

owner had to yield. Hon. gentlemen who supported the amendment were not so solicitous about private rights last year, when a section was inserted in the Street Railway Bill in the Private Bills Committee.

Mr. FRASER said that the section referred to was inserted by the Private Bills Committee on their own motion. The Street Railway Company insisted upon keeping to the original contract, and opposed the legislation altogether.

Mr. BETHUNE considered it an extraordinary thing that in a Bill introduced by the city of Toronto a clause should be inserted saddling the whole city with responsibilities the contract did not impose. He failed to see how that clause got there unless at the instance of the Company. He was quite certain that the City Solicitor never, of his own free will, put it there, but that it was pressed upon him. The Company had taken their stand upon that Bill since its passage, for he was told that they had never contributed one sixpence towards the block pavement on King-street. It did seem to him a matter of hypocrisy on the part of the Company to raise an outcry that private contracts must not be interfered with. But this was not a private contract, but a contract with the public. It was a contract which could be sanctioned only by this House, and if the House found it was being used oppressively it was their duty to put an end to the oppression. The other night the Street Railway Company were willing to accept the resolution proposed by the hon. member for North Ontario, and would have agreed to pay half the cost of new paving. They were not willing to do this now, but returned to the original contract.

Mr. FRASER said that his amendment was entirely independent of the Company. He was not acting for the Company.

Mr. BETHUNE said that the hon. gentleman was consulting their wishes in the matter. The House would appear to pass over the imputation of the public journals as to improper motives, and would best ensure public respect, by taking that course which they deemed to be right. He was saying when interrupted that this contract was between a subject on the one side and the public on the other, and if it was found that that contract had been abused to the detriment of the public, it was the duty of the House to relieve the public from that kind of oppression. At the time that the contract was ratified by Parliament there was no such dispute as this. No person foresaw the difficulty that was likely to arise. Was it to be understood that because the House had ratified this agreement under such circumstances they were not to do what was right when a difficulty did arise? He admitted that in a purely private matter they ought not to interfere, but he submitted that they should interfere in a matter that affected in a most material way so large a portion of the public. The railway had been a nuisance from its very commencement. The cars were so vile, filthy, and dirty that persons could scarcely use them. Then the Company did not run enough cars at certain periods of the day. Citizens going to Yorkville could not find standing room in the cars. The Company made more money by overcrowding their cars than by running an extra number. The tracks were a constant source of annoyance and danger to people driving, and the damage done to farmers' waggons and private vehicles by it was considerable. If an unfortunate farmer whose waggon had been injured went to one of the proprietors of the railway for redress, the answer he got was more expressive than polite. He was told to go to the —.

Mr. MEREDITH—City Council. (Laughter.)

Mr. BETHUNE proceeded to say that the road was always out of repair. Was it not absolutely necessary to settle this question, as it ought to be settled, in a fair way to all parties? When the Company asked legislation from this House they virtually submitted to such terms as the House might require from time to time. Experience showed that in all matters between the public and private individuals the private individuals generally get the better of the public. The individual would always find ready advocates, from a sense of chivalry like that inspiring the Commissioner of Public Works, to defend the One against the Many. There was no danger that the House would impose harsh or improper terms upon people of this kind. To his mind, the matter was entirely distinct from the ordinary private contract, but was similar to railway matters and railway bonuses. He used the last term as another illustration that the House had

not always accepted the principle of non-interference, for had they not legalised defective railway bonuses? The same principle that allowed Parliament to interfere in those cases would hold good in this instance. (Hear, hear.)

Mr. HAY did not pretend to express a legal opinion upon the merits of the question. He thought if a bargain was made its terms should be adhered to. In this instance, if the rights of the Company were standing in the way of improvements it was competent for the city to ask for relief, but not at the expense of the Company. He thought that it was the right of the Company or the city to lobby so long as they did it legitimately and did not approach members in an improper manner or with improper considerations. He thought that the press of the city did wrong in imputing such motives to them, and it was not so long ago since charges of corruption had been brought home to them. He concluded by thanking God that he was not indebted to the press for his position.

Mr. MERRICK said that he voted upon the amendment of the member for North Ontario without being approached in an improper manner by anyone. He thought if the citizens had made a bad bargain with the railway they should bear the consequences. He thought as there was considerable diversity of opinion upon the interpretation of the contract, it should be submitted to the Courts. If the citizens of Toronto found that the position of the Company was standing in the way of the interests of the city they were entitled to ask relief, but not at the expense of the Company. He was in favour of reverting to the original agreement, and resented the imputations of the press upon the members of this House.

Mr. MILLER said that they should deal with this matter as between two incorporated companies, each as strong as the other. He then referred to the articles which had appeared in the city newspapers in regard to the matter, and said that the action taken by the press on the subject had, he believed, been caused by the extreme course adopted by the Commissioner of Public Works. (Hear, hear.) He (Mr. Miller) thought it was very much to be regretted that a gentleman occupying the position of the Commissioner of Public Works should have taken such a very extreme course in regard to a private Bill.

Mr. FRASER—Does the hon. gentleman mean to insinuate that I have taken that course from any improper motives?

Mr. MILLER said that he insinuated nothing of the kind, but he did say that it was to be regretted that the Commissioner of Public Works should descend from his high position, and actually go to work to canvass the members of the House, and take the part of a whip in regard to this Bill. (Hear, hear.)

Mr. FRASER said that up to the time he had been assailed in the newspapers he had not canvassed a single member, but afterwards he had wished to ascertain if there was enough independence of spirit in the House to resent such attacks.

Mr. MILLER said that he believed the position taken by the hon. gentleman was to try and burke this Bill by a catch resolution (hear); to invoke the rules of the House wherever he could do so to defeat it, and, in fact, to oppose it to the utmost of his power at every stage. He (Mr. Miller) had no doubt that the hon. gentleman was actuated by the belief that the Toronto Street Railway were being unjustly used in the matter, but there was no doubt that the stand taken by the public press on the matter was caused by his (Mr. Fraser's) having adopted so extreme a course. He thought it strange that the hon. member had not voted this year in accordance with the position he had taken up last year. If it was right for hon. gentlemen to invoke the rules of the House to destroy one Bill, it was right to do so for another. Had the hon. gentleman taken this position last year, they would have been spared all this trouble and anxiety. He would vote against the amendment, and trusted that the House would decide upon this question at once and for ever. He thought that this House was justified in thinking that the pavement on Yonge-street at the time of the contract being entered into was the kind of pavement meant; he therefore thought that the Courts would compel the Company to lay down the same pavement as the Corporation did. He considered that the fairest thing to do would be to vote down the amend-