

Solid Party Vote Defeats Nixon Bill To Curtail Tenure

Proposal to Suspend Five-Year - Term Provision Until After Election Is Lost by 80 to 18 — McCrea Replies to Progressive Chief, But Shuns Reference to Election Date

SINCLAIR DECLINES TO GIVE SUPPORT

Eighty Conservative members of the Legislature, including those from Premier Henry down to the most remote back-bencher, rose in their places yesterday to vote against the bill of Hon. Harry C. Nixon, Progressive Leader, which would amend the Legislative Assembly Act so that the provision for a five-year term for the Ontario House could not be made effective until after a general election.

Vote Stands 80 to 18.

Under Mr. Nixon's amendment, which was defeated by a vote of 80 to 18, the term for the present Legislature would expire this year—its fourth year—although subsequent Legislatures could sit for five years. By defeating the amendment, the members and the Government are enabled to remain for another year.

One feature of the proceedings was the abstention from voting of W. E. N. Sinclair, Liberal House Leader, and two other Liberal members, J. A. Sangster (Glengarry) and S. C. Tweed (Waterloo North). Mr. Sinclair said he could not vote for the amendment because he had supported the legislation passed in 1930 lengthening the term to five years, while Mr. Sangster does not approve of an early election. Mr. Tweed had no statement to make.

"Lame-Duck" Session.

Mr. Nixon's main contention was that the Government had no right to prolong the life of this Legislature by a "lame-duck" session, as the bill passed in 1930 extending the life of Legislatures in the Province from four to five years, was never intended to apply to the present Legislature, which passed it. Hon. Charles McCrea, speaking for the Government, did not deny that Hon. G. Howard Ferguson, then Prime Minister, had given assurance that it would not apply to the present Government.

In fact, Mr. McCrea made no reference to this assurance, although Mr. Nixon had stressed it and other Opposition members had referred to it. And, although the Government was opposed to the bill which would take away its opportunity to sit for another year, there was nothing in Mr. McCrea's remarks to indicate whether it would avail itself of this opportunity, or whether there would be an election this year. Reference to the date of an election was noticeably absent from his remarks.

Quotes From the Law.

In speaking to the bill, which was up for second reading, Mr. Nixon said he was honored by Mr. McCrea being chosen to take up the cudgels for the Government on the matter.

"This is the fourth session of the Eighteenth Legislature," he said, "and under the law prevailing at the time this Legislature was elected it would necessarily be the last because the law of the Province at the time of the election was: 'That every Assembly shall continue for four years from the fifty-fifth day after the date of the writs and no longer, subject to being sooner dissolved by the Lieutenant-Governor.' During the first session the Hon. Mr. Ferguson, who was then Premier, amended this law to extend the possible life to five years.

"A few months ago I very innocently became involved in quite a controversy over this matter. In a casual conversation with some friends of the press, I remarked that this would undoubtedly be the last session of the Legislature, as it was clearly understood that, while the term was extended to five years, the present Legislature would not take advantage thereof actually to prolong its own life an extra year and that my good friend from Ontario South (Mr. Sinclair) had actually drawn such an intimation from the Premier.

"I noted that when the member from Simcoe Centre (Dr. Simpson) spoke he admitted an identical recollection and other members have confirmed this to me. When this appeared in print, my friend did not allow any such understanding or recollection of the matter, and, of course, I apologize for having brought his name into the discussion at all.

Mr. Ferguson Astute.

"The four-year term," continued Mr. Nixon, "had meant in actual practice three sessions of the Legislature and then election under the Premiership of Mr. Ferguson, who was too astute a politician ever to be caught hanging on to office to the bitter end, and every one knew that it was his policy and practice, as it was with Sir James Whitney, to go to the people before being compelled to do so by the legal termination of the life of the Legislature.

"It was generally felt, and with this I agree, that the three-year term was too short, that a five-year term would mean in actual practice four sessions of the Legislature, and there is not an honorable member in this House but knows that, were Mr. Ferguson at the helm today, there would be no fifth session of this Legislature."

Mr. Nixon commented on Premier Henry's remark some time ago that he (Mr. Nixon) had not protested when the legislation was going through. "At the time I had a great deal of confidence in Mr. Ferguson that he would do the proper thing,

and the real thought that was in the minds of the members of the House would be carried out, and the actual length of this Legislature would be four sessions.

"I regret that I have not the same confidence in the present Administration. I may be doing them an injustice on this, and it may be in the mind of the Premier and Cabinet that an election will be held before the next session," said Mr. Nixon.

Member's Letter Read.

The Progressive Leader then read a letter signed by R. K. Anderson, Conservative Federal member for Ottawa, to an Oakville resident. It read, in part, as follows: "It is probable that a Provincial election will be held about June, 1933, and, consequently, it is advisable to take up the question of a date for the convention to select a candidate. Our opponents in the Provincial field are very active, and are stirring their members to organize in the municipal, as well as Provincial field. The Liberal candidate is already working, and strengthening himself in the County of Halton."

Another letter was from Brantford, reading, in part, as follows: "It looks as if the Tories are getting ready for an election, as there were two strangers here today at noon in the shop hunting out some voters and offering them a job to work with them at night. . . . We heard they were from Toronto, and they seemed flush with money, as one of the boys said they offered to buy six cases of beer if he would go and get it on his permit.

"I think they are what we call the Tory machine," read Mr. Nixon.

Says Election Is Demanded.

"Perhaps when the Minister of Mines answers he will tell us how much salary Mr. Clysedale is drawing down from the machine; or, like Mr. Ferguson at the Hydro inquiry, he may say: 'I don't know nothin' about nothin,'" smiled Mr. Nixon. He then quoted Premier Henry as saying that there was no demand for an election.

"Now, I would challenge that statement. Never since my interest in politics began have I seen such a general and unanimous demand for an early election, and the only ones who do not seem to want one are my honorable friends opposite and certain heelers in the public service who have fat jobs at the public expense, and fear these jobs might be lost in the change of Government which would follow an election.

"If I misunderstood the thought in the mind of the Legislature at the time the bill was passed, or if I was remiss in my duty in not dividing the House on this issue at that time, it is not too late to make amends for such a failure on my part at this present session. So we have this amendment, which will make it very clear that this present Legislature will not take advantage of its own powers to extend its life an extra year."

He quoted the British North America Act to show that there was some doubt as to the power of the Legislature to increase its life. "If they can increase it to five years, why not to eight or ten?" Mr. Henry smiled.

Ethical Issue Is Seen.

"I submit that it would be no more flagrant than to extend it to five years. Should the electors return this Government, they would be approving of its action and it could go and extend its life again.

"In any case it seems to me that there certainly is an issue of ethics at stake. The terms of Legislatures in other Provinces have been extended to five years, but I challenge the Government to show me one instance in which an election did not intervene between the four and five year terms.

"If it is in my power, and unless there is some rule that bears upon this issue, I propose to press this bill to the best of my ability, and if any member elected for a four-year term feels that he should vote himself an extra year, he will certainly have the opportunity, if it is in my power to make him stand up and vote it, and I will promise him that it will be a major issue in his own constituency.

The "So-Called" Government.

"This Henry Government seems determined to hang on to the last possible day and dollar and subject this Province to a "lame-duck" session in 1934, in spite of the fact that they have not the confidence of the people and have no mandate to govern. They are maladministering our affairs.

"The Premier took strong exception to the words I used in referring to his Government as the so-called Henry Government, saying that it was insulting, and his members seemed to agree with him. I do not know that I blame him very much for not taking much pride in it, but it seems to me