

Mr. SCOTT said his hon. friend had not stated that there was any correspondence on the matter, and the object he sought could not be accomplished by the motion, as the fixing of the place of holding the Court did not lay with the House.

Mr. BETHUNE said that he was acquainted with the circumstances of the case, and that great inconvenience was suffered by the inhabitants of the township in question. He thought it would be made compulsory with County Court Judges to hold the Division Court in the township hall of each township.

Mr. SCOTT said that the hon. member should lay the matter before the County Judge, as he had the power to hold the Court in any place he thought best. He did not see what object there could be in making the motion, as it was obvious there was no correspondence on the matter.

Mr. GRANT said that the inhabitants of the township had already petitioned the judge, but without effect.

Mr. MOWAT was not quite sure that there was any correspondence on the subject, but he would ask that the motion be allowed to stand until he could have an opportunity of ascertaining whether there was or not.

The motion was allowed to stand.

The following private Bills were passed through Committee:—

Respecting Investment of Trust Funds—Mr. Meredith.

To amend the Agricultural and Arts Act—Mr. Watterworth.

BLACK KNOT.

On the Bill to prevent the spreading of black knot on plum trees—Mr. Creighton.

Mr. CREIGHTON said his Bill had undergone considerable alteration in its passage through the Private Bills Committee. The clauses relating to the "yellows" in peach trees, and the appointment of inspectors, had been struck out.

Mr. BISHOP strongly opposed the passage of the Bill. He did not think that the House had any right to interfere with the liberty of fruit growers in arbitrarily saying that they should cut down certain of their fruit trees.

Mr. ROSEVEAR and Mr. RICHARDSON opposed the Bill.

Mr. GRANGE thought that when the Canada Thistle Act was upon the statute books the House had a precedent in passing the Bill, and was of the opinion that it would do good.

Mr. LAUDER said that the Fruit-Growers' Association had advocated the proposed legislation, and hoped the Bill would be allowed to pass.

Mr. ROSEVEAR said that the Canada Thistle Act was utterly ineffective, and it was all a "pack of nonsense" to talk about black knot being infectious (Laughter.)

Mr. BISHOP said that the Bill was introduced entirely in the interests of nurserymen, and did not think it was possible to put a stop to black knot by an Act of Parliament. Many farmers used their plum trees which had ceased bearing as shade trees for their cattle, and it was unjust that they should be forced to cut them down, even if affected by black knot. He would do all in his power to defeat it.

Mr. ROSS said that if the Act were made permissive by giving municipal corporations the option to appoint the inspectors named in the Bill it might be passed without doing much harm. His own experience was not in support of the theory that black knot was infectious.

Mr. HUNTER said that in some sections of the country the disease was assuming a very serious aspect, and thought that the Act should be passed in its compulsory form.

Mr. DEACON said that strong representations had been made by the Fruit-Growers' Association and others interested in fruit culture as to the advisability of passing the Bill. The provisions of the Bill did not extend to wild plum trees, and was altogether a very harmless Bill, and he hoped it would pass.

Mr. FRASER suggested that the power to destroy infected trees should be confined to the owners thereof, and that the authority to notify the owners to cut down trees should be placed in the hands of a competent inspector.

Mr. WOOD said the appointment of an Inspector meant the payment of a salary, which few municipalities would be willing to do. If the cutting out of the black knot would not cure the disease no harm could be done in passing the Bill, but if otherwise, a great harm would be done by not passing it.

Mr. CREIGHTON said he had introduced the Bill from the suggestion of fruit-growers, having no personal knowledge of the subject. He objected to hon. gentlemen making amendments which would make the Bill inoperative. It was to the interest of the owners that occupants of farms should prevent the spread of this disease. The proposition was to make it necessary to cut out the black knot, not to cut down the trees, as the Commissioner of Public Works seemed to think. He had no objection to making it necessary to give the notice in writing, but he agreed with the hon. the Commissioner of Agriculture that it would be unwise to make the appointment of an inspector necessary. He believed that the authorities were against those who claimed that the disease was not contagious. As the name of the Bill seemed to have given rise to a great deal of merriment, he would move that it be called "An Act to provide for the protection of plum and cherry trees."

Mr. SCOTT, after a few remarks, moved that the Act should be amended so as to make it necessary for the "owner or occupant of the land where the owner was not resident in the municipality," on being notified, should remove the disease from the trees on the land in question.

Mr. GRAHAM said that the Bill was introduced in the interests of the nurserymen. He doubted that either the hon. member for Groy or the Minister of Agriculture understood what black knot was. If this Bill was passed the Legislature would be made the laughing stock of the agriculturists of the country. He had no hesitation in saying from his experience that this disease was not infectious.

The Bill, as finally passed by the Committee, provided that notice of the existence of the disease should be given to the owner, or occupant where the owner was not resident in the municipality, by the Inspector of Highways, and a fine imposed upon the person so notified if he neglected to remove the disease.

The House adjourned at one o'clock.

AFTERNOON SESSION.

The Speaker took the Chair at 3 o'clock.

The following petitions were presented:—

By Mr. Fraser—Sixteen petitions from Thomas McCrosson and others, praying that the ballot may not be applied to the election of Separate School trustees.

Messrs Morris and Rosevear—Two petitions, praying that the Toronto Gas Company may not be permitted to have a \$300,000 rest fund.

DITCHES AND WATER COURSES.

Mr. BRODER introduced an Act to amend the Act to amend the Ditches and Water Courses Act, which was read a first time.

HAND-IN-HAND INSURANCE CO.

Mr. HARCOURT moved the third reading of the Bill to extend the powers of the Hand-in-Hand Mutual Fire Insurance Co. Carried.

CONSUMERS' GAS COMPANY.

The House then went into Committee on the Bill to amend the Acts incorporating the Consumers' Gas Company, of Toronto, and Acts amending the same.—Mr. Bethune.

Mr. BETHUNE said that the only clause in the Bill to which any objection was taken was the seventh, which proposed to give the Company the power to form a rest. The remaining clauses gave them the right to adapt their present works to the electric light and steam-heating. The objection to the seventh clause was based upon the assumption that the consumers were entitled to have the benefit of any sum accruing from the operations of the Company beyond the annual dividend of ten per cent. The terms of the charter limited the dividend which the directors could declare, but there was not a word in it to the effect that they were to give the consumers the benefit of any further profit. The ten per cent. restraint was merely a restraint upon the directors in favour of the shareholders. The Gas Company was not seeking to be placed in a position different from that of any company. There was no monopoly in the case; half-a-dozen gas companies might be started in the city, and the Consumers' Gas Company had to take its chance with the rest, and sell its gas so cheaply as to keep down competition. It was said that the Company were asking for what they had no right to ask. Upon that point an opinion had been given by Mr. Blake, to the effect that under the original charter the Company had the right to accumulate the rest. It was solely for the purpose of protecting the directors against the shareholders that they asked the power instead of investing any surplus in securities to form a rest. The proposal of the hon. Commissioner of Works was that all above \$200,000 should go to the cheapening of the gas. The directors were perfectly willing to consent to that proposal. They did not ask to be allowed to accumulate any large sum; all they desired was power to enable them to serve the city properly, and to guard against casualties. It seemed to him nothing but fair that the Bill should pass in its present shape.

Mr. MOWAT said that the powers asked for in the Bill in reference to the electric light could be obtained under the general Act.

Mr. BETHUNE said the Company wished to go further than the general Act would allow them to go, and it would be convenient to the Company to have the Bill passed in the way proposed.

Mr. MILLER moved that the seventh section of the Bill be struck out. The Consumers' Gas Company had entered into an agreement with the citizens of Toronto, by which the latter guaranteed the Company a dividend of ten per cent. in consideration of the Company agreeing to reduce the price of gas from time to time as their facilities would admit. One of the provisions of the bargain was that there should be no accumulation over and above the sum required for the ordinary wear and tear of the plant, &c. He pointed out that the stock of the Gas Company stood as high as that of any other corporation in the Dominion, largely owing to the fact that a dividend of ten per cent. was guaranteed. If the Company wished to form a rest, there was a very easy way for them to do so. They could set apart two per cent. annually on their stock of \$600,000, which, invested at compound interest, would form a rest quite sufficient for all purposes. He was of opinion that this House ought not to step in and interfere with bargains that had been completed. But the Company already in reality had a rest of \$120,000, because their stock being at a premium of 20 per cent. made their capital stock worth \$720,000, and he had not the slightest doubt that if they wished to dispose of their business they could do so readily for \$800,000, and they had in addition their premises on Toronto-street, worth \$75,000. It was true that they had reduced the price of gas, and he was free to admit that the price charged in Toronto was not extraordinarily high. But the tables that had been circulated among the members had not stated the whole case in this respect. The gas the Company supplied was of thirteen candle-power, while in the city of Philadelphia, where the price was \$2 15, it was of twenty-seven candle-power; and in other American cities it ranged from seventeen to twenty-two candle-power. But even if the gas had been as good as that supplied in American cities, the bargain entered into between the Gas Company and the citizens should not be broken by the House. He pointed out that in order to pay the ten per cent. dividend there was practically no limit to the price that might be charged for gas; it might be increased from \$2 to \$5 for that purpose. The Company in 1864 had an indebtedness of \$95,000, and since that time they had paid off that sum with interest, besides writing off large sums year after year for depreciation of property. They had extended their works to the utmost limits of the city, and they now found themselves in such a position that they had either to reduce the price of gas or to form a rest. The only effect of creating a rest would be to increase the price of gas to the consumer, and to enhance the value of the Company's stock. That the latter effect would be produced was shown by the fact that the day before the passing of the Bill by the Private Bills Committee the stock stood at 110, and it had since risen to 120. True, the stock of other gas companies had risen of late, but not to such an appreciable extent. He protested against the Company being given power to take out of the pockets of the people of Toronto the sum of \$200,000 or any other sum. If the House sanctioned the breaking of the bargain in one respect they would soon have the Company applying to have it rescinded in all others. It had been contended before the Private Bills Committee that the Company had the right to pay a dividend of more than ten per cent.; but he read from a