favourable construction.

His Honour the LIEUTENANT-GOVERNOR was then pleased to open the session by the following gracious Speech:—

THE SPEECH FROM THE THRONE.

Mr. Speaker and Gentlemen of the Legislative Assembly:

It gives me great pleasure to welcome you to your legislative duties as members of a new Parliament convened for the first time since the general election of the past year.

The occasion is rendered more auspicious by the advent of a new Governor-General, who by his public appearances and addresses has already created a most favourable impression on the minds of all classes in the Dominion. The fact that His Excellency is a trained and experienced statesman is a guarantee that the high and honourable position to which he has been called by Her Majesty will be wisely filled.

It is satisfactory to know that during the past year the Bureau of Statistics has continued to do good service by collecting and disseminating trustworthy information respecting the agricultural and manufacturing industries of the Province; also that the highly practical experiments which have done so much to justify the establishment of the Model Farm in connection with the Agricultural College have been continued with conspicuous advantage. The newly instituted

agricultural examinations are also likely to prove of much service. I have much pleasure in anticipating that the means adopted for the diffusion of agricultural knowledge will in a constantly increasing degree make the farmer's calling more intellectual, attractive, and remunerative.

It was my agreeable duty last year to congratulate your predecessors upon the work done by the Provincial Board of Health. The report of this body shows that time and further experience have produced increased efficiency. As well-directed efforts to improve the sanitary condition of the people's homes promote longevity and increase the sum of general happiness, I commend to your thoughtful consideration the subject of rendering the services of the Board still more effective and valuable.

It is with especial satisfaction that I congratulate you on the early and successful application of the Free Libraries' Act. Following the example promptly set by the Provincial capital, other municipalities have availed themselves of the provisions of the Act, and taken steps to tax themselves for the establishment of free public libraries. I hope that this is but the beginning of a beneficent movement which will have far-reaching effects.

You will be pleased to know that by a recent decision of the Judicial Committee of Her Majesty's Privy Council the right of Provincial Legislatures to regulate the traffic in intoxicating drinks is placed beyond controversy. The judgments in this case and the insurance case, and the decision that lands escheated to the Crown for want of heirs are the property of the Province, taken in connection with the observations made by the learned judges in disposing of these cases, have had a reassuring effect on the public mind, by showing that the federal principle embodied in the British North America Act, and the autonomy it was intended to secure for the individual Provinces, are likely to be safe in the hands of the Court of final resort in constitutional questions.

At the last session of the Federal Parliament an Act was passed declaring that the main lines of railways in the Province, and all railways now or hereafter connecting with them or crossing them, shall be subject to the legislative authority of the Parliament of Canada. It will be for you to consider to what extent this enactment removes from the control of the Provincial Legislature roads which have been constructed under its authority and subsidized out of the Provincial Treasury; and also to consider whether the British North America Act was intended to enable the Federal Parliament to interfere in this manner with the legislative authority of the Provinces.

I am glad to have it in my power to state, as the result of negotiations between my Government and that of Manitoba, that a case has been agreed upon for a reference of the dispute respecting the inter-provincial boundary to the Judicial Committee of Her Majesty's Privy Council. The first question to be decided under that reference is the validity of the Award made by the arbitrators in 1878; and a controlling condition of the reference is, that the hearing before the Privy Council shall take place at a fixed date in the present year. The agreement includes interim arrangements in regard to all matters of Provincial jurisdiction. A bill will be submitted to you for the purpose of giving full effect to those parts of the agreement which require legislative sanction.

Among the other measures to be submitted for your consideration will be a bill to render the services of the Board of Health more effective and valuable; a bill to further improve the liquor license laws; a bill consolidating and improving the laws for the destruction of noxious weeds, and for the arrest of diseases affecting fruit trees; a bill to authorize second locations by settlers who have obtained free grants and have parted with them; a bill to provide voters' lists for the unorganized parts of the Province; and a bill for the further improvement of the Election Law, and for the prevention and punishment of corrupt practices at elections.

In this connection I invite your attention to the expediency of further extending the already liberal franchise which prevails in this Province.

The subject of protecting the public interest in streams used for the purpose of floating timber will no doubt again receive your earnest attention.

The reports of the various departments of the public service for the past year will be laid before you. Among these are, for the first time, reports on the important subject of forest preservation, and the report of the Inspector appointed under the Judicature Act to inspect the county offices connected with the Administration of Justice in the Province.

The reports of the Inspectors of Asylums show that further accommodation is needed for idiots, and I commend the subject to your humane attention.

The Public Accounts of the Province, showing the receipts and expenditures of the past year, and the estimated expenditure for the current year, will be promptly laid before you. The estimates have been prepared with a view to keeping the expenditure as low as possible, consistently with a regard for the public interests.

I trust that the legislative labours of this first session of a new Parliament may be characterized

by as high a degree of prudence, moderation and intelligence as those of any previous Parliament.

The Lieut.-Governor then retired.

The usual salute was fired by the Toronto Field Battery under command of Capt. J. M. and the guard of honour was a detachment of Royal Grenadiers, Capt. P. Ball in command. The body-guard was a detachment of the Governor-General's Body Guard in command of M. Denison.

The SPEAKER took the chair.

VARIOUS REPORTS.

The SPEAKER informed the House that the Clerk of the House had received from the judges certificates and reports relating to the election for South Wentworth, West Lambton, York, Cornwall, Kingston, South Victoria, Simcoe, Prescott, Halton, West Northumberland, Muskoka and Parry Sound, Leeds, Grenville, Lennox, West York, West East Elgin, East Northumberland, North Cardwell, West Middlesex, South Renfrew. That new writs had been issued for West Carleton, West Middlesex, and South Renfrew and that elections had been held for those places.

A QUESTION OF ORDER.

Mr. MEREDITH—I want to ask where reports of the judges came from to the Clerk of the House?
The SPEAKER—They came according to usual practice.

Mr. MEREDITH—By what hand did report of the judge in the case of South Renfrew reach the Clerk of the House? I am informed that at the time the report of the judge was received by the Clerk there was an appeal pending before the Court of Appeal. It seems to me that if this is so, there was no authority for the issue of the writ or the holding of any election. I would like to ask by what hand they were received by the Clerk?

The SPEAKER—They were received on 29th of December, by mail.

Mr. MEREDITH—Was there no letter accompanying them?

The SPEAKER—It came just in the ordinary way.

Mr. MEREDITH—It would seem to me there ought to be some letter accompanying reports, to show how they are sent. When they come from the *rota* judges or the Registrar of the Court of Appeal does not appear, it seems to me that there ought to be some report accompanying them. As under the matter the *rota* judges delivered a judgment, and as I understand the matter the judges disagreed and an appeal was entered. These judgments were not intended to be until the appeal had been disposed of. I know how the report could have been sent if the appeal had been disposed of.

Mr. MOWAT—The hon. gentleman is under a mistake. What they differed about was a question of disqualification; that the election was void and the seat vacant they both agreed.

Mr. MEREDITH—Perhaps the Attorney-General can give us some information. It is strange to me that the matter should come in this shape. I understand that there is an appeal pending by the petitioner.

Mr. MOWAT—I don't think that any appeal was pending. There was no notice of appeal given, and no other proceedings taken to end. There was, indeed, a deposit of money made as a preliminary, but that was withdrawn. Notice was at one time given by Dr. Dowling intention to appeal, but that was withdrawn that cannot be taken advantage of by the side. Dr. Dowling chose to appeal and to draw the appeal.

Mr. MEREDITH—The Attorney-General has not answered my question as to how the reports came into the hands of the clerk.

Mr. HARDY—According to the usual practice the judges sent the certificates and the mere fact of an appeal being entered does not affect the sending of returns to the House. The certificates come in due course party being unseated.

Mr. MEREDITH—Take the Muskoka case. Mr. HARDY—I apprehend there was no return in the Clerk's hands.

Mr. MEREDITH—Oh no.

Mr. HARDY—Because it is an appeal, cases are entirely different.

Mr. MEREDITH—I have not got an answer to my question, by what hand the returns came to the Clerk of the House.

Mr. HARDY—There certainly can be no question in the contention. As I understand there is no question about the judges having sent the certificates.

Mr. MEREDITH—It seems to me that there should be some official record as to how the certificates came here.

Mr. HARDY—They came from the judges.

Mr. MEREDITH—I understand the law that when the judgment is pronounced the certificates of the judges is delayed in the event of an appeal being entered until the appeal has been decided.

Mr. HARDY—That is the Dominion law.

Mr. MEREDITH—It certainly is so in the Dominion Act, and I understand it is so in the Provincial Act.

Mr. HARDY—No; in the Provincial Act it states that whether a member is unseated or not the judges' certificate shall issue. Section 55 of the Controverted Elections Act reads:—

At the conclusion of the trial the judges who tried the petition shall determine whether the member whose election or return