

ments and carry into law the resolution of the hon. member for East Elgin.

Mr. PARDEE said he thought that the position taken by the press and the outside public should not be allowed to enter into their discussions. If the Bill was one that should pass into law on its merits, they should pass it, and if not, then they should repeal it. It had been said that the Bill would confiscate the property of the Company, but the Company had been confiscating the property of the inhabitants of certain streets for years past. Again, it was said that it was interfering with vested rights. It was their duty at times to interfere with private rights when it was necessary for the public good. The Company had always interpreted the terms "pave" or "macadamized," as pave for the city, and macadamized for them. If it is right that the Company should have their track then they should be compelled to repair it. They have for fifteen years escaped what he thought was their obligation, and he hoped the rights of the citizens would be maintained. It was the first time he had ever heard that lobbying done in a proper manner was a wrong thing, and thought it a grave mistake to hint that anything of this kind could influence their discussions.

Mr. BELL rose to address the House, but it being six o'clock, the Speaker left the chair.

After recess,

The discussion upon the Toronto Street Railway Bill was continued.

Mr. BELL said that the lawyers of the House having failed to interpret the contract, they must exercise their common sense upon it. He said the Railway Company made a cry that it would ruin them so construct the pavement of the same material as the Corporation paved with. This was wrong, and they did not now press this view. They now wish to revert to their old status that they may fight it out in the Courts. In the meantime the streets will be allowed to run to ruin. The people of the city of Toronto never had attempted to press any one into a corner. All that they desired was to have power to say, you shall do what is fair and reasonable. He thought it unfair that people all over the Province should dictate what course was to be pursued by this House in a matter that pertained alone to the city of Toronto. He had heard that several of the constituents of hon. members had been written to in the hope of eliciting a reply such as would coerce their representatives into voting against the city interest. He asked those who would do him a personal favour to vote with him against the amendment of the hon. Commissioner of Public Works.

Mr. FRASER—What do you want?

Mr. BELL said he wanted an interpretation by the House of the meaning of the original contract, which according to the testimony of Col. Branel was drawn up in a common sense way, and not as a lawyer would have drawn it.

Mr. MACMAHON said he considered that the city of Toronto came to this House and asked them to do a manifest injustice to the Street Railway Company. He held that the matter under dispute should be referred to the Courts and not to this House. It had not been his intention to take any part in the discussion had it not been that such unjustifiable attacks had been made upon the character of the members in the public prints. He would support the amendment of the hon. Commissioner of Public Works.

Mr. MASSIE said that he did not think that the press was exceeding its province in criticizing the action of the members of the House, though it should not impute any wrong motives. He thought that from the inquiries he had made the Railway Company was not treating the people of Toronto in a proper manner. He considered it was the duty of the House to compel the Company to keep their streets in proper order. He had a sufficiently high opinion of the people of Toronto to think that in the event of the Company being compelled to put down a pavement, and at the end of that lease it was not exhausted, that they would compensate the Company for it.

Mr. DEROCHE thought that the gentlemen who had made such reference to the article in THE GLOBE were exceedingly thin skinned, and that it had come as a godsend to certain of them to enable them to follow the lead of the hon. Commissioner of Public Works. He had not been able to get up any such virtuous indignation. He thought that the Railway Company was not deserving of more consideration than their just rights entitled them to, as it did not fulfil the purposes for which it existed in a

creditable manner. He hoped that they would follow the good advice of THE GLOBE.

Mr. WILSON said that he understood a remark of the Hon. Commissioner of Public Works to mean that because journals of the city had reflected on the House they should vote against their convictions and against the views of these journals, a principle which he thought a novelty in legislation. He said it must be remembered that if the amendment of the hon. Commissioner of Public Works were carried the matter was referred back to its original position and not put to the dispute. He thought that the Company had not done its duty by the people and they had a right to step in and legislate. He thought that both the city and Company had a perfect right to lobby and place their views as well before the members of the House as they could.

Mr. GIBSON said that the hon. Commissioner of Public Works had found that he was going to put a motion before the House, and he had tried to take the wind out of his sails. He said it was amusing to hear the members of the Opposition blowing about THE GLOBE'S article, and forgetting that their own organ continually bespattered public men. He thought it was absurd for members such as himself to be asked to judge upon such questions as the present. He and several others knew about streets only as they existed in the backwoods. He thought that some summary method should be adopted to compel the Company to keep their streets in a proper state of repair. He thought that the Corporation should have the same power as a County Council in seeing that repairs were carried out promptly and efficiently.

Mr. PATTERSON (Essex) said he understood that it was upon the representations of the solicitors of the Yonge street merchants and the citizens that the amendment of the hon. Commissioner of Public Works had been framed. He considered that the hon. member had made out a very good case for the Company, which he contended had been of great public benefit. He considered that it was unfair for the city to attempt to gain an advantage over the Klays because they had made the enterprise a commercial success. He read the opinions of Messrs. Robinson & Kerr upon the question, which were to the effect that the city was trying to get an interpretation upon the contract which it would not legally bear. He thought that those who were living at a distance were better able to judge the matter impartially than those who were residents in the city. He thought that the interests of third parties who had advanced money upon the faith of the original charter should be respected, and the Company not placed in a position other than that which they were when the loans were contracted.

Mr. SINCLAIR said that after consideration he had come to the conclusion that the Railway Company were entitled to pave with the same pavement as that used by the city. The railway had prospered with the city, and the Company now should be in the same position as the city in the matter of paving. He did not think that it could have been the intention of the city that the streets should be paved for thirty years—the term of the agreement—with macadam. He understood that the Company was not assessed at all in Toronto. He thought last year that it was hard for the Company to lose their old track, so he countenanced the proposal that the city should lay down the new pavement, but that afterwards the Company should repair and renew. He regretted that the Company were not amenable to reason, and would be glad if even now they could agree with the Corporation. He had no knowledge of any improper lobbying.

Mr. MEREDITH here suggested the following amendment:—"If the Toronto Street Railway Company shall neglect to keep the track or roadway of their railway, or the street crossings, or the space of eighteen inches on the inside of the rails in good condition and repair to the extent of their liability so to do under the terms of the agreement entered into between Alexander Euston and the Corporation of the City of Toronto or the charter of the said Company, the City Engineer or other proper officers of the said city may give notice at the head office of the Company requiring the same to be put in good condition and repair to the extent aforesaid; and unless the necessary works for that purpose shall be commenced within a reasonable time thereafter and carried on with all reasonable dispatch to the satisfaction of the City Engineer for the time being