

Fifth Parliament --- Third Session.

(By Our Own Reporters.)

MONDAY, March 8.

The Speaker took the chair at 3 o'clock.

REPORTS.

Mr. BAXTER presented the second report of the Committee on Printing.

FIRST READINGS.

The following Bills were read the first time:—

Mr. Baskerville—To amend the Municipal Act.

Mr. Baskerville—To amend the High School Act.

Mr. Baskerville—To amend the Public School Act.

Mr. Chisholm—To amend the Municipal Act.

Mr. Gillies—To amend the Assessment Act.

Mr. Baskerville—To amend the Assessment Act.

Mr. Lees—To amend the Joint Stock Railway Companies Act.

Mr. Lees—To amend the Municipal Act.

Mr. Badgerow—To amend the Municipal Act.

Mr. Morgan—To amend the Assessment Act.

Mr. Conmee—To amend the Municipal Act.

Mr. Gibson (Hamilton)—To amend the Act respecting debts.

Hon. C. F. Fraser—Respecting drainage debentures of the township of Sombra.

RETURN.

Hon. A. S. Hardy presented a return respecting drainage reductions.

THIRD READING.

The following Bill was read the third time:—

Mr. McLaughlin—Respecting the town of Bowmanville.

PRIVATE BILLS.

The following Bills were reported from Committee of the Whole:—

Mr. McKim—To consolidate the debenture debt of the town of Mount Forest.

Mr. McGhee—To consolidate the debt of the town of Orangeville.

Mr. Conmee—To incorporate the Ontario & Rainy River Railway Company.

Mr. Badgerow—Respecting the Thunder Bay Colonization Railway Company.

Mr. Neelon—To incorporate the St. Catharines Club.

Mr. Ferris—Respecting a certain agreement between the City of Brantford and the G. T. R. Co.

SECOND READINGS.

The following Bills were read a second time:—

Mr. Mackenzie—Respecting the Village of London West.

Mr. Ermatinger—To confirm the sale of certain lands by the Congregation of the Church of England, of the Parish of St. Thomas.

Mr. Conmee—Relating to the Municipality of Neebing.

Mr. Pardee—Respecting the Sarnia and Florence Road Company.

Mr. Pardee—Respecting the Debenture Debt of the Town of Sarnia.

Mr. Conmee—Respecting the Riverside Cemetery Company of Port Arthur.

Mr. Conmee—To incorporate the Pacific and Atlantic Railway Company.

Mr. McLaughlin—To further amend the Acts respecting the Lake Scugog Marsh Lands Drainage Company.

Mr. Cooke—To authorize the Town of Ingersoll to issue certain debentures.

Mr. Carnegie—To enable the Trustees of St. Andrew's Church, Peterborough, to sell or mortgage certain lands.

TITLE TO GOVERNMENT HOUSE.

Mr. McINTYRE—As to whether the title of the Province of Ontario to the property on the west side of Simcoe-street, between King and Wellington streets, and known as Government House, is a fee simple absolute, or whether there are any conditions attached, and if so, what these conditions are.

Hon. O. MOWAT—By the 103th section of the British North America Act, the Public Works and property of each Province, enumerated in the third schedule to the Act, shall be the property of Canada. The third schedule provides that all public buildings, except such as the Government of Canada appropriate for the use of the Provincial Legislatures and Governments, shall be the property of the Dominion of Canada. Under these words the property to which my hon. friend refers, known as the Govern-

ment House, would belong to the Dominion instead of the Province. But an Order in Council was made in 1871 upon this subject. That Order in Council was founded upon a report of the Minister of Public Works. It has reference to property both of Ontario and Quebec, similarly situated. It contains these words so far as relates to the subject in question:—"That it is now expedient to fully relieve the Dominion Government from any responsibility and cost of maintaining, and to formally transfer to the Provincial Governments of Ontario and Quebec respectively the undermentioned properties actually required for and appropriated to the use of their Legislatures and Governments." Among the property enumerated is the site of the Ontario Government House, situated in the city of Toronto between Wellington, John, King, and Simcoe streets, containing a superficies of 266,151 square feet. After enumerating other properties, the order proceeds:—"The undersigned therefore recommends that the above mentioned public properties and building situated in the cities of Toronto and Quebec, with all and every appurtenances and dependencies belonging and pertaining to the same, be appropriated and transferred respectively to the Governments of Ontario and Quebec for the use of the said Governments and their Legislatures; but providing that the several Governments hereinbefore mentioned may dispose of the properties, so appropriated and used as residences for their Lieutenant-Governors, or providing and substituting therefor such other suitable residences as may be approved and deemed an adequate and satisfactory equivalent by the Government of Canada." The Government will bring down this Order in Council and report at once.

CREDITORS' RELIEF ACT.

Mr. ERMATINGER asked whether it is the intention of the Government to introduce a Bill this session to amend or to repeal the Creditors' Relief Act.

Hon. O. MOWAT—It is not the intention of the Government to introduce a Bill to repeal the Creditors' Relief Act; but we do propose some amendments, not of a very extensive character.

SURROGATE COURTS.

Mr. FRENCH moved the second reading of the Bill to amend the Surrogate Courts Act, and respecting the estates of deceased persons and minors.

Hon. O. MOWAT said that the Bill was not prepared with that attention which his hon. friend was able to bestow upon it; in fact it was so defective that he could hardly imagine that the hon. gentleman had any idea that it could become law. There was no general demand for the measure; its provisions were such as would eat up small estates with costs; it would create a very large amount of business in regard to estates which were now managed fairly well, without the intervention of the courts; and it did not appear to possess any advantage commensurate with its expense. He did not say that there might not be here and there in the Bill provisions which, with proper restrictions and precautions, might be useful; but those precautions had not been taken. The first section of the Bill provided that the surety upon a bond taken by a Surrogate Court, or any legatee, next of kin, or minor interested therein, might at any time apply to the court for an order requiring the principal to make a statement of the condition of the estate. Under this clause any of the persons named, no matter how small his interest and no matter how fully the other persons interested were satisfied with the management of the estate, might make the application, and the court, if satisfied that it is made in good faith, must grant the order for the statement, and burden the estate with heavy costs. There was no provision for giving notice to the other parties interested, and under this clause an execution creditor, acting in collusion with the surety, might relieve himself of his trust. The next clause provided that under certain circumstances the court might relieve the surety from further liability on his bond. No limit of time was fixed; and under this clause the surety might relieve himself of the trust the day after he had accepted it. The clause providing for the removal of an executor was not surrounded

WITH PROPER RESTRICTIONS.

Worse still was the clause which justified an executor in paying over money pending an appeal. Why, if the law did not already prevent the payment of money in that way, it should be amended so as to forbid such an act. Regarding the clause for allowance for support of deceaseds' family, he remarked that creditor's claims were generally regarded as being the first claim on an estate, but the Bill proposed to allow a judge to make an order for any amount he chose out of the estate. Clause 9 proposes to allow an increase of allowance to a widow who be-