

and stopped the running of street cars, which, with the public, have the legal right of way. The mayor and the controller are reported as having supported the processionists in their unlawful conduct and congratulated them on their having taught a lesson to the street railway authorities who had thus in the interest of the public presumed to exercise their legal rights to the annoyance of those who thus illegally obstructed the highway. Such an exhibition of lawlessness on the part of those in authority, if the speeches of the gentlemen referred to are correctly reported, is much to be deplored. There is but little use in passing laws if those appointed to enforce them not only neglect so to do, but actually commend those who break them.

One of the conditions on which the street railway operates in that city, and which, of course, was perfectly well-known both to the mayor and controller is as follows: "Cars to have right of way, and vehicles or persons not to obstruct or delay their operation." The railway had given due notice that it intended to insist on its rights, which, we may observe, are conferred on it for the benefit of the public, to whom the obstruction of the cars may involve serious inconveniences.

It might be thought open to doubt how far an agreement between the city and the street railway giving the latter the right of way would be binding on the public at large; but the general Street Railway Act, R.S.O. c. 208, s. 25(7) expressly empowers municipalities to pass by-laws, inter alia, "for preventing the obstructing or impeding of the ordinary traffic, and for compelling vehicles on the tracks to give place to the cars or other conveyances of the company." The condition above referred to is a part of a by-law, and it was conferred and declared to be valid and binding on the railway and the city by an Act of the provincial legislature. The words "for preventing the obstructing and impeding of the ordinary traffic" we take it must mean the ordinary traffic of the railway, not the ordinary traffic of the street; and it would seem that the right of way of the street railway is reasonably clear.