

MADE MR. AID'S EFFORTS TO PASS "CONSENT JUDGMENT" FAILED

Council Laughed When an Ancient Legal Opinion Was Sprung on Them to Aid in Carrying Out the Desire of the Toronto Railway People.

Ald. Spence Fights to Hold the Original Agreement Inviolable—Ald. Foster Roasts the Mayor on His Anti-Election Promises and His Present Position as Friend of the Great Octopus—The Report Goes Back

A lively, and, at times, excited meeting of Council, which it is no small credit to Ald. London, to have kept well in hand, as chairman of Committee of the Whole, last night rejected the proposed consent judgment in the suit of the City against the Street Railway Company.

A new feature was added to the subject matter of discussion. This was a curious exchange of letters between the Mayor and Corporation Counsel Fullerton, the purpose of which was to put the responsibility of the settlement on Mr. Christopher Robinson, Q. C. When the aldermen entered the Council Chamber they found the following letters on their desks:

Re opinion of Mr. C. Robinson, Q. C., on Street Railway suit:

Mayor's Office, Toronto, Oct. 3, 1900.
To James S. Fullerton, Esq., Q. C., Corporation Counsel, City of Toronto.
Dear Mr. Fullerton: I think the time has arrived when the above opinion should be made public. It was given in the public interest, and was paid for by the public money. There is a misconception in the public mind created by a column of newspaper matter. There is a general impression that by prosecuting the suit we could win. It was because Mr. Robinson said we could not win that I consented and do consent to a compromise. I want Mr. Robinson's reasons to be made public, in order to justify the conduct of the independent and fearless members of the Council, who are being misinformed by the letter in every way in connection with this matter.

Kindly send me the original letter, or a copy of it, for circulation to the Council at its meeting, to be held this afternoon. Yours very truly,
B. A. Macdonald,
Mayor.

Toronto v. Toronto Railway Co.—Overcrowding. Law Department of the City of Toronto, Toronto, Oct. 3, 1900.

Re opinion of Mr. C. Robinson, Q. C., on Street Railway suit:
Dear Mr. Mayor: I have your communication of this morning, asking your consent to the publication of the opinion of the City Solicitor, Mr. Robinson, Q. C., on the Street Railway suit. The opinion was given in the public interest, and was paid for by the public money. It is a letter to the City Solicitor, and is not a letter to the Mayor. It is a letter to the City Solicitor, and is not a letter to the Mayor. It is a letter to the City Solicitor, and is not a letter to the Mayor.

The letter in question, which is hardly an opinion, was a letter written by a personal letter, in which the City Solicitor said several things entirely personal to himself, and which were not intended for publication.

I do not think the publication of this letter would be in the City's interest, and I feel myself, therefore, compelled to decline to produce the same, and to do so by a vote of the City Council, and that event, I will only furnish that portion of the letter which relates to the suit.

I may say, however, the following words are used as a conclusion to his remarks in referring to this matter:

"Under the circumstances, the best policy for the City would be, I think, to facilitate any reasonable settlement, and endeavor to secure the desired accommodation, and to do so by a vote of the City Council, and that event, I will only furnish that portion of the letter which relates to the suit."

Reverting very sincerely that I am unable to comply with your request, I am, Sir, very respectfully,
Yours very truly,
James S. Fullerton,
Corporation Counsel.

They say at once that Mr. Robinson's alleged opinion was of no given date. An answer to that, it was dated on Jan. 2, and is well remembered in aldermen's circles as having been given at the time. The method of representing it at all and most of them who knew anything of the facts laughed heartily.

Ald. Macdonald's question was: "Just as soon as the Mayor had taken his seat, Ald. Macdonald said: 'I think this letter of yours to Mr. Fullerton, Mr. Mayor, and Mr. Fullerton's to you should be taken up first.'"

The Mayor: It will come up in committee with this general matter.

Ald. Macdonald: What do you mean in the statement in your letter, 'The independent and fearless members of the Council'? Is this an address from you?

The Mayor: It is a letter from me.

Ald. Macdonald: Who are the 'independent and fearless members of the Council'?

The Mayor: You will see this afternoon. I am one of them.

Ald. Macdonald: You were not a little while ago.

When Ald. London had taken the chair of the committee of the whole the Mayor proposed that the report of the Board of Control be discussed paragraph by paragraph.

Ald. Spence: I don't think it will be necessary for us to discuss the report in detail. At all events, I have something to say about it in general, and I will move an amendment of that kind. "That this report be struck out and referred back to the Board of Control for their consideration."

The Mayor: I am instructed to direct the City Solicitor to go on and read the report of the Toronto Railway Company, referred to in the first paragraph of the report, unless the City Council otherwise order.

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with the suit to a finish. He would also like to amend the report by adding the words of the original agreement after the description of the new motor cars. He proposed the following amendments:

The Mayor: Then that only puts us in a position for having done nothing.

Ald. Macdonald: You yourself have been the Mayor's agent in this matter.

The Mayor: The duty belonged to me.

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Part of villa lot seven and eight, according to registered plan 304, Toronto, and also all of ravine lot ten and parts of lots eleven and twelve, according to registered plan 245, said property having a frontage on the west side of Kensington road of about 145 feet by an irregular average depth of about 300 feet, said lands and buildings thereon being described in a certain mortgage registered in the Registry Office of the Eastern Division of the City of Toronto, as number 6707 S. The said property is situated in the City of Toronto, on the property of the late Mrs. J. H. Good, and is a brick dwelling house with slate roof, 24 feet by 21 feet and 18 by 30, and porch, containing 11 rooms, bath, v.c., hot water heating, together with a two-story brick stable in rear, 32 feet by 18.

The property has an excellent situation for the best residential suburbs of the City.

Terms: Ten per cent. at time of sale, and for the balance terms will be liberal.

For further particulars apply to the City of Toronto, as number 6707 S. The said property is situated in the City of Toronto, on the property of the late Mrs. J. H. Good, and is a brick dwelling house with slate roof, 24 feet by 21 feet and 18 by 30, and porch, containing 11 rooms, bath, v.c., hot water heating, together with a two-story brick stable in rear, 32 feet by 18.

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