

DAMAGE BY TUBES.

CLAUSE PROVIDING COMPENSATION IS ADOPTED.

Hon. Mr. Lucas, Chairman of the Private Bills Committee, Gives Toronto Some Advice—How the Clause as Amended Reads.

The Legislative Private Bills Committee yesterday morning "finished its work." It confirmed, with two slight explanatory changes, the clause in the Toronto bill drawn by the sub-committee to give protection for damages which may be caused in the construction or operation of the proposed tube railways. A vote of thanks was passed to the Chairman, Hon. I. B. Lucas, and certain members engaged in a brief "experience meeting."

Messrs. Hearst, McPherson, McNaught and Dr. R. F. Preston in turn each resented certain criticisms in the press.

"I think you take this newspaper criticism too seriously," observed the Chairman. "As a matter of fact the leading editorial in one of the papers was based upon a clause that the committee was not considering at all."

"In other words," put in Mr. Chas. Bowman (Bruce), "the papers don't know what they are talking about."

Hon. Mr. Lucas, the Chairman, in acknowledging the vote of thanks passed on resolution of Messrs. Lennox and Shaw, counselled Toronto in future to bring down important bills in time to have them dealt with satisfactorily. He thought that the city had failed to consider the committee in this matter. On Friday last a new clause was introduced, with no information, facts or briefs, at 12.45 o'clock, at what was generally understood to be the last sitting of the committee. "It was absurd," was the Minister's comment. "If Toronto would only consider these matters and not precipitate important legislation in the dying hours of the meeting, to be rushed through, I fancy everyone would be better satisfied."

In connection with the Balmy Beach project, Mayor Geary said the city was prepared to withdraw its application for legislation, and was willing to allow the matter to wait over for a year, with a view to arriving at some settlement. "I feel satisfied that we will get together in some way," commented his Worship, and the clause was withdrawn.

Mr. W. S. Brewster, Chairman of the sub-committee, reported the clause decided upon to provide protection from damages which may occur by reason of the construction of tubes. The clause, said Mr. Brewster, was accepted by all parties concerned, the Mayor and City Solicitor for Toronto, and the solicitors for the railway company. Mr. Brewster explained the clause to the committee, section by section. The proposal, he said, was to give protection to property-owners. The Toronto Railway Company was to be entitled to damages which might accrue from construction of the tubes, but not from their operation.

Mr. T. W. McGarry said that he and Mr. W. F. Nickle were of the opinion that the clause should go much further than it did in the matter of protecting property from injury. A compromise was, however, effected, and agreed to by the City Solicitor and Mayor.

"Under section 18 of the agreement

with the street railway," said the Mayor, "the street railway is specially exempted from such damages. I know that it is said that the building of tubes was not then foreseen, but that might also be said of many other things. The committee, however, were not disposed to consider that matter, and sent the clause to the sub-committee to give damages for construction. I am still opposed to it, but I realized the sub-committee could do nothing."

"We have made the whole thing subject to your agreement," declared Mr. McGarry.

"With your own pluses and minuses," put in the Mayor.

"The pluses where we believed it to be just and right; the minuses to satisfy you," was the Renfrew man's retort.

Mr. Brewster said the clause as drawn was more favorable to the city than the majority of the members were inclined to think was just.

"The city is not looking for favors," said the Mayor. "It simply asks that you follow the statute."

Mr. Brewster said both the Mayor and City Solicitor had agreed to the clause yesterday.

"Why should we be loaded with a greater responsibility than the statute gives us?" asked the Mayor.

"Where have we done that?" queried Mr. Brewster.

"Give us the municipal act," asked the Mayor.

"So we have," announced Mr. Brewster.

"The Mayor and the committee are trying to reach the same end by a different route," said Mr. G. H. Ferguson (Grenville), "and I think we should stand by the committee."

"Hear! hear!" chorused the members, and the clause as amended by Mr. Brewster was put and carried.

"The city agreed to this yesterday," quoth Mr. McGarry, "and as soon as there appeared to be a possibility of an amicable settlement it kicks over the traces again. There seems to be no chance to satisfy Toronto, except by trouble and warfare. It is time this committee assumed its own obligations and proceeded to do what it believes to be right without consideration for disturbers."

The clause as finally adopted was as follows:

"The corporation of the city of Toronto may construct, build, maintain and operate a system of underground railways for the transportation of passengers and freight, and may acquire any land necessary for construction and operation thereof, with or without the consent of the owners thereof, upon making due compensation under the provisions of the municipal act for all land so taken or injuriously affected by reason of the construction of the railway hereby authorized, or by the exercise of the power hereby conferred, and upon making compensation also for damages, if any, suffered by any railway company by the work of actual construction of such system to the working of the railway of any such company, and the works connected therewith; provided, however, that such damages shall not include any damages or compensation from which under any agreement the said railway is exempt, or any damages by reason of competition with such other railway company."