

FIFTH PARLIAMENT—FIRST SESSION.

(By Our Own Reporters.)

THURSDAY, Feb. 14.

The Speaker took the chair at three o'clock.

PETITIONS.

The following petitions were presented:—

By Mr. Freeman—From J. W. Card *et al.*, against the passing of the Methodist Churches Union Bill; also from W. D. Hughson *et al.*, to the same effect; also from A. McFadyen *et al.*, to the same effect.

By Mr. Gibson (Hamilton)—From Jacob Young *et al.*, to the same effect; also from V. Thompson *et al.*, to the same effect.

By Mr. Morris—From the Excelsior Assembly, No. 2,305, Knights of Labour, against assisted passages for immigrants.

By Mr. Clarke—From Excelsior Assembly, No. 2,305, Knights of Labour, in favour of manhood suffrage.

By Mr. McKim—From the School Board of Palmerston, for the introduction of the ballot in the election of school trustees.

By Mr. Fell—From A. Phillips *et al.*, for amendments to the Game Law respecting the shooting of deer.

By Mr. Drury—From the Agricultural and Arts Association, for an appropriation of money to place specimens of the leading breeds of cattle on the Model Farm at Guelph.

The petition in favour of the Torrens system of land transfer.

STANDING ORDERS.

Mr. WIDDIFIELD, Chairman of the Committee on Standing Orders, reported a number of Private Bills as having complied with the Standing Orders.

PRIVILEGES AND ELECTIONS.

Mr. HARCOURT presented the first report of the Committee on Privileges and Elections, with reference to the case of Mr. Crooks. The Committee reported generally that, as Mr. Crooks was hopelessly insane, they recommended that the seat be forthwith declared vacant.

The report was received and adopted.

FIRST READINGS.

Mr. FREEMAN—Bill to incorporate the Lake Simcoe Junction Railway Company.

Mr. MONK—Bill respecting the planting and growing of trees.

Mr. FERRIS—Bill respecting Victoria College and Albert College.

Mr. CHISHOLM—Bill to authorize the corporation of the town of Orangeville to purchase lands for a postoffice site.

Mr. CLARKE—Bill respecting the city of Toronto.

Mr. LEE—Bill to amend the Division Courts Act.

Mr. FERRIS—Bill to amend the Assessment Act.

Mr. FELL—Bill respecting the Toronto & Nipissing and Eastern Extension Railway Company.

Mr. LYON—Bill to legalize the assessment of the municipality of Neebing, and for other purposes.

Mr. MCGEE—Bill incorporating the Caskadilla Railway Company.

Mr. GOULD—Bill to incorporate the Toronto, Hamilton, & Buffalo Railway Company.

Mr. KERR—Bill to declare valid a certain portion of the survey of the town of Cornwall.

Mr. BALFOUR—Bill to further amend the Act respecting joint stock companies, providing for the better inspection of the said companies.

Mr. WATERS—Bill respecting the debt of the county of Middlesex.

Mr. SILLS—Bill respecting the Gananoque & Rideau Railway Company.

Mr. FRASER—Bill to incorporate the Roman Catholic Vicariate of Pontiac.

Mr. MOWAT—Bill respecting the town of Woodstock.

THE SOUTH OXFORD VACANCY.

Mr. MOWAT said the House had heard the report of the Committee with regard to the case of Mr. Crooks. The matter was now perfectly free from any kind of doubt. The position of our friend, Mr. Mowat said, has been made perfectly clear. It is declared by the Court of Chancery that he is insane, and further evidence has been taken. The gentleman in whose charge Mr. Crooks is, and who appears to be a man of ability and experience, has been heard, and his own friends, including the committee having charge of his estate, and it is placed entirely beyond doubt that Mr. Crooks is incurably insane. It is important that this large constituency should not remain unrepresented for a single day longer than necessary, and he therefore moved that by reason of the incurable mental condition of the Hon. Adam Crooks, member-elect for the South Riding of Oxford, as stated in the report this day presented and adopted by the House, the representation of the said riding in this House be hereby declared vacant, and that a new writ forthwith issue for the election of a member to serve in the present Parliament in the room and stead of the said Adam Crooks.

Mr. MORRIS spoke at length against what he termed the urgent haste in thrusting the matter through the House. He contended that delay should be had till Monday, when the evidence could be printed and considered by the House.

Mr. FRASER observed that it appeared that

the member for East Toronto had a brief for delay; what he evidently desired was that as long as possible the issue of the writ should be delayed.

Mr. MORRIS—Hear, hear.

Mr. FRASER—I was expecting him to say "hear hear," for I was stating what is his evident object. The report states that Mr. Crooks is incurably insane, and recommends that the seat be declared vacant and a new writ issue. This report had been adopted, and yet it was asked that the House wait till Monday, on a mere technicality that the report be printed. The hon. member for East Toronto knew that there was no distrust or doubt in the mind of the members as to the correctness of the finding of the report. It was the only one which could have been arrived at. The hon. gentleman had cited a number of cases, but none of them were just like this. The first case was one in which it was not necessary to take action, and hence there was no need to proceed at once. In the Alcock case the Committee reported against the petitioners, and decided that the member was not incurably insane. He contended that the report having been adopted, the constituency was vacant, and it was therefore clear that a writ ought to issue at once. His only doubt now was whether there should not be some machinery whereby such a case occurring between the sessions could be brought before the Courts, and if the member was declared to be insane the seat could be declared vacant, the finding reported to the Speaker, and a new writ issue. He saw no reason why this should not be done. He concluded by an eloquent tribute to Mr. Crooks' worth, and yielded to no one in friendly feeling to him or sorrow for what had happened to him; but he still saw no disrespect to Mr. Crooks in this course. How could waiting till Monday for the evidence to be printed show greater respect than had been shown?

The SPEAKER ruled on points of order raised by Mr. Morris. In answer to the first, that a writ could not issue on the day on which the report was presented, he stated that he had consulted the authorities and had found that in every case the writ issued on the day the report was made. With reference to the second objection, that a notice of motion should be given, the Speaker quoted authorities to show that such a motion was made without notice.

Mr. MEREDITH thought there was no political advantage to be derived by the Opposition by the motion standing over till Monday next. He thought the Government were not treating the hon. member for East Toronto fairly in their action.

Mr. MOWAT said that Mr. Crooks' personal friends, who had been associated with him for twelve years, were taking a course which the hon. gentlemen opposite condemned. He submitted to the House that no sufficient ground had been suggested for delay. The hon. member had attached no importance to the fact of the county not being represented. They were not justified in delaying one single day. If there had been any doubt about the case he would have been quite willing to delay for any time required. The hon. gentleman opposite after having heard the evidence said he was perfectly certain that Mr. Crooks was in such a condition as the motion suggested. Mr. Crooks' nearest friends had expressed their opinion that the seat should be declared vacant, and he (Mr. Mowat) hoped the motion would be passed.

The motion was then carried on division.

SECOND READINGS.

Mr. O'CONNOR moved the second reading of the bill to amend the Consolidated Municipal Act of 1883. He described his measure as one to bring towns under the class of places designated by the Act as those which, having a river running through them 100 feet in width, the County Council should have charge of the bridges and build them. As it now stood townships and villages were only included. The bill was read a second time and referred to the Municipal Committee.

MECHANICS' LIENS.

Mr. ERMATINGER moved the second reading of the bill to amend the Mechanics' Liens Act. The chief provision was one which he described as likely to touch the main reasons why the Act had failed to meet the expectations of its friends. Under the present Act the owner and contractor might make an agreement which ruled out very many claimants. He desired to strike out, "Unless there is an express agreement to the contrary."

Mr. MOWAT stated that he had no objection to the bill being referred to a Committee, but he would like very much that the opinions of those entitled to judge should be heard. He did not think that the Act was ever intended to include sub-contractors under its provisions. He concluded by intimating that he was interested in this class of bills, and set forth several changes he would like in the measure.

Mr. MEREDITH thought the suggestions should be adopted, and that the first clause should not go farther than give a sub-contractor a lien on any sum which might be due to a contractor by the owner.

Mr. FRASER pointed out that if the intention of the mover were met several clauses would need to be re-drafted. He met the member for London's assertion that the Attorney-General was reactionary by showing that it was to the Liberal party that the people had to look for their rights and freedom and the preservation of them.