

# LEGISLATIVE ASSEMBLY.

—  
 THURSDAY, July 31, 1866.

The SPEAKER took the chair at three o'clock.

After routing business,

Hon. Sol.-Gen. **LANGEVIN** introduced "an Act to amend chapter fifteen of the Consolidated Statutes of Lower Canada, intituled: an act respecting Provincial aid for superior education, and Normal and Common Schools." He explained its provisions, giving of the several classes *seriatim*. It provides for two Superintendents of Education, the one Catholic, the other Protestant, that the dissentients whether resident or non-resident, shall not be liable for taxes levied in support of the school of the majority, apportion the grant for educational purposes according to population, that the dissentient population of two adjoining municipalities may unite to form one school; that wherever the dissentients in any municipality shall have been one year without having a school in operation, they shall be liable to support the schools of the majority; that the Protestants shall have the power to separate the management of their schools from the Catholic, in which case there shall be established a Separate Board of Education, with the same powers as the board of the majority, and that the appropriation for education shall then be divided between the boards according to the number of children attending the school.

Hon. Mr. **DURION** asked whether it was the intention of the government to introduce a similar measure, to give equal privileges to the Catholics of Upper Canada, with the same guarantees that were proposed for the Protestants of Lower Canada, or if not whether they would cause such measure to be introduced by any private member.

Hon. J. A. **MACDONALD** said he would answer the questions, though not at all relevant to the subject before the House. This was a measure relating to the subject of education in Lower Canada. He would say, however, that it is not the intention of the government to introduce any measure relating to Separate Schools in Upper Canada; it was not the intention of the government to cause any member to introduce such a measure, but he would tell the hon. member that if any member did introduce a measure assimilating the rights of the Catholics of Upper Canada to those of the Protestants of Lower Canada he (the Attorney-General) was prepared to vote for it. (Hear, hear.)

Mr. McKENZIE warned the Reform members of the Government that if any measure was introduced on the school question in Upper Canada, to increase the privileges of the Roman Catholics in Upper Canada, by any supporter of the Government then sitting on the Treasury Benches and merely voting against it would not save them from the indignation of their Constituents. A measure so introduced would be a tyrannical interference with the rights of Upper Canada which would be most unjust. The system in Upper Canada was very different from that of Lower Canada: under the Common School system of Upper Canada there were 400 Catholic Teachers, and of the 90,000 Catholic children 45,000 went to the Common Schools, only 15,000 going to the Separate Schools. There was a distinct understanding that the School question in Upper Canada was not to be interfered with, and the introduction of a measure now by a private member with the support of the Government would be most unfair. He had no objection to the majority in Lower Canada regulating their own affairs, but he claimed the same for Upper Canada.

Hon. Mr. MACDOUGALL said the hon. member had not chosen a proper mode of discussing a question of such great importance as the one before the House. He would take occasion to say, however, that if the hon. gentleman considered himself the guardian and mouthpiece of the Protestants of Upper Canada, he would take the liberty of disputing his right to the position. When the Government was formed, it was agreed that a measure should be framed, to protect the rights of the Protestant minority of Lower Canada, in the future Confederation. Their position was a peculiar one, the School system of the majority was more sectarian in practice than that of Upper Canada. He had, therefore, after consideration, felt justified in assenting to the proposition that they should be secured in their rights, and the bill now introduced had that object in view. Then the hon. member for Hochelaga had put certain questions touching the School question in Upper Canada, which the Atty.-Gen. West had answered in a very proper way. He had said the Government did not intend to introduce any measure on the subject, and the reason was that the Government had not believed any measure necessary, they believed the rights of the Catholics well defined, and in no danger of being interfered with under the existing law: but the Attorney-General had also expressed his individual intention of voting for a measure to assimilate the privileges of the minorities in both sections, which did not effect the Government, as a government. He (Mr. McD.) would say as he had said before on this question of Separate Schools, when the member for Lambton had supported him, that if the machinery of the law was defective in the working of the Separate School system, he would assent to its improvement, and if any measure of the kind was introduced by a member of the House, he should be prepared to act either with the hon. gentleman opposite or against him, according as his judgment, and the interests of those who had sent him there would direct him.

Hon. A. A. DORRION contended that the schools in Lower Canada were sectarian, except where the population was all Catholic. In Montreal and other places where the population was mixed, the schools were not strictly sectarian.

Mr. DUNKIN said there could not properly be any analogy between the school systems of Upper and Lower Canada, because they started from entirely different grounds. The Protestants had said: Make the schools of the majority in Lower Canada, the same as the schools of the majority in Upper Canada, and all will be right; but that could only be done by making the Lower Canada majority Protestant. (Hear, hear.) This bill was a bill for the minority, which might be Catholic or Protestant, according to the locality; whereas, in Upper Canada, the Catholics were in a minority in every locality. He had no fear of the Lower Canadians agreeing among themselves as to their school system, but protested against Upper Canadians mixing the question with any views which they might see prevail in their own section, as a source of embarrassment to the settlement of the question now before the House.

Mr. JONES, (North Leeds), said he could not believe that the Government would permit such an important question as education to be interfered with by any private member. It was not a question to be left in the hands of any individual member of this House, and he was sure the Government would not consent to the course that had been stated was to be followed.

Mr. HANKIN said the Separate School bill of Upper Canada, which was now law, was introduced by a private member and supported by the Government, when the hon. member for Cornwall was at the head of it, and the member for Lambton had supported the bill.

Hon. Mr. McFEE said a few words in explanation of a reference to him, made by the member for Lambton.

Hon. J. S. MACDONALD taunted the Government with being afraid to introduce a bill for Upper Canada, similar to that which they had introduced for Lower Canada.

Hon. J. H. CAMERON thought the discussion about the Upper Canada School law quite out of place on this bill. The Catholics of Lower Canada had always exhibited a very liberal feeling in dealing with the Protestant minority, and the question now before the House was on a bill introduced by a Catholic member of the Government, with reference to the privileges of the Protestants of Lower Canada.

Mr. McKENZIE—In reply to the Provincial Secretary said, though he only professed to speak for himself his views were those of the people of Upper Canada.

Mr. POPE said that the Roman Catholics had asked for this bill as a means of protection to themselves in places where they were in the minority. It was right that concessions should be made on both sides.

Mr. D. A. MACDONALD said the Government was afraid to introduce a bill for Upper Canada, knowing their supporters would not sustain them. He was also understood to say that he had always opposed Separate Schools, and always would, because in the first place he represented a constituency which did not desire them, and in the second place, the Reform party of Upper Canada, which had always opposed them.

Mr. McKELLAR spoke in a similar strain to the member for Lambton. He asked the Attorney-General West if the government would support any measure for extending the Separate School law in Upper Canada.

separate school law in Upper Canada.

Atty.-Gen. MACDONALD.—The government will not support any measure of the kind.

Mr. McKELLAR asked if the government would prevent the introduction of a bill for that purpose by any private member (several cries of "no".)

Atty.-Gen. MACDONALD.—Members had the privilege of introducing bills upon any subject they might see fit, and the government did not design to interfere with their prerogatives in this nor any other matter.

Mr. McKELLAR continued, saying the government had desired some private member to introduce a bill for Upper Canada upon this subject, and spoke strongly against it.

Hon. Mr. LAFRANÇOIS.—In reply to Mr. Pope denied that the Catholics of Lower Canada had asked for this bill, though they would probably allow it to pass. The bill had been promised to the Protestant members of the House, representing Protestant Constituencies as compensation for their votes in favor of Confederation.

Hon. Mr. HOWLAND said the government occupied a peculiar position on this question. A measure had been promised to guarantee the privileges of the minority in Lower Canada on the subject of education. But the question was in fact merely one of arrangement between the Catholics and the Protestants of Lower Canada, and the government had taken charge of it in the House. With regard to what had been said on the Separate School question in Upper Canada, the government had taken no action, and did not intend taking any action in the matter. He begged to contradict the statement of the member for Kent, that the government had desired some private member to bring in a bill. Nothing of the kind had been done.

Mr. SCATCHERD said the members for Lambton and Kent exhibited great zeal for the Protestant interests of Upper Canada now, but when it suited their purpose, they had supported the government that had passed the present school law, and voted large sums for sectarian grants.

After some other members had spoken, Mr. McKENZIE replied to Mr. Scatcherd, saying that when that gentleman accused him of having supported sectarian grants, he stated what he knew was not correct. (Cries of "order".)

Hon. J. A. MACDONALD said the hon. member had no right to use such language, and ought to substantiate it or apologise.

Mr. McKENZIE.—Has only used it in the presumption that every member knew what took place in the House, and it would be seen by reference to the Journals, that he had not voted as the member for Middlesex had said.

Mr. SCATCHELD said the member for Lambton was accustomed to making such statements in the House, when he got into a difficulty. He (Mr. Scatcherd) had said that that gentleman had supported the Government, which passed the Separate School law and voted sectarian grants, and he did not care in what manner the hon. gentleman might choose to reply to him.

After further discussion Messrs. Jones, McKellar and others taking part, the bill was read a first time.

Hon. Mr. GALT gave notice that at the first sitting of the House on Thursday, he would move certain resolutions on the currency.

On motion of Hon. J. A. MACDONALD, the House went into Committee of the whole on the Volunteer Militia bill, and sat until six o'clock.

#### Second Sitting.

The SPEAKER took the chair at half-past seven o'clock.

Several bills were introduced from the Legislative Council, and read a first time.

Hon. Mr. LANGEVIN gave notice that he would on Thursday next, move the House into Committee of the whole, to take into consideration the Provincial grant in favor of Education in Lower Canada.

The House then resumed the consideration of the Act to amend the Act respecting the Volunteer Militia force, in Committee. The fifth clause of the bill was amended, by providing that any by-laws passed by municipalities for volunteer militia purposes should be submitted for the approval of the Governor-General. The Committee rose and reported the bill as amended.

On the motion for the further consideration of the report of the Committee of Ways and Means, on the resolution regarding the mode of valuation of dutiable goods,

Hon. Mr. GALT stated it was not his intention to press the adoption of the report at present. He found that a good deal of objection was made by the trade, to several of the charges specified in the mode of valuation, and had therefore concluded to allow the item to stand until the subject should receive further consideration.

The report of the Committee of the whole on the appointment of a Registrar for the Indian district of Nipissing, was received.

The following bills passed through Committee without debate:

Bill (No. 229) To amend Chapter 128 of the consolidated Statutes of Upper Canada, intituled, "An Act respecting the administration of Justice in the unorganized tracts of territory (from Legislative Council).—Hon. Mr. Atty.-Gen. Macdonald.

To incorporate the St. Patrick's Association of Montreal.—Hon. Mr. McGee.

To facilitate the suppression of the evils caused by intemperance in Lower Canada (from Legislative Council).—Hon. Mr. Sol.-Gen. Langevin.

On motion of the Hon. Mr. HOWLAND the House went into committee on the bill to amend the Post Office Act.

Hon. Mr. ROSE called attention to the grievance that Insurance Companies, and the public, labored under from the fact policies of Insurance, being partly written and partly printed had to pay letter rates. In England the rule was that documents of that description went at a lower rate. He thought it would be of great advantage to the public to have policies sent at the rate of printed matter.

Mr. FERGUSON (Simcoe) thought if Insurance Companies were to be privileged in this way the same principle should be extended to documents for registration. Indeed he thought papers for the registry office of more importance to the public.

Hon. Mr. HOWLAND opposed the change on the ground that it would tend to complication, and be very difficult to carry out. He did not think the revenue would benefit by it, as the postage rates on all matter were now so low as not to be oppressive upon any class in this country. By the third clause it was provided that the Postmaster-General may issue licenses for the sale of stamps, a provision made with the view to prevent frauds upon the Department. He explained the several provisions of the bill (which is founded on the resolution already published in the Times.)

Mr. FERGUSON, (Simcoe), suggested that some arrangement should be made whereby Militia Officers should not be compelled to pay, out of their own pockets, the postage on correspondence upon purely military subjects between themselves and the Brigade-Majors.

Mr. M. C. CAMERON said the point referred to by the member for Simcoe was worthy of consideration, as it was certainly a great hardship that Militia Officers should be put to expense for military correspondence. He thought there was also an objectionable feature in the bill, by restricting the sale of stamps to parties holding a license. Postage stamps entered largely into the settlement of accounts by remittance, and this provision would cause great inconvenience by prohibiting their use in this way.

Hon. Mr. HOWLAND stated that he did not see how the public would be inconvenienced by the proposal system, and it had been considered necessary to make this provision for the protection of the revenue.

Hon. Mr. HOLTON did not object to the license, but to the penalty of forty dollars attached for selling stamps without a license. Hotel-keepers, stationers, and others in business, would be prohibited from accommodating their customers.

Hon. J. S. MACDONALD also pointed out the inconveniences likely to arise from the restriction.

Mr. DUNKIN argued in favor of some arrangement being made to take off the burthen of prepaying postage by Militia officers, but did not approve of Hon. Mr. Rose's suggestion, as it ought to be always kept in view, that the Post Office Department should be self-sustaining. On the third clause, imposing a penalty of \$40, for selling stamps without license, he suggested that the Postmaster-General should amend it by enacting the penalty against those only who sell stamps "for gain." This he thought would remove all the objection to it.

Hon. J. H. CAMERON argued against the necessity of the reduction advocated by the member for Montreal, Centre, as all documents of the kind could be made into parcels and sent by express, and in cases where large numbers of them were being sent, at a much cheaper rate than by mail.

Mr. FERGUSON (Simcoe) asked whether a party receiving stamps by mail in payment of sums under a dollar—such as Registrars—could get these exchanged for money at the Post Office, or would they be compelled to keep them.

Hon. Mr. HOWLAND said as he intended to accept the amendment suggested by the member for Brome to impose the penalty only against parties selling "for gain," it would meet the case of the parties referred to by the member for South Simcoe. (Hear, hear.)

The Committee rose and reported the bill as amended (by inserting "for gain" in the third clause.)

The following bills also passed through Committee:

To enable compensation to be made to the heirs of Mrs. Elizabeth McKay, for the erroneous issue by the Crown, of letters patent for lands to which she was entitled.—Hon. Mr. Atty.-Gen. Macdonald.

To incorporate the Montreal Literary Club (and amendments)—Hon. Mr. McGee.

On motion of the Hon. J. A. MACDONALD the adjourned debate on the Resolutions providing for the Local constitutions was resumed:

The first resolution being again put, was declared carried on division.

The second resolution, declaring the principle of Responsible Government in the Local Legislature, being put:

Mr. M. C. CAMELTON objected that the resolution did not sufficiently define the Local Government. He moved in amendment that the Local Governments, shall, until altered by the Local Legislature consist of a Lieut.-Gov. and Executive Council, to consist of five members chosen by the Lieut.-Governor, and the executive authority of the Lieutenant-Governor shall be exercised by the advice of the Executive Council, who shall be responsible to Parliament. He contended that the expression "the well understood principles of the British Constitution" did not define the Local Governments with sufficient precision.

Hon. Mr. CAUCHON said the amendment did not provide for responsible Government. It did not consist in the Executive Council being limited to five members, but in the responsibility of ministers, first to the Sovereign and then to the people. (Hear.) They had a right to limit the number of heads of departments to five, for the sake of keeping down expense, but we had no right to limit the number of the councillors. It was the prerogative of the Sovereign to seek the advice of

as many as he pleased, and the ministers were responsible to the Crown for that advice and to the people too. The proposition to limit the number of councillors was, in fact, limiting the system of responsible government.

Hon. J. S. MACDONALD argued that the reasoning applied to the Crown, would not extend to the Lieut.-Governor. The House now stood in the same position towards the Local Governments, that it did when creating the county Councils, and they might as well define the duties of the Lieut.-Governor as they had done those of the Warden. He thought it right that the House should now limit the number of advisers, beyond which the Lieut.-Governor ought not to be allowed to go. He was perfectly willing to allow the gentlemen from Lower Canada, to make their own arrangements, and would suggest therefore, that this amendment apply only to Upper Canada.

Hon. Mr. McDUGALL said the amendment only asked the Imperial Government to put into the Imperial Act, a clause which would prevent the Local Legislature from regulating the number of the Executive. It would be competent for the Local Parliaments to regulate the matter, and if the Lieutenant-Governor should appoint too many advisers, they could vote Want of Confidence.

#### breach of Privilege.

Hon. Mr. HOLTON called the attention of the Speaker, to the fact, that a member of the House had been assaulted within the last half hour. (It was then after 11 o'clock.) He said a violent assault had been committed on the member for Drummond and Arthabaska, in the Library of the House, by a person named Gerin. He made the announcement that the Speaker and the House might take the proper action in the premises.

Hon. J. A. MACDONALD said the case required the prompt attention of the House. He would look into the matter and suggest such action, to-morrow, as would seem proper.

Hon. Mr. HOLTON said the person should be arrested at once.

Several members having looked up authorities, suggested immediate action.

The member for Drummond and Arthabaska, Mr. J. B. E. DORION, having taken his seat, he was called upon to make a statement, which the clerk took down as follows:

"I had occasion to go to the library about half-past ten o'clock, and was taking up some books, when I was called on by Mr. Gerin, the Editor of *Le Canada*, published in Ottawa. He requested me to take the seat he had just occupied in the corner of the library. I refused to take the seat, but sat down on a stool which was next to it. He commenced a series of questions about an article which appeared in the *Refrecheur*, of which I am Editor and Proprietor. After a few words of explanation with regard to the article in that paper he became very excited, and used very abusive language towards me. I cannot recollect exactly the words, they were very impertinent, and insulting. As I did not wish to carry on a conversation of that description, I rose up from my seat to leave him alone, whereupon he began an attack upon me by striking me in the face with his closed hand. I protected myself as well as I could. He struck me several times with his closed hand on the face and head, until some of the parties who were in the room took him away, and prevented him from doing me any more injury."

The Clerk then read over the statement, whereupon,



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Hon. J. A. MACDONALD said upon that information the Speaker would be quite justified in issuing his warrant.

Hon. Mr. CAUCHON said he had an authority which did not quite agree with those already quoted. A case had occurred in Toronto where the whole facts had been discussed before the Speaker had issued his warrant. Besides he had been made acquainted with some of the facts in this case. The hon. member for Drummond and Arthabaska had begun the assault by striking the other party. (Loud cries of "Order," "Chair.") Mr. Cauchon argued that the course now to be followed was not the proper one.

Hon. J. A. MACDONALD said with the statement of the hon. member before the House, he considered it was bound in defence of its own privileges to have the party arrested. He then moved that the Speaker do issue his warrant to the Sergeant-at-Arms, to take Elzear Gerin into custody.

The motion was carried, and Mr. Gerin who had resumed his place in the Reporter's Gallery, was shortly afterwards taken into custody by the Sergeant, and brought before the bar of the House.

The debate on the Local Constitutions was resumed by Mr. Rankin, who replied to the member for Cornwall, and opposed the amendment.

Mr. McKENZIE said the opponents of the amendment misapprehended its effect, in saying it prevented the Local Legislature from regulating the number of the Executive. The amendment provided only that the number should be fixed at five, until the Local Legislature should see fit to change it.

Messrs. DUNKIN and MORRIS opposed the amendment, the former contending that it did not harmonize so well with the principle of responsible government as the resolution.

Mr. M. C. CAMERON denied that the amendment limited the number of advisers; it only defined the numbers which should be responsible to Parliament, a course that had always been followed. He should like some of the gentlemen opposite to explain the meaning of the well understood principles of the British Constitution.

Hon. Mr. McKEE addressed the House briefly, showing that according to British practice the number of advisers was never arbitrarily fixed; that the Lieutenant-Governors would represent the crown, the Local Constitutions being direct from Imperial Parliament.

Dr. PARKER made a few remarks favoring the amendment.

The amendment was then declared lost on division and the second resolution carried.

The third resolution (regarding the seal) was then carried.

On the 4th resolution,

Hon. Mr. DORION stated that he wished to move an amendment, providing that the Lower Canada Legislature be not composed of two chambers, but that it be composed of a single chamber, as provided for Upper Canada.

It was then agreed that the remaining resolutions should be read, and the debate adjourned until Thursday.

On reading the 11th resolution,

Hon. Mr. GALT stated that it was intended to amend the same for the purpose of providing that certain constituencies—those inhabited by the people of British origin—may not be altered as to their limits, except by the vote of a majority of the representatives of the same.

The amendment was carried.

Hon. J. A. MACDONALD

Hon. J. A. MACDONALD moved the resolution of which he had given notice on Friday, to provide for a settlement of accounts between Upper and Lower Canada.

A long discussion ensued.

The following bills were read a second time: To amend the Acts respecting Duties of Customs and the Tariff of Duties payable under them.—Hon. Mr. Galt.

To amend the Acts relating to the Duties of Excise, and to alter the duties thereby imposed on spirits.—Hon. Mr. Galt.

The following bills read were a third time and passed:

To vest the Protestant Burial Ground at Hudson in the Incumbent and Church Wardens of St. James' church, Vaudreuil.—Hon. Mr. Abbott.

To incorporate the Crystal Lake Cemetery Company.—Mr. Knight.

To enable John Auld to sell certain real estate.—Hon. Mr. Rose.

To remove doubts as to the legality of a canon of the Synod of the diocese of Quebec, respecting the Parish and Chapelries of Quebec.—Mr. Irvine.

To divide the Municipality of "Gaspé Bay South and York," into two separate Municipalities.—Mr. LeBoutillier.

To extend the provisions of the Act 25th Victoria, chap. 40, intituled "An Act to confirm and establish certain roads in the Township of Hensch.—Mr. M. C. Cameron.

To amend certain errors in a Conveyance from one Alexander Dixon, deceased, to W.M. Westmacott, dated 1st September, 1854, and to confirm a sale of certain lands thereunder.—Hon. Mr. Cameron.

To erect the Parish of St. Bonaventure into a separate Municipality.—Mr. Geoffrion.

To incorporate the Belleville and Marmora Railway Company (from Legislative Council.)—Mr. Morrison.

To incorporate "The Dresden Great Western Oil Company."—Mr. Magill.

To incorporate the Roxton Mining Company.—Mr. Geoffrion.

To amend the Charter of the Quebec Fire Assurance Company.—Hon. Mr. Alleyne.

To incorporate the Union Fire, Ocean and

Inland Marine Insurance Company.—Hon Mr. Rose.

Further to amend the Charter of the Bank of Upper Canada—(from the Legislative Council.)—Mr. Street.

To amend the Act Incorporating the City of Three Rivers.—Mr. DeSiverville.

To extend the time for the completion of the works of the North Shore Railway and St. Maurice Land and Navigation Company.—Mr. DeSiverville.

To authorize the construction of a Tramway or Railroad from the Village of Orangeville, in the County of Wellington, to some point on the Grand Trunk Railway, west of Toronto.—Mr. Parker.

To further amend the Act to incorporate the International Bridge Company.—Mr. Morrison.

To authorize the sale of certain lands belonging to the estate of the late Honorable Peter Adamson.—Mr. MacFarlane.

An Act to provide for ascertaining what persons have rights in the Commons of Berthier and Isle du Pate, (from Legislative Council.) Mr. Dufresne (Montcalm.)

An Act to incorporate the Upriver Agency of Chatham, (from Legislative Council).—Mr. McKellar.

To consolidate the indebtedness of the Town of Stratford, in the County of Perth.—Mr. MacFarlane.

For improvement of the Napawee River.—Mr. Cartwright.

An Act to place the Wesleyan Methodist Church and property situated on the South side of Queen Street, in the city of Toronto, under the direction of the "Model Deed" of the Wesleyan Methodist Church, in connection with the English conference, for the better management thereof, and to vest the same in certain Trustees under said Deed (from Legislative Council).—Mr. Cameron (North Ontario.)

To authorize Margaret Bessner to sell a block of land in Ottawa, for the benefit of her son the Devisee, a minor.—Mr. Currier.

To amend the Act to incorporate *Institut Canadien Français de la Cité d'Ottawa*.—Mr. Currier.

The House adjourned at half-past 1 o'clock.