

ONTARIO LEGISLATURE

Fifth Parliament --- Third Session.

MONDAY, February 1.

(By Our Own Reporters.)

The Speaker took the chair at three o'clock.

NEW MEMBER.

Mr. Charles Drury, M.P.P. for East Simcoe, was introduced by Hon. T. B. Pardee and Mr. Gibson, of Huron.

DEBATE ON THE ADDRESS.

Mr. MORRIS referred first to the question of the Indian lands, and the timber and mines connected therewith. He did not think it was right that charges of treason should be flung across the House. He did not like to be called a pirate or a traitor. Members should respect each other's honest convictions. He did not believe all was right in his party—(hear, hear, and laughter)—and he did not think that gentlemen opposite should arrogate to themselves all the virtue in the country. He congratulated the Ontario Board of Health on the excellent work they had done, under the efficient legislation unanimously passed last session in staying the spread of smallpox during the past year. He was ready to give the Government every credit for the means which, with the assistance of the Opposition, they had provided for the preservation of the public health. He dwelt at some length with the question, giving the Provincial Treasurer great credit for his excellent business qualities and fitness for the position, and congratulated the Government for deciding to adopt an independent audit. He attempted to justify the course of the Opposition with respect to the Boundary Question by stating that they supported the Government as long as the Parliament of Canada had not declined to abide by the Award, and afterwards had taken the same view as the Dominion authorities. The Opposition, he said, had always been of the opinion that the licensing authority ought to be with the Province, and as a sample of their desire to bring about peace he instanced Mr. Meredith's journey to Ottawa.

THE INDIAN TITLE.

As to the late disputed territory, he understood his hon. friend (Mr. Mowat) took the position that the Indians had no title in those territories in which they had roamed for centuries.

Hon. Mr. MOWAT—I spoke of the legal title. I have no doubt they had a strong moral claim. And, moreover, I refer to those lands regarding which there is no treaty. Where there is a treaty or any agreement I do not say there is no title.

Mr. MORRIS—Where lands have been laid out for Indians I presume my hon. friend would admit their title?

Hon. Mr. MOWAT—The question has never been before the courts, but my impression is that where lands have been reserved (I do not refer to the general proclamation of 1763), the courts would recognize a right on those lands other than the moral title.

Mr. MORRIS said that his opinion was that there was an Indian title subordinate to the conquering power, and that this title had never been divested in any of the British Colonies or in the United States. After dealing with the Indian question at some length, Mr. Morris said:—"My conclusion is that the Crown as the dominant power has the right to the land, subject to the occupancy of the Indian. So soon as it was settled by the Award that the land formed part of Ontario, I hold that under the Dominion Act these lands were definitely declared to be the property of Ontario—(hear, hear)—but that they were lands subject to the extinction of the right of occupancy by the Crown." He said that the suit now before the Courts would not settle the question, and urged that a special case be agreed upon, and sent to the Privy Council at once for decision. (Applause.)

Hon. C. F. FRASER—I don't intend to detain the House more than a few minutes. I do not propose to follow the hon. gentleman through much that he has discussed, but he makes some observations which call for some little comment. He discussed the Boundary Question, and gave us a little further intelligence on it, and a little bit of history of secret diplomacy on the License question. Both of the positions on these questions we on this side of the House challenge. He claims that on both of these questions they took a most manly course. Very manly indeed! It was only manly in this, so

far as I know, for two long years they stood with the Government on the Boundary Question insisting that the Award should be ratified, and, as he says now, they for the first time voted against the Government when the Parliament of Canada refused to abide by it, but as we say it was only after a certain convention of the Conservative party had been held that they announced any different views. At all events nobody ever heard, either in this House or out in the country, one single lisp against the Award until that convention was called. (Applause.) When he called his convention, "Old Tomorrow," as he has been named by the Indians, very likely spoke out something like this:—Now, you gentlemen of the Local House who profess to call yourselves Conservatives, just understand, give in and support me.

IT MAY BE POSSIBLE

that I will have no chance of getting back, it is a moral certainty that if I don't get back you will not get back. I don't propose to recede but you shall turn around. You shall, I say, make a demand that this Award shall not be confirmed."

Mr. MORRIS—It is a good thing it went to the Privy Council.

Hon. C. F. FRASER—It is a good thing. But I venture to say that if the Dominion Government had maintained power over the whole matter it would not have gone to the Privy Council when it did, nor would it have gone by now. As the matter now stands they have not gone to the Privy Council with their portion of the dispute. There is little doubt that the very state of affairs in which the matter was would have been continued, namely, procrastination and delay and pretence. (Applause.) Their intention was to put it off first with one scheme and then with another scheme, all with the desire of keeping the matter in suspense. Our

DUTY, THEREFORE, WAS PLAIN,

namely, to insist with all the power we had that the Award should be confirmed. We knew right well that if we kept out of the territory and took no steps to assert the right of jurisdiction, another 12, 14, or 15 years would have gone by without any settlement being reached. But, no thanks to Sir John Macdonald or hon. gentlemen opposite, the question came to be settled because Manitoba was brought into the dispute. We took such action and such a course with regard to the jurisdiction of the territory that we compelled—(applause)—Manitoba to agree to a settlement. Does anybody dream that if we had not asserted our jurisdiction, and if we had not asserted our laws in the disputed territory, Manitoba would have consented to go to the Privy Council? (Cries of No, no.) It was quite time when we found a neighbouring Province exercising jurisdiction within our territory; nay it was our bounden duty to assert our authority there. If we had not done so Manitoba would have said we had consented to her jurisdiction. They could have said, "Our laws are being administered there—we have no dispute—what object have we in going to the Privy Council? We cannot get more than we have now after it is settled, and we may get less." But Sir John Macdonald outwitted himself. It became too hot for Manitoba in the disputed territory. Manitoba had only limited means, and could not keep up the expenses needed, and so was forced into the reference to the Privy Council. (Applause.) I don't deny to them every credit for the prompt way in which they came forward and negotiated for a quiet settlement of the difficulty. But what has been the case with

THE DISPUTE BETWEEN US AND THE DOMINION?

It has been just as we always said it would be, namely, that the Dominion would not settle if they could avoid it. And as proof of this, and to place it beyond question, there is the fact that up to this day, notwithstanding despatch after despatch had been sent, the Dominion Government have not consented to a reference of their portion of the dispute. The hon. gentleman professes to think that the Premier is not entitled to credit for the course he has taken, but in this he assumes too much. There was vastly more than the mere question of

THE AWARD CONCERNED.

There was the legal question, whether the Award was binding as to the manner in which it was made. I have defied them to show that the Award was binding without something else being done. No one has ever argued, as a mere matter of law, that the Award was binding before the courts.

Mr. MEREDITH—The validity of the Award was the first question.

Hon. C. F. FRASER—We wanted to go to the Privy Council, holding to the validity of the Award, because the hon. gentleman's leader would have been justified in asking us "Why don't you go to the Privy Council