

dence, commencing with this morning.

The Premier's motion for morning sessions to begin to-day at 11 o'clock was passed without discussion.

Sheriff Dana's Case.

Mr. Whitney asked for a return of correspondence in connection with the resignation and reappointment of Sheriff Dana of Leeds and Grenville. He said that, as a rule, when one entered into a written agreement he undertook to carry out the agreement. Mr. Dana, however, who had been a member of the House, had resigned his office when he found that it would not bring him \$1,200, the amount he agreed to pay to his predecessor annually. He was reappointed to the office, and claimed by this means to have escaped the burden of the bond. The matter had now come to the courts, and it would be all the more lamentable if the courts should decide that the action of Sheriff Dana had relieved him of his burden.

Col. Gibson pointed out that there was nothing done that was not strictly within the provisions of statutory law. He said that in 1901 the receipts from the office were \$1,070, and in 1900 \$1,436. Col. Gibson had corresponded with the son of the late Sheriff Smart, Mr. James A. Smart, in order to effect a readjustment, and found that it was a case of "a pound of flesh." The family would not consider the suggestion, and, under that state of affairs, Sheriff Dana resigned without any promise of reappointment. Col. Gibson then wrote the representative of the county in the House, asking for a suggestion of an appointee to fill the place. It was not a case of great hardship to the family, because one of the sons was Deputy Minister of the Interior, another member of the family had a good position under the Deputy Minister, and other members were also well provided for. There was some correspondence, and he would be glad to bring it down, with the exception of that which was private between himself and the late Sheriff's son.

Mr. Whitney said it was quite impossible for him to see that Mr. Smart was under any obligation to release Mr. Dana from his undertaking.

The motion was carried.

Protest Against Dominion.

Mr. Pattullo introduced his motion of protest against Dominion legislation in matters under Provincial jurisdiction, whereby companies of a purely local interest were being incorporated, especially those relating to street and electric railways. The motion was the result largely of the bill now before the Dominion House to incorporate the Toronto & Hamilton Railway Company. In fiscal matters all agreed that the Province had received unjust treatment. In financial matters the same thing held, and we were now paying coal duties which were a great injury to Ontario. These duties amounted to a couple of million dollars a year, and were paid by Ontario because an eastern Province desired it.

Ottawa Bargain Counter.

We had all seen the recent result of the loan company legislation at the Ottawa Legislative bargain counter. The Atlas Loan Company had gone to Ottawa for permission to deal in stocks, after they had been refused it here. The railway legislation of the Province was, he believed, unworkable, and, therefore, he sympathized a little with the promoters who went there for charters. Last year, however, some changes had been made, one of them of much importance, to appoint a Railway Committee of the Legislature. They had hoped, when electric railways were first being chartered, that they would result in competition, but instead of this the companies were coming under the control of the great railway systems of the country. The bill now before the Dominion House gave the Toronto & Hamilton Railway Co. power to absorb a number of smaller companies. Toronto's interests were being jeopardized by the bill. The radial railways were gradually passing into the hands of one

influence. When the charter of the Toronto Railway ran out the city would be at the mercy of the united corporation of the radial systems around Toronto. Mr. Pattullo, in conclusion, referred with regret to the granting of a charter to the Mackenzie & Nicholls Electric Transmission Company. He then submitted the following motion as a substitute for that on the order paper:—

Resolution of Protest.

"This House protests against the tendency of late years on the part of the Dominion Parliament in matters of legislation whereby companies are being incorporated by special acts, though such companies have purely Provincial objects, and come within the purview of sub-sections 11 and 16 of section 92 of the B. N. A. act; that the expedient which it has become customary to adopt, of inserting in bills the mere assertion 'that the works of the company being incorporated are declared to be for the general advantage of Canada,' affords no reasonable protection against encroachment upon Provincial jurisdiction, the bills being entertained and passed apparently in ordinary routine, and without reference to any serious consideration of the question of jurisdiction; that there is involved in this growing tendency towards encroachment on the Provincial field of legislation an invasion of the rights of municipalities, which this House regards as of serious importance; that the Provincial laws relating to electric railways have been designed to safeguard in many respects the rights and interests of municipalities through which these railways run, or are chartered to be constructed, and the protection to municipalities thus afforded will be prejudicially affected, if not entirely removed, by the assumption and exercise of the right to legislate regarding these local railways on the part of the Dominion Parliament.

"This House, therefore, respectfully urges the Dominion Parliament not to pass legislation of this nature, pertaining to matters heretofore generally understood to be within Provincial jurisdiction, and which, in their nature, are matters of purely local concern."

Provincial Licenses.

Mr. Foy asked whether consideration had been taken of the necessity for a company occupying Provincial land to have a Provincial license.

Col. Gibson said the question had been drawn to their attention long ago. They were having examples of the evident intent of the B. N. A. act on this subject being frequently overridden, year after year. He had addressed a letter of protest to the late Hon. David Mills, Minister of Justice at the time, and had received a letter acknowledging in a certain measure the justice of the Province's position. He had also written to the Minister of Railways, and Mr. Irving had been sent to appear before the Railway Committee on behalf of the Province. A proposal was now made that any Dominion bill in which jurisdiction is assumed by a declaration of its general advantage to Canada shall go before two Judges of the Supreme Court for a confirmation, just as in the Province State bills had to go before two Judges of the High Court. It was a wrong that the Dominion should assume a control over inter-urban and other lines, which were essentially municipal in their nature. He believed that the law was that certain companies, properly incorporated by the Dominion, could hold land in the Province without a Provincial charter. They should make it clear, however, that they were emphatic in their protest against Dominion interference in Provincial matters.

"General Advantage."

Mr. Foy said that the Province's protest should be against the declaration that certain works were for the general advantage of Canada when such was contrary to the fact and to the express intention of the B. N. A. act. If such bills were passed, the Province should do what it could to get them vetoed.

Mr. T. H. Preston (Brant) drew at-

attention to what he termed Dominion encroachment in labor legislation. Sir Wm. Mulock had done much to improve the position of the laboring men. He had, however, introduced legislation that had far from the best results. There were now at Ottawa and Toronto Ministers of Labor, Bureau of Labor, Secretaries of these bureaus, and Courts of Conciliation and Arbitration.

Mr. St. John considered the attempt in the present bill at Ottawa an audacious one.

Mr. Whitney thought that a decision should in some way be obtained that would settle the matter forever.

Dr. Beattie Nesbitt (North Toronto), Mr. Thos. Crawford (West Toronto), and Mr. J. S. Hendrie (West Hamilton) endorsed the motion. Mr. Hendrie said that a deputation would go to Ottawa to-day to protest against the bill when it came up for rediscussion.

Cutting Down Our Rights.

Mr. Ross said that the Dominion had long ago commenced to cut down the rights of the Province, and it might become the duty of the Province to have a judicial declaration of its rights under the B. N. A. act. The Toronto-Niagara power concession was not on all fours with the cases in point, because the power concessions had been granted by the Province, but not the powers over streets, highways, etc. These they had obtained from the Dominion House.

The motion was carried, and the House adjourned at 10 minutes to 6 until 11 o'clock this morning.

Niagara Power Franchise.

Mr. Whitney has given notice of the following motion:—"That this House disapproves of the action of the Government in entering into the agreement with William Mackenzie, Henry Mill Pellatt and Frederic Nicholls, bearing date of the 29th day of January, 1903, empowering them to take water from the Niagara River for the generation of electrical or pneumatic horsepower for commercial use under the terms contained in the said agreement, and declares that all such agreements should have been submitted to this House for ratification."