

of the said city, the said Engineer may cause such works to be made at the expense of the said city, and the amount so expended shall be recoverable against the said Company in any court of competent jurisdiction."

Mr. FRASER said that he had no objection to the amendment, which he thought supplied the machinery for implementing the original contract.

Mr. CAMERON objected to the amendment, as they had had no notice of it, and it was not in the interest of the citizens.

Mr. RICHARDSON said that it had been his opinion that the House should not adjudge upon this question, but he thought now that they should exercise their judgment upon this matter and decide to-night what was the construction to be put upon the agreement. He thought the Legislature should step in and settle the matter.

Mr. HUNTER said he would support the amendment of the Commissioner of Public Works to put the parties back to their original position.

Mr. GRAHAM said he believed the city of Toronto were only asking their just rights. As to the construction to be put upon the word "pavement," he thought the laymen of the House were just as well qualified to interpret the expression as any lawyer in the House or any judge in the land. It would be a most absurd thing to say that the citizens of Toronto should not have control over the construction of their own streets. He would support the motion of the member for East Toronto.

Mr. HODGINS pointed out that in addition to the cases already instanced in which the Legislature might interfere with vested rights, the House had conferred upon municipal councils the power of interfering with these vested rights, as in the case of fire limits, the erection of wooden buildings, &c. He read from the agreement and the by-law confirming it, contending that the language of both clearly indicated that the option with regard to the paving of the roadway should be vested in the City Council, and that they might from time to time provide further conditions under which the agreement might be carried out.

The House then divided on the amendment to the amendment, which was carried Yeas, 27; Nays, 31.

YEAS—Messrs. Baker, Barr, Bell, Bethune, Broder, Cameron, Chisholm, Cole, Creighton, Deroche, Ferris, Gibson, Graham, Hodgins, Lane, Lyon, McCraney, McRae, Masie, Miller, Monk, Mostyn, Mowat, Pardee, Richardson, Scott, Sinclair, Striker, Widdfield, Wilson, Wood—31.

YEAS—Baxter, Bonfield, Boulter, Coult, Crooks, Dawson, Deacon, Fraser, Grange, Grant, Harkin, Hunter, Kean, Long, McDougall (Middlesex), McMahon, Meredith, O'Donoghue, O'Sullivan, Patterson (Essex), Paxton, Robinson, Sexton, Snelinger, Springer, Tooley, Willa.—27.

Mr. GIBSON then moved, in amendment to the amendment, "That all the words after 'instructions' be struck out, and the following substituted in lieu thereof:—'To strike out all the words in the first clause after the word 'repeal.'"

The House then divided on Mr. Gibson's amendment to the amendment, which was lost—Yeas, 29; Nays, 30.

YEAS—Messrs. Baxter, Bonfield, Boulter, Coult, Creighton, Crooks, Dawson, Deacon, Fraser, Gibson, Grange, Grant, Harkin, Hunter, Kean, Lane, Long, McDougall (Middlesex), McMahon, Meredith, O'Donoghue, O'Sullivan, Patterson (Essex), Paxton, Robinson, Sexton, Snelinger, Tooley, Willa.—29.

NAYS—Messrs. Baker, Barr, Bell, Bethune, Broder, Cameron, Chisholm, Cole, Deroche, Ferris, Graham, Hodgins, Lyon, McCraney, McRae, Masie, Miller, Monk, Mostyn, Mowat, Pardee, Richardson, Scott, Sinclair, Springer, Striker, Widdfield, Williams, Wilson, Wood—30.

The House then divided on Mr. Cameron's amendment, which was carried, Yeas, 30; Nays, 29.

YEAS—Messrs. Baker, Barr, Bell, Bethune, Broder, Cameron, Chisholm, Creighton, Crooks, Deroche, Ferris, Grange, Hodgins, Lyon, McCraney, McRae, Masie, Miller, Monk, Mostyn, Mowat, Pardee, Richardson, Scott, Sinclair, Striker, Widdfield, Williams, Wilson, Wood—30.

NAYS—Messrs. Baxter, Bonfield, Boulter, Cole, Coult, Dawson, Deacon, Fraser, Gibson, Grange, Grant, Harkin, Hunter, Kean, Long, McDougall (Middlesex), McMahon, Meredith, O'Donoghue, O'Sullivan, Patterson (Essex), Paxton, Robinson, Sexton, Snelinger, Springer, Tooley, Willa, Wood—29.

The House then went into Committee on the Bill and adopted the proposed amendment.

PRINCE EDWARD COUNTY RAILWAY.

Mr. CROOKS moved, "That this House doth ratify the Order dated 15th February, 1877, approved by the Lieutenant-Governor in Council, with reference to the Prince Edward County Railway, which Order is to the following effect:—Upon the recommendation

of the Hon. the Treasurer, dated the 15th of February, 1877, the Committee of Council advise, that having regard to the circumstances connected with the contract of the Prince Edward County Railway which were set forth in the documents presented to the Legislature, the period for proof of contract for the construction of the works of the said railway mentioned in the Order in Council of the 27th day of June, 1876, be extended to the first day of January, 1878."

Mr. CAMERON said he had no feeling of hostility to the enterprise concerned, but he thought that as so long a time had elapsed since the matter was first before the House it would be unfair to make a further extension when the railways which had spent considerable sums of money in the construction of portions of their lines were unable to get aid from the Government. He did not intend to divide the House, but would protest against the resolution.

The motion was carried.

MONTREAL AND OTTAWA JUNCTION RAILWAY.

Mr. CROOKS moved, "That this House doth ratify the Order dated 15th February, 1877, approved by the Lieutenant-Governor in Council, with reference to the Montreal and City of Ottawa Junction Railway, which Order is to the following effect:—Upon the recommendation of the Honourable the Treasurer dated the 15th day of February, 1877, the Committee of Council advise that having regard to the circumstances connected with the contract of the Montreal and City of Ottawa Junction Railway which are set forth in the documents presented to the Legislature, the period for proof of contract for the construction of the work of the said Railway mentioned in the Order in Council of the fourteenth day of December, 1874, be extended to the first day of January, 1878."

The motion was carried.

THE CREDIT VALLEY RAILWAY.

Mr. CROOKS moved, "That the House doth ratify an Order in Council, approved by the Lieut. Governor on the 12th day of February, 1877, which order is to the following effect:—Upon the recommendation of the honourable the Treasurer, dated the 10th February, 1877, the Committee of Council advise that the time limited by the Order in Council of the 16th of December, 1874, duly ratified, in respect of the completion of the Credit Valley Railway, and the grant from the Railway Subsidy Fund, made by the Order in Council of the 20th March, 1873, also duly ratified, be extended until the 1st day of January, 1880, upon the grounds appearing in the petition presented by the said Company, and upon the statement of the Engineer of the Public Works Department, as to the progress already made on works of construction of the railway."

The motion was carried.

THE LATE JUDGE WILSON.

Mr. MOWAT moved House in Committee on Resolution, "That out of the surplus interest now accumulated upon the moneys in, or invested by, the Court of Chancery, the sum of \$1104.45 be transferred to the credit of the Treasurer of the Province, to be applied in making good certain defaults of the late W. M. Wilson, Judge of the County Court of the county of Norfolk, and Real Representative under the Partition Act in and for the said county; provided that the said sum shall be subject to any claims to the same, or any portion thereof, which hereafter may be made and established by any of the suitors of said Court, or any of their representatives." He explained that in his official capacity the late Judge Wilson received certain sums of money on behalf of minors, which under the present law would be paid into Court. After the decease of the judge, it was discovered that certain moneys were unaccounted for, and that the estate was insolvent. It occurred to him that it would be the feeling of the House and the country that the minors should not suffer. There was a fund in Chancery which the Government might properly apply to this purpose, instead of making a charge on the consolidated revenue. On the 1st January there were \$6,000 of this surplus fund, which had been increased since then. It seemed extremely proper that as the Court had a special duty to protect infants and their estates, the money required should be taken from this fund.

The resolution was carried in Committee and concurred in.

The House adjourned at 10:30 p.m.