

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. Mead, and the guard of honour was a detachment of the Royal Grenadiers, Capt. P. Ball in command. The body-guard was a detachment of the Governor-General's Body Guard in command of Major 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 elections for South Wentworth, West Lambton, East York, Cornwall, Kingston, South Victoria, West Simcoe, Prescott, Halton, West Northumberland, Muskoka and Parry Sound, Leeds and Grenville, Lennox, West York, West Elgin, East Elgin, East Northumberland, North Grey, Cardwell, West Middlesex, South Renfrew; also that new writs had been issued for West Simcoe, 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 these reports of the judges came from to the Clerk?

The SPEAKER—They came according to the usual practice.

Mr. MEREDITH—By what hand did the 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, 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 the 29th of December, by mail.

Mr. MEREDITH—Was there no letter?

The SPEAKER—It came just in the ordinary way.

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

Mr. MOWAT—The hon. gentleman is under a mistake. What they differed about was on the 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 seems 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 that 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 of an intention to appeal, but that was withdrawn, and that cannot be taken advantage of by the other side. Dr. Dowling chose to appeal and to withdraw the appeal.

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

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

Mr. MEREDITH—Take the Muskoka case. Mr. HARDY—I apprehend there will be found a return in the Clerk's hands.

Mr. MEREDITH—Oh no.

Mr. HARDY—Because it is an appeal. The 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 nothing in the contention. As I understand there can be no question about the judges having sent them.

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

Mr. HARDY—They came from the judges.

Mr. MEREDITH—I understand the law to be that when the judgment is pronounced the report 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 the same in the Provincial.

Mr. HARDY—No; in the Provincial law the Act 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 judge or judges who tried the petition shall determine whether the member whose election or return is

complained of, or any and what other person, was duly returned or elected, or whether the election was void, and shall forthwith certify in writing such determination to the Speaker, appending thereto a copy of his or their notes of evidence, and upon such certificate being given, such determination shall be final to all intents and purposes.”

It will thus be seen that the report shall be issued without waiting for the Court of Appeal, and the law provides that he shall neither sit nor vote in case of being unseated.

Mr. MEREDITH—It means the ultimate Court of Appeal.

Mr. HARDY—It means the judges trying the case, as it states that the person disqualified shall not take his seat, and it is essential that it issue immediately, or in the case of the session commencing he might take his seat. Section 19 of the Act relating to the members of the House states:—

“In case any person returned as elected is, by the certificate of the judges appointed to try an election petition in respect of the election, determined not to have been duly returned or elected, such person shall not thereafter sit or vote in that Legislative Assembly.”

Mr. MEREDITH—That must be the court of ultimate decision?

Mr. HARDY—It says the judges appointed to try the case. The Court of ultimate decision may restore him to the seat, and as soon as the first decision is vacated or voided the person can take his seat.

Mr. MORRIS—This is a point of considerable importance, as it affects the position of the members of this House. I believe it will be the duty of the Government as custodians of the rights of the members to deal with this question on its merits. I believe the proper course will be to refer this question to the Committee on Privileges and Elections when it is struck. I don't see how the member for South Renfrew can occupy his seat as there are two appeals—one at his own instance, and the other on behalf of his opponents. Neither do I see how a writ can be issued for a new election while petitions are pending. It would be a most extraordinary position to take.

Mr. MOWAT—Do I understand the hon. gentleman to say that he had been petitioned against?

Mr. MORRIS—I am informed from a credible source that both parties appealed.

Mr. MOWAT—I never heard of it.

Mr. MORRIS—It is a matter worthy of the consideration of the House, and I have been at a loss to understand how a writ was issued, and it is a matter of order and procedure which should be inquired into.

Mr. MEREDITH—Section 63 of the Controverted Elections Act provides:—

“Any party to an election petition under this Act who is dissatisfied with the decision of the judge or judges on any question of law or of fact, and desires to appeal against the same, may, within eight days from the day on which the decision was given, deposit with the Registrar the sum of one hundred dollars by way of security for costs; and thereupon the Registrar shall set the matter of the said petition down for hearing before the said Court at an early day to be appointed by the said Court or a Judge thereof.”

And then when the matter is in appeal section 70 provides:—

“The Registrar of the Court shall thereupon certify to the Speaker, or, if there be no Speaker, to the Clerk of the House, the judgment and decisions of the Court upon the several questions and matters of fact, as well as of law, upon which the judge or judges whose decision is appealed against might otherwise have determined or certified in the same manner as the judge or judges whose decision is appealed against would otherwise have done; and the said judgment or decision shall be final to all intents and purposes.”

It is manifest from a moment's consideration that the view taken by the Provincial Secretary is erroneous. Suppose a member is unseated by the report of the *rota* judges, that report comes to the Clerk of the House, and the Clerk is bound to issue the proper process for the election. According to the contention of the Provincial Secretary, although a member who is unseated had presented his appeal, the election would come on and be held. It might come out that the ultimate court would reverse the first decision, so it will be perfectly manifest then that until the Court of Appeal had given its decision there is no power in the Clerk of the House to issue any process for the holding of a new election. It seems to me that all the proceedings with regard to South Renfrew are void and the hon. gentleman has no right to a seat in the House.

The SPEAKER—It is clear that this discussion is out of order if it is not the intention of the hon. gentleman to move.

Mr. MEREDITH—Not now.

OATHS OF OFFICE.

Mr. MOWAT introduced a bill which was read the first time for administering oaths of office to justices of the peace, etc.

THE SPEECH FROM THE THRONE.

Mr. MOWAT moved that the Speech of His Honour the Lieutenant-Governor be taken into consideration to-morrow. Carried.

SELECT COMMITTEE.

Mr. MOWAT moved that Select Standing Committees be appointed for the following:—Privileges and elections, railways, miscellaneous, private bills, standing orders, public accounts, and printing.

Mr. MEREDITH—It seems to me strange that a good deal of what is clearly routine and mere