

PREMIER'S TRIBUTE TO LIEUTENANT-GOVERNOR.

LEGISLATURE IN SESSION.

Most Important Legislation Introduced Providing for Municipal Power Plants and for a Complete Revision of the Assessment Law—Public Accounts for 1902 Presented—Budget on Tuesday.

The Legislature resumed yesterday afternoon and transacted a volume of business which would do credit to an ordinary period of a week. The death of the Lieutenant-Governor was the subject of eloquent and appropriate references by Premier Ross and Mr. Whitney. The former spoke with evident feeling and moving sincerity of one with whom he had been so long associated as leader and as Governor. Mr. Whitney fully concurred, and praised Sir Oliver Mowat as a strong party man. The Premier introduced the bill giving municipalities authority to engage in the development, transmission and distribution of power. He also introduced the bill for the regulation of municipal taxation. This is the measure recommended by the Assessment Commission a year ago, and which is quite revolutionary in its character. It will doubtless be referred to a special committee at an early date. The consolidated municipal act, a large roll of proofs, which in appearance resembled a polyglot petition for the suppression of some popular vice, was introduced by the Attorney-General, while Mr. Harcourt introduced a bill to amend the public school act. The address in reply to the speech from the throne was formally passed, thus clearing the way for Mr. Stratton to lay on the table about thirty departmental reports.

The attendance was large on the Government benches, but there were many Opposition members absent. The Liberals bore a cheerful air. Mr. Gamey's seat was, of course, vacant, and it is not straining the evident truth to say that that fact weighed heavily on the countenance of Mr. Whitney and his supporters.

Mr. Ross moved that the time for presenting petitions for private bills be extended to April 28, for introducing private bills to May 7, for receiving reports of committees on private bills to May 21, for introducing municipal and assessment bills to May 1.

Appreciation of Sir Oliver.

Premier Ross then rose, and, without demonstration from the members, spoke as follows:—I think it is proper that at this stage of the proceedings of the House I should offer some observations with regard to the decease of our late esteemed Lieut.-Governor. His ripe years and long services have endeared him to the whole people of Ontario, particularly; endeared him to the people of Canada, for he was a Canadian and was known wherever the institutions of the country were known; have endeared him to the

members of this House, or to many of them who shared with him, in a greater or less degree, the responsibilities as well as the pleasures of legislation; have endeared him more particularly to those of us who were his colleagues, who knew his zeal in the public service, his great desire to maintain in its fullest integrity the honor and dignity of the Assembly, and his unremitting efforts to maintain at a high level the legislation of this House. Sir Oliver Mowat will be remembered by those who were closest to him in the work of legislation as a most faithful and capable executive officer. He will be remembered by the Liberal party as a capable and courageous leader; he will be remembered by all good citizens as a man whose walk and conversation were worthy of all imitation.

Some Features of His Life.

In writing the history of this Province, or in writing the biography of the distinguished gentleman, there are two or three features of his life which I think will come out in very bold relief; and the first that occurs to me is closely related with his work in the Legislative Assembly, and with his far-sightedness in simplifying as well as in establishing the constitutional precedents (I have no doubt for all time to come) governing the status of the Province of Ontario as a member of the great federal compact. It is to Sir Oliver Mowat's foresight, and his keen appreciation of the status of the Province in the federal compact, that we owe, to a large extent, the entire independence of this Province from entangling constitutional alliances with the Dominion Government—I speak of the Government not as a political body, but as an element in the interpretation of our constitution. cursorily read, or superficially read, our constitution would seem to indicate that at the top and in the forefront of precedents would stand the Imperial Parliament, subsidiary the Dominion Parliament, third and lowest of rank, the Provincial Legislature. This was not the view entertained of our relation to the federal compact by the late Sir Oliver Mowat. He interpreted the British North America act to mean that the secret springs of our power were as directly connected with the Crown as the spring power of the Dominion Government, and, therefore, as our statutes show, all legislation in this House is subject to or is enacted by and with the advice of his Majesty and members of this Legislative Assembly. In some of the other Provinces, such as Prince Edward Island, Nova Scotia and New Brunswick, the recital is the Lieutenant-Governor, by and with the advice of Assembly or Legislative Council, as the case may be.

Sir Oliver's Tenacious Grip.

Sir Oliver Mowat contended from

the very inception of federation that the Crown, so far as the Provinces were concerned that the Province stood in the same relation to the Crown as the Dominion Parliament or the House of Commons, and it was the tenacious grip which he took of this proposition which led, in some instances, to those contests for constitutional interpretation, and perhaps, some might say, for constitutional supremacy, which were carried to the Judicial Committee of the Privy Council, and which almost unanimously resulted in the recognition by the Judicial Committee of the Privy Council of the practically independent sovereignty of this House within its constitutional limitation.

Maintained Legislature's Sovereignty.

It is very gratifying to feel that in the early interpretation of the constitution of the Province there was a statesman placed—shall I say Providentially?—in such a position as to maintain the sovereignty of this Legislature, and in this way give to the Provincial Assembly a dignity or importance which otherwise we should not have. We could not brook the idea, now, that this Legislature was in any sense subordinate to the Dominion Parliament. The Crown, as represented by the Lieutenant-Governor, is a source of honor, as much as his Majesty is a source of honor in Great Britain.

This would be the fundamental principle in the decision of the escheats case, this would be the fundamental principle which gave to the Province of Ontario the proprietary of its mines and timber. These decisions, therefore, indicate at once the attitude of the late Lieutenant-Governor towards the constitution, in the framing of which he had something to do, and the full advantages of which we can scarcely appreciate. We could only appreciate them to the full should it happen at any time that there was a Government in power at Ottawa which would endeavor to encroach upon our prerogative.

Compared With Judge Marshall.

In every respect Sir Oliver Mowat filled largely the place in Ontario which Judge Marshall filled in the United States. It was reserved for him in the early twenties to establish the sovereignty of Congress, and so train, as it were, the Legislatures of the United States, and the people of the United States, to believe that Congress, within certain limitations, was supreme, and, although a residuum of sovereignty remained in the State, in order to fulfill its function of government it had to be invested with certain authority. Sir Oliver, too, laid the foundations of a new constitution, for it is by the interpretation of a constitution that its length and its breadth and its height and depth are fully measured. He to whom was entrusted the duty of laying its foundations, and who laid them as widely and well and as broadly as he has laid them, ought not to be forgotten by this Assembly; ought not to be forgotten by anyone who values the advantages of the Provincial Parliament, the full, free, undisturbed Provincial control of all Provincial legislation; by any man who values the dignity of a seat in this House, placing him in close connection with all the sources of power which the Crown possesses in all matters of legislation.

His Versatility.

Another distinguished feature of the hon. gentleman was his versatility as a legislator. I do not know that there is on record another instance of such wonderful versatility as he possessed. For demonstration of this one has only to take up the 24 volumes of the statutes which passed through his hands. I have looked at them to-day, and they average five hundred pages to the volume—12,000 pages of law—and law essential to the complicated conditions of society in this Province.

Continuing, Mr. Ross examined some of Mr. Mowat's early measures, among the first of them being the settlement of the municipal loan fund. This was arranged by Sir Oliver with a genius worthy of one of the most