

and, if the country thinks they have any, they will get them. I think it is establishing a very dangerous principle for Parliament to interfere with property and vested rights while there is a court of competent jurisdiction to appeal to.

Sir ALBERT SMITH—The application to Parliament assumes that the judgment of the Court is right.

Mr. BOULTON—I cannot understand how that can be the case, because I suppose the statement in the petition formed part of the basis for applying to the Legislature for relief; and, if the statement in the petition is that the judgment of the Court of Chancery is wrong, they cannot come down here afterwards and say that the judgment of the Court of Chancery is right.

Sir ALBERT SMITH—If they get this Bill there is no necessity for the judgment of the Court.

Mr. McMILLAN—If they get the judgment of the Court they need not care for this Bill. (Laughter.)

Mr. BOULTON—The petition sets forth as follows:—

“Your petitioners have, at the suit of the said Grand Trunk Company, been restrained by the Order and Injunction of the Court of Chancery for Ontario from laying down their track upon and occupying the land granted to them by the said license of occupation; but your petitioners have been advised by counsel that the judgment of the said Court is erroneous, and that an appeal should be had therefrom to the Court of Appeal (Ontario).”

The petitioners have further set forth that they have taken the usual steps for such appeal, and I think it is the strongest possible reason why Parliament should not interfere pending the result of this litigation. My learned friend, in stating the case on behalf of the Credit Valley Railway Company, very carefully avoided what I consider is a most dangerous feature in this legislation. I do not profess to have a very extended knowledge of what is proper for Parliamentary legislation, but I am not aware, and I do not believe that anybody else is aware of a single case that has come before Parliament in which one railway company presumed to insert a clause in the charter of another railway company. I say that such legislation is entirely unconstitutional; at all events, no private member has a right to take such a course, and if it is done at all it must be on the authority of the Government. The Credit Valley Railway Company come to Parliament and ask to insert a clause back into our charter, which was deliberately and intentionally repealed by an Act of this Parliament in 1875, and have the audacity to endeavor to mislead this House by saying that the repeal of this Order in Council was a surprise on Parliament. I say it was a deliberate falsehood! I say it was repealed in the most public manner, and Parliament was fully aware of it, as may be seen by consulting the *Hansard* of 1875. The repealing Clause was expressly referred to in the debate, and to show that the present legislation is unnecessary, and that the repeal was no surprise on Parliament, the hon. member for North Oxford, in 1877, proposed this very clause, and there was a debate on it.

Mr. OLIVER—Will you state to the Committee the pledges that you made to the parties interested in the Credit Valley Railway then, if you obtained that clause?

Mr. BOULTON—I said what I say now; the Credit Valley Railway had then, as they have now, the right to take advantage of the provisions of the Railway Act, and I believe it is an imposition on Parliament to come here and pretend that they are kept out. I say as a matter of law they have the right to force their way, under the provisions of the Railway Act, into Toronto.

Mr. WHITE (North Hastings).—Why did the court stop them?