

# ONTARIO LEGISLATURE.

THIRD PARLIAMENT---SECOND SESSION.

WEDNESDAY, Feb. 28,  
FIRST SITTING.

The Speaker took the chair at 3 o'clock.  
DECEASED MEMBERS.

Mr. ROBINSON moved the following resolution:—"That this House desires to express its regret at the loss it has sustained by the death of Mr. Peter Graham, late member for Frontenac, and of Mr. John Fleming, late member for South Waterloo, and this House unanimously recommends that the accountant of the House be authorized to transmit to the widows of these gentlemen respectively the full amount of their sessional allowance. This resolution shall not be regarded as a precedent to authorize such payments in future." The mover spoke in terms of eulogy of Messrs. Fleming and Graham, and said that he had just received a letter from Mr. Calvin requesting that the full amount of his allowance be transmitted to Mrs. Graham.

The motion was carried.

## VERBAL AMENDMENTS TO PRIVATE BILLS.

Mr. MOWAT introduced a Bill to provide for some verbal amendments to certain Private Bills, explaining that the changes were intended to obviate certain difficulties as to jurisdiction.

The Bill was read the first time.

### TORONTO STREET RAILWAY.

The House then went into Committee on the Bill respecting the Toronto Street Railway.

Mr. FRASER moved that the preamble be amended by striking out the words "it is expedient to grant the prayer of the petitioners," substituting the following:—"The Toronto Street Railway Co., and the said Corporation of the city of Toronto having agreed to the amendments hereinafter enacted."

Mr. CAMERON said that on behalf of the Corporation of the city of Toronto he was not prepared to accept any such amendment. It was not at all requisite, and so far as he knew had not been agreed to by either party. If the hon. Commissioner was desirous of having the last word after the long debates they had had on the Bill, or was anxious to occupy the time of the House, he was at liberty to do so; but he (Mr. Cameron) did not think that the House would consent to the change on the mere whim of the hon. gentleman.

Mr. FRASER said he did not ask for the change out of mere whim, or for the purpose of having the last word. It was for the purpose of setting forth that this House did not deliberately pledge itself to assume authority to legislate with regard to private agreements. He thought that the fact that the Bill was the result of the compromise between the parties should be recited, so as to preclude the possibility of other parties coming and saying that what the House had done with regard to the Toronto Street Railway they should do again with reference to other matters.

Mr. MACDOUGALL (Simcoe) said there might be no objection to the recital of the facts of the preamble, only that the implied understanding that would follow would be that without such a compromise the Legislature would not have assumed to do what it had done. (Hear.) That was the inference to be drawn, and if he was not very much mistaken that was one of the objects of the Commissioner of Public Works in asking for the insertion of the amendments. There was no question that the Legislature had the right to deal with any legislative contract, that any company receiving its powers and authority from this House was subject to such legislation with regard to those powers as might be considered by the House to be in the public interest. He was not willing to restrict or hamper the powers of the Legislature in this respect. Both parties were bound as firmly without the amendment to the preamble as with it.

Mr. FRASER said that the House would not bind itself even by implication by reciting in the Bill what all would admit to be the actual facts.

Mr. PARDEE remarked that similar recitals of facts were often made in private Bills, and he did not think they would fetter

the action of the House in any way.

Mr. CAMERON said that the recital of the facts in the preamble only took place when there was a recital in the petition.

Mr. Fraser's amendment was put to the Committee and carried.

The Committee then rose and reported the Bill with amendments.

Mr. CAMERON then moved that the Bill be recommitted with instructions to strike out the amendment made to the preamble. He stated that the parties concerned had agreed to a certain compromise. The Commissioner then moved a certain amendment to the preamble which he believed the parties had not asked for, and of which notice had not been given.

Mr. FRASER said that his amendment merely recited a matter of simple truth. His object was to leave the House perfectly free in regard to future legislation. The consent of all the parties to the Bill had been obtained, and he wished that part stated.

Mr. MEREDITH said that those who had voted for the amendment of the member for North Ontario would be stultifying themselves if they assented to the proposition of the Commissioner of Public Works.

Mr. CROOKS hoped that the amendment in the preamble would be carried, in deference to the views of those who like himself believed that the Legislature should not interfere in cases of this kind.

Mr. MACDOUGALL said the amendment to the preamble secured the admission of the House that no further legislation would be passed without the assent of the parties concerned. There might be a necessity for future legislation, because the Company found it to their interests to ignore agreements, and therefore the House should not trammel itself by any such provision.

Mr. BETHUNE said that it had been mentioned in the course of previous debates on the subject that the Toronto Savings Bank was behind the Toronto Street Railway Company as their creditors, and it might be that if the amendment to the preamble was adopted the courts might hold that it was the intention of the Legislature that none but the parties named in the preamble should be bound by the provisions of the Bill.

Mr. MILLER feared that some difficulty might arise about the Bill if the amendment were passed, and he therefore would vote for the recommitment.

Mr. DEACON supported the motion for recommitment.

Mr. MOWAT said that the suggestion of the hon. member for Stormont deserved serious consideration. It would be remembered that a Bill was passed in regard to the estate of Mr. Goodhue, and it was found that it did not bind anybody except the parties mentioned in it. It was desirable to have the Bill passed in a shape that would not permit of dispute, and he would suggest that a provision binding the creditors of the Company be inserted.

Mr. CAMERON would not consent to risk an amendment as he would not be a party to depriving the Toronto Savings Bank of any rights they might have. He was quite satisfied that the city was sufficiently protected without such a provision, and did not desire its insertion.

The motion for recommitment was carried by 45 yeas to 36 nays on the following division:

YEAS.—Messrs. Appleby Baker, Ballantyne, Barr, Bell, Bethune, Boulter, Broder, Brown, Cameron, Clarke (Wellington), Code, Cole, Creighton Deacon, Deroche, Eglarson, Fisher, Graham, Kean, Laue, Lauder, Lyon, Macdougall (Middlesex), Macdougall (Simcoe), McGowan, McRae, Massie, Meredith, Merrick, Miller, Monk, Mostyn, Mowat, Preston, Richardson, Rovear, Scott, Sinclair, Snelinger, Springer, Tooley, Wigle, Williams, Wilson.—45.

NAYS.—Messrs. Baxter, Bishop, Bonfield, Chisholm, Clarke (Norfolk), Coates, Crooks, Currie, Dawson, Ferris, Fraser, Gibson, Orange, Grant, Hardy, Hargrave, Hackin, Hay, Hunter, Long, McCraney, McMahon, O'Donoghue, O'Sullivan, Pardee, Patterson (Essex), Patterson (York), Paxton, Robinson, Ross, Sexton, Striker, Watterworth, Widdifield, Wills, Wood.—36.

The House again went into Committee, struck out the amendment to the preamble and reported.

The Bill was then read the third time and passed.

## THE EDUCATION BILL.

Several amendments to the Education Bill were made in Committee of the whole House.

Mr. CLARKE (Norfolk) drew the attention of the House to the fact that the standard of qualification for admission to the High Schools had