

the proper course to be adopted, Mr Cameron moved to refer the Bill back to the Standing Orders Committee, which motion was put to the House and lost. Also to a case which happened in February, 1870, when a similar course was adopted. The House has in this way the opportunity of full debate and of arriving at an intelligent decision.

Mr. FRASER moved "That the order be discharged and that the Bill be referred to the Committee on Standing Orders to consider whether the legislation asked for is in excess of the notice."

Mr. HODGINS said that according to the practice, the motion should be to refer the Bill back to the Standing Orders Committee with instructions to report to the House upon the propriety of suspending the rule.

Mr. BETBUNE said he understood that the Street Railway Corporation had not complained of the excess of legislation before the Railway Committee. As the parties concerned had not complained the motion should be voted down.

Mr. DEACON considered that to pass the Bill in its present shape would be to perpetuate a gross injustice. The city of Toronto was asking the House to sanction its interpretation of the original contract. He thought that the courts should decide what that interpretation should be. He wished to deny that he had been subjected to any representations on the part of the Messrs. Kelly.

Mr. PARDEE strongly protested against referring the Bill back to the Standing Orders Committee. He could not believe that any amendment could be covered by the original notice. To admit this would be to put an end to Private Bill legislation.

Mr. PAXTON supported the motion of the hon. Commissioner of Public Works. The Street Railway had done their best to defeat the clause complained of in Committee.

The House divided, and the motion to reconsider was lost on the following division:—

YEAS—Messrs. Benfield, Cotts, Dawson, Deacon, Fraser, Grange, Grant Harris, McMahon, O'Donoghue, O'Sullivan, Patterson (Essex), Paxton, Rosevear, Wight—15.

NAYS—Messrs. Appleby, Baker, Ballantyne, Baxter, Bell Bethune, Bishop, Boult, Broder, Cameron, Chisholm, Clarke (Norfolk), Clarke (Wellington), Coode, Cole, Creighton, Crooks, Darochs, Ferris, Fleisher, Gibson, Graham, Hardy, Hargratt, Hay, Hodgins, Hunter, Kean, Lane, Lyon, McCrae, McDougall (Middlesex), McDougall (Simcoe), McRae, Maslin, Merrick, Miller, Monk, Mosyn, Pardee, Patterson (York), Preston, Richardson, Robinson, Ross, Scott, Sexton, Sinclair, Spritzer, Striker, Watterworth, Widdisfield, Williams, Willis, Wilson, Wood—56.

The House then went into Committee of the Whole upon the Bill.

Mr. PAXTON moved in amendment to section 1—

"Provided, that in the event of the Corporation adopting, for any portion of any of the streets traversed by the said railway, any description of pavement other than gravel, macadam, cobble, or boulder stone, the Corporation shall construct the same between the rails, and for one foot six inches outside each rail of the said railway, and the said Company shall pay to the said Corporation one-half the cost price thereof."

In speaking to the motion, he stated that the Bill in its present state would do great injustice to the Street Railway Company. The city of Toronto was continually seeking legislation to put itself in a better position towards the Company than it originally occupied. The rights of private people should be respected, not legislated away. He considered that it was the people living along Yonge-street and other streets on the line that were interested in this legislation, and not the city as a whole. By the provisions of the Bill the Street Railway would be compelled to pay one-half the cost of a most expensive pavement which it was proposed to lay down on Yonge-street. Surely the House would never contemplate forcing the Company to pay \$40,000 a mile towards the construction of this road, which was what their proportion would amount to. The practical result of the Bill, as at present constituted, would be to ruin the Street Railway Company. It had been represented that he had no business to interfere with this regulation, not being a resident of Toronto; but he thought that very fact rendered him better able to judge what was right between Toronto and this Company. What guarantee had the House that expensive pavements would not be put down on every street traversed by the Railway? To seek such legislation as this was the vilest piece of selfishness on the part of those who demanded it. The clause he ob-

jected to was not in the charter of the new Company, which was quite a different Bill.

Mr. FRASER asked the promoter of the Bill whether he thought the proposed subsection of the Bill was the legal construction of section 3 of the original charter.

Mr. CAMERON replied that the construction was a matter of great doubt; that being so, he favoured a construction in the public interest and the view of the Railway Committee.

Mr. FRASER thought that where a doubt existed in a matter between an individual and a powerful corporation, the doubt should go in favour of the individual. He believed that the courts of the country were the proper bodies to decide the construction of the original charter. His own opinion was that the proposed subsection did not express the proper construction of the original contract, and in good sense, justice, and right the original contract should be adhered to. He indignantly repelled the insinuation that improper influence had been brought to bear to direct his actions in regard to the Bill. The House were not asked to define the construction of a Bill passed by itself, but of a measure agreed upon between the contracting parties. He was convinced that the result of the section would be to ruin the Company. If the Street Railway Company failed to meet their obligations to the city a reference to the courts could be made to compel them. It was idle to say that Toronto could not obtain justice because the Street Railway Company were so powerful a corporation. Was not the city of Toronto just as powerful and just as rich? If appeal were made to the courts the question would be decided on its merits, and irrespective of influence or riches. If the Street Railway were bound to do what was asked, the Government could force them to do it; if not, it was a manifest injustice to compel them by legislation. The city of Toronto would not be injured by delay, whereas the Company might be ruined by precipitate legislation. The House had been subjected to the lobbying of the agents of the city of Toronto, and they had, as it were, a sort of third chamber in the House who considered itself competent to judge of matters affecting itself better than the Legislature. There had been members of the City Council who had expressed their confidence in their ability to judge of these matters better than this House.

It being six o'clock the discussion was postponed.

RAILWAY RETURNS.

Mr. Wood brought down returns of correspondence with the Credit Valley Railway, Victoria Railway, North Simcoe, Toronto, Grey, and Bruce, and other railways.

The Speaker then left the chair.

After recess,

Mr. FRASER said that the fact that the present Toronto Street Railway Company were not the original charterers of the railway, but had bought it from other parties was another reason why their rights should be respected. He hoped the good sense of hon. members would lead them to refuse any legislation which would tend to interfere with the vested rights of the Company.

Mr. MILLER said the whole matter depended upon the interpretation of the original agreement. It was notorious that the Company had not fulfilled their part of the agreement as they should have done. He thought a common sense interpretation of the disputed clause would be that given it by the proposed Bill. He found that, judged by the practice in leading American cities in regard to street railways, no injustice was going to be done to the Company. The object of the Railway Committee was that the present Bill should make the obligations of the Company plain and clear, and he hoped that, although the Company had so far been able to carry out their proposals by persistent lobbying, they would not be able again to interfere with a fair and just settlement of the difficulties between the city and the company. He did not think the matter should be sent to the Courts to be decided on merely technical grounds, but should be dealt with on its merits by this Legislature.

Mr. DEACON said that the Corporation of Toronto, instead of going before the tribunals which were appointed for the express purpose of determining such matters as the present, had come to the House, asking for a bill to place a certain construction upon language which was susceptible of different interpretations. The original agreement should be interpreted according to what

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