in repair might be very considerable. The city of Toronto consequently asked for power to compel the Street Railway Company to keep their track in proper repair, so as to avoid perpetual litigation. It was also in the interests of the country around that this legislation was asked, for it was notorious that great damage to teams and waggons was occasioned by the state of the track. The Commissioner of Public Works argued that no injustice would be done if the Act was restored to its original form. The citizens on Yonge-street were very desirous of having work done that would make the street better, both in the interests of the citizens and the street railway, but if the amendment were carried, another year would be lost. It was a totally erroneous view to hold that the legislation sought was an interference with vested rights. He never could consider that the Street Railway Company, which owed its existence to the Legislature, had a claim to be treated as having private rights independent of and distinct from the rights of the people at large. If there was a doubt as to the true construction of the agreement that doubt should be settled in favour of the public, whose rights were being derogated from by the uncertain meaning of that agreement. He was not aware that the city of Toronto had done aught that should cause it to be looked upon with disfavour by the House, and what it asked was simple justice. The people on Yonge-street said that their property had been materially lessened in value by the construction of the railway, that they cannot get a new pavement at the expense of the citizens generally, and that the whole burden of payment should not be thrown upon them, considering that the Street Railway had a hand in wearing out the pavements. It was said that at the date of the agreement the use of block pavements was never contemplated. The certificate of the City Engineer in 1860 stated, however, that there was a stone block pavement on Yonge-street, south of Queen-street, before the contract was made. He never had the slightest doubt that the language of the contract ever was intended to prevent the city using whatever material seemed, in their discretion, to be best for the roadway.

Mr. MEREDITH thought the hon. Treasurer and the hon. Commissioner of Public Works might have added a qualification to the views they had taken of the functions of the House—the giving of ample machinery for carrying out the agreements which it may sanction. He thought that the interference now being taken with the relative position of the parties could justify in the future the taking away of their franchise from them altogether. By the 17th section of last year's Act it was enacted that when the repairs were not made within a reasonable time, the City Engineer or other competent official could give notice, and afterwards if the repairs were not made proceed with them at the Company's expense. If the courts should decide that the Company was obligated to do a certain amount of repairs then the House should provide the city with the necessary machinery for carrying out their rights. He thought that the imputation of improper motives called, as the Commissioner of Public Works had said, for a unanimous expression of condemnation from the House, being not only a reflection upon the members, but upon the character of the House.

Mr. PAXTON threw in the teeth of those prints which had attempted to intimidate hon. members by imputing to them improper motives, that their conduct was insulting to the House. He said they were evidently interested, he did not know if pecuniarily, in the Corporation getting some advantage over the Company. If the leader of the Opposition were to say that all Toronto wished was to stick to the original agreement the matter would be at an end. They could then accept the amendment of the hon. Commissioner of Public Works, which would be a test of the sincerity of their professions.

Mr. SCOTT said that because the public prints had indulged in certain remarks it was no reason why the amendment of the honourable the Commissioner of Public Works should be supported. He thought that it was the duty of the Legislature under certain circumstances to interfere even with vested rights. The vested right of an individual was in many cases a public wrong, and the present case was one in point. He proceeded to read from the original charter, and said that the meaning of its language was so clear and unmistakable that it was to his mind inconceivable how a doubt could exist as to what was in the minds of the contracting parties when the agreement was made. Would it not be most absurd to suppose that the intention had been to allow the Company to pave or macadamize to the extent of eight feet in the case of a single track or seventeen or eighteen feet in the case of a double one, while all the rest of the street was constructed of a different material? If the interpretation suggested by the Commissioner of Public Works was the correct one, it would follow that for all time to come, notwithstanding any improvements in the art of road making that might come with advancing civilization, the Toronto Street Railway Company would be allowed to lay down a narrow strip of road-way of one material while the remainder of the street might be composed of entirely different materials. If he thought for a moment that such a construction would be placed upon the agreement by the Courts of law, then undoubtedly it was the bounden duty of the Legislature to intervene, and come to the rescue of the citizens of Toronto, so that the Street Railway Company should not have the power to dictate to the city of Toronto for all time to come what kind of pavement they should use on a portion of their streets, or to say that they should not use any kind of pavement at all except the ordinary macadam. It was plain that such would be the inevitable conclusion of the construction sought to be put on the agreement, and as held to be the right one. He wished any member of the House honestly and fairly to judge of the matter as one of right, and say whether, in view of this conclusion, which was an unavoidable one from the premises laid down by the Commissioner of Public Works, it was not the duty of the House to interfere and to secure to the people of Toronto their just and reasonable rights. (Hear, hear, and cheers.) That, at all events, was the conclusion he had formed, and therefore he proposed to vote against the amendment of the Commissioner of Public Works. (Hear, hear.) But supposing even that the correct interpretation was decided to be as he contended that it should be, that the Street Railway Company were bound to pave as the city of Toronto paved, in order to arrive at that construction it would be necessary to go through a long course of litigation. If the matter had to go through all the Courts of Ontario, and finally to the Supreme Court of the Dominion or to the Privy Council, involving a delay of perhaps two or three years, would it be right that during all this time the citizens of Toronto and the surrounding country should continue to be put to the trouble and inconvenience which they had already long experienced? (Hear, hear.) He did not for a moment think that this Legislature would be performing its duty if it sanctioned such a thing as that. (Cheers.)

Mr. DEACON said that this House should not be put into the position of a Court. The Company might be right in regard to the interpretation of the charter, but he thought it was not the function of the members of the House to sit as judges upon the agreement. If the Railway Company had the Yonge-street merchants as their slaves he could not vote for liberating these slaves without compensation. He would, therefore, support the amendment of the Hon. Commissioner of Public Works. He said that in THE GLOBE of the 20th appeared an article which he considered highly derogatory to the dignity of the House. He then proceeded to read selections from the article in question. He said the members of this House were neither to be bought nor intimidated. He had not been canvassed nor lobbied, and said if any such thing had been done it had been by the city and not by the Company. If the city had not right on their side they could not get what they called justice. After they had appealed to the Courts it was time to come here and ask for relief.

Mr. BETHUNE contended that the House did interfere occasionally with private rights, and he instanced a Bill passed during the session affecting the patent rights of settlers in the Free Grant district, which rights were guaranteed by the statute of 1866. A patentee who obtained his patent from the Crown Lands Department had a private contract. He was guaranteed certain rights according to the text of the statute, and nevertheless the House, without even dividing on the question, affirmed it was right to place upon the statute a construction which the Government thought a proper one. Then the House confiscated private property for various railway purposes, because the public good was served, to which the private right of the