

ONTARIO LEGISLATURE.

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The motion was then put, and carried on the following division:—

YEAS.—Messrs. Baxter, Bell, Bethune, Cameron, Chisholm, Cole, Finlayson, Gibson, Grant, Hargraft, Harkin, Hay, Hodgins, Hunter, Lane, Lyon, McMahon, Merrick, Miller, Patterson (York), Ross, Sexton, Sinclair—23.

NAYS.—Messrs. Appleby, Baker, Ballantyne, Barr, Boulter, Broder, Brown, Calvin, Clarke (Norfolk), Creighton, Crooks, Dawson, Deacon, Flesher, Fraser, Graham, Grange, Hardy, Kean, Lauder, Macdougall (Simcoe), McGowan, Meredith, Monk, Mostyn, Mowat, O'Donoghue, Pardee, Patterson (Essex), Richardson, Rosevear, Snetsinger, Springer, Striker, Tooley, Watterworth, Widdifield, Williams, Wilson, Wood—40.

The Bill was then read the third time and passed.

It being six o'clock, the Speaker left the chair.

After recess,

THIRD READINGS.

The following Bills were read the third time and passed:—

To confirm sales made by the Order of Good Templars.—Mr. Meredith.

Relating to the town of Peterborough.—Mr. Scott.

Respecting the Port Dover and Lake Huron Railway and the township of North Norwich.—Mr. Crooks.

Respecting the Toronto and Ottawa Railway Company.—Mr. Scott.

Respecting the Credit Valley Railway Company.—Mr. Clarke (Wellington).

To amend the several Acts relating to the Toronto, Grey, and Bruce Railway Company.—Mr. Cameron.

Respecting the Toronto and Nipissing Railway Company.—Mr. Cameron.

To incorporate the Toronto Stock Exchange.—Mr. Cameron.

PRIVATE BILLS.

The House went into Committee on the Bill to incorporate the Georgian Bay and Wellington Railway Company.

Mr. HUNTER moved the addition of the following clauses to the Bill:—

34. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are suitable for the purchase thereof, cause a Provincial Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said Company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said Company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

35. When said gravel, stone, or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the Company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act, and of the special Acts relating to said Company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the Company may think proper, and the powers in this and the preceding sections may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Mr. BETHUNE observed that the House had passed in all previous Railway Bills the clauses providing for the appointment of arbitrators to decide as to the value of any gravel beds in land through which the railway ran, and to deduct from that value the enhanced value of the land in consequence of the proximity of the railway. He considered that that principle was most unfair, and discriminated entirely in favour of railway companies and against the owner of the land. So far as the right of way was concerned the arbitration clause might apply, because the

railway could not be built without it; but there should be an exception made with respect to gravel beds, which ought to be estimated at their real value, and not be taken without the consent of the owner.

Mr. HAY was in favour of leaving the matter as it was, believing that no harm had resulted from the provision referred to.

Mr. MILLER understood that these clauses did not appear in English railway Acts, nor were they in the original charters of the Great Western or the Grand Trunk Railways. He could not see what right a railway company, more than an individual, had to go on a man's farm and take his gravel more than anything else. This provision ought to be wiped out of every railway charter in this country.

After some further discussion,

Mr. BETHUNE moved to add the following words, to section 35:—"In estimating the damages for the land taken for gravel or for sand or earth, subsection 8 of section 20 of the Act respecting railways shall not apply."

Mr. PARDEE moved, "That the clauses be confined to stone, gravel, or sand."

Mr. CAMERON said the House had passed a great many Railway Acts, and up to the present no evil had occurred from these clauses. He could not understand why this matter had been stirred up now. He thought the Bill should stand as it was.

Mr. PAXTON agreed with the last speaker. The railway companies had suffered more than farmers, and had frequently paid three, four, or five times for gravel beds what they were worth. As no injustice had occurred, he thought the law should be left as it was.

Mr. HUNTER agreed to the amendments proposed, and the Bill was passed by the Committee, as were also the following Bills:—

To incorporate the Saugeen Valley Railway Company.—Mr. Sinclair.

To incorporate the Town of Harriston.—Mr. McGowan.

Respecting the Prince Edward County Railway Company.—Mr. Striker.

In Committee on Mr. Massie's Bill respecting the public burial ground in the town of Guelph.

Mr. CAMERON said he understood that the land belonged to the township of Guelph, and that it was now to be used as a pleasure ground, so the town should pay for it to the township.

Mr. FRASER said that the ground had been dedicated for a burying ground for the use of the town of Guelph and the township. If any one had a right to it when it was dedicated from the purpose for which it was dedicated it was the Canada Company, but it did not take any stand upon it. There was, therefore, no reason why it should not be used as a park for the town.

Mr. CAMERON said it was a strange reasoning that when two parties held an equal right one could arrogate to itself the interests of the other. This ground should be sold and the amount go to the maintenance of the new ground.

Mr. CURRIE briefly concurred in the remarks of Mr. Fraser.

Mr. MILLER said that if the town of Guelph wanted a park it would be able to pay for it, and Guelph had no right to divert the proceeds of this ground from the purpose for which it was originally designed.

Mr. RICHARDSON deprecated the discussion, as the Bill had been passed through the Private Bills Committee without a discussion.

Mr. DEACON said that the Bill had not much of a discussion in the Committee, where its title was regarded with considerable curiosity, being to the effect that the Bill was to change the burying ground to a pleasure ground. He said that this legislation was, perhaps, a little dangerous, if the property were really vested in the Canada Company, for the town might soon apply to the House for powers to sell the property. He counselled delay, to give the Government time to enquire into the matter.