

# ONTARIO LEGISLATURE

## Fifth Parliament—Second Session.

(By Our Own Reporters.)

Monday, March 9.

The Speaker took the chair at three o'clock.

### FIRST READING.

Mr. Ermatinger—To amend the law of the descent of lands, and for other purposes.

### REFERRED BACK.

The bill to amend the Act to incorporate the Long Point Company, on motion of Mr. Monk; and that to enable the Trustees of St. John's Church, Cornwall, to sell certain lands, etc., on motion of Mr. Gibson, (Hamilton) were referred back to Committee of the Whole for amendment. Mr. Baxter in the chair. The Committee rose and reported.

### THIRD READINGS.

Mr. Monk—To amend the Act to incorporate the Long Point Company.

Mr. Morris—To amend the Act incorporating the St. George's Society of Toronto.

Mr. Graham—To authorize Seaman Hullett McDonald to practice Dental Surgery.

Mr. Gibson (Hamilton)—Respecting the Chatham Gas Company.

Mr. Monk—To amend the corporate powers of the directors of the County of Carleton General Protestant Hospital.

Mr. Ross (Cornwall)—To enable the trustees of St. John's Church, Cornwall, to sell certain lands in the Township of Cornwall, and for other purposes.

Mr. McKay—To legalize a by-law of the village of Alliston.

### PRIVATE BILLS.

Mr. Badgerow—An Act respecting the Crown Grant to the School Trustees of the Municipality of Shuniah, and to vest the said lands in the Public School Trustees of the Town of Port Arthur.

Mr. Balfour—To incorporate the St. Clair, Essex Centre, and Erie Railway Company.

### SECOND READINGS.

The following Bills were read the second time:—

Mr. Dryden—To consolidate the debt of the Town of Whitby, and to provide for the collection of taxes therein.

Mr. Neelon—Respecting the St. Catharines and Niagara Central Railway Company.

Mr. Clarke (Toronto)—To enable the trustees of the will of the late John Lyons to invest certain moneys in certain improvements upon the trust estate, and to sell certain real estate.

Mr. Morin—To amend the charter of incorporation of the Niagara Falls International Camp Meeting Association.

Hon. T. B. Pardee—Respecting the town of Sarnia.

Mr. Laidlaw—Respecting the debenture debt of the city of Guelph.

Mr. Ballantyne—To incorporate the city of Stratford and for other purposes.

Mr. Sills—To enable the town of Trenton to develop the water-power of the River Trent within its limits, and for other purposes.

Mr. Ermatinger—To consolidate the floating debt of the city of St. Thomas.

Mr. McKim—Respecting the old cemetery in the town of Palmerston.

### TEMPERANCE LICENSES.

Mr. GRAHAM moved that in view of the Scott Act being in force in several counties in

the Province it would be in the interest of the travelling public that temperance houses of entertainment should be licensed in any county where said Act is now or may hereafter come into force. He stated that in view of the difficulty of obtaining entertainment in some Scott Act counties there should be something done to remedy the state of affairs.

Hon. A. S. HARDY thought that in view of the fact that the Scott Act was before the country, it would be inadvisable to press the motion. Taverns were bound to entertain guests even if they did not sell intoxicating liquors, and he did not think the resolution, if carried, would impose any additional burdens to receive guests upon the keepers of taverns.

The motion was withdrawn.

### THE VOLUNTEERS OF '37-'38.

Mr. BRODER moved, That in the opinion of this House it is expedient that the Government should make some suitable recognition to the Volunteers of 1837-1838, residing in the Province of Ontario, for the valuable services they rendered in defence of their country at that time. He supported the resolution by contending that the claim of these volunteers had been established by a grant of \$80 which had been given to them a few years ago. In anticipation of the contention which might be set up that it was the duty of the Dominion authorities to remunerate these men, he stated that when the question was up in the Ottawa Parliament Hon. Alexander Mackenzie, Sir John Macdonald, and Hon. Edward Blake had taken the ground that it was a matter to be dealt with by the Provinces.

Mr. BADGEROW said when he observed this resolution on the paper he wondered whether its intention was to remunerate those who trampled on the constitution at that time, or those who stood by the constitution of our country. There was no doubt left by the hon. gentleman's remarks that the parties he intended to include were those who stood by the old Family Compact. He pointed out that the true patriots were those who refused to submit to the dominating influence of that Compact. Quoting from Sir Francis Bond Head's narrative, he showed that that gentleman, who was the then Lieutenant-Governor, referred to the party opposing the Government as Republicans merely because they were fighting against an irresponsible Administration. He referred to the means which Sir Francis Bond Head, after dissolving the House, then took of gaining the elections by placing a false issue before the people. He instanced the dismissal of Mr. George Ridout from a colonelcy of militia and from two other positions simply because he had voted for his brother-in-law, a member of the Constitutional Reform Society. He designated the execution of Matthews and Lount as one of the foulest murders of two patriots which had ever been perpetrated in this country. He referred to the fact that several people in his own riding whose places were pillaged never had their property returned, nor did they receive an equivalent for it; and he claimed that those who resisted the efforts of the Government to thwart the will of the people then were more entitled to consideration now than those who upheld that Government. He quoted from Lord Durham's report to show that it looked too much as if the rebellion had been invited by the Government, and went on to show that the report was condemnatory of the whole proceedings of the Family Compact. Since the inception of responsible government there had been no class or party in this country more loyal to the British Government than the Liberals of this country. The struggle then was not against the Home Government, but against the Lieut. Governor of that day and the dominant party who were trampling their rights under foot. It would be manifestly unfair to put a premium on those who were contending for what we now conceived to be a breach of the constitution. He submitted that the resolution was out of order, and that the proper place to deal with it was in the Dominion Government. It was imprudent, unwise, and unprofitable to open the old sores, and, as it would serve no good purpose to pass this resolution, he was entirely opposed to it.

Mr. GRAY said that the people of Canada were proud to boast of their loyalty to Great Britain. It would have been better for the country had more of those concerned in the troubles of 1837 been

### HANGED AS HIGH AS HAMAN.

(Cries of bah, bloodhounds, order.) There were but a few of these volunteers left now, and he thought some fitting recognition of their services should be made.

Mr. AWREY said that he believed the motion had been made for the purpose of wounding the feelings of those who were descendants of persons who were not willing to submit to the tyranny and oppression of the Family Compact, and for the purpose of giving gentlemen opposite a chance to wave the flag of loyalty, which seemed to be their stock-in-trade. Men had been taken, and without a court-martial or trial of any kind basely murdered.

Mr. GRAY—Moody for instance.

Mr. AWREY—"I believe that it was a Tory who shot Moody." But there has been better men than Moody who had been treated in the same way. The hon. gentleman opposite had boasted that he was descended from a distinguished United Empire Loyalist. He (Mr. Awrey) could not boast of being descended

from a United Empire Loyalist, but he could boast of being descended from a man who refused to submit to oppression, and who was ready to lay down his life for the cause of liberty, and who had sacrificed every dollar he had in the world for the cause. If the hon. leader of the Opposition were treated by the present Government in the same manner as Mr. Mackenzie had been treated he would rebel, and he would not be a man if he did not. He hoped that the resolution would be withdrawn, and he believed that if he moved for a similar vote concerning those who manfully stood up against the oppression of the Family Compact, it would meet with the support of this House and the people of this Province.

Mr. GRAHAM defended the volunteers of 1837 who took up arms for the Constitution. He contended that if the men who revolted had succeeded, then this Province would have been absorbed by the United States. He took the ground that the volunteers of '37 deserved some recognition for their services. He was a volunteer, and held his discharge as a non-commissioned officer, having been one of the guard of honour to Lord Durham when he landed at Cornwall.

Mr. LEES supported the motion. He stated that an order had been issued to the effect that the volunteers, if they served a certain term then, should have 200 acres of land. He was quite willing to admit that good had come out of the evil of the rebellion, but still he could not support the cause of the men opposed to the Government of the day.

Mr. BALFOUR said he had in his riding men just as staunch Liberals as could be found anywhere, yet they had not been able to go as far as Mackenzie, and they were compelled to take up arms for the Government.

Mr. PHELPS was a volunteer and had never regretted doing his duty at that time to his adopted country. He contended that the volunteers of 1837-'38 deserved recognition, and they were not fighting the battles of the "Family Compact," but for British liberty and a redress of grievances by constitutional means. That was the way he looked at it in his young days, and it was with that view that he shouldered the musket.

Mr. FRENCH thought it only fair that the services of the veterans of 1837 should be recognized in some way, though in what way the Government alone should decide.

Mr. GIBSON (Hamilton) thought it to be regretted that the motion should have been made. It was unwise to raise up dead issues. He did not propose to discuss the matter in any other way than in a calm spirit, but he might possibly be excused for "boiling over," inasmuch as his father was a rebel prisoner, and his cousin Comptroller-General of Mackenzie's army. He thought it very bad taste to bring up the resolution, but he might have supported one to recognize the Volunteers of a more recent date. He was opposed, also, to the motion, because it was an abstract proposition, which his hon. friend the leader of the Opposition had condemned the other day. He submitted, therefore, that the motion was out of order and asked the Speaker to rule.

Mr. SPEAKER—My opinion is that the resolution is in order. I have read it over carefully, and I am clearly of opinion that the resolution does not necessarily involve any expenditure of money.

Mr. GIBSON (Hamilton), continuing, said he had borne Her Majesty's uniform for about 25 years, and though he was descended from one of the rebels he contended that he was as loyal as any man, but he thought that the men who fought for constitutional rights should have their services recognized.

Mr. BAXTER referred to the times of Wm. Lyon Mackenzie, and stated that a sum of money had been granted to his widow by this House. He regretted that the motion had been brought forward, and hoped that it would be withdrawn.

Mr. MEREDITH said it would have been better had the leader of the Government given his opinion on the motion before this. There were two considerations which should occupy the attention of the House. The first was whether it was within the jurisdiction of the Provincial Government. He claimed that it was the duty of the Province to deal with the matter and to take all the responsibility connected with it. He quoted from the speech of Sir John Macdonald this session at Ottawa on this subject—stating that the Dominion had no right to deal with the question, composed as it was of some Provinces which were not then in the Confederation. He claimed that it was not the duty of the volunteers to discuss the policy involved in their orders, but to obey. The services of the volunteers of '37-'38 were as deserving of notice as those of the volunteers of 1812 and 1813.

Mr. BADGEROW—Perfect bosh.

Mr. Meredith appealed to the Speaker, submitting that Mr. Badgerow had violated the decencies of debate.

Mr. BADGEROW said that the hon. leader of the Opposition had insulted the House.

Mr. MEREDITH—How?

Mr. AWREY—By comparing the people of our country who stood up for what they believed to be their rights to a parcel of Fenians who invaded the country. (Hear, hear, and applause.)

Mr. MEREDITH said that hon. gentlemen opposite were very thin-skinned. Their arguments were not applicable to the question.

Mr. O'CONNOR could approach the matter in a calm spirit; none of his friends were taken prisoners or took others prisoners, like the friends