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*Mr. Alex. Huff.*

CREDIT VALLEY RAILWAY BILL.

*Valley*

DISCUSSIONS

BEFORE THE

RAILWAY COMMITTEE

OF THE

HOUSE OF COMMONS,

AND THE

*See*

SUB-COMMITTEE APPOINTED BY THEM TO CONFER WITH THE COMPANIES INTERESTED IN THE BILL.

REPORTED BY

A & GEO. C. HOLLAND,

SENATE REPORTERS, OTTAWA.

# CREDIT VALLEY RAILWAY BILL.

Discussion Before the Railway Committee of the House of Commons.

*(Reported by A. & Geo. C. Holland, Senate Reporters, Ottawa.)*

RAILWAY COMMITTEE ROOM, HOUSE OF COMMONS,

TUESDAY, March 23rd, 1880.

The Credit Valley Railway Bill was taken up for discussion.

Hon. Mr. LANGEVIN (Chairman) having read the preamble of the Bill,

MR. HAGGART said: Mr. Chairman and gentlemen, the object of this Act, as recited, is for the purpose of vesting in the Governor in Council the power of controlling the disposition and alignment of the Northern Railway tracks entering into the City of Toronto, and affording to the Credit Valley Railway right of way to their water lot in the city. As most of you are aware, by an Act of the Old Parliament of Canada, passed in 1859, the Government assumed all the property of the Northern Railway. In the following year they gave back to the Northern Railway, by Order in Council, which was confirmed by an Act passed in the same year, the same property, reserving to themselves control over the disposition and alignment of the different lines entering into the City of Toronto. By an Act subsequently passed in the 38th year of Her Majesty's reign, Cap. 65, for the purpose of consolidating the different statutes affecting the Northern Railway, it is contended by that company that the right in and absolute control over those tracks was re-invested in the Northern Railway. The question has been up before the courts, and the Court of Chancery has decided that that power has been re-invested in the Northern Railway, but some facts, which have come to our notice since the decision of the court, point to the conclusion that it was not the intention of the Legislature, in passing that Act, to give this property to the Railway. It was so understood by the House and by the Northern Railway Company themselves. I will read to the Committee a letter by Mr. Cumberland, the General Manager of the Northern Railway, which was sent to the Commissioner of Crown Lands for the Province of Ontario, and to the Honorable the Minister of the Interior at Ottawa, written about a month after the passage of this Act:—

"TORONTO, May 26th, 1875.

"SIR,—Under instructions from the Board of Directors of this Company, I have the honor to apply for the issue of a patent to this Company for the lands, and the lands covered with water, in its possession, being contained within the following boundaries, viz:—From the south side of Front Street to 'the Windmill line,' and from the west side of Brock Street to the east side of Bathurst Street, respectively projected south from the south side of Front Street to 'the Windmill line' in the City of Toronto.

"The Company acting under the powers of its charter, took possession of these lands on or about the 23rd of December, 1851, and with regard to a portion of them, viz., that then in possession of the Imperial Ordnance authorities, this transfer was authorized by an order of the Imperial Board of Ordnance (England) dated 2nd February, 1852. The occupation of the lands by the Company was further recognized and secured by the Act 19 Vic., Cap. 45. The Company, having expended very large sums of money in reclaiming and utilizing these lands is now desirous of receiving the patent for the issue of which, on its behalf, I now apply, observing that a legal question having (as stated in your letter No. 542, 1875) been raised as to whether the title to these lands is now in the Dominion or the Ontario Government, a similar application has been made to both.

"I have the honor to be, Sir,

"Your obedient servant,

(Signed)

"FRED. CEMBERLAND,

"General Manager."

So he shews pretty conclusively that both the Northern Railway Company, and from a statement made by Mr. Oliver, in this House, and in the debates which took place at the time, the Legislature understood that it was the intention of Parliament to maintain control of the disposition and alignment of tracks over that ground into the City of Toronto. The object of this Bill is simply to re-invest in the Governor in Council the power of disposition and alignment of these tracks so as to give the Credit Valley Railway right of way into the city. It is supposed that this railway will, with the Toronto & Ottawa Railway, form a connecting link with the Montreal, Ottawa & Occidental and the North Shore roads to Quebec, and it is a matter of vast importance to this section of the country that no obstacle should be placed in the way of this project. The Credit Valley Railway, has been largely subsidized by the different municipalities along its route, and it has received from the City of Toronto a bonus of \$350,000, one of the conditions being that it should come into the city on an independent line. Fifty thousand dollars of the bonus has been withheld until that condition has been complied with, and the Company are under bonds to the extent of \$500,000 to construct an independent line into the city. From Queen Street to Bathurst Street there is a hundred feet strip of ordnance land upon which there are five tracks over a portion of it, three belonging to the Grand Trunk Railway and two to the Northern Railway. There seems to be no opposition by either road to the adoption of the route from Queen Street to Bathurst Street, and they have no objection to the line laid down by Mr. Shanly.

Mr. CASSELS—They have very strong objections.

Mr. HAGGART—I will quote the statement of Mr. Cassels himself before the Privy Council. The objection seems to arise from Bathurst Street, easterly. From that point the Grand Trunk wish the Credit Valley Railway to pass over the lands of the Northern Railway Company, and the latter, as I understand it, wish them to pass over the lands of the Grand Trunk Railway. Before the Railway Committee of the Privy Council, Mr. Hay remarked:—"But the gentlemen of the Northern Railway say that they are willing the Credit Valley Railway should go down to Bathurst Street, complete their road to that and get their money." To this Mr. Cassels replied: "I don't think the Grand Trunk Railroad would object to that." The whole statements of both parties before the Committee lead to that conclusion. Here is a question by Sir Charles Tupper, after the whole evidence had been adduced:—"Now, it appears to me if the Grand Trunk Railway and the Northern Railway agree to the Credit Valley Railway getting down to Bathurst Street, it will remove all difficulties?" To this Mr. Cassels replied: "I think I have a copy of a letter from Mr. Hickson, in which he states that to Bathurst Street there is no difficulty."

"Hon. Mr. WELLS—That is the first I have heard of it."

"Mr. CASSELS—Mr. Hickson, acting for the Grand Trunk Railway, made certain suggestions. It is idle to say that, because these suggestions do not meet the approval of one railway, they are immediately to take other proceedings. As far as Bathurst Street there is no trouble."

"Mr. CUMBERLAND—I would venture to suggest that, if an arrangement is made to Bathurst Street, it should be made to Brock Street; there is plenty of room to that point for the Credit Valley Railway, if it succeeds, as I trust it may, in getting the right way. Then the question with the Grand Trunk arises."

The whole difficulty seems to be that, when they arrive at Bathurst Street, one road wants to shove the Credit Valley on to the other. That strip of land is 100 feet wide; they have five tracks on it, a couple of which were laid, I believe, immediately before the Credit Valley tried to get into the city. I am informed by engineers that there is no difficulty in putting down seven or eight tracks on that piece of property, and there is plenty of room for the Credit Valley Railway, independently of the other roads. It is assumed that there are other routes by which the Credit Valley Railway could get in, but, in order to utilize them, they would have to trespass on lands belonging to the Local Government, that have been appropriated for the Central Prison and other purposes, and it seems to be the opinion of different lawyers that ground acquired by the Government for their own purposes cannot be expropriated for railway purposes under the Railway Act. The object of this Bill is simply to re-invest in the Government the power of controlling the alignment and disposition of the tracks entering into the city over that piece of Ordnance land. The answer to this, that the question has been decided in the Court of Chancery, and that it has been decided there that the fee in this piece of land is vested in the Grand Trunk and Northern Railways, is, to my mind, the strongest possible argument in favor of this Company coming before the Committee to ask for this Bill. They do not ask to be granted right of way into the city without paying their proportion for the improvements which the different railways have made on the line; they are willing to pay their share of those improvements. They want immediate connection with the City of Toronto, and the only way they can obtain that is, by applying to Parliament for leave to make that connection.

MR. BOULTBEE—You have not stated very fairly what the Bill asks for. You have stated that the object of the measure is to allow the Government to control the alignment of the Grand Trunk and Northern Railway tracks through ground occupied by them. That may be your intention, but it is not what is stated in the Bill. The first clause gives the Government power to control the whole railway property of the Northern Railway Company in the City of Toronto—not merely to let the Credit Valley Railway in—and the second clause gives vastly larger powers than you have stated.

MR. HAGGART—The station buildings are all on Ordnance land belonging to the Government, and for which the Government never received any payment. The Credit Valley Company contend that the Northern Railway went on there without the sanction of the Government. You will see that the Bill provides that the Credit Valley Railway Company shall pay reasonable compensation for any lands taken by them under this Act. It is simply re-enacting the clauses of the General Railway Act.

MR. PLUMB—What is the object of re-enacting those clauses when we have them in the Railway Act?

MR. HAGGART—It is for the purpose of having a more summary way of getting in. (Laughter.)

MR. PLUMB—I think the question seems to be in the preamble of the Bill—whether the Government are prepared to assume that they are the owners of, and have the complete control of that piece of property. I do not see that there is any other question involved.

The mention of "other roads" is made, and whatever is done under this Bill will govern other roads as well as the Northern Railway. I have no doubt that the Credit Valley Railway is a very meritorious work, and that it should get into the City of Toronto. I am not altogether, and have not been, in accord with the system of starting railways on a sort of roving commissions by which municipalities are involved in a large amount of debt for which they receive no benefits. As I understand it, there is plenty of room for the Credit Valley Railway to get into Toronto, if they choose to pay for it; but they wish to compel other roads, whose business is growing and who are already being crowded, to give up part of their property which they have made valuable, and which, far as I have yet discovered, they have a right to hold. As regards their legal rights, it is not a question exactly which we should declare upon without more thorough investigation than is likely to be made in a Committee like this. What we are charged with more particularly are questions of policy rather than legal questions. I have received piles of the Credit Valley Railway literature, but my life is too short to read it through, and I would rather judge of the question upon certain general principles which can appeal to everybody, and which everybody can understand. I am not prepared to accept the preamble of this Bill as it stands. I know that—

Dr. ORTON—Mr. Chairman, there are counsel here representing both sides, and I think we should hear them before proceeding further.

Mr. PLUMB—This is the Railway Committee of Parliament, and I think that gentlemen who are members of Parliament attend for the purpose of discussing those bills. I do not know that we are to make all our rights and discussions subservient to paid counsel who are brought here by interested parties. (Cries of "Question! question!") I do not think it lies within our province to take up the question and decide it, as this preamble will decide it, without having very much more definite information, and very much clearer legal knowledge of the rights of the parties than this Committee can possibly have. I do not think it is proper to ask Parliament to settle a question which is clearly within the province of the courts; but, if it comes up as a question of policy, I say I do not think it is proper to force the Grand Trunk Railway and the Northern Railway to admit other lines upon the grounds that are necessary for their own business. If these grounds are not necessary for their own business, it is another question. Even if the Government owns the property, the railway companies have vested rights there. They have been running over this land for years; they have sunk large amounts of capital in their undertakings, and I do think there are two sides to this question, and it ought to be looked at from both. I am opposed to this preamble, and I do not think, at this stage of the discussion, we are prepared to adopt it.

Hon. Mr. MACDOUGALL—It seems to me that Mr. Plumb's suggestion is a little in advance of the principle of this Committee. This is a very important question; private rights are involved, and here are three distinct interests. All these three interests or parties are represented by engineers and by counsel, and the first point should be to allow the promoters of this Bill to shew cause why it should be entertained. I move that the promoters of the Bill be heard.

Mr. HAGGART—I move that Mr. Wells be heard before this Committee on behalf of the Credit Valley Railway Company.

The motion was agreed to.

Mr. WELLS—I am very much obliged to the Committee for giving me this opportunity to state our case, and I am only sorry that the duty of making the statement has fallen upon me very unexpectedly. The matter was placed in the hands of counsel, but, unfortunately, he was unable to attend, and the duty has been thrown upon me so suddenly that I am afraid I cannot do it the justice that its great importance demands. The Credit Valley Railway Company was incorporated, as you are aware, under a provincial

charter, and, as I shall endeavor to explain, this has led to some confusion as to whether a company so chartered could claim the same rights as a company incorporated by the Dominion Parliament. The Credit Valley Railway has been completed for a distance of 160 miles, down to the western boundary of the City of Toronto. So early as 1876 the Company applied to the Northern Railway Company for right of way, supposing them to be the absolute owners of the 100 feet strip in question. The application was entertained, and in September of that same year we were informed that the Northern Company would "offer no obstacle to the transfer of sufficient right of way from Garrison Common to Brock Street," but: "Provided always that the Credit Valley Railway Company first completes its arrangements with the other railway companies for entrance into the city." The sting of this little document was in the tail. The Northern had no objections whatever to our passing along this strip to Bathurst Street, but there we must stop unless we made arrangements with other companies to get further east to the terminal station near the Union Depot. There we have a water lot of some eight or ten acres, the only property that we could obtain upon which to put our elevator, our terminal station and our wharves. It was absolutely necessary, therefore, that the Credit Valley Railway should get down to that point, and the Northern, having that regard which they have always maintained for their own grounds, protected themselves by the condition that we should not be allowed to come down from Queen to Bathurst Street, unless we made arrangements with other railway companies to go on further. Subsequently we made another application to the Northern, which was also entertained, and they were good enough to lay down upon the map a plan by which we could get into the city. That plan leads along the 100 feet strip from Queen to Bathurst Street, then north of the Northern Company's grounds and across the Grand Trunk Company's grounds to our water lots. It was very good and generous indeed of the Northern Company, but there was just this little difficulty about it—the land over which they led us did not belong to them at all. A day or two afterwards I wrote to Mr. Bell, Solicitor for the Grand Trunk Railway Company, telling him what the Northern had done, and he very promptly replied in these words:—

"These lands are ours, and the Northern Railway have no claim to them in any form. One cannot help, therefore, admiring the generosity of that Company in giving your people liberty to use that which is not theirs. \* \* \* This, I can say, that, if you attempt to take property claimed by us, we will take steps to protect our rights."

The Northern Company have been very much surprised, and have expressed their surprise in various forms, that we did not promptly accept their offer. I think that Mr. Bell's answer was a very good reason for not doing so.

Sir ALBERT SMITH—Was there a question of title between them?

Mr. WELLS—Yes there was a suit between the Grand Trunk and the Northern as to the proprietorship of a portion of the property; the Northern, as I recollect it, contended that the Grand Trunk had only an easement.

Hon. Mr. MACKENZIE—Was it before or after that was decided that the Northern expressed a willingness to give you the right of way?

Mr. WELLS—It was after that decision. Our chief engineer, Mr. Bailey, went down to Montreal to see Mr. Hickson, who was somewhat irritated at first, but ultimately was so considerate and conciliating that we began to think there would be no further trouble. Being very much pressed to proceed with the work, we, rather precipitately, I admit, took possession of a portion of this ground. Of course we notified the Grand Trunk before we did so. The result of that was a suit in Chancery to restrain us from entering upon the ground. In the meantime we applied to the Minister of the Interior

for a license of occupation of this ground from Queen to Bathurst Street, and to the Railway Committee of the Privy Council for right to cross the tracks of other roads. We made a joint application, and in June and July last met a number of members of the Government here in Ottawa and stated our case. The admissions then made by the representatives of the Northern and the Grand Trunk were as stated by Mr. Haggart, only they were very much more numerous and explicit. In the first place, Mr. Cameron, who represented the Northern on that occasion, said :—

“As to the track from Queen to Bathurst Street, it is identically the track which Mr. Cumberland laid down for the Credit Valley Railroad, so there is no dispute between them and the Northern, whatever, as to the mode by which the Credit Valley should come into Toronto, west of Bathurst Street.”

Now, from a word interjected by my friend Mr. Cassels, a few moments ago, he would lead this Committee to suppose that it was a right of way or running powers that was meant. It was nothing of the kind. A right of way from Queen to Bathurst Street in that sense was never proposed at all. I may say here that we are bound to have an independent right of way into the city as far as Bathurst Street. It was on that condition that the city aided the company with a bonus of \$350,000. In accordance with that stipulation, \$50,000 of the bonus has been retained by the city until we secure an independent right of way to that point. However, I shall go on with these admissions. Mr. Cameron repeats the admission :—“When we come east to Bathurst Street, another question arises.” Yes, then the fight arises between the Grand Trunk and the Northern. He continues :—

“We have suggested to them how they can reach that point. We have shewn them a plan by which they can come down there without interfering with our rights, or causing anybody inconvenience. This plan, which I now produce, shews the road as it is at present.”

Then Mr. Cumberland says :—

“What we contend is that the reserve, as it is now constructed, and which we paid Mr. Shanly \$70,000 to improve, is sufficient, not only to receive the three tracks there already, but also the Credit Valley Railway track, and still have some space to spare; and that it would be the most economical course for the Credit Valley Railway to take to avail themselves of it by shifting over the three existing tracks, and laying their own track where the Great Western track is at present. Now, the Credit Valley Railway Company, under advice that cannot be professional, propose to take sixteen feet off our yard.”

Mr. WHITE (Hastings)—Is there not at present a track for the use of the Great Western through the Northern Company's yard, over which your road could pass without causing the slightest inconvenience to anyone?

Mr. WELLS—There is. The track of the Northern is five feet six inches wide; our road and the tracks of the Great Western and Grand Trunk are built on the four feet eight and a half inches gauge. A track is already laid through the Northern yard, over which the Great Western has the right to pass.

Mr. CUMBERLAND—They have no such right. That third rail is for the interchange of traffic between the two gauges. Neither the Great Western nor the Grand Trunk trains can pass over that. It is no right of way, and never has been used by any other company.

Mr. SWINYARD—It is under the control of the Northern.

Mr. WELLS—I have quoted the opinion of Mr. Cumberland himself. Then again he says: “You have not asked the Grand Trunk Railway to shift their track.”

“Hon. Mr. MACDOUGALL—No.

“Mr. CUMBERLAND—It is the simplest, best, cheapest, and easiest way to settle the matter.”



Then we come to the admissions of the Grand Trunk Railway Company. Mr. Hay, the member for Centre Toronto, says :—

"But the gentlemen of the Northern Railway say they are willing that the Credit Valley Railroad should go down to Bathurst Street—complete their road to that, and get their money."

"Mr. CASSELS—I don't think the Grand Trunk Railway would object to that."

Then Mr. Cumberland says :—

"We have shewn them how to come in, and have invited them to come in over our land, under the language used by myself to my board, which was in these words, If the present wants of the Northern are satisfied, and there is room to spare, do not let us play the dog in the manger. Why should we not help them to get in?' These are the words I used."

Then, again, Mr. Cassels says :—

"The Grand Trunk Railway has allowed them to come to Bathurst Street also. If they come there, they are met with the round-house block, which cannot be interfered with by this Committee or any law whatever. They have no right to get beyond Bathurst Street without litigation.

"Sir CHARLES TUPPER—They get to Bathurst Street without conditions ?

"Mr. CASSELS—That is without conditions ; but here is the point : after getting to Bathurst Street, Mr. Hickson suggests that in eastern-bound freight—not western bound freight—there should be no competition."

That was the condition that Mr. Hickson laid down, that there should be no competition eastward—a condition which Mr Laidlaw, in deference to the arrangements made with the various municipalities which had granted bonuses in aid of the Credit Valley Railway, as to pooling, etc., could not accept. A little further on the following occurs :—

"Sir CHARLES TUPPER—Now, it appears to me that if the Grand Trunk Railway and the Northern Railway agree to the Credit Valley Railway getting down to Bathurst Street, it removes all present difficulties.

"Mr. CASSELS—I think I have a copy of a letter from Mr. Hickson, in which he states that, to Bathurst Street there is no difficulty.

"Hon. Mr. WELLS—That is the first I have heard of it.

"Mr. CASSELS—Mr. Hickson, acting for the Grand Trunk Railway, made certain suggestions. It is idle to say that, because these suggestions do not meet the approval of one railway, they are immediately to take other proceedings. As far as Bathurst Street there is no trouble."

Then, on the following page, Mr. Cassels continues :—

"All three lines are at one with regard to the track as far as Brock Street."

Now, it is impossible, after these admissions, for them, in the presence, at all events, of those members of the Government, who were there on that occasion, to recede from this position. I do not see how they can. It is all very well for small companies like us to go back on what we have said and to change our views, but it is quite an unheard-of thing for such a company as the Northern or Grand Trunk to deny what they have so distinctly and repeatedly admitted. (Laughter.) But, having come down to Bathurst Street, then the real difficulty, as these gentlemen point out, commences. Then the fight begins between the Northern and the Grand Trunk. The Northern say that Mr. Shanly laid down a plan ; but, after getting down to Bathurst Street, that plan involves the shifting of the Great Western and Grand Trunk tracks a little to the north. The Northern was perfectly delighted with that plan. Nothing would please them better than that. It does not touch their ground at all, and through all the literature (which you have had enough of I am sure) you will find that Mr. Shanly's route is the one that the Northern not only are willing to adopt, but insist upon being adopted. The Shanly route takes us across the Grand Trunk grounds down to our water lots. The Grand Trunk says : "Why not pass

through the grounds of the Northern? It is a shorter and more direct route, and involves passing over a fewer number of tracks and is altogether a better route." I quite agree with them. I would abandon the right to have a track across the grounds of the Grand Trunk if the Northern are compelled to give us running powers over a track that is so little occupied, and where the business is so small—small as compared with the Grand Trunk's, at all events. It would not be a very serious matter, and, of course, it is a thing which railway people tell us is done in every other city on the continent. Now, we come down to this Bill. Every member of the Committee who has read it will see that it does not lay down a line for the Credit Valley Railway at all. It leaves the question quite open to the Governor in Council. Now, that gets over the whole difficulty which has been raised, viz., that there is ground enough to the south of the 100 feet strip altogether, from Queen to Bathurst Street. They say: "Here are some Central Prison grounds and Emigrant sheds, and you can get along very well without interfering with the 100 feet strip at all." I am not prepared to say whether we can get the ground or not. I can tell the Committee frankly that I interviewed Mr. Langmuir about it, and he scouted the idea altogether. He said that it was quite impossible for their grounds to be interfered with, and that the Central Prison might be extended quite up to the limit of the 100 feet strip. For this and other reasons he gave no encouragement to hope that we could get land there. Any man can understand that, when a Government lays aside a piece of ground for a large public institution, it would be opposed to any interference with it, just as if a railway company were to seek for a right of way through the Parliament grounds here. Though there is a statute which provides for taking Crown lands for railway purposes, it does not apply to lands required for and actually occupied by public buildings. The Government, it can be readily understood, would contest that point to the utmost, and with good reason, too. The Bill leaves that question quite open. If, by pressure of the Grand Trunk and the Credit Valley on the Ontario Government, that ground can be got from the Central Prison, it will relieve them of the necessity of having our track go over the 100 feet strip. But we are not here to discuss that point now. If the Committee have confidence in the head of the Government and in the Government itself, they will believe that no unnecessary hardships will be imposed on these existing railway companies. The question of title we have nothing to do with. The pamphlets to which I have alluded have made a good deal of the fact that the courts have had this question before them and have decided against us. If the courts had decided in our favor there would have been no necessity for us to come here. It is all very well to say: "Fight it out in the courts;" suppose we did, and suppose that the final decision of the courts were against us, we should still remain at Queen Street. It is just because the necessities of the case involve the interference of Parliament that we are here. Such interference is not an unheard-of thing. Our Company, it has been said, have a right, at all events under the Railway Act, to acquire right of way, but I have only to quote from the opinion of my learned friend Mr. Cassels, to shew that, at all events, he is not of that way of thinking. It will be remembered that we are a provincial company, and that we have, perhaps, less right to interfere with Dominion property than if we had been chartered by the Federal Parliament. At all events, Mr. Cassels lays down this principle:—

"The Grand Trunk Railway Company have a patent for the land between Bathurst and Brock Streets, and it has been held by the Courts in Quebec that a Local Legislature cannot confer on a local railway power to cross or take the land of any other railway company. So far as this is concerned, they cannot take it, and will not get it."

He repeats that opinion at page 28 of the July pamphlet. He says:—

"After they get to that point, on our round-house lot, they can come here and ask for crossings, but, until that time, it would be premature to hear their application. They never will get there. They have no power under the local acts to take our land. The Local Legislature has no right to confer that power upon them."

No gentleman of his established professional reputation can afford to so chop and change in his professional opinions. I am sure that Mr. Cassels will not give one opinion.

to-day and another to-morrow. He speaks also of some decisions in the Province of Ontario. These decisions, however, are not express. They are the dicta of a judge who has implied, in the course of his judgment, that there is not this power, but every lawyer knows that, unless a case has been brought explicitly before a judge, and argued, all that you have got is a wayside opinion, which goes for nothing, and is only the opinion of a lawyer and not of a judge. Therefore, we are driven to come here, and I say that it is no slight upon the Court. We are encouraged to come here by the First Minister of the Crown, himself. I will read to you what he said himself when we were before the Railway Committee of the Privy Council. He warned us that, in giving us this license of occupation, it might not prove valid if tested before the Courts. He warned us that, if it turned out upon an appeal to the Courts, that the Minister of the Interior had no power over that land, of course our license of occupation was waste paper, but he went further than that, and pointed out, as clearly and distinctly as he could, what would be our remedy if the courts decided adversely to that license of occupation. Sir John Macdonald said :—

"I think that it would be impossible, and very unwise for the other railways to attempt to keep the Credit Valley Railway out of Toronto, because, it is quite true, as Mr. Macdougall says, it would be impossible to prevent their getting power from the Legislature to do so, if in no other way. Public opinion would be against the Credit Valley Railway being kept out. Whether it was wisely commenced or not, is another question. There it is, a railway now in existence; a railway which is standing at the threshold of Toronto, wanting to get in, and if, by any exercise of legal right, the other railways keep it out of the city, I am quite sure the Legislature, as a matter of justice, will be compelled by public opinion to override all those legal rights, and give this Company's railway admission into Toronto. Just as surely as I sit here, the Legislature would force the other railways to yield the track, and, having that fact before them, I think that they should address themselves at once to do it without any trouble from litigation or otherwise."

Therefore, if our course in coming here is disrespect to the courts, it is a course which has been pointed out to us by the first Minister of the Crown, and you involve him in that disrespect and discourtesy equally with ourselves.

Mr. G. D'ARCY BOULTON—I appear here on behalf of the Northern Railway Company, in opposition to the Bill now under consideration, and I cannot but feel that the Grand Trunk and Northern railways occupy a very prejudiced position before the country and before Parliament. For a year past the country has been flooded with newspaper articles, pamphlets and letters of all descriptions, denouncing these companies in a most unmeasured manner. They have made misstatements in those letters and newspaper articles of the grossest kind. They have stated, over and over again, things that they knew were palpably untrue; they have constantly and repeatedly reiterated that the Northern Railway and the Grand Trunk were obstructing the Credit Valley Railway from coming into Toronto. They have gone further and stated that we have no call to the land, that we were merely squatters, that we had never paid anything for the land, and had no right there, in the face of the deliberate decision of the Court of Chancery in our favour. I have the Bill in my pocket now which declares that the Northern Railway and the Grand Trunk have the title in fee simple to those lands, and I want to know from the gentlemen of the Committee what better title we can have?

Mr. McMILLAN—A patent from the Crown would be better.

Mr. CAMERON—That is the title we have.

Mr. BOULTON—I think one of the weakest points of the Credit Valley Company's case is this: Mr. Wells says they are coming here because legislation is necessary, while the petition is entirely at variance with his argument, for it tells us that they are advised and believe that the judgment of the Court of Chancery is wrong. If the judgment of the Court of Chancery is wrong is this the place to come to have it overruled? Why not let them appeal to the higher courts, and, after that, when they find that they are at the end of their tether, it will be time enough to come to Parliament and petition for their rights,

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 have 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?

Mr. BOULTON—Because they attempted to steal our land. (Laughter.)

Dr. ORTON—If the Railway Act is sufficient to enable the Credit Valley Railway to get to their water lot, tell us how they will get down to it from Bathurst Street?

Mr. BOULTON—I do not know; I am not to be constituted the legal adviser of the Credit Valley Railway Company. All I can say is that if they take proceedings under the Railway Act, they can get in.

Mr. WHITE—Is the Northern Railway Company satisfied that the Credit Valley Railway should enter Toronto by the route laid down by Mr. Shanly?

Mr. BOULTON—As a matter of fact, and I suppose under the decision of the Privy Council, the Northern Railway cannot refuse it.

Mr. CAMERON (Victoria)—A formal resolution attached to the plan states that they have the right to come in:

Mr. OLIVER—Is this over the Grand Trunk Railway or over the other?

Mr. BOULTON—Partly one and partly the other from Brock Street.

SIR ALBERT SMITH—I do not see what the dispute is about, if you say the Credit Valley Railway can come in and the Grand Railway says they can come in.

Mr. BOULTON—If they are willing to pay compensation for the right of way, we cannot keep them out, but unless they do we will not let them in. Why should they require special legislation for this?

SIR ALBERT SMITH—Suppose the Act is not sufficient to authorise them to come in now, is it not necessary that they should have special legislation?

Mr. BOULTON—I suppose there would be no particular objection to removing any doubt of the power of the General Railway Act to let them in.

Mr. KIRKPATRICK—Did the Credit Valley Railway Company object to Mr. Shanly's route?

Mr. HAGGART—No, they will take either route. They will [either go south of the Grand Trunk Railway or to the north.

Mr. BOULTON—I would just remark, with regard to the statement in the Credit Valley Railway petition that this legislation is necessary, as they are delayed in their improvements, that it is a mis-statement to Parliament, for, if they had the right of way to-morrow, they have no place to go to. They have not expended a single dollar on their ground; they have no station, and they would have to expend a large amount of money before they could provide accommodation.

SIR ALBERT SMITH—Do the Northern Railway Company and the Grand Trunk Railway Company act in concert here now?

Mr. BOULTON—We say that the legislation is not necessary, but we cannot, if the Legislature choose to act in the matter, help ourselves. I do not think there would be any objection on our part to removing any doubt about the right of the Privy Council to grant them an entrance into Toronto. I should not be seriously disposed to oppose that.

Mr. HAGGART—That is all we want.

Mr. BOULTON—I beg my hon. friend's pardon, it is not ; they ask to have inserted a particular clause, giving the Government control over our lands for ever.

Mr. OLIVER—How many new tracks did the Northern Railway plant since the application for license of occupation by the Credit Valley Railway ?

Mr. BOULTON—I am not aware. We did not lay any track in consequence of the application of the Credit Valley Railway ; we simply continued a track.

Col. CUMBERLAND—We have not laid an inch of track since the application for license of occupation was made, or probably for six months before the application.

Mr. BOULTON concluded by claiming the right of reply, should it be deemed necessary.

Mr. CASSELS—My learned friend Mr. Wells, has brought up this pamphlet, and made quotations from it which he considers binding assertions as to what I consider the necessities of the Grand Trunk Railway Company. It is unfortunate, however, that he has merely taken a few extracts from it without reading the balance of the statement to which he refers. If he had quoted the statement of the Honorable Mr. McDougal, he would have found that his argument was that the Credit Valley Railway Company had no existence at all, because his idea was that local legislatures had no jurisdiction to create railway companies. That is on record also. I am sure that Sir Charles Tupper will bear me out—and if the whole of my remarks are examined it will be seen—that I took a firm stand against the Grand Trunk Railway Company being robbed of its lands by anything else than an Act of Parliament. I am prepared to show here that the stand taken by the Grand Trunk Railway Company, from the very beginning, has been of a most friendly kind towards the Credit Valley Railway. There has been no hostility to that Company, and there is none now, because, as everyone knows, the Grand Trunk Railway will benefit most by the Credit Valley Road coming into Toronto, and, therefore, her interests are not antagonistic. We have in our charter the right to take one hundred feet of land, the Northern have the right to take one hundred feet also, and we have between us and the Toronto, Grey & Bruce, a space of one hundred feet only. We have half the land that we are entitled to take under our charter ; half the land that the Legislature thought we required when they gave us that right ; and I say that there is sufficient vacant land, as I will demonstrate from the evidence of Mr. Bailey and Mr. Frank Shanly, outside the strip of one hundred feet. There is plenty of vacant land with grass growing upon it, and as smooth as a billiard table all the way from Queen Street to Bathurst Street, and I ask is any Legislature prepared to say that we are not justified in refusing to give up our property while there is that vacant space, and until the Credit Valley Railway has built upon that vacant land to a point where it is blocked ? Mr. Wells says the Ontario Government has objections to giving that land. Well, if the Ontario Legislature is not going to help a railway incorporated by itself, it is rather absurd to come here and ask Parliament to compel us to give them right of way. The Ontario Government has granted this company seven acres of land for nothing.

Mr. WELLS—For nothing ?

Mr. CASSELS—Well, for what ?

Mr. WELLS—For payment.

Mr. CASSELS—We are asked to give up our lands for nothing.

AN HON. MEMBER—You got it for nothing.

Mr. CASSELS—I beg the hon. gentleman's pardon; we paid for it. Now, from Queen Street, eastward, all the land south of the hundred feet strip is vacant until you get to the Central Prison. The fence of the prison is of brick, and about ten feet high; but between it and the track, there is a space of fifty-three feet. That is what Mr. Bailey and Mr. Shanly stated on oath, and the plan shows it. Now, is the Central Prison going to be hurt by taking ten or twelve feet for a railway track between the fence and the railway lines? It would not even hurt the house of Captain Prince, who resides near there. It is all open space. Then between the emigrant sheds and the ordnance strip there is a space of twenty-three feet.

Mayor BEATTY—That is Dominion Government property.

Mr. CASSELS—Well, all the better; they are friendly to the Credit Valley Railway. Now, to show the position that we have taken with regard to the Credit Valley Railway, I shall quote from some letters written by Mr. Laidlaw to Mr. Hickson. The first is dated the 4th March, 1879. Mr. Laidlaw writes:—

“We want an independent line to Bathurst Street and access to the Union Station on reasonable terms, and facilities for the freighting business on our water lots between the Yacht Club and the Waterworks.

On the 10th March, he says:—

“Mr. Hickson has always met me in a most kind and friendly spirit, and I am sure that no feeling he may have with regard to myself, personally, or *vice versa*, can affect our negotiations unfavorably.”

That correspondence was continued into May, and Mr. Hickson offered him every possible facility. On the 30th of May Mr. Laidlaw writes to the Northern to say that the Grand Trunk Railway manifested every disposition to facilitate the entrance of the Credit Valley Railway into the city, and on the 6th June a letter was written by Mr. Hickson offering him every possible facility, and setting forth certain propositions, which I shall now read.

“I was sorry that I could not see you when you called at the Queen Hotel yesterday morning. I was just in the act of dressing, and when I got down stairs I heard you had left. I sent up to your office to-day to see if you or Mr. Ross could come down and have a conference with me respecting terminal accommodation in this city, and I found that you were both out of town. I also inquired for Mr. Campbell, the Vice-President of your company, and I found that he was out of town also. I rather regret this, because I intended to take up a subject which we proposed to discuss in a general way with you, and to determine whether it is possible for us to make a satisfactory arrangement with your company for an exchange of business and terminal facilities in this city.

“I may say to you that we desire to give your company accommodation in our station here, and to afford you all the facilities which we reasonably can, on fair terms.

“If you do not return to Toronto before I leave, I hope that you will run down to Montreal in order that we may talk the matter over.

“I may, in this letter, indicate generally the sort of arrangement which I think we could enter into.

“1st. That you shall run your freight and passenger trains to our stations in this city, making use of our track from the neighborhood of Bathurst Street.

“2nd. That we afford you accommodation for the working of your freight and passenger traffic on and in our premises.

“3rd. That, so far as your traffic in and out of this city is concerned, we do the work, with our staff, of booking, billing and handling for you, on terms agreed upon.

“4th. That, as regards rates and other arrangements strictly pertaining to your business, our staff are to carry out the instructions of your officers.

“5th. Your trains and employés, when on the premises of the Grand Trunk Company, to be subject to our regulations and under the control of our officers.

“6th. In consideration of our giving you rates and facilities for traffic from the line of your road to points east of Toronto, you are to co-operate with us in developing such traffic, and not to enter into competition with us so as to injure our business eastward.”

Is not that reasonable. Is it not a reasonable proposition to say to the Credit Valley Railway “We will give you every facility if you will work with us and send your traffic over our line eastward?”

Mr. OLIVER—The very object of building the Credit Valley Railroad, and the reason for granting bonuses in aid of it are to make it a competing road to other existing lines.

Mr. CASSELS—But this letter of Mr. Hickson never for a moment suggests that there should be any restrictions upon the business from the west to Toronto. The object was to make traffic arrangements from Toronto, eastward. I only refer to this to show that Mr. Laidlaw mentions frequently the friendly spirit in which we met him. I quite see how the Credit Valley Railway should object to certain terms. Is there a gentleman in this room who, in the management of his own private affairs, when he receives a letter like that, and one of the terms contained in it is objectionable to him, would not, the day after, write and say that certain things he agrees to, but certain others he could not? Would he in such a case, without replying, put five or six hundred men on the property in question to take possession of it? The Credit Valley Railway Company not only took possession of the lands but also of the ballast which we had laid down to grade our own line.

Mr. OLIVER—Why was that ballast put there?

Mr. CASSELS—It was necessary that the land in question should be kept for siding purposes, and I knew that if we did not cover that land it would be seized.

Mr. OLIVER—In other words, you laid those new tracks to prevent the Credit Valley Company from laying their track there.

Mr. CASSELS—No, we expedited it. We always had intended using it, but we put it there at that time because we wanted to prevent it being taken from us. The next thing that took place was the application to the Minister of the Interior for their license of occupation. I say that the license was granted on a misrepresentation of facts. I never complained of that license; the Government protected our rights, and we had no fault to find with the course they took. Mr. Frank Shanly represented it incorrectly to the Minister of the Interior, though unwittingly,—it was not intentional in any way—but he thought he was called upon to lay down the line on the hundred feet, and he represented to the Minister of the Interior that there was no vacant land available, and no means of getting any except from that strip. Notwithstanding that, the Minister of the Interior protected us, and the license was given to them subject to any legal or equitable rights that either of these two Companies—the Northern and the Grand Trunk—might have. The Chancellor, in his judgment, says:—

“That license was granted by Order in Council, which makes it subject to the legal rights of the railway in possession of the ground. I take this to mean all lawful rights, and the express reservation, probably not necessary to use, would be to assume that the Crown did not intend to override the rights, subject to the property in question, whatever those rights might be.”

That was the license that the Crown granted, and it is one that nobody objected to. The Crown said: “If we have a title, you may have it.” The Company litigated that, and set it up in answer, and it was said in the *Globe* that we hindered this litigation and prevented a final decision. When the matter came into court, we were not ready, and had to move for a short postponement. The Credit Valley Company were represented by counsel, who thought it best to have the matter thrown over until the spring. We opposed such a long adjournment, and the matter came up on the 8th December, and the decree was given in January following. Mr. Dalton McCarthy says that the decree is all wrong, and two months elapsed during which they could have appealed from it, but it has not been done yet. It is all very well to say that they come now and treat us as owners of the land, and say that they are willing to pay compensation for it. They know very well, from the feeling in this House, that as long as the decree stands—until it is reversed—they could not possibly come to Parliament and ask to treat us in any other



way than as owners of the land in fee. Although my learned friend says that they are willing to pay compensation to the owners in fee, whoever they may be, if you look at their statements in the papers, and their petitions, and even their present Bill, you will find that they did not. However, in regard to the Bill itself, I do not propose to raise any point; that is a matter for the Committee to determine, but I have asked for precedents from Mr. Todd, who is the great constitutional authority of Parliament, and have been informed that there is none whatever for a private bill brought in by a private applicant forcing upon the Government sixty acres of land. Is it likely that the Government, which guarded our rights by the license of occupation, and who protected us, notwithstanding it was stated there was no vacant land to be had—is it likely that the Government, having passed an Act to vest those lands in the Northern Railway, and through them a portion in the Grand Trunk Railway, was going to resume possession of the whole of those sixty acres? Look at the first clause of the Bill, and I ask any gentleman here if there is any precedent for it at all? I frankly admit that you can make it a bill by striking out the preamble and citing the fact that the Credit Valley Railway wants to go into Toronto, but the Bill as it stands now is unconstitutional. The Company come here for private legislation. It is a very plausible argument that if they have got the right, under the General Railway Act, why not give them the right by private bill. It is a taking argument; but His Lordship the Chancellor and Mr. Proudfoot have held that under the General Railway Act, a railway like this can apply for the lands and take them. It is asked why then do we oppose this Bill? For the simple reason that they do not treat us as owners. All that they have to do is to serve notice for what lands they want, pay their compensation for them and enter into possession. It is a matter for the Committee to determine whether or not special legislation shall be granted to this road. If they showed diligence themselves, and if their conduct had been meritorious there could be some justification for this application. But they were six years before seeking to get into Toronto, and then they litigated their license and spun out that litigation when they could have got in under the General Railway Act in a couple of months without any trouble. It is a matter for Parliament to decide whether the House is to be flooded by all kinds of legislation when the General Act gives them the powers they require. But when we come down to this I say that I am prepared here with evidence, and I ask an opportunity of tendering that evidence to show that with the increasing connections of the Grand Trunk Railway, fifty feet is not too much a space of ground for their uses, and I appeal to this Committee that if it can be shown that there is vacant ground over which the road can be run there is no justification for crippling us. There is nothing gained by it; nothing gained by the Credit Valley Railway, because they can get in without us. They know very well that the Ontario Government will let them in to Bathurst Street. It is a matter for your consideration, whether a special act is to be given, or they are to be governed by the General Railway Act. If by legislation, I am prepared to show my idea as to the proper route to be taken. I am not prepared to take Mr. Shanly's route. I will not say anything as to the Northern and their action, because I do not see why personal matters should be brought into this question. I do not see why Mr. Laidlaw should be abused for having acted in the interests of his company, or Mr. Cumberland abused for protecting the interests of the Northern. That is a matter for the stockholders in each company to deal with. We have got to determine the number of trains running in and out belonging to each railway, and a great many other matters of that kind in forming a judgment; but these are matters which come up hereafter. A copy of Mr. Shanly's evidence has been distributed, and you will see by it how the license came to be issued. Mr. Shanly thought he was dealing altogether with this strip of land, and he said nothing whatever about the vacant land outside of it.

Sir CHARLES TUPPER—Does he not say in his report that there was no other means?

Mr. CASSELS—Yes. The way he was misled was this: he had heard so much about this hundred-foot strip, that he thought there was nothing more to report upon and

he made no remark about there being plenty of room outside of it. However, his evidence in the case was as follows :—

“ Q.—Have you measured the land south of this one hundred feet at all, to Bathurst Street ?

“ A.—I have not measured it specially.

“ Q.—How many feet is there between the prison wall and the fence to the south of the one hundred feet at present ?

“ A.—I cannot tell you from memory, but I think there is something like twenty paces ; there would be in the neighborhood of from fifty to sixty feet.

“ Q.—Running from Queen Street down to the prison wall, I am told it is clear south of the one hundred feet ?

“ A.—Yes, I think so ; there is a large space of vacant ground.

“ Q.—Roughly considered, more than one hundred feet in width ?

“ A.—Yes, considerably more than one hundred feet.

“ Q.—And that land is owned by the Government ?

“ A.—It is where the present brick-yards are. From Queen Street to the corner of the prison wall, I should say, would be about 2,800 feet, a little over half a mile.

“ Q.—And in that half-mile there is ample space, to the south of this one hundred feet, owned by the Government ?

“ A.—Yes, there is plenty of space ; it is just the same land as the rest—the same level.

“ Q.—And with fair engineering talent, there is no difficulty in constructing a railroad over that land ?

“ A.—It would hardly require an engineer to put a railway there, if you had the land ; all you would have to do is to widen out the rest of the tracks ; it is all the same level.”

Mr. WELLS—If you had the land :

Mr. CASSELS—Of course, if you had the land ; and it can be had. We are told here that a conversation was held with Mr. Langmuir about it, and that he objected to the land being taken. This is the only evidence we have of the fact, and it comes after the litigation. But, even to the Central Prison, that takes them two thousand eight hundred feet on their way. The evidence continues :—

“ Q.—You see no difficulties at all in constructing a track there ?

“ A.—No.

“ Q.—Is there any fence blocking up the land between the prison wall and the one hundred feet strip ?

“ A.—I am not sure about that ; I rather think there is a wooden fence, but I don't know.

“ Q.—Then you go on and there is about fifty or sixty feet south of the one hundred feet strip between the southern fence and the prison wall ?

“ A.—Yes ; that space extends you may say down to Strachan Avenue, or nearly so at all events ; of course after you pass the prison wall you come into Central Prison Grounds, where there is a plantation and a garden.

“ Q.—After you pass the easterly prison wall, that is the brick wall of the prison, you come then into the prison grounds, which are not fenced off except by the railway fence ?

“ A.—Yes.

“ Q.—And from Queen Street right down to Strachan Avenue the ground is all open ?

“ A.—Yes.

“ Q.—And a railway constructed from Queen Street to Strachan Avenue could be laid right down without knocking any fence down ?

“ A.—That is my impression, except the fence on King Street.

“ Q.—There is no reason why a railway shouldn't be built from Strachan Avenue to the south of this hundred feet ?

“ A.—No reason at all, if you had the ground ; I have always understood that the ground to the west of the prison wall belongs to the Government ; the land to the east of the prison wall to

Strachan Avenue is a garden and plantation; the prisoners are not confined there at all; I think the Government own that; it is about 4,700 feet from Queen Street to Strachan Avenue—nearly a mile.

“ Q.—And you see no reason why a railway should not be constructed on that strip?

“ A.—No reason at all, provided they got the ground.”

Mr. HAGGART—The Government may direct it to be built there.

Mr. CASSELS—The Government may, but surely when you come here to ask for our land you should have made inquiries beforehand to learn whether the Government would let you have that or not. It will be a great injury to the Grand Trunk Railway to be crippled in this way. We would have regarded the license of occupation, and would not have fought the suit if there had not been that vacant land; but we are justified in looking to the future of our railway, and I say to the Mayor and Corporation of Toronto, that the interests of their city require that we should compel the taking of that extra space, because, in the course of time, they will want it for other railways coming in. Is it not time that these vacant lands were utilized? I have witnesses here to give evidence on several points when the principle of the Bill is discussed, if it is to be gone into.

Mr. KIRKPATRICK—What objection have you to the line laid down by Mr. Shanly after it passes Brock Street, or have you any?

Mr. CASSELS—If you take the statements of the Credit Valley Company, as published in the *Telegram* and otherwise, you will find that it runs at right angles to and crosses about twenty of our tracks.

Mr. KIRKPATRICK—Have they not a right to get to the water?

Mr. CASSELS—That is a point on which I offer no remark, for the simple reason that, unless they get to Bathurst Street, and are determined to go further, it is not necessary to consider it. I have evidence here that it would ruin the yard of the Grand Trunk Railway, and would seriously endanger life and property, but I do not profess to be an engineer, and do not give my own opinion.

Hon. Mr. MACDONALD—Can they get east of Bathurst Street?

Mr. CASSELS—They can.

Hon. Mr. MACKENZIE—The engineers should have given some instructions as to the manner of getting east of Bathurst Street.

Mr. CASSELS—If it comes to a matter of engineering necessity, I am prepared to show that the proper route is the one now asked for—through the Northern Company's yard. (Laughter.)

Hon. Mr. MACKENZIE—I believe that the Northern was equally willing to give your land. (Laughter.)

Mr. CASSELS—Fortunately for us, the Northern have no control over our land, and fortunately, perhaps, for them we have not the location of the Credit Valley line.

Mr. OLIVER—I understood Mr. Cassels to say that the Local Government was perfectly willing to give the land south of the 100 feet for nothing.

Mr. CASSELS—I did not say that, but I am perfectly satisfied, from what they have done for other railways, that they ought to give it for nothing, and I am equally satisfied that what they ought to do they will do. (Laughter.)

Mr. OLIVER—Can you give the Committee any idea of the value of land from Queen to Bathurst Street, on the south of the 100 feet strip, say twenty or twenty-five feet wide?

Mr. CASSELS—I am told that they paid \$1,000 an acre for their station grounds. The actual cost of building up the 100 feet strip was about five times as much, because it was made from a ditch. On the south of the strip the land is perfectly smooth, and I am satisfied that the Government would give it.

Hon. Mr. ROBINSON—As the Mayor of Toronto has been appealed to, and is present to-day, I think it is but right that he should be heard.

Hon. Mr. MACKENZIE—The opinion of the Mayor and Corporation of the City of Toronto may be very valuable, but we do not want to hear it unless they are interested in this Bill.

Hon. Mr. ROBINSON—They might tell us what the effect would be on the whole of the people they represent.

Hon. Mr. MACKENZIE—That has nothing to do with it.

Mr. CUMBERLAND—Might I be permitted to say that, in the event of His Worship referring to any question of the title or occupation of the Northern, I should like to have the privilege of saying a few words on the subject.

The CHAIRMAN—That would be a matter for the Committee to decide.

Mayor BEATTY—I do not propose to detain you at any length, after the many observations that have been made on this matter, and especially as I do not represent any railway. I am fortunate in that respect, probably, in coming before you; but, in representing the City of Toronto, I represent the interests of the public at large.

Hon. Mr. MACKENZIE—Is that the sole character in which you speak?

Mayor BEATTY—That is the sole character.

Hon. Mr. MACKENZIE—Then I think that Mr. Beatty should not be heard.

Mayor BEATTY—I represent an interest of a very important character, and one that I think should be heard, at all events. I shall not occupy the attention of the Committee very long about it. The position of the City of Toronto is this: we want that railroad to come into Toronto. The city has given \$350,000 for the purpose of having the Credit Valley Railway come in as an independent line to Bathurst Street. One of the conditions upon which that bonus was given was that it should be an independent line, and the Company gave a bond for \$500,000 that they should come into the city independent of the Grand Trunk or any railroad whatever. All that we want is to have that done. We do not care how you do it, and we come here with no hostility whatever to the Northern or the Grand Trunk, both of which have done great things for Toronto. The citizens of Toronto have thought the Credit Valley Railway a road in their interest, and have aided it to the extent of \$350,000 for the purpose of bringing it into the city, and we ask that this Parliament shall, as far as possible, assist in carrying out this object. Now, that is the true light to view it in. The mere question of private rights does not come up here, and why? A good deal has been said here about vested rights, but what do railway companies care about vested rights? What has the Credit Valley Company cared about the vested rights of the farmers and municipalities on the 160 miles of its route? They go on their sinuous way like a devouring dragon, eating up farms and lots.

without regard to private rights, and what do they, in that respect, more than their illustrious predecessors, the Grand Trunk and the Northern?

Hon. Mr. MACKENZIE—I protest against this way of speaking. If the people of Toronto have any special interest in this Bill, let us hear it, but not a dissertation upon the morality of railroad companies. The gentleman should be confined to the special interest he represents, whatever it is.

Mayor BEATTY—I did not understand that I was speaking about the morality of railway companies. Those companies come to Parliament to have things done that private parties could not do; and when they do the people of Toronto ask Parliament to protect and promote their interests. It seems that they cannot be as well promoted in any other way as in the manner proposed. A large tract of the land involved in this question has never been granted to anybody.

Mr. OLIVER—Which land do you refer to?

Mayor BEATTY—The forty acres at the Northern Station and the 100 feet strip. The fee is in the Crown. Whatever effect statutory enactments may have had upon it is not the question. All we ask is that the Government should take back to themselves that right of control and disposition of these tracks, so as to protect the public interests.

Mr. HECTOR CAMERON—If the fee is in the Crown, is it in Canada or Ontario? Because, if I am not very much mistaken, the representative of Toronto argued in Toronto that the fee was in Ontario and not in the Dominion.

Mayor BEATTY—There are some authorities who say that it is in the Dominion.

Hon. Mr. MACDOUGALL—You are referring to the forty acres?

Mayor BEATTY—Yes, and to the part of the 100 feet strip that is in the Crown yet. Where the authority is to grant a patent—whether by this Government or the Local Government—is another question. The decision of the courts is important, and where rights can be adjudicated upon by the courts, it ought to be done, but it is obvious that the courts have not that control which is necessary to protect the public interests in connection with these railroads. It is important that some tribunal should be established, or authority given to some existing tribunal for the purpose of adjusting these rights. As I have read the Bill this morning, it throws back to the Governor in Council of the Dominion the power to adjust these matters in connection with the lines of these railways, and I think it is of the first importance that something should be done to place the matter where it can be finally settled. The subject has been discussed and disputed for some twenty-five years in one form or another. In connection with the Credit Valley Railway, of course, it is a very modern thing; but the interests are of such a character that some legislation, it seems to me, is necessary for the purpose of promoting them. I do not say that the form of this Bill is exactly the proper one, but, if it should be placed in the hands of the Governor in Council, they will protect the public interests and vested rights. We want the city to have the benefit of its expenditure of \$350,000 and the benefit of the trade it was granted to secure.

Mr. HAGGART—There does not seem to be much difficulty between the parties as to the right of the Credit Valley Railway to get into the City of Toronto. They all think it has that right, but the principal objection is that they should come upon that hundred feet of ground. We do not ask that; we ask to be allowed to come into the City of Toronto and cross the Northern and Grand Trunk Railways' tracks in such a manner as the Governor in Council may approve of. We leave the whole question to the engineer appointed by the Government, who may say there is no room upon this 100 feet; and

they will have to adopt the southern route. The Credit Valley Railway simply ask what the whole of you gentlemen think they should have—the right to go into the City of Toronto and reach their water lots in such a way as the engineer appointed by the Governor in Council may direct. I do not think there is the slightest possible objection to it, after hearing the arguments of the solicitors on both sides.

Mr. BOULTBEE—That is not what your Bill asks for.

Hon. Mr. MACDOUGALL—I presume that we are done with the gentlemen who represent these several railways, for the moment, and the matter will now be before the Committee.

Mr. CUMBERLAND—I shall not presume, Mr. Chairman and gentlemen, to venture upon anything like a legal discussion, because that has been so ably presented to you as to make it impertinence of me were I to enter upon the subject; but as a railway man, and especially one who has had personal knowledge and official responsibility with regard to the whole of this question from its initiation in 1858-59, I venture to think that, perhaps, I may be justified in telling you some of my own personal and official views as to the assault that is being made upon our property. It is unnecessary, perhaps, to say with regard to that 100 feet, that it is simply impossible for all the mayors and corporations of Ontario to prove that it can be a public injury to add twenty, or five and twenty feet to the railway right of way into such a metropolis as Toronto. It is not that we are exclusive that we say it will be better that they should not come within this 100 feet, but it is because our experience of the last ten or fifteen years, the amazing growth of our traffic, the duties imposed upon us by the public efficiently to accommodate that traffic, tells us that the Grand Trunk Railway and ourselves, having taken this 100 feet strip—only one-half what the law permits us to take—that the day is coming almost immediately, and especially if you go northward to the Sault Ste. Marie, when that 100 feet must be utterly insufficient for the two roads that now occupy it, and it will be in the interests of the City of Toronto, and in the interests of the whole of Ontario if there are to be hereafter other connections east and west in front of Toronto, that this strip should not be entered upon while there is a strip of vacant, useless land lying alongside, level as a billiard table. It should be instantly taken at the urgent demand, and by the zealous assistance of the Corporation of the City of Toronto itself. We are not selfish in this matter; we are simply representing the public, and we tell you as railway experts, do not be satisfied with this 100 feet, but take this other land before it becomes covered with manufactories and other buildings; take it now and add it to your railway facilities and you will find the benefit of it in the future. With regard to that 100 feet of land, if it is not a practical joke, this dealing with vested rights in property, as though there were no bargains, as though this Legislature were a mere football to be played with, its legislation a thing to be forgotten, and its enactments to be repudiated, private interests to be trampled upon, and bargains with Government ignored, how is it that we are there? The Court of Chancery has given judgment, and says that the evidence that was given with regard to that 100 feet, declared that we are seized in fee simple of that property. He who speaks to you is the man who set that property out, assisted by my hon. friend Mr. Fleming, and I know that we took it under the powers of our charter; I know that we had the assistance of lawyers, and were guided by our acts of Parliament. I know, what is probably not known to two men in this room, that we had the only charter ever granted, giving to a private company the power to take crown lands. You will find it in the original Toronto, Simcoe & Huron Union Railway Charter, and it has never been repeated.

Hon. Mr. MACDOUGALL—But it was on condition that you should pay for them, and you have never done so. (Laughter.)

Mr. CUMBERLAND—I will come to that presently. If you challenge me for a statement you shall have it if the Committee is not impatient. I will get to the payments

presently. We have been called squatters! We have been held up and gibbeted throughout Ontario as obstructionists, we, who were the first to invite the Credit Valley Railway to come in, for I, personally, before going to England, made a plan showing them how to come in, and Mr. Shanly says it is so simple that it does not require an engineer to tell them how. It is so simple that any ordinary man can tell them that, if they avail themselves of the railway powers which have sufficed the Grand Trunk, the Great Western and other roads, they can come in, and need not complain of insufficient powers, but you will scarcely believe it, when I tell you as a fact, that up to this moment I have never seen the face of Mr. Laidlaw, the President of that Company, with regard to this question. He has never approached us; he has never asked us for our assistance; but we proffered him a plan showing him how to come in, and the first thing he did was to attack the title of our property. That property was taken possession of under charter powers. In 1859 the Northern Railway went into bankruptcy. The Government then had £475,000 of a lien on it. In respect of that lien the Government foreclosed, and by an Act of Parliament seized and took possession of all the property, real and personal, of the Company, and took powers to deal either with the Company or the bondholders, or, failing that, to sell the whole property in the open market. Is there anything sacred in a bargain made with the Government, acting under a specific Act of Parliament? What did they do? They said: "Raise £250,000, re-construct your railway, pay off all its liabilities, import a quarter of a million of pounds sterling capital, relieve the Government of this responsibility, and we will transfer back to you all the estate, real and personal, of this Company." It was then that the Order in Council, which is in truth our charter, was passed, and we entered into that bargain and fulfilled it. The only reservation made by the Government when they re-vested that property in us was of the part colored green on the plan, and you will find a specific provision in the Order in Council, which, in re-vesting the property in us specially reserved that piece colored green for the entrance of other railways from the west. Will hon. gentlemen say that, in reserving a part, it is not perfectly clear that the rest was re-vested in us? Will anyone say that, after the bargain was made, after we had borrowed the money in the London market, and fulfilled all the terms of that Order in Council, it was not the duty, as well as it was the pleasure of the Government of the day to carry out their part of the agreement and repeal that Order in Council? It was afterwards declared that we had fulfilled all our obligations with regard to the agreement, and the Order in Council was repealed by Parliament. Sir, I think that gives us a title; at all events it is a title pledged on the honor and faith of Parliament, and I know Parliament well enough to believe that it will stand by vested rights. We are not obstructionists; railway men are not obstructionists. Did you ever know a railway man, who, if he wanted something, would not, in his blandest and most smiling form, come and ask for it? Is it the habit of the railway men of this country to seize private property and plunder their neighbors? (Laughter.) I tell you that if you pass this Bill, involving, as it does, the rights of foreign capitalists to the extent of millions of dollars, and if you thus interfere with vested rights, it will go broadcast over the money markets of Great Britain, and make capitalists pause before staking their money on the faith of an Act of the Parliament of Canada.

Sir ALBERT SMITH—But this Bill proposes that the Company shall pay for the land!

Mr. CUMBERLAND—All I have to say is that the provisions of this Bill are so tortuous and complex that the Company can go to a judge, get an order, and without making any deposit or having a valuation made, take possession of the property of the Grand Trunk and Northern Railways. I appeal to the Committee against this Bill. We stand seized in fee of that land and we say that the judgment of the courts ought to be upheld by this Parliament. We say further that the General Railway Act is sufficient, and that if the Credit Valley Railway had put that law into operation instead of wasting their money and your time and ours they could have, at a lower price than this litigation has cost them, obtained right of way to their water lot.

Mr. WHITE (Cardwell)—You say you made a plan by which you considered the Credit Valley Railway could get into Toronto; was that plan over the Grand Trunk Railway?

Mr. CUMBERLAND—The first plan, strange to say, made by myself, showed the line very much—almost exactly—the same as Mr. Shanly subsequently recommended to the Credit Valley Railway property.

Mr. WHITE—That is not the question I asked.

Mr. CUMBERLAND—It is so simple an engineering question that two men cannot differ about it. (Laughter.) I tell you that line, which was offered as a friendly suggestion to the Credit Valley Railway, was afterwards adopted by them, and it was fyled before the Railway Committee of the Privy Council, and before the Court had given its decision setting aside the judgment of the Privy Council, they fyled an entirely new plan with the Ontario Government that was never produced before the Railway Committee of the Privy Council. We did not oppose the plan they fyled here; the Grand Trunk did not oppose it, but it is a mistake that will be fatal to the City of Toronto. Why use this 100 feet when you can take in grass land that is comparatively valueless to-day?

Mr. WHITE—The question I asked was a very simple one. Was the first suggestion a friendly suggestion as to the way in which they could come into Toronto, or did it involve the passage over the Grand Trunk line that was claimed by Mr. Hickson?

Mr. CUMBERLAND—It was inside the 100 feet.

Mr. CAMERON—That 100 feet was common to the two railways.

Mr. WHITE—I refer to the friendly suggestion you made, by which the Credit Valley Railway could get to their water lot; did that involve the passage over Grand Trunk property?

Mr. CUMBERLAND—No doubt it did. (Laughter.) I do not want to be misunderstood, and I will not allow Mr. White to mislead himself. The hundred feet from Bathurst Street to Queen Street was originally the hundred feet taken by the Northern Railway. The question of the ownership of that hundred feet was in contention at the time, and I shewed, from Queen Street down to Bathurst Street, a track way for the Credit Valley Railway, to the south of the existing tracks, but inside of the hundred feet.

Mr. KIRKPATRICK—Did you go east of Bathurst Street?

Mr. CUMBERLAND—We were inside the hundred feet.

Mr. McMILLAN—What way did you shew them on your friendly plan, east of Bathurst Street?

Mr. CUMBERLAND—I shewed them a line through that reservation, marked green—a Government reserve for the railway track.

Mr. McMILLAN—How did they get to it?

Mr. CUMBERLAND—I shewed them a line down, inside of the hundred feet, to Bathurst Street.



Mr. KIRKPATRICK—After they passed Brock Street, how did you shew them ?

Mr. CUMBERLAND—I did not shew them after that.

Mr. CAMERON—The Credit Valley Railway water lot is surrounded with the Grand Trunk, and it is perfectly impossible to get to the Credit Valley Railway water lot without going through Grand Trunk Railway property.

Mr. CUMBERLAND—The reservation made in 1859 was intended to leave the balance of our yard intact. We have made that reservation, but the city has sold all its property to the Grand Trunk, without making a reservation, otherwise these troubles would not have occurred.

Mr. WHITE—What land should the Grand Trunk, in your opinion, give to allow the Credit Valley Railway to reach their water lots ?

Mr. CUMBERLAND—I do not care to express an opinion about that ; all I can say is this : as a railway man, when an authority like the Privy Council gives a decision under the law, I bow to it.

Mr. KIRKPATRICK—You have stated that no two engineers can differ as to the course or line to be taken by the Credit Valley Railway in order to get to their water lot ?

Mr. CUMBERLAND—No ; I did not say that ; that observation was with regard to the line between Queen and Bathurst Streets. That is my own opinion, and should it ever come to be a question of testimony by experts, there will be very little difference of opinion with regard to that.

Mr. OLIVER—Mr. Cumberland was going to state the amount of money the Northern paid for that property, but he has forgotten it.

Mr. CUMBERLAND—In 1858-59 this railway was bankrupt. An eminent engineer had closed it as unsafe for traffic. The Government would not take it, and Parliament passed a law to enable the Government to deal with it. But what did they do ? They valued their position, and said, take this white elephant off our hands, subscribe new stock to the amount of £250,000, reconstruct this road in the public interest, pay off all the debts, and we re-vest all this property in you. That was the bargain, and the Government re-conveyed it to us upon the money being raised and expended. Since that time we have paid the Government a greater proportion of the original advances than any other road in the whole Dominion. We get little credit for it, but we paid up that £250,000, and it is only a year ago that we purchased our freedom with a further sum of £200,000.

Mr. OLIVER—If you supposed that the Northern had a title to this property when the Act was passed in 1875, why did you personally make application to the Ordnance Department to have a patent issued. Afterwards, when the Department called upon you for proof as to why the patent should be issued to that Company, the proof was not furnished, and the patent was not issued. The decision of the Ordnance Department was that the Company had no more title to that property than they had to any other land that they had squatted upon. He says they paid a hundred thousand golden sovereigns for their freedom. We all know that they paid that amount after they had compromised the debt and reduced it by over two millions of dollars, and the Government had made a free gift to the Northern Railway of £100,000. This was payment only for the original debt, but not for the land to the Ordnance Department.

Mr. BELL—I shall confine myself to merely stating what our title is to the property under discussion, and how we occupy it. I would ask the Committee to look at the maps which are just being circulated. In the first place, immediately after the Grand Trunk Railway Company obtained their charter, it was proposed that their line should run along the front of the City of Toronto, from a point down in the east, near Gooderham's Mill, to the Queen's Wharf, and the line that they intended to come in on from the west is the lower red line which lies south of the present track. It was then intended, from the point where that strikes the water, to keep in front of the Esplanade, down to Gooderham's Mill. The City of Toronto agreed with us that, for £10,000, we should have that right of way, to the extent of forty feet, running all the way over, so as to connect the east and west ends of our lines and make the line complete all the way through, running through the part colored green, which is now occupied by the Northern as their grounds. From the Queen's Wharf we proceeded westward on the red line. The Esplanade was built up to Brock street, but when they got there the Northern was in possession of what they now occupy. The city, at that time having friendly feelings towards the Northern (as they had a right to have), objected, because it was going to involve a large expenditure on their part to make the Esplanade from Brock Street to Queen's Wharf. The Northern claimed the property and objected to our having the use of their grounds, and appealed to the Government and the city. The result was that, for a time, we had to occupy a temporary line down Front Street to Church Street, until the matter was settled. Eventually, it was settled in this way: We had paid the £10,000 to secure the right of way from the east of the city to Queen's Wharf. Please bear in mind, the Government were appealed to, and the City of Toronto took a very active part in the matter. The Government objected to our proposed line, because they considered it was a very dangerous thing to have the main railway line of the Province passing through the grounds of the Northern. The Great Western and the Northern were made parties to the settlement. Well, the settlement was this: We took possession of a piece of ground to the north of the present enclosure of the Northern's grounds, in lieu of running over the part marked in green to Queen's Wharf, as was originally contemplated by the city; and, when we got to the west end of the Northern's yard, then, inasmuch as we could not connect with our line running to Queen's Wharf, it was arranged that we should abandon the red line and take the south fifty feet of the 100 feet strip, enclosed by the Northern, up to Queen Street junction, as we now occupy it. Now, that was the arrangement, and it was carried out in this way: Several commissioners were appointed by the Government, and several reports were made, which are on record, I believe, in the Department here. The recommendations virtually were adopted, and a contract was given out to Mr. Frank Shanly, who built the line through from Brock Street, westward, to Bathurst Street, at a cost of very nearly \$80,000. We were to pay one-half, and the Northern and Great Western were each to pay one-quarter. We paid first for the right of way of going along the front of the city, £10,000; giving up that, we subsequently contributed about \$47,000 for the building of a line through the way it now is, and we did this for the convenience of all parties, and at the instance of the city and of the Government. The result of that was, as was intended by all parties, that we should have two-thirds of that space between Brock and Bathurst Streets and one-half the space enclosed by the Northern—that is, the south half from that point to Queen Street. It was well understood that the business of the country was not at all developed then, and it was intended that we should have room to meet increasing traffic. The track, which we laid down on the fifty feet which we got from the Northern in lieu of what we gave up, was as near the centre of the enclosed one hundred feet as possible, and it was continued up to Queen Street. At that time we carried on all our freight business at Queen's Wharf, and that from the east was done at the Don. Taking all in all, including the £10,000 and the \$47,000, our proportion of the amount paid to Mr. Shanly for preparing the land for the railway tracks as they now exist, it has cost us something in excess of \$200,000 for land alone, without counting one-dollar for superstructure of any description. We have put up two engine-houses on the round-house block, for which we paid over \$60,000. We have put up an elevator which cost \$60,000 and a dock which cost \$10,000, and a large freight-shed, something in the

neighborhood of 900 feet in length, and our station. For the land on which the station is built we gave \$20,000, and the building itself cost \$200,000.

Hon. Mr. MACKENZIE—Did you build that station?

Mr. BELL—Yes.

Hon. Mr. MACKENZIE—I thought it was built by a company?

Mr. BELL—Yes; but we paid that company every dollar. When we bought the land from the city for that station we were quite willing, and agreed that we would give, on reasonable terms, any railway company the use of the Union Station to be built upon it. That gives you an idea of how we come to get possession of this property. From York to Queen Streets we have given a consideration for every foot of land that we occupy all the way through, and, not only that, but we put the line where it is at the instance of the Government of the day, at the request of the city, and at the instance of the Northern Railway, and had to make an additional expenditure that we would not have had to do if we had continued the line as it was first laid out. As far as the Grand Trunk Railway is concerned we never objected to giving the Credit Valley or any other railway all the assistance in our power. In evidence of that I may state that, when the narrow gauge lines were built, the Grand Trunk Railway Company took \$10,000 stock in each of them, and not only that, but gave each of the narrow gauge roads the right to run over our track by putting in a third rail. One is using about ten miles of our track without any impediment being thrown in their way by us, and the other is using part of our line and the station at the present time. Our right, west of Bathurst Street, is entirely confined to the fifty feet, so far as our present track is concerned. Some years ago, after we had got through our freight yard, a difficulty arose with regard to the right of the Great Western going through our grounds and passing down the Esplanade. The city was a party to that. The difficulty was settled in this way: The city agreed to give twelve and a half feet east of York Street, in addition to the forty feet that the Grand Trunk Railway held, and the Grand Trunk Railway agreed to give up twelve and a half feet of the forty feet that they claimed. This last twelve and a half feet was to be used by all the roads then in existence—the Northern, the Grand Trunk and the Great Western—in common for what is called a running line, but the Grand Trunk Railway was to have exclusive right to the twenty-eight feet south of that, and the twelve and a half feet given by the city from Esplanade Street was to be used by the three lines for siding purposes, for loading and unloading freight. Under that agreement, the Grand Trunk Railway assented to being cut off from all claims to going through the Northern Company's grounds, and confined themselves strictly to the right of way that was given in lieu of it. This was in 1865 confirmed by Act of Parliament. An agreement subsequently made with the city in pursuance of that Act, fixed the rights of the companies on the Esplanade in front of the city. Not long ago we got into a dispute with the Northern. They claimed that all that we had west of Bathurst Street was an easement over the hundred feet. The matter went into court; it was very difficult for us to find evidence of our position, a fire having taken place and destroyed the papers. However, we defeated the Northern in that suit, and then the difficulty was settled in this way: So far as the fifty feet strip to the south is concerned, we continue to hold it from Queen Street and Bathurst Street, but between the space for our double track and the fence, we agreed it should only be used for siding purposes; that the Northern should have the right to this common with us, as I have stated, for siding purposes, we having the same right to the land to the north of the double track. This was settled before the Credit Valley Railway dispute arose. Our traffic is increasing every day, and we have not a single yard of spare land for siding purposes between Queen Street and the Union Station. Our yard, day by day, is filled with cars, shewing that our space is entirely inadequate for the business of Toronto, which, I am happy to say, is increasing constantly. The day is coming and, in fact, I do not anticipate that it is very far away—I think we will find it

next summer—when we will have to use for siding purposes some of that ground between Bathurst and Queen Streets. There are between eighty and ninety trains of our own passing through every day, and next summer there will be over a hundred; and, unless we have some additional accommodation there, our business will be so utterly crippled that we will be driven from the Esplanade altogether, and submit to serious injury, notwithstanding the large expenditure we have made there.

Hon. Mr. MACKENZIE—You have a great deal of siding room to the east?

Mr. BELL—No. The difficulty about using the line down to the Don is this: We have two tracks of which we have absolute control from the Don to York Street; of the other two, one is to be used exclusively for siding purposes, namely, the loading and unloading of freight; and the other, which is called the running line, is used by the Great Western and the Northern, and sometimes by ourselves. If we had to put our spare cars down at the Don, we would have so much running backwards and forwards with engines, for shunting purposes, being limited to a speed of four miles an hour, it would block the traffic on the main lines. In point of fact, we would be using the main line all the time for shunting, and it is cramped now. The effect would be to crowd still more on the street, which the people of Toronto consider too narrow as it is. One reason why we removed our engine houses to the point where they are now is the difficulty of running so often through that pass between Brock and Bathurst Streets, in order to get our engines down to do the business. It is better there than at Queen's Wharf, simply because there is no room for working backward and forward and doing the work north from Queen's Wharf. There is not room to do the shunting of the engines to and from Queen's Wharf and do the business of the main line properly.

Mr. PLUMB—The lines which run there are the Toronto & Nipissing, the Northern the Toronto, Grey & Bruce, the Great Western and the Grand Trunk?

Mr. BELL—All but the Nipissing.

Mr. PLUMB—Is there room on the other side, between that and what is used as Emigrant Sheds, to the Penitentiary grounds, for the Credit Valley to get in without interfering with the hundred feet strip?

Mr. BELL—Of course, I am a lawyer, but I have had some practical experience of railway matters, and I say that they can go down to within a short distance of Tecumseh Street.

Mr. PLUMB—Then they can get in their rail on perfectly available land, so far as engineering is concerned?

Mr. BELL—Yes.

Mr. PLUMB—How many tracks could be put down in the hundred feet, leaving room for trains to run?

Mr. BELL—To work it safely and conveniently, so as to get through, I should say three lines on each fifty feet would be enough, giving room for working and repairs.

Mr. KIRKPATRICK—That would be six tracks in all?

Mr. BELL—Yes.

Mr. PLUMB—And you think that the present occupation of that hundred feet, and the prospective increase of business, which is immediate, requires the use of that hundred feet for those who occupy it already?

Mr. BELL—I have no hesitation in saying I believe it is the interest of Toronto and the railway companies that the Credit Valley should run south of the present enclosure, and that the space now enclosed will not be sufficient in five years for the traffic passing there.

Mr. PLUMB—Then you think that the Credit Valley will be serving its own interest and yours in not forcing itself on the hundred feet?

Mr. BELL—Yes.

Mr. KIRKPATRICK—How do you suggest they should get east after passing Tecumseh Street?

Mr. BELL—We suggested a way, and if you will turn to the letter of Mr. Hickson, you will find it. The only objection to it was with reference to competing traffic. If that objection had been raised to it, I speak by the book in saying that Mr. Hickson would have given the right to run over our track just as we are doing ourselves, going into Detroit. We run four miles there over the Michigan Central track, which is under their control and direction, and we use their station there. Mr. Hickson was prepared to give them that same right at Toronto, and if the rental was not agreed upon, he was willing to have had it settled by arbitration.

Mr. PLUMB—Did Mr. Laidlaw, after receiving Mr. Hickson's letter, as to pooling freight, enter into any further negotiations?

Mr. BELL—No. The next thing he saw was a very strong letter from Mr. Laidlaw in the papers, accusing us of trying to control their traffic.

Mr. OLIVER—Where can they get in by doing the least possible mischief?

Mr. BELL—Well, I do not think it is necessary that it should be carried through the ground of either company by an independent line in the public interest; at the same time, if it is possible to be carried that way, certainly it should not be through our Company's lands, because it would virtually destroy the great inter-provincial thoroughfare unnecessarily.

Mr. KIRKPATRICK—If the Credit Valley were to run on your track, as Mr. Hickson suggests it should, under the control of the Grand Trunk authorities, would it enable them to reach their water lots?

Mr. BELL—I think so, but under our control.

Mr. CAMERON—I should like to ask Mr. Wells the nature of the restrictions in any of these municipal by-laws, whereby the Credit Valley was obliged to have an independent track, and how far does that restriction apply—to Bathurst Street, or all the way to the water lots?

Mr. WELLS—To Bathurst Street.

Mr. CAMERON—Then there is no reason why they should not accept Mr. Hickson's proposition.

Mr. WELLS—That would not take us to the water lot.

Mr. KIRKPATRICK—Mr. Bell says it would.

Mr. BELL—They could by using one of our sidings; I suppose that was the way we suggested they should get down.

Mr. WELLS—Mr. Bell is mistaken in saying that Mr. Hickson ever suggested any mode by which we could get to our water lot.

Mr. BELL—I do not say that, but I say it could be done, I believe, under our control. At that time it was not spoken of. If that course were adopted the line would have to be under our control.

Mr. OLIVER—Which is the safest way to get to the water lot?

Mr. BELL—I say, without any hesitation at all, that to carry an independent uncontrolled line through our property down to the water, would be, in my judgment, one of the maddest things that could be done. The effect would be, not only to endanger the public using those lines, but to render our property comparatively useless.

Mr. OLIVER—I should like to have an answer to my question. Which is the safest route from Bathurst Street to the water lot?

Mr. BELL—If you insist upon that question, all I have got to say is this: Gore our neighbor's cow rather than gore ours.

The Committee adjourned until 11 a.m. on Wednesday.

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WEDNESDAY, March 24th.

The Committee met at 11 a.m.

The CHAIRMAN—Before we go further, I would suggest that the promoters, as well as the opponents of the Bill, should be called upon to state definitely how it is that this Company cannot get into the City of Toronto the same as any other company that we might incorporate. I understand them to say that it is a local company, and, therefore, has not the rights that a company incorporated by the Parliament of Canada would possess, suppose they were incorporated to-day. Suppose we declared this a Dominion Company (if we could call it so) under our Act, then I put this question: That being so, what prevents you coming into Toronto the same as any other company that we might incorporate to-day? I think it is an important matter for us to know how that stands, because, if we find that they can come into Toronto under the General Railway Act, as the other five companies had done, then I would say let us declare, by this Act, that the Credit Valley is a Company incorporated by us, and declare that the General Railway Act applies to them the same as to others, and that would be an end to the trouble.

MR. WELLS—It would be a very extraordinary thing for this Parliament to declare the Credit Valley a Dominion company, because it is well known that what are called Dominion companies are intended to be, under the British North America Act, international or inter-provincial companies, and, although some roads are declared to be for the benefit of Canada, as is the case of the Canada Southern, because of its international connection, and the Northern because of its international connections, and its enormous debt to the Dominion of Canada, still, for the Parliament of Canada to say that any local road is to be declared as one for the "general advantage of the Dominion," would be to do something never done before, and something, I am sure, that never was contemplated by the British North America Act. It would be assuming powers by the Dominion which might gradually lead to the absorption by the Federal Government of all railway legislation, and of all the provincial railways. But, assuming that it was a Dominion company, then I deny that the Railway Act applies, or could be used for the purpose of enabling our railway to get to the water lots where we desire to go. There are provisions in the General Railway Act which enable a company to run across other tracks, but it expressly provides that the highways or water-courses so crossed, run along or touched, shall be restored by the Company to their former state, or to such a state as not to impair their usefulness. It has always been maintained by lawyers that the section to which I refer merely permits temporary interference with other roads where it is necessary to cross or run along a water-course or a railway, and that to exercise the powers which it apparently gives without any limitation whatever would enable one railway company to use the tracks of another for five, ten or fifty miles; because if it gives running powers over one mile it gives it over fifty miles. If that section of the Railway Act were construed in this extraordinary way, it would give one railway company power, by applying to the Railway Committee of the Privy Council, or even without it, to run over the whole of the line of another railway. I ask this Committee if that is reasonable?

Sir ALBERT J. SMITH—Is not there some other clause which qualifies that?

Mr. WELLS—Yes, as to crossings.

Sir ALBERT J. SMITH—And running powers?

Mr. WELLS—No, there is no other clause as to running powers. Now, the clause of the section to which I have referred, clearly shews that a railway must be restored to its former condition, and unmistakably shews that one railway company should not have running power over any portion of another line. The clause relating to crossings merely provides for the intersection of one railway by another. No doubt reference will be made to the judgment of Vice-Chancellor Proudfoot in this very case of the Credit Valley; but this construction of the Act was not argued in that case. The counsel never argued or even suggested the point that, under the General Railway Act, we could enter the grounds of another company; and I say that, where a question has not been argued before judges, but, where the judges in the course of their decision choose to express their opinion, it is no better than the opinion of any other lawyers. But, assuming that the General Act itself does give such powers, why should these gentlemen object to what we ask for here? I asked these gentlemen, when we were before the Municipal Committee in Toronto, whether they would consent, if they came before the Railway Committee, to the exercise of that jurisdiction. I got no answer. Seeing the obvious feeling to-day which this Committee has with reference to this subject, perhaps they will go a little further, and make that concession, but it is the first time that they have made it. But I say that, even if we had the power under the General Railway Act, and did take the lands of the Grand Trunk and the Northern down to a point, within eight hundred feet of Bathurst Street, how are we to get further? There we get in a maze of tracks of the Great Western, and then the tracks of the Grand Trunk and the Northern. There is no way by which we can go from that point eastward, unless we adopt Mr. Shanly's plan and shift the tracks of the Great Western and Grand Trunk. Now, I would ask, is there any power in this General Railway Act to enable the Railway Committee to order the shifting of these tracks? There is nothing about it, and as it is impossible to go further on without shifting the tracks, we would be left in a position which would be utterly fatal to the Credit Valley Company. If we are driven to the powers given under the General Railway Act to apply to the Railway Committee of the Privy Council, we would be without remedy and without relief. The Committee must not imagine that we did not consider this before. If we had this easy way to come into the city, we would have taken advantage of it. It was because we felt that the Railway Committee of the Privy Council had no such jurisdiction that we have come here. Even if the Committee did possess the power, it would have involved litigation; and even though, in the end, we got a decision in our favor from the Courts, we would have been put to great expense, great delay—an expense and a delay so great as would be absolutely fatal to our whole enterprise.

Mr. OLIVER—Before assuming that this is a Dominion work, we must remember that this Company was chartered by the Local Government, and we have full confidence in the Local Government understanding what is in the interest of the people of Ontario. This was what caused the municipalities, to a large extent, to invest their money in this work. There are six or seven municipalities that have invested in the C. V. R. a sum equal to one and a half millions of dollars. Each of them has an electorate board representing the municipalities.

Mr. WHITE suggested that the counsel should address the Committee before the discussion on the subject was commenced.

Hon. Mr. LANGEVIN said that the members of the Committee should use their discretion in putting questions, but the counsel should be heard first.

Mr. CASSELS—The point that occurs to me is this: Mr. Wells says the C. V. R. have no powers, and the offer of the Chairman to make the road a Dominion work seems to be repudiated for reasons which the promoters of this Bill must themselves satisfy their shareholders on. If they adopt that course, the question I would ask is this: Can



a railway company obtain a portion of their charter in one House and a portion in another House? I think my learned friend will have a difficulty in answering that. If the C. V. R. Company come here for an Act of Incorporation as a Dominion Railway, then they will come under the general Railway Act, and if that legislation is not sufficient, it ought to be amended. But the Bill which they now submit to the Committee is one I have not seen until a moment ago. It is an entirely new Bill; it has a new preamble; it contains new statements, and it is a Bill which was not advertised, and of which no notice was given.\* It gives to the C. V. R. Company certain additional corporate powers, and you are going to have a mongrel charter partly incorporated in Ontario and partly in the Dominion Legislature. How can that be? The thing is not possible; it is not feasible. They have a Local Railway Act in Ontario which is the same as the Dominion Act. The fifth clause provides that the Company shall have power and authority to "make, carry or place a railway across or upon the lands of any corporation, or person on the line of the railway, or within a distance over such lines stated in the special Act." That is the only point, so that they can cross the lands of any corporation. The next section provides that they can cross the lands of any railway, and, after crossing, they must restore them to the same state as they were in before. The fifth section is to intersect, cross, join or enter upon the lands of a railway, and there is a subsequent section which shews what the meaning is, because it is expressly provided that in exercising those powers they shall not take station grounds. My learned friend says that the statement of the Chancellor is a mere dictum, but if it is, it is a very carefully prepared one. However, it is not on that judgment we rely at all. That question came up fairly and squarely before Chancellor Spragge, in connection with the Erie and Great Western Railways. The Erie had got to Clifton at the Suspension Bridge. There was then half a mile or a quarter of a mile to be traversed between the point where they had reached and the bridge. That could only be reached by crossing lands of the Great Western, and the question was decided very clearly that, under the Act, they had the right to cross the lands of the Great Western. It came up again before Vice-Chancellor Proudfoot, and the same decision was arrived at. They came under the General Railway Act, but they wasted two days in July last before the Railway Commissioners not to take lands, but asking them to approve of the line which they proposed to take. Now, they say there is no power.

Mr. WELLS.—That is under the Act of 1878, a special power giving provincial railways the right to cross Dominion railways. I quote the following section of the Act of 1877-8:—"The fifteenth and sixteenth sections of the said Act are extended to apply to a railway incorporated under the Act of the Provincial Legislature in any case in which it is proposed that such railway shall cross, intersect, join or unite, or shall be crossed, intersected, joined by or united with any railway under the control of Canada."

Sir ALBERT J. SMITH.—That does not meet this case.

Mr. WELLS.—Of course not.

The CHAIRMAN.—I do not think it does.

Mr. CASSELS.—What is the difference between the Act of 1878 and the Consolidated Statutes?

Mr. WELLS.—Only the special provision for the local railways to cross Dominion railways.

Mr. CASSELS.—Yes; but it had been held in the courts that where land was owned by a local railway, you have to go, not merely to the Railway Committee of the Privy Council, but to the Railway Committee of the Province. All that that Act said was this: that where you were crossing a Dominion railway, it was unnecessary, if the Railway Commissioners of the Privy Council gave the leave, that you should also have to go and ask the Railway Commissioners of the Province of Ontario. I am stating what I

know to be the case. The point came up between the Great Western and this very railway, as Mr. McDougall and all the gentlemen connected with this road know. The Credit Valley had got power from the Railway Commissioners of the Dominion to cross the Great Western at a certain point. The Great Western refused to allow them to cross. The Credit Valley filed a Bill in Chancery, and the case came up before the Vice-Chancellor, who held that, it being an Ontario corporation, before they could exercise the power of crossing, they must go to both tribunals, otherwise there might be a clash between them, and that Act was passed in the Local Legislature in order to avoid the necessity of applying to the local tribunal, where they had got permission from the Railway Commissioners of the Privy Council of the Dominion.

Mr. WELLS—In 1877, this Parliament passed an Act allowing local roads to cross Dominion roads. Under the authority of that Act we applied here to the Railway Committee of the Privy Council, and got that permission. We asserted that right with respect to the Great Western Railway, but the Judge held that that Act was not enough, and that we had also to acquire the assent of the Commissioner of Crown Lands, under Provincial Acts. The Provincial Parliament afterwards passed an Act which did away with the necessity of applying both to the Railway Committee and to the Commissioner of Public Works.

Mr. CASSELS—That is just what I said. If my learned friend will turn up and read it he will find that these Consolidated Acts were not brought in to help us, but they have been made so plain that there need be very little trouble about them. We have got an Act in Ontario, the provisions of which are just as wide as the general Act. It has exactly the same clauses, and it has been held in our courts, and I am told by gentlemen here from Quebec that it has been so held in the courts of that Province, that they have the same powers.

Mr. CARON—Yes.

Sir ALBERT J. SMITH—This is not merely for crossing railways, but for taking lands also.

Mr. CASSELS—I will read you the fifth section: "The company shall have authority to make, carry, or place the railway crossing upon the grounds of any corporation." That enables them, under the decisions, to cross the lands of the other railways. Then a subsequent section enables them to cross tracks. This is the first time that I have heard that they wanted something new. How are they to get corporate rights? They cannot receive a charter here and in the Ontario Legislature, too. But that is a matter for the Committee. I am merely stating what my own views are.

Mr. BOULTON—It was expressly held in the present case of the Grand Trunk and the Credit Valley Railways, by Vice-Chancellor Proudfoot, that the General Railway Act did apply to a case of this sort. At the time of the arrangement between the Grand Trunk and the Northern, certain grounds were taken away from us. At that time there were Railway Commissioners, and not a Railway Committee of the Privy Council. The Railway Commissioners dealt with that question, and located the line, and the counsel of the Credit Valley Railway Company, in the argument on the case, the other day, contended that the Commissioners had at that time exceeded their power, as they had only power to deal with crossings. I submit that the decision of the Vice-Chancellor shews that the Credit Valley Railway Company had all the powers that they required, and they have not shewn any ground or necessity whatever to come to this Committee for special legislation.

Mr. WELLS—Permit me to add that the making of the Credit Valley Railway, or any provincial railway a Dominion road might lead to complications which one cannot foresee just now. One difficulty occurs to me, and there are doubtless many

others : one of the provisions of the Railway Subsidy Act under which the Province of Ontario granted subsidies to these various lines is that any railway receiving such aid shall be compelled, with the sanction of the Provincial Government, to grant running powers to other lines. This was a very important provision, and all these railways, the Credit Valley included, having received subsidies under the Railway Aid Act, are bound to give such running powers if the Lieutenant-Governor in Council so direct. Now, I fancy that to make the Credit Valley Railway a Dominion road would be to take away all these powers, and would be something like a fraud upon the Provincial Legislature. At all events, it would be a dangerous thing suddenly to adopt such a course without studying the matter very carefully indeed.

Sir ALBERT SMITH—It seems to me that there is very little difference between the views of the three companies. Now, cannot some solution be found? It occurs to me that, if these gentlemen representing these three interests should meet the Minister of Justice, some reasonable compromise can be effected, and if that can be done I think it is very much better than to have legislation on the subject, which might be prejudicial to the interests of some one of these companies. It does seem to me, from all I have heard on the subject, that if a solution can be found of this difficulty, it can be before the Minister of Justice.

Hon. Mr. MACDONALD—The proposition is a very reasonable one, and I was about to make the suggestion that Sir Albert has advanced, but instead of leaving the arrangement to myself alone, I should prefer that Sir Albert and yourself, Mr. Chairman, should be with me. I am quite ready to be one of a committee of three to see whether we could not avail ourselves of the friendly disposition manifested apparently all around to make arrangements which would render it unnecessary for this Committee to consider the Bill any further.

The CHAIRMAN—Before we end this matter, I would call the attention of the Committee to the clause in the Act of 1877-78 which I quoted a few minutes ago. I called attention to it because I wished to consider whether it would not be better, instead of passing a special Act, to add a clause to the existing Act, which would apply to all railways, and not to this line alone, because next year we may have two or three provincial railway companies coming to Parliament to ask for the same thing. It would be a great deal better, instead of having a special Act, if we should add such a clause to the existing Act as I have suggested. This very Company would be interested in not asking too much now, because they might be called upon some day to give all they are asking for now from the other companies, and, therefore, I repeat all the railways would be interested in having a clause which would not interfere with them to such a degree as would be injurious. I throw out this suggestion, because it is a matter of interest to the Special as well as the General Railway Committee. Do you agree to the appointment of a Special Committee, to be composed of Sir Albert J. Smith, the Minister of Justice, and myself, to meet those gentlemen, and see whether we cannot come to an understanding upon the subject? I declare the proposition adopted.

Mr. HAGGART—Would it not be better to leave the whole Bill to those three gentlemen?

Mr. OLIVER—I have no objection to that sub-committee so far as it goes, but I certainly think it should include a gentleman from Ontario who knows something about the matter, and I ask that Mr. Macdougall be appointed.

Mr. BOULTBEE—He is not a member of the Committee.

Hon. Mr. MACDOUGALL—I heard yesterday that I was not a member of the Committee, but I believe that every member of Parliament has a right to be present at meetings of Com-

mittees and to speak, though not to vote unless a member. I think the suggestion made by Sir Albert J. Smith an admirable one, but it ought to be understood that should those gentlemen fail to agree, as they have hitherto failed when before the Judicial Committee of the Privy Council, their interests being so diversified, the Bill will come back to the Committee again.

Mr. WELLS—I am satisfied that there is no probability of an agreement being come to, and I may state that I have no power from the Credit Valley Company to make any compromise of their rights.

Mr. KIRKPATRICK—You ought to get that power; you could telegraph and obtain it.

Hon. Mr. MACDONALD—The Committee can make a recommendation to these gentlemen, and, if it is a reasonable one, this Committee, I am sure, will pay some respect to it when the matter comes back.

Mr. OLIVER—I would suggest that there is an interest apart from that of any of those railways—the interest the municipalities have in this undertaking amounts to something like a million of dollars, besides the provincial subsidy of a million and a half.

Mr. BOULTBEE—That has nothing to do with it.

Mr. OLIVER—I think it has. I do not object to the Committee, but I wish the Committee to understand that there is an interest, outside the railways, to be guarded, and that is the interest which the municipalities have in seeing that this railway, for all time to come, shall be thoroughly independent of all other railways.

Mr. HILLIARD—As the municipalities along the line have a large interest in the matter, I think it would be well to place somebody on the Committee who represents one of the interested constituencies, say Mr. Oliver.

Mr. BOULTBEE—I, for one, object to this Committee, unless the representative of the Credit Valley Railway gets authority to accept its decision. Let Mr. Wells telegraph for the necessary power.

The CHAIRMAN—It has been stated by the Minister of Justice, and seems agreeable to the Committee, that the sub-committee should meet the representatives of the three companies, and if they do not come to an agreement, that we will make a report to the Committee which they may adopt, and it will be so much work done in the right direction. If the Committee do not see fit to adopt our report, the matter will still be before them.

Mr. BOULTBEE—The attitude of the representative of the Credit Valley Railway puts the other roads in the position of being bound to accept it, while the Credit Valley is not.

Mr. HAY—I would suggest that Sir John Macdonald be added to the sub-committee.

The CHAIRMAN—He cannot attend; he has too much work on hand, and his health is not good.

Mr. WHITE (Hastings)—The object of the Credit Valley Company, as I understand it, is to get to the water lots, and that is all that the municipalities want.

Mr. OLIVER—No ; they want more than that. They want, in the event of any legislation being passed here, security that the Credit Valley Railway shall be an independent line. They want the security which they have now upon the railway continued in the future.

Hon. Mr. MACDONALD—If you insist upon that to the extreme it might be awkward.

Mr. OLIVER—But suppose this road is declared a Dominion work, then, I submit that we would not have the same security as we have now.

The CHAIRMAN—That is not the question at all.

The Committee then adjourned.

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# THE SUB-COMMITTEE.

WEDNESDAY, March 24th, 1880.

The Sub-Committee appointed to consider the Credit Valley Railway Bill met this morning. Present: Hon. Mr. Langevin, Hon. Mr. Macdonald and Sir Albert Smith.

Mr. Octave Chanute, Chief Engineer of the Erie Railway and President of the American Society of Civil Engineers, was called by the Credit Valley Company, and testified as follows:—

EXAMINED BY MR. ROSS.

Q. You have walked over the ground and examined the tracks in question?—Yes.

Q. Touching the section between Queen Street and Bathurst Street, would you be kind enough to give us your opinion as to the best line for the Credit Valley Railway, and the inconvenience to which it would put the other railway companies by admitting another line of rails inside of that reserve of 99 feet?—The better line, if an independent line be desired, would be one lying outside of the existing tracks; but, if the land cannot be purchased for such a line, I think that there is sufficient room upon the 100 feet now devoted to railway purposes between Queen Street and Bathurst Street to accommodate another line of railway.

Q. How many tracks have the Erie Railway entering Jersey City?—Two.

Q. What is the traffic of the Erie Railway entering Jersey City?—The ordinary traffic upon those two tracks is about thirty passenger and eighty freight trains per day. In the busy season, of course, there are many more.

Q. What is the traffic of all the railways entering the City of Toronto through the 100 feet reserve?—From an examination of the time tables, I make out there are thirty-six regular passenger and forty-four regular freight trains daily, to which number should be added whatever extra trains may be run by the roads, according to their emergencies.

Q. How does it compare with the business done on the two tracks of the Erie road entering Jersey City?—It is less.

Q. In what proportion?—Probably from ten to twenty-five per cent. less.

Q. That is on the two lines of track into Jersey City; and there is room here for seven tracks?—By squeezing, yes.

Q. How many tracks could you locate inside of the 100 feet reserve?—Not more than seven.

BY HON. MR. MACDONALD.

Q. From what you saw on the ground, is there land enough outside of the 100 feet for a railway track?—There appears to be ground, but I do not know if it can be obtained.

Q. That is between the 100 feet strip and the lake?—Yes. There are some obstructions in the way, which would have to be removed.

Q. I mean from Queen Street to Bathurst Street?—The land is unoccupied, except that at the prison the wall would be only a short distance from the track.

Q. It is open country that distance?—Yes. At the immigrant sheds there is a small building, which would have to be removed.

BY SIR ALBERT SMITH.

Q. You say it would be much better to have the track laid there than inside of the 100 feet strip?—I said it would be better, if an independent line should be desired, to locate it there; but, if the ground could not be obtained, there would be room in the 100 feet.

BY MR. ROSS.

Q. As to the section between Bathurst Street and Brock Street, do you know the width between the Northern Railway fence and the foot of the slope?—No.

Q. I think the distance is given as 62 feet, or thereabouts. For an independent line into the City of Toronto, would you give the Committee your opinion on the line marked red and white on the map, running as far as Brock Street, and from there to the Credit Valley water lots?—If it be intended to cover, in the question, the whole line extending from Bathurst Street to those water lots, I would give a general answer, that in my judgment, no independent railway or line should be permitted to go through either of those yards unless under the control of the parties who already work them and who have tracks there. I do not think an independent line, either through the Northern yard or through the Grand Trunk yard, should be permitted. It would inevitably bring about collisions.

Q. If it was a question of running powers over the Grand Trunk Railway to the Credit Valley Railway water lots, or running powers over the Northern Railway to the Esplanade, and thence to the Credit Valley water lots, to which line would you give the preference?—I would first endeavor to agree with one of the companies, and if I quite failed in that, I would select the company which has the lightest traffic, and with whose business I would interfere the least, and seek to obtain running powers through its yard, and always under the control of the company owning the yard.

BY SIR ALBERT SMITH.

Q. That is frequently done?—It is done frequently.

BY MR. ROSS.

Q. Taking the Grand Trunk Railway, whose system at several points is opposed to that of the Credit Valley, and taking the large amount of traffic that goes over the Grand Trunk, that would either have to go back on their main line here or else pass here (pointing to the map), their engines going to their own water lots and round houses, and to the Esplanade; under those circumstances, which line would you prefer?—I say that in either case the admission of another line to access to either of those yards would lead to the remodelling, to a certain extent, of the yard. I think I would make an arrangement for the yard of the Northern Company rather than for that of the Grand Trunk, for two reasons: first, because that yard can be rearranged more easily than the other, and,

second, because, as far as I am able to judge, it is less crowded with traffic than that of the Grand Trunk Railway.

BY HON. MR. MACDONALD.

Q. You say that the Northern road is less crowded. Assuming the arrangement was made, how would you get from the Northern Railway down to the water lots?—You would have to pass over the tracks under their control.

BY SIR ALBERT SMITH.

Q. There is no difficulty in getting down to the water?—There is no difficulty.

BY MR. ROSS.

Q. I gave you a report of the traffic of the Northern Railway, verified by their general traffic and passenger agent?—Yes.

Q. Taking that report and the working time tables of the Grand Trunk, Great Western, and Toronto, Grey & Bruce, whose trains we would have to meet one way or another in getting over the Grand Trunk yard to our water lots, would you state to the Committee the difference between the number of trains passing over the Northern and the number of trains passing over the Grand Trunk yards per day?—As made up for the time tables do you mean? That is the only information I have.

Q. The information as to the time tables is not altogether correct as regards the Grand Trunk, because they have more trains running than are shewn on their time tables; but the contrary is the case on the Northern Railway. Here is a statement of the General Passenger Agent of the number of trains necessary per day to do their traffic throughout the whole year?—By their time table, the Northern Railway run 6 passenger and 4 freight trains per day. In addition, they run a number of extra freight trains, and, by the statement which I saw in print, those freight trains, if reduced to an average of 20 cars each, will average about  $7\frac{1}{2}$  trains per day, although there are only four on the time table; while the Grand Trunk shew on their time tables 8 passenger and 28 freight trains per day, in addition to which it undoubtedly runs many extras; how many, I am unable to say.

Q. You are aware that the Credit Valley will have to meet the traffic to some extent of the Toronto, Grey & Bruce and Great Western?—By the time tables, the Toronto, Grey & Bruce run 8 passenger and 4 freight trains; the Great Western 6 passenger trains, many of them accommodation, and 8 freight trains per day.

Q. How would the total stand?—The total would be 6 passenger trains and 4 freight on the Northern, as against 30 passenger and 40 freight on the other line.

Q. How many cars per day are handled in the yards of the Erie Railway Company at Jersey City?—About 2,000 on an average; that includes both in and out.

Q. How many acres of land does that Company possess?—Altogether 83 acres.

Q. Including the buildings on them?—Including the buildings, engine-houses, machine shops, car shops, freight sheds and all necessary appliances for the transaction of their business.

Q. How many acres have the Northern Company in their yard?—I do not know I am told about 40 acres.



Mr. CUMBERLAND—That includes water.

Mr. ROSS—How much is water?

Mr. CUMBERLAND—I will give you the quantity afterwards.

Mr. ROSS—Will Mr. Cumberland state to the Committee the fact as to how many acres of land the Northern Company possess?

Mr. CUMBERLAND—I have not access to my papers at this moment, but I will give it subsequently.

#### EXAMINATION CONTINUED.

Q. How many cars per day are hauled by the Northern Railway according to the statement of their General Passenger and Freight Agent?—From the statement I saw it seemed to vary from 45 to 139 cars per day.

Q. The Erie Railway Company, then, does a business of 2,000 cars per day on 83 acres of land, including all necessary buildings, while the Northern Railway requires 40 acres to handle from 45 to 129 cars per day. By a re-arrangement of the tracks in the yard, (supposing the Northern Railway was to receive a large increase to its business,) how many cars per day, do you think, it could be arranged to accommodate?—By a complete re-arrangement of the tracks, I suppose the yard could be arranged to handle 600 or 700 cars per day.

BY SIR ALBERT SMITH.

Q. Without very much expense?—Without increased proportionate expense. There would have to be more shunting engines, undoubtedly, but the expense per ton would probably be about the same as now.

BY HON. MR. MACDONALD.

Q. You know what the Credit Valley road is?—Yes.

Q. Is there room enough there to afford accommodation for the Credit Valley Company, without serious inconvenience to the Northern Company?—At present I should think so. If both roads were under the same management, I have no doubt they would find it very easy to handle the business of both roads upon the existing track as arranged at present. As the traffic increases, some change will eventually become necessary in all these yards.

BY SIR ALBERT SMITH.

Q. I understand a re-arrangement of tracks would give greater capacity?—Undoubtedly.

BY HON. MR. MACDONALD.

Q. The present tracks in the Northern Company's yard would afford ample accommodation for both the Credit Valley and the Northern Companies, as they are now?—I think so; for the present. It would eventually lead to a re-arrangement of the tracks.

By Mr. Ross.

Q. You mean to say that increased traffic would require a re-arrangement of the tracks of the Northern Railway, and that it could be done so as not to increase the cost of the Northern Company per ton per mile of hauling the traffic as compared with the present cost?—I do say that. The yard as at present laid out is admirably arranged for the business. It is just what is needed by the road, but as the traffic increases, the Company will be led to make changes in its yard for the purposes of accommodating its increased business.

By Hon. Mr. Macdonald.

Q. You do not mean it will be necessary to remove buildings, or anything of that kind?—I think not. I think what the Company will have to do is to build two series of gridirons, parallel tracks intersected by other tracks, at an angle given according to the various points of delivery, and that in so doing these vacant spaces which are now on the map will disappear and be covered by tracks.

By Sir Albert Smith.

Q. Is there any recognized mode of granting compensation for using tracks in the way you speak of, when under the control of another Company?—I am not aware that there is.

Q. How do they settle it?—When such questions have come up they have been left to commissions. The law in the United States is somewhat vague as regards the matter. It has been claimed that it gives to railway companies the right of demanding a right of way over the line of any other company and using its terminal facilities; but these questions have been rarely brought up, and the few decisions which there are are somewhat, I think, contradictory to each other.

Q. It is generally the result of an agreement?—Yes.

By Mr. Ross.

Q. In talking about an increase of business, of course you do not mean to say by that an increase of business to the Credit Valley Railway; all that the Credit Valley Railway requires is just the right to run from Bathurst Street to Brock Street?—I think, nevertheless, that the coming in of the Credit Valley Railway will possibly lead to some changes in the tracks for the Northern yard. At present there seems to be one main track, from which switches or shunting tracks branch out in either direction. That is a very convenient arrangement and a very cheap one, but when additional traffic is thrown over that line it is going to interfere with the regular passenger and freight traffic to such an extent, by shunting engines, as to make it probably advisable to intercept the switches by laying down a parallel track on which shunting can be done to keep the shunting engines off the main line.

Q. That would be an improvement for both parties?—I think so.

By Hon. Mr. Macdonald.

Q. Is there room for that?—I think there is, by some re-arrangement.

Q. Let me ask this one question: Assuming that, instead of going down this road, the Credit Valley went down the Grand Trunk track, could they reach the water lots with the same facility and as little inconvenience to the Grand Trunk as they could find

the same place by passing through the grounds of the Northern—I think not. They could go through by the Grand Trunk tracks and reach the water; but, of course, in either case, their trains, subject to the control of other companies, would be more delayed by being thrown over the track on which the greatest traffic exists, and they would be more in the way of the traffic of that line.

BY MR. ROSS.

Q. You mean in the way of the traffic of the Grand Trunk Railway itself?—Yes.

Q. In other words, the Grand Trunk are more crowded for their operations than the Northern?—So I have heard.

BY SIR ALBERT SMITH.

Q. The reason you prefer the Northern to the Grand Trunk is that the Grand Trunk has more business than the Northern?—Yes.

BY MR. CAMERON. (Victoria.)

Q. Are not some of those Grand Trunk tracks blind tracks?—Yes, but they are, nevertheless, useful.

BY SIR ALBERT SMITH.

Q. The result of what you say is that there is no trouble in getting an independent track from Queen to Bathurst Street either within or without the 100 feet?—I think not.

Q. But you say that it is preferable to get it outside of the 100 feet?—Yes, but beyond that there are two railway companies who own all the ground available for railway purposes between the water and Front Street. They bar the way. There is no getting around their premises. You have got to go through them, and once you assume that necessity, I say the only way by which you can do it is by going in over their tracks under their own control, and not attempting to build an independent line, which would be sure to lead to collisions and very serious consequences.

Q. Could you give an approximate idea of how much the Northern Railway should have if their lines were used?—I could not; that is a matter which would have to be carefully considered.

Q. Is it proportionate to the room required, and the business done?—When companies agree with each other, they make various classes of agreement; sometimes they pay a trackage, so much per ton per mile for the privilege of running over their track. That is generally  $\frac{1}{2}$  of a cent per mile. Sometimes they pay a fixed sum per mile, the company owning the facilities furnishing the labor for loading and unloading and charging so much per ton for the privilege. Sometimes they pay so much per car going in or out, loaded or empty, but the most usual way is trackage, according to the business done.

BY HON. MR. MACDONALD.

Q. Would a right of way, described by you, over either the Grand Trunk or the Northern, give every desirable facility for the management of its traffic, they having this terminus at the water lot?—I think so.

Q. Facilities as great as an independent line would give them?—Not quite; they would have subjection to the rules of the company.

Q. With that exception they would?—Yes.

Q. And that would only extend to the management necessary to prevent collisions?—Yes; they would have to lie back until the signal was given by the servants of the other road that the track was clear, and there would be some provision that these signals should be given promptly.

Q. And any unfairness could be prevented by having a time for their arrival?—Yes; there are various ways of providing for that. One is to give the companies a joint voice with reference to the dismissal of switchmen. In all contracts made between railways for running rights of that kind, there is a provision that the signals shall be promptly given.

Q. There would be no difficulty in making such an arrangement as that which would prevent one company annoying another?—It has been frequently done, and we have elaborated clauses intended to cover these points of detail.

BY MR. WELLS.

Q. What is the usual order of precedence as to the trains of the respective companies in cases of that kind where running powers are given?—The usual rule is that the first train to arrive shall be the first to depart, with a general provision that passenger trains shall take precedence of freight trains.

BY SIR ALBERT SMITH.

Q. These are agreements embodied in the contracts, I suppose; there is no law to that effect?—There is no law on the subject, except for crossings.

MR. ROSS.—I should like to state to the Committee that these running powers are not unusual in Toronto. The Grand Trunk now accommodates the Toronto, Grey & Bruce, the Toronto & Nipissing and the Great Western on a portion of its rails—in fact, all the railways entering the City of Toronto, except the Credit Valley; and the Grand Trunk offered to accommodate them at one time, subject to certain conditions.

HON. MR. MACDONALD.—But the Bill before us asks for an independent line.

MR. WELLS.—To Bathurst Street only. We are compelled to have an independent line to that point.

BY MR. CUMBERLAND.

Q. When you speak of your knowledge of the Northern Railway traffic, I understand that you acquired it from printed documents—the Company's time tables?—Yes; purely so.

Q. Then the aggregate of the train service of the Northern coming into that yard is the aggregate of the trains that you found on the time table, and the report of the Superintendent?—Yes.

Q. Regular trains?—Yes.

Q. You paid the yard of the Company the compliment of saying that it is well arranged. You are aware that those southern tracks are for the arrival of all the trains from the north, and that those trains are broken up, car by car, according to the destination of each car, and then, by shunting, distributed for the shops, for local freight,

for local delivery, for storage in the elevator, for shipment of lumber, for storage in the flour shed; and, consequently, to arrive at the use of the single main track in the yard, you would have to discover what the shunting service was in order to arrive at the occupancy, and the time of occupancy, by the Northern of that main track for themselves?—Undoubtedly.

Q. I have a sworn return of two periods, from the second to the fifth of April and from the sixth to the fifteenth of November, both, you will observe, with us being during the close of navigation, which, in a railroad running between two waters, is the time of the easiest traffic, our busiest traffic being when navigation is open. The sworn percentage of time, due not simply to the arriving and departure of the regular trains of the time table, but also to the occupancy of the line in the shunting service of the yard, has been sworn to be 64.75 per cent. of the whole time of the working day?—Yes.

Q. The line is clear for the balance, 35.25 per cent., and the line was entered upon and left by engines and trains, either regular or shunting, once in every 2.98 minutes. That was in March. In November there was a larger volume of traffic, and more movement. The line was occupied 77.28 per cent. of the full working day, leaving the line clear 22.72 per cent. The line was entered and left by trains and engines once in every 1.54 minutes, a little less than every two minutes. It was entered or left; it was, in fact, occupied. Now, had you been aware of that when you gave your evidence simply based on the six passenger trains of the time table of our little road—had you been aware of the continuity of the shunting service from the northern to the southern part of our yard, would you have said there was ample space, or room, or facility on our main line for the intrusion of another company?—I was aware of it. I found these statements in print, and they led me to believe that you had very nearly reached the point when it will be necessary to build a parallel shunting track by the side of your main line, for keeping that traffic off.

Q. Supposing such a thing to happen, if that second track became necessary by reason of the intrusion of the track of another company, certainly that other company would have to pay all the expenses connected with it?—Undoubtedly.

Q. Are you aware that the track involves eight diamond crossings? The second track will not prevent the chance of collisions, so far as that all trains on the north, which have to reach the water side and wharves, must of necessity pass whatever main lines there are, whether single or double—must cross them to reach from the north to the south. The shunting service must cross both lines. According to the present arrangement, are you aware there would be eight diamond crossings in the 2,400 yards?—There would be more in my judgment. You would lay that track parallel with the main track, and would lead all your switches into it. You would do all your shunting on that parallel track, and, after the sorting was done, you would transfer the trains bodily across to the other side of your yard.

Q. Theoretically, that sounds very easy. We will assume that we have a second track. We will suppose there is an independent line for the Credit Valley, or a second main line for the Northern, with running powers for the Credit Valley. Our system of business is that all our arrival trains come on the main track; they are there broken up and distributed to the elevators, flour, lumber, local delivery, shops. How is it possible, even supposing you get rid of the crossings, and have them all switches to get the trains distributed without crossing the main line?—You have this (pointing to the map) for a shunting line. When your trains arrive, you deposit them, you say, at the arrival tracks. You find them, of course, all mixed up, one car designed for the elevator, another for the local freight shed, another for the local freight house, and so on. You sort them out by shunting.

Q. But I have sometimes seven trains on the tracks. By three o'clock of the day they are all full and I want to distribute them. I must break them up?—Very well, I grant you seven trains. You say they are all mixed up. You sort them out, and as you do so, you place one car at a time on those branch lines, and after you have sorted out the number of cars which you have for any one delivery point, you can haul them out as a train, crossing your line but once, and switch them to the other side direct to the particular place to which they have to go.

Q. Then all the business of those places has to wait until that operation is performed. I cannot get two cars of lumber down, or I cannot get two cars of grain to the elevator until the whole train is made up. All I can say is we could not afford the time?—I do not think that is quite a fair statement of the case. It is true you would not wait until you had an entire train, but you would wait until you had several cars. Then I will say further, that the conclusion which I reached, which I did not expect to bring out before this Committee, was that, in time, you would be led, in the remodelling of your tracks, to put your arrival tracks on this side of the yard, which you can readily do after you have increased your station room to an adequate amount. There is, for very heavy traffic, good reason why the arrival tracks should be put close to the distributing points.

Q. I understood you to say that Mr. Ross having stated that he is not interested in all this internal administration of our yard, but simply wants to get to the water by one route or the other—I understood you to very emphatically say that that could not be done properly or without great risk, and without great danger to the public, unless under the control of the parent Company, whichever it was?—Undoubtedly.

Q. With regard to this hundred feet, you said that the prison wall was a few feet from the boundary of the strip. Could you tell the Committee how many?—It is marked there as 52 feet, and I daresay that is correct.

Q. What would you say would be a sufficient additional width for an independent track along that space on the south side?—If I were getting it, I should try to take all I could.

Q. Now, would you be surprised to learn that, with regard to that platform of the immigrant sheds, that that platform can be moved out of the way for ten dollars?—Very likely.

Q. Also, with regard to any other buildings that are between that point and Bathurst Street Bridge, would you think it an excessive estimate if a man proposed to take a contract to move all these buildings for \$100, simply pushing them back?—What buildings do you mean?

Q. Wooden buildings. There is a little passenger station and an oil shed?—I did not examine them closely, but it would not be a very expensive thing to remove them.

Q. To an engineer it would not be an obstruction in regard to the construction of the line?—No; it is a question of land.

Q. In speaking of the Erie Depot, are these water-side premises?—Yes; fronting upon the Hudson River.

Q. When you said (although it is not a point that I fancy the Committee will take up, because the idea is not under discussion, that the Credit Valley Railway should occupy our yard) that our yard is sufficient for our traffic and the Credit Valley Railway traffic—

WITNESS—I did not say that.

HON. MR. MACDONALD—I asked the question myself. I asked if it would give the desired accommodation to the Credit Valley Railway together with your traffic.

Mr. CAMERON (Victoria)—What he said was, that there would be sufficient if both were under the same management.

MR. CUMBERLAND—It is the same thing. What is your estimate of the traffic of the Credit Valley Railway; a hundred cars a day?—Not over that.

Q. A hundred cars?—About that.

Q. Now?—I fancy that at present they do a good deal less than that, but, like all railway traffic, it will grow rapidly.

Q. Did you count the switches that are disturbed in our yard by that proposed main line through?—No; I considered that proposed main line entirely inadmissible; not to be thought of.

Q. Do you know Mr. Paine, the General Superintendent of the Lake Shore and Michigan Southern Railway?—Yes.

Q. He has expressed an opinion about that, and very much in the language you have used, that it is wholly inadmissible. He says, "The line through the yard of the Northern Railway is objectionable from every point of view, both for the present occupants of the property and for the intruding company. It would involve a very serious interference with the business of the Northern Railway, a considerable loss in the length of its present tracks and expensive changes in those not shortened or destroyed. Such a location should not be considered when any other can be found at reasonable cost. In this instance the alternative is simple, less expensive and free from any of the objections by which the line through the Northern Railway ground is surrounded." He puts a postscript as follows: "In sending you my report upon the routes proposed for the Credit Valley Railway, I wish to add that I think the location of a line through your yard should be resisted by every possible means as involving the most serious consequences to your company. I should regard it as almost equivalent to the destruction of the yard. While it could be worked after such a division, it would be at such a disadvantage as to make you seek a new place of business."

HON. MR. MACDONALD—That is to run an independent line!

WITNESS—I think he is quite right.

MR. CUMBERLAND—Do you know Mr. Shanly?—I do; but not personally.

Q. Have you confidence in his judgment?—I have the utmost confidence in his judgment.

Q. When he says such a proposition is an outrage, do you agree with him.

SIR ALBERT SMITH—That is with regard to an independent line. He agrees with Mr. Shanly on that.

HON. MR. MACDONALD—I do not think it is worth your while to waste time about that.

## EXAMINATION CONTINUED BY MR. CUMBERLAND.

Q. Did you examine that part of the Grand Trunk ground between the two round-houses?—I did not go between them; I examined it from the main track.

Q. Do you know Mr. Muir, of Detroit, the late General Manager of the Great Western Railway?—Yes I have met him.

Q. He made a suggestion that a line should be carried between the two round-houses, and so on to the water lot, upon the ground that, by taking the line there, and it is ascertained the curvature will do, none of these traffic tracks are cut. He asserts the only tracks that you will cut by that line are those leading for the service of the round-houses. Now then, if a track were placed there, assuming the curvature could be got, that would be far less injurious and disturbing to any of the works of the Grand Trunk Railway?—Undoubtedly, far less than the other line; very much less.

Q. Then Mr. Ross asked you whether, having regard to this location through the Grand Trunk yard, and through the whole group of tracks there, as against the location through the Northern yard, which you preferred, and I understood you to say you preferred the latter, because there would be less obstruction by taking that line because of the increased traffic business of the Grand Trunk over their location?—Yes.

Q. Having regard to the fact that this line is a continuous line without crossing, and assuming you start from there and come up and only cross two tracks attached to the round-houses, what would be your opinion of that route relatively to the other two locations?—That would in no way change my opinion. No company would be permitted to run through the yard of another company, save upon its track and under its control.

Q. But this is quite a separate point. I understood you to say you thought there would be less disturbance to existing interests if the Credit Valley trains ran over the main track of the Northern Railway than over a main track between the Grand Trunk round-houses, independent altogether of the question of control. Suppose the question put by Mr. Ross had been what about this line, (pointing to the map) only crossing the two round-houses lines, and this which is perfectly free from all crossings; what would you say as between that and this; would that alter your opinion?—I do not believe that it would.

Q. Why?—The question is asked me off-hand; I have never considered that line before. But it strikes me that the adoption of it would not only cross the entire tracks both of the Grand Trunk road and the Great Western, at a point near Brock Street, but would also very seriously interfere with the engine service of the Grand Trunk Railway, by going over the track.

Q. In and out of their round-houses?—Which leads to their round-houses.

Q. But we will assume that your principle is obeyed; that this is a Grand Trunk track, and this is under Grand Trunk control. Do I understand you to say this, notwithstanding there are no crosses and no switches except this one crossing, and subordinate crossings into the round-houses?—Are there not two crossings from the main line there?

Q. I am assuming that this is under Grand Trunk control; this, as well as that (pointing to the map). Do I understand you to say that this is not less injurious to the Grand Trunk business than that one?—Very much less. If the question be which is the preferable line for the Credit Valley Railway, I can answer it very clearly.



Q. Is it enough less to shake your opinion with regard to the relative disadvantages of the two lines, having regard to the fact that there is not a single crossing here?—I believe, upon the whole, no, because it involves, at Brock Street, the crossing of the track of the Grand Trunk Railway, and I would infinitely prefer, in doing railway traffic, to meet it longitudinally upon a main track than to cross it on the diamond.

Q.—I do not propose that you should cross at all, but switch out from the Grand Trunk at the round-houses. It comes down the Grand Trunk Railway to Brock Street, and then switches off to the Credit Valley wharf without interfering with a single track of the Grand Trunk?—If that can be done, it will remove very largely the objection that has been raised.

HON. MR. LANGEVIN—Suppose you had the management of both railways—the Grand Trunk and the Northern—which of the two would you prefer for the Credit Valley?

HON. MR. MACDONALD—Or supposing you were sent by this Committee, or the Government, to find, under all the circumstances, the best access for the Credit Valley Railway to their lots, how would you put it?—From the information I now have, I should prefer to put it on the Northern grounds. I will say, however, that the line just presented by Mr. Cumberland strikes me as possessing a great deal of merit. I have not considered it before, and it is possible that, as an alternative, it would be a good one. It strikes me that it would be open to a good many objections, which might be removed by remodelling the tracks.

MR. WELLS—That has struck us, but you will find, if you examine it, that the curvature is very short.

MR. ROSS (to witness)—When Mr. Cumberland spoke about this line through the round-houses, did you know that this line was not only used for going to the round-houses, but is also used by the Toronto, Grey & Bruce Railway for getting into the elevators and the Esplanade?—I would say, in general terms, that the more existing business there is upon that line, the more objectionable it is for railway traffic.

BY MR. BELL.

Q. You are aware that the Toronto, Grey & Bruce have their engine-house at Queen's Wharf to the west of the Northern grounds?—Yes, I am so informed.

Q. You are also aware that the Great Western Company have their engine sheds to the west of the Northern grounds?—Yes.

Q. All their shunting of trains, and engines passing up and down to their stations, have to pass back and forward along here (pointing to the map)?—Yes.

Q. And that would increase very materially the use made of those tracks?—It would. Those tracks, I would say to the Committee, are wastefully used now by the bad arrangement of the Company which they will be compelled to change. They have their buildings located at points where they are inconvenient, and require a great deal of running back and forth to reach them. It is wasteful and will have to be given up.

Q. Taking this piece here, colored red, we have only the south fifty feet; now, how many tracks could properly be put on that fifty feet?—Three.

Q. Not more?—Not more, you would have to leave a clearance on the other side. You could put seven on a hundred feet, but you can only put three on fifty feet.

Q. Now, if you put the Credit Valley along here (pointing to the map) and take it down into this property here, you would have to cross these tracks in order to get over to this side, would you not?—Yes, if you brought it down entirely outside.

Q. Then, getting to the round-house, you would have to cross a number of tracks here again, besides interfering, as you said, with all the elevator business done here?—I believe so.

Q. Is it not quite clear, then, to you, as an engineer and a man of common sense, that the proper way to get to the Credit Valley water lot would be to go through straight here ( ), and that the distance they would have to traverse through another company's grounds would be less, and, therefore, easier controlled than to come down this way ( )?—That is the way it struck me.

Q. Now, the signals of the Grand Trunk and Great Western necessarily have to be worked down here ( ). Would it be more difficult to work the line here than if brought down in the way proposed?—Yes; but the signals could be worked in either case.

Q. Still, for safety and dispatch, this is the better line?—Yes; that is my judgment.

Q. Then, in your judgment, you would consider it should go on the vacant land?—Yes.

The Committee adjourned until Tuesday next at 10.30 a.m.

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TUESDAY, March 30th, 1880.

The Sub-Committee met at 10.30 a.m. Present—Hon. Mr. Langovin, Chairman ; Sir Albert Smith and Hon. Mr. Macdonald, Minister of Justice.

The CHAIRMAN—Gentlemen, have you any more witnesses to bring before the Committee ?

Mr. BOULTON—There are several witnesses here, Mr. Chairman, but I am afraid it would occupy a very long time to examine the whole of them. There are some twenty or thirty witnesses here, I understand, representing the different interests.

The CHAIRMAN—Well, of course, we do not want to limit you, but you must understand this: that we cannot give all our time to this Bill, and if you drag on the discussion in that way, we will have to adjourn and go on with the other bills before the Committee.

Hon. Mr. MACDONALD—Would you mind saying what you propose to prove by all this mass of testimony ?

Mr. BOULTON—I understand that, when we adjourned the other day, the Credit Valley Railway people were to determine whether they were willing to come under the Dominion jurisdiction.

Hon. Mr. MACDONALD—You do not want witnesses for that ?

Mr. BOULTON—No ; but I would suggest, before we say what we are ready to do, and if the Committee hold that it is necessary, that the Credit Valley Railway Company should state whether they are prepared to accept a charter under the jurisdiction of the Dominion.

Mr. MACDOUGALL—I do not understand that that question was raised.

The CHAIRMAN—When the Committee was sitting, I put the question to the promoters of the Bill, not as a determination on our part, but I put the question in this way : Gentlemen, we want to know whether you wish to have a charter under the Dominion ; and, secondly, why you cannot come into Toronto under the law as it is, etc. I put these questions, but we had determined nothing ; I did not state whether that was the policy of the Government or not. It was only a question that we were putting to these gentlemen. The Committee has appointed a sub-committee with certain instructions, and we heard the engineer the other day, who gave very fair evidence, as everyone will admit, I think.

Sir ALBERT SMITH—And called by the Northern Railway Company ?

Mr. BOULTON—No ; by the Credit Valley Railway Company.

The CHAIRMAN—Now, if the Grand Trunk Railway, or the Northern Railway, or the Credit Valley Railway, have witnesses that they wish to have heard, of course, we will have to hear them, that is all.

Sir ALBERT SMITH—They should first point out, I think, the purposes for which they are called.

Mr. BOULTON—Of course, I had no intention, in what I said before, that it should be understood that I meant the Committee had come to any such conclusion, but what I claim is, that, unless the Credit Valley Railway come in as a Dominion railway, this Committee cannot constitutionally deal with the question—that they cannot give half a charter here, and half a charter in Ontario. I say that we ought to have a determination or statement from them, one way or the other. If they say that they will not come in as a Dominion railway, then I submit, (and my learned friends, Mr. Bell and Mr. Cassels, agree with me in this) that this Parliament cannot deal with the matter.

Hon. Mr. MACDONALD—It is not for us to determine what Parliament can or cannot do. As I understand it, we are to hear the testimony or explanations of the several parties interested, and we are to endeavor to reconcile their differences. If they are inaccessible to advice, then we are to report to the main Committee, leaving that Committee to deal with the question.

Sir ALBERT SMITH—Yes, I think so, but is there no possibility of any agreement being made between the Credit Valley Railway and the Northern?

Mr. BOULTON—The other day, if you will recollect, there was no person here representing the Credit Valley Railway Company that would be bound by a decision of the Committee. You will recollect that, when some suggestion of the kind was made, Mr. Wells distinctly stated that he could not, as the representative of the Credit Valley Railway Company, make a binding arrangement.

Hon. Mr. MACDONALD—I have no doubt that a means will be found to enable Parliament to deal with the question, if we find it impossible to do what we think ought to be done to effect a friendly settlement.

Mr. BOULTON—The Grand Trunk and the Northern representatives here could be bound by the decision of the sub-committee, but the representative of the Credit Valley Railway could not.

Sir ALBERT SMITH—Mr. Wells, are you prepared to enter into an agreement?

Mr. WELLS—I am not authorized to bind the Company, but I can say this to the Committee: that the Credit Valley Railway Company will adopt any suggestion that this Committee may make on the subject.

Sir ALBERT SMITH—Have you approached the Local Government, to ascertain whether you can get from them right of way west of Bathurst Street?

Mr. WELLS—I went to Toronto for that purpose, but Hon. Mr. Wood, who has control of the prison and prison grounds, was away for his Easter holidays, and I could not, therefore, see him; however, I left a letter for him, and the result may be a telegram or letter to us here to-day.

Hon. Mr. MACDONALD—If I understand the plans, the prison grounds cover a very small portion of the land running south of the one hundred feet strip.

Mr. WELLS—The prison grounds occupy only 2,200 feet.

Hon. Mr. MACDONALD—And the rest is owned by the Government?

Mr. WELLS—Yes, there is this triangle here (pointing to the map) which stands in a peculiar position, which I will explain if the Committee think it desirable.

Hon. Mr. MACDONALD—It can be got, I suppose?

Mr. WELLS—Then we come down to the prison grounds here—

Sir ALBERT SMITH—Have you any reason to believe that you can get the land from the Local Government?

Mr. WELLS—I have no reason to believe either way. I had a long conversation with Mr. Langmuir this morning, and explained the whole situation to him, but he was non-committal.

Sir ALBERT SMITH—He is only an officer of the Local Government. Did you see Mr. Mowatt?

Mr. WELLS—I did not.

Mr. BELL—I have no hesitation in saying this, and I have had some experience, and think I know something about getting lands for railway purposes: that the Local Government having sold them a piece up there for station grounds, why should they not give them the other? It follows as a matter of course. I would not be afraid to undertake to get it if I wanted it for our railway.

Mr. CASSELS—It is an open grass common.

Sir ALBERT SMITH—Do you think that it would be necessary for us to deal with any portion of this line except the piece from Bathurst Street down to Brock Street?

Mr. WELLS—I am quite unable to answer the question.

Mr. CUMBERLAND—It is only a short time since the Local Government gave a portion of the land at Parkdale, with the greatest liberality. All that was given to promote the business of this particular locality, and that within two years; and, in the same way, the Credit Valley Railway and the Grand Trunk Railway got land somewhere up near Queen Street. There was a considerable area of land given under lease at a nominal rent.

Mr. BELL—I think you may safely assume—and I am saying this entirely in the interest of getting the thing disposed of—that you can get the land there. I do not think there is any difficulty about that.

Hon. Mr. MACDONALD—I think, for the present, we will assume that, up to Bathurst Street, there will be no difficulty.

Mr. MACDOUGALL—Up to within about three hundred feet of Bathurst Street.

Mr. BELL—At or near it.

Hon. Mr. MACDONALD—Up to where the difficulty occurs, if you will just confine your attention to that. We think the Credit Valley Railway ought to get into its water lot, and we will be very glad to hear anything that you have to say about that.

Sir ALBERT SMITH—Is there no possibility of the Credit Valley Railway and the Northern Railway agreeing? You heard what the American engineer said the other day?

Mr. BOULTON—What we would be perfectly willing to do is to allow the question of location to be determined by the Railway Committee of the Privy Council. I think it would save the time of the Committee. I have no objection, as I said the other day, when the matter first came up, to the Bill containing a clause that the Railway Committee of the Privy Council should determine the location. It seems to me that it would occupy less of the time of the Committee, and save the time of Parliament too.

The CHAIRMAN—The location from where?

Mr. BOULTON—From Bathurst Street, down.

Mr. CUMBERLAND—From Bathurst Street to the water.

Sir ALBERT SMITH—If you come to terms, it would save time, and there would be no necessity for legislation.

Mr. BOULTON—In the meantime we may possibly come to terms. I think it is very likely we will, but really we have had no opportunity of doing so. It seems to me if that were done, extending, if necessary, the powers of the Railway Committee of the Privy Council to determine the location, I think that would be the least objectionable way of dealing with the matter, and I have no doubt that, in the meantime, we would come to some settlement.

Hon. Mr. MACDONALD—My impression was that, after the evidence we heard the other day (unless the impression is removed by other representations) it could hardly be disputed that the safer and more convenient access for the Credit Valley Railway was through the Northern grounds.

Mr. BOULTON—Except that Mr. Chanute, if you recollect, stated that the alternative route that was pointed out to him, he was not prepared to say that that was not the more feasible way.

Sir ALBERT SMITH—Are you prepared to controvert that by testimony?

Mr. ROSS—I have walked over the ground with Mr. Chanute since then.

Hon. Mr. MACDONALD—Is that the round-house line?

Mr. ROSS—Yes, and I had a survey made of it, and asked him to send me a message giving the Committee his opinion of it. He telegraphs as follows:—

“NEW YORK, March 29th.

“JAMES ROSS;

“I wrote you to-day that, upon examination of the line between the engine houses, I had found it obstructed by the buildings, less meritorious than I expected and likely to lead to collision.”

Hon. Mr. MACDONALD—At all events, I think that the impression I stated is entertained by the Chairman and Sir Albert Smith.

Sir ALBERT SMITH—Would it not be well to call evidence on that point?

Mr. CUMBERLAND—Well, Mr. Chairman, that is an impression from the evidence of one expert.

Mr. BOULTON—We have any quantity of reports of experts here.

Mr. CUMBERLAND—I will read an extract or two which, I venture to submit, will shew the Committee what a difficult question it is that you are dealing with. Now, I have in my hands extracts from reports made by railway experts and engineers of the highest eminence in the country, opening with one from Walter Shanly, and if you will bear with me for one moment I will read them, and I will do it myself, because it is a technical and engineering subject. You remember the history of this thing, that a plan was filed by the Credit Valley Railway Company, shewing a location very nearly where that red dotted line is, with the Railway Commissioners of the Privy Council. That Committee met in June, and finding, as I think you will find to-day, that it is a technical question of very considerable complication and doubt, the Railway Committee called in an engineer, Mr. Frank Shanly, to advise them on that technical question. They adjourned, and we came back a fortnight afterwards and Mr. Shanly made a report—submitted a plan, and that plan is known as Shanly's line. Now, the Privy Council adopted that plan, and they issued an Order on the advice of Mr. Shanly, and that, so far as the General Railway Act is concerned, is the law to-day. The Credit Valley has all the authority that belongs to the action of the Railway Committee of the Privy Council; and, according to the advice that I have received, and, I believe, that Mr. Bell gives, the Credit Valley, the day after that Order of the Privy Council was passed, authorising the particular crossings, and, therefore, involving the alignment—the day after that was done, the Credit Valley could have served notices, taken possession of the ground, and constructed their line.

Sir ALBERT SMITH—If that be true, what objection have you to their making some arrangement?

Mr. CUMBERLAND—None whatever.

Hon. Mr. MACDONALD—But you opposed that line, I understand?

Mr. CUMBERLAND—Not at all.

Hon. Mr. MACDONALD—Some one opposed it.

Mr. BOULTON—The Grand Trunk opposed it.

Mr. CUMBERLAND—You will find, from the shorthand reports that have been printed, that Mr. Boulton and Mr. Hector Cameron, who appeared for the Northern, upon the adoption of that plan by the Privy Council, then and there announced that they assented to it.

Mr. CASSELS—That is not the round-house route.

Mr. CUMBERLAND—No.

Hon. Mr. MACDONALD—Was not that the route that Mr. Chanute discussed as compared with the route through the Northern yard the other day?

Mr. CUMBERLAND—Quite so. There is a distinct difference between Mr. Shanly and Mr. Chanute. But what I ask the Committee to say is this: that this question has already been decided by the highest authority on such questions, that is the Railway Committee of the Privy Council; and that Committee has given a decision, and a decision adopting Mr. Frank Shanly's plan, and, therefore, overriding all the views as since expressed by Mr. Chanute.

Sir ALBERT SMITH—But that does not preclude legislation?

Mr. CUMBERLAND—It does not preclude any inquiry or any legislation that the House may choose to adopt, but Mr. Boulton's suggestion is this: seeing that there is an order of the Privy Council already, and seeing, as I apprehend, we are all agreed, that if the land can be obtained outside of the 100 feet, the route from Queen Street to Bathurst Street is settled.

Sir ALBERT SMITH—That being settled, what objection have you to giving the Credit Valley Railway running rights over your track on their paying reasonable compensation?

Mr. CUMBERLAND—I will tell you. Years and years ago, under a compact with the Government and the Legislature, that part of the land marked green was set aside and taken away from us and given over by us as a reservation for railways entering Toronto from the west. And what was the object? The Government took it; accepted it as sufficient. We gave it, and with what object? Well, clearly, first of all that, there should be free scope left for railways to get into the city from the west; and, secondly, and chiefly, on our part, that we should prevent, in all perpetuity, our yard from intrusion. Now, I ask the Committee if there is any justice in the course that has been proposed. I appeal to the Committee and Parliament, that, having adopted that location as a proper one for railways entering the city from the west, surely the Northern is acquitted from any liability to give further right of way. If the Government or City Corporation had given right of way, or if the Grand Trunk Railway, of its own mere motion had given the same reservation through its own yard, this unhappy question would not have arisen at all. Why, therefore, should we, who have given up a reservation, be asked to destroy our yard, the security of which was the main reason of giving up the reservation at all?

Sir ALBERT SMITH—But the Credit Valley must clearly run over your line or the line of the Grand Trunk?

Mr. CUMBERLAND—Clearly so.

Sir ALBERT SMITH—You say they must run over the Grand Trunk Railway line if they do not run over yours?

Mr. CUMBERLAND—That is a question of great technical difficulty.

Hon. Mr. MACDONALD—That is what we feel, and we are trying to find a solution of the difficulty.

Mr. CUMBERLAND—Exactly so; and if you try, or the Railway Committee at large, try to settle a complicated technical question which is difficult enough for experts to deal with, I humbly submit you will get into great difficulty and responsibility, and it will involve, I fear, a tedious inquiry.

Sir ALBERT SMITH—Let me ask you, are you prepared to take issue with Mr. Chanute?

Mr. CUMBERLAND—Yes, direct and positive issue with Mr. Chanute, and we are prepared to shew, before all the world, that he is absolutely wrong upon that question.

Sir ALBERT SMITH—You say then that the Credit Valley Railway should run over the Grand Trunk Railway, and not over your line?

Mr. CUMBERLAND—Clearly.

Sir ALBERT SMITH—Then it is an issue between you and the Grand Trunk?



Mr. CUMBERLAND—Clearly.

Hon. Mr. MACDONALD—There is no doubt about that?

Mr. BELL—As Mr. Cumberland puts it there is none.

Sir ALBERT SMITH—Would it not be well then for you to shew that it is better to go over the Grand Trunk Railway than over your line?

Mr. CUMBERLAND—I am quite prepared. What I wanted, first, was to give you an extract or two to shew the great complication and difficulty of this question, and then for you to consider whether you would really go into it, and we should proceed to give evidence.

The CHAIRMAN—Before you go further, I wish to state that we understand and feel the difficulty, but we are here because there is a difficulty. We have been appointed a Committee for that purpose, to examine and report upon it.

Mr. CUMBERLAND—The Privy Council, which is a deliberative body, sent for skilled engineers to advise them, and they came to a decision, and what we humbly submit is this: that a question of this sort is so difficult to be handled except by calm, deliberate and industrious and persevering inquiry, it is a question whether some body, such as the Railway Committee of the Privy Council, would not be the proper one to which to submit it under the power of any Act you may be pleased to pass. If you choose to direct in the Bill that the location shall be inside or outside of the 100 feet strip, the Northern Company is indifferent to that; or that the Credit Valley shall have the liberty of running passengers from Bathurst Street to its water lot on the Bay front, on such location, and under such conditions, stipulations and reservations as the Railway Committee of the Privy Council may direct and approve, then you see you leave a deliberative body like that at its leisure able to command all the professional talent of the country, not bound as the Railway Committee would be, not moved perhaps by some other than technical or scientific reasons in arriving at its decisions. Would it not be safer to legislate after that patient investigation? That is why I propose to intrude upon you some of the expressions of the most eminent railway men in the country on the subject.

The CHAIRMAN—We do not object to that; you can read anything you choose.

Mr. CUMBERLAND—I will go into nothing descriptive or argumentative. I will refer first to Mr. Walter Shanly's statement. He says he had examined Frank Shanly's plan, and that "as an easy, cheap, convenient and safe way for the Credit Valley to get over that portion of the ground, the plan recommended would seem to leave nothing to be desired. But the Credit Valley, not content to accept the easy, cheap and safe route proposed for it—"

Hon. Mr. MACDONALD—That is up to Bathurst Street?

Mr. CUMBERLAND—To Brock street.

Sir ALBERT SMITH—Does that apply to running through your yard?

Mr. CUMBERLAND—No.

Mr. MACDOUGALL—Perhaps the Committee will permit me to explain that Mr. Shanly was expressly instructed to lay his line within the 100 feet strip to Brock Street. He had no choice.

Mr. CUMBERLAND—We all agree that we have got to Bathurst-Street, and there is no use in mystifying the Committee on that point. I do not care a straw whether you are inside or outside of that hundred feet. Mr. Shanly says that the plan adopted by Mr. Frank Shanly, and adopted by the Railway Committee of the Privy Council, leaves nothing to be desired. Mr. Walter Shanly continues :—

“The Credit Valley desires, it is said, to force its way on a line parallel to and south of the one recommended, right through the yard of the Northern Railway, cutting the network of tracks covering it so as to necessitate no fewer than eight diamond crossings in the above distance.”

Sir ALBERT SMITH—But is not this outside the issue altogether ?

Mr. CUMBERLAND—It is not.

Sir ALBERT SMITH—We have got to Bathurst Street.

Hon. Mr. MACDONALD—Recollect, the discussion is now whether it is proper or desirable that the Credit Valley Railway should have running powers over your own line, and not the construction of an independent line.

Mr. CUMBERLAND—It is through the yard of the Northern.

Hon. Mr. MACDONALD—Yes ; but on your own line, and subject to your supervision.

Mr. CUMBERLAND—Quite so.

Hon. Mr. MACDONALD—Then the observation of Mr. Shanly could not possibly have applied to entering on your line.

Mr. CUMBERLAND—I beg your pardon. The same number of Credit Valley cars which would run over an independent track would run through our yard and over our track.

Hon. Mr. MACDONALD—It does not make a single additional diamond or other crossing.

Mr. CUMBERLAND—No ; but it makes all the difference of safety and convenience. Mr. Walter Shanly says that, in the Code of Railway Construction and Management, deliberately to reject the safe, and adopt the unsafe, must be designated as an outrage.

Hon. Mr. MACDONALD—That is all predicated on the fact that a new line was to be built, so I cannot see how the argument applies to this condition of things.

Mr. CUMBERLAND—That is equally applicable to the line of the Company, for this reason : we are prepared to shew you on oath that our main line, being in the centre of our yard, and over which the whole system of our shunting is to be done—

Hon. Mr. MACDONALD—That branch of the question is perfectly open to you. It is a different story altogether.

Mr. CUMBERLAND—That is the point I am making. I am not speaking of laying a new track, but, the occupation of our own line by our own business, makes it absolutely unsafe and justifies Mr. Shanly in calling it an outrage to attempt it, and also warrants Mr. Fleming in saying that no sane person, in any degree familiar with railways, would seriously make such a suggestion. He says that there would be a daily and hourly liability to collision.

Hon. Mr. MACDONALD—I would like to ask Mr. Fleming, who is here, if such an observation would apply to such a condition of things—that is a new road.

SIR ALBERT SMITH—It is on the assumption that it is an independent line. Cannot your yard accommodate, by rearranging the tracks, much more business than you do?

Mr. CUMBERLAND—No doubt.

Sir ALBERT SMITH—Then why don't you allow this line to pass through to the Bay, giving you compensation?

Mr. CUMBERLAND—Simply because we do not want them. Simply because it is not safe.

Hon. Mr. MACDONALD—The Grand Trunk Railway say the same, and we have to say which will have to accommodate the Credit Valley road.

Mr. CUMBERLAND—Our road is occupied all the time for eleven hours every day, and trains passing on our track every minute and a quarter. Gracious goodness! you may as well tell me there is no use in second tracks. Of course, if it is a foregone conclusion, I have nothing more to say.

Sir ALBERT SMITH—It is nothing of the kind.

Mr. CUMBERLAND—What I mean to say is that, if it is a foregone conclusion that a second track, laid by the Credit Valley, removes all difficulty, I have nothing more to say.

MACDONALD—The only foregone conclusion is that the Credit Valley must get in somewhere, and we want to find out which is the best way to get in.

Mr. CUMBERLAND—And we want to let them in.

Sir ALBERT SMITH—How do you say they should get in?

Mr. CUMBERLAND—I tell you, as a manager and an engineer, with full responsibility for what I say, that, from Queen Street to the water, the Credit Valley Railway can be located on a track which will never touch the Grand Trunk main track at all, will not cross it, will not feel it, will not see it; and the only point at which the Grand Trunk Railway will be affected will be at their round-houses. I ask you to tell me what Mr. Shanly calls a free run.

Sir ALBERT SMITH—Point out where it should go over the Grand Trunk Railway.

Mr. CUMBERLAND—From Parkdale to Bathurst Street, if there is to be a track for the Credit Valley (because that is the proper way), we will put one, or the Grand Trunk will put one to Bathurst Street, assuming that the red dotted line is the Credit Valley. All the way from Queen street to Bathurst Street, the Credit Valley does not touch the Grand Trunk, does not cross or interfere with it in the slightest degree.

Sir ALBERT SMITH—We have got to Bathurst Street.

Mr. CUMBERLAND—From there to Bathurst Street it has a clear run again; it has a separate track.

Mr. WELLS—Assuming the tracks are shifted?

Mr. CUMBERLAND—Yes.

Mr. CASSELS—That will cost \$60,000. You will have to build a new embankment.

Mr. CUMBERLAND—There is a siding running to the round-house. Now, the location is still keeping to the south of all the tracks of the Grand Trunk Railway around the round-houses, and across the Esplanade. (A laugh.) A theatrical laugh may do very well, but I tell the Committee, and am prepared to state on oath, that what I say is absolutely true. You may confound and complicate it by misstatement or misdirection, but I repeat it.

Hon. Mr. MACDONALD—Please shew me on the smaller plan where that line would lead to.

Mr. CUMBERLAND—It would never touch a Grand Trunk traffic track at all.

Sir ALBERT SMITH—About what would it cost after approximately?

Mr. CUMBERLAND—I am not prepared to say anything about the cost to the Grand Trunk, or what compensation should be given for gaining access there.

Hon. Mr. MACDONALD—You did not mention that the other day?

Mr. CUMBERLAND—Yes.

Hon. Mr. MACDONALD—No; the one you spoke of ran between the round-houses the other day.

Mr. CUMBERLAND—That was a mistake of the moment. The line is that line. (Pointing to the map.) I repeat and I hope he will accept it, that I declare to Heaven the line which we shew you now is a line that does not involve the crossing of a single traffic track of the Grand Trunk Railway.

Mr. MACDOUGALL—It crosses the Great Western Railway.

Mr. CUMBERLAND—Of course it does, and it crosses ours, too.

Hon. Mr. MACDONALD—It crosses you and the Great Western.

Mr. CUMBERLAND—Yes, necessarily, it crosses both of us at this point, but that is west of Bathurst Street.

Hon. Mr. MACDONALD—That is outside altogether; but east of Bathurst Street?

Mr. CUMBERLAND—I say that from Parkdale to the water there is a line which will never touch the Grand Trunk at all, except it is the sidings, and I defy all the engineers in the world to prove it otherwise. I can bring evidence on oath to prove it.

Mr. BELL—You will observe that the line marked in yellow is the Great Western line. Then when they strike Brock Street they run on our tracks down. Now, if they come down on the south side of the 100 feet to some point near Bathurst Street—as near as they can get to Bathurst Street—you will observe, in the first place, that the Northern Railway track lies between them and the location that Mr. Cumberland proposes to put them on. They would have to cross the Northern Railway tracks first.

Mr. CUMBERLAND—And the Great Western?

Mr. BELL—Yes.

Mr. CUMBERLAND—There is no objection to that.

Mr. BELL—They would cross those lines and come down between the Great Western and Grand Trunk tracks till they get to Brock Street, and they make them turn a sharp elbow there.

Hon. Mr. MACDONALD—He says, rightly or wrongly, that he comes along and goes north of the round-houses and then comes along here (pointing to the map), and strikes the Credit Valley water lot.

Mr. BELL—When he crosses Brock Street he crosses the Great Western again, so you have three crossings.

Mr. CUMBERLAND—Not at all.

Mr. BELL—I say yes.

Mr. CUMBERLAND—I say no.

Hon. Mr. MACDONALD—Mr. Cumberland's statement is that that line, which he has pointed out, can go down the Credit Valley Railway track without crossing any traffic line of the Grand Trunk Railway.

Mr. BELL—I say you cannot. This line marked in yellow on our plan is the Great Western: that goes down to York Street. If you were on the north side of that line you must go to the south side before you can reach the water, and how the mischief can you do that unless you cross the track? There is the Great Western line to the south of the proposed track, and here is the water lot lying to the south of the Great Western; you have to get from the north to the other side of the Great Western, and as you cannot fly over it you must cross it; so there are three crossings on that line. Then with regard to the space between Bathurst and Brock Streets, it involves the taking up and the removing of our two tracks to the north of it. Now, Mr. Cumberland says that was devoted by the Government for railway purposes. I say that I can prove, and it is a matter beyond all controversy, that that piece between Bathurst and Brock Streets, where the Great Western and ourselves run at the present moment, was given to us, and we made it, together with the Great Western, and the Northern contributed a portion in consideration of our lines from Brook Street Queen's Wharf having been abandoned. That was given to us.

Mr. CUMBERLAND—Not to you.

Mr. BELL—To us and the Great Western.

Mr. CUMBERLAND—Yes.

Mr. BELL—It was given to us and the Great Western Railway. We were to have two-thirds and the Great Western Railway one-third. It was given to us by the Government of the Province. Mr. Cumberland's company moved their fence south, with the object of having us go north rather than through their grounds.

Mr. CUMBERLAND—That is so.

Mr. BELL—It cost us to make the line as it now is, over and above other incidental expenses, a direct outlay of between \$47,000 and \$50,000. That is the way we came

there, the Government put us there, and it was not contemplated then that any road would touch it, because we had less than forty feet, whereas, if we had taken the city's offer we would have had forty feet through. Then, as regards running powers: I understand that what this Company is applying for is not for the purpose of going to the enormous expense of having to pay us to build a retaining wall, which we would have to build most of the way, if not all the way down, because we would have to widen the base and cut down the bank; it is not a question whether there is to be another independent track, but I understand them to ask whether they shall have running powers from Bathurst Street to the Esplanade at Brock Street. How are they to get across that space? The one says "take them down by running powers over the Grand Trunk line, and, by that means, get them to their water lot under the control of the Grand Trunk." The other says "take them through the Northern grounds, and arrange with them for the use of their track." Of course, our tracks would have to be re-arranged here as well as the others. Now, it does strike me, and experts may say as they please; but it is a mere matter of common sense, that, when through the narrow neck at Brock Street, where the Grand Trunk, Great Western, and Toronto, Grey & Bruce pass into this space of ours from that point on to York Street, when these three companies are using it and running over one hundred and fifty trains a day, as compared with twenty trains a day on the Northern, that it would be more convenient and safe to go through the Northern yard than through our property, and any man of common sense would say the same. During the time that Mr. Brydges was in charge of the Grand Trunk, this plot between Brock and York streets was arranged—that is to say, nearly all the buildings there were constructed while Mr. Brydges was in charge. When the Great Western decided to put their station down at the foot of Yonge Street, a considerable distance east of York Street, the question was how they were to get there. It was arranged by agreement that the Great Western should run over our tracks down to York Street, and from there get down by a track in common, instead of giving additional space there, and they are to-day running over our track from Peter Street. They have the right of way reserved by the Government from Peter to Brock streets. They run over our line under our control.

Sir ALBERT SMITH—Paying you a compensation?

Mr. BELL—Yes. We have no difficulty with the Company, although we have not always been on the most friendly terms. If you are going to throw another company through this gorge, you are just adding another element of danger; and surely, if you can get to the same place without throwing more traffic on that limited space there, it would certainly be a wiser and better plan than the way proposed. I venture to say that there is no person, who is disinterested and has nothing to do with the matter in dispute, but will say that the ground occupied by the Grand Trunk Railway is too limited, rather than having an inch to spare; and that, with our increasing traffic, the day is coming when we must either have more space or move away altogether, and that is probably not far distant. Our expenditure, which ties us to that spot from Queen Street to York Street, stands to-day, if you take the value of the rails laid down there, very close on \$700,000. The lands alone, between those two points, have cost us \$225,000, and the buildings and rails there have cost us the difference. I have the figures: for right of way on the Esplanade, \$40,000.

Sir ALBERT SMITH—Does that affect the question?

Mr. BELL—It does in this way: If this road runs over our tracks, the greater our expense, the greater theirs will be.

Sir ALBERT SMITH—You are speaking in the interest of the Credit Valley?

Mr. BELL—I am speaking in the interest of the Grand Trunk. We do not want them to go through, but we offered once to take them through on certain terms. But I.

say, as regards the public convenience and the interest of the Credit Valley Railway, it would be better to go through the Northern's grounds than through ours. Any practical man would say so.

Sir ALBERT SMITH—You mean to say it would be cheaper for them to go through the Northern's grounds than through yours, inasmuch as theirs cost less than yours.

Mr. BELL—Certainly, that is one of the grounds; and, with regard to the public convenience, the more trains you throw over our tracks, the greater the risk, and the greater attention will be necessary to avoid collisions; and I say that the risk from collisions through this space in the Northern's grounds, which is larger than ours, and where they have about one-tenth of the traffic that passes through ours, I think I am safe in saying that, in the public interest, the Northern is the place rather than the one proposed by Mr. Cumberland.

Mr. BOULTON—I am authorised to say, Mr. Chairman, that we are willing to give the Credit Valley running powers over our track, upon terms to be settled mutually between us, or by arbitration.

Mr. BELL—That settles it.

Hon. Mr. MACDONALD—That is what we are aiming at. That is what is desirable. That is what it ought to be. I am very glad indeed.

Sir ALBERT SMITH—Then, under the circumstances, I think it is better for us to adjourn for a time; in the meantime, these parties can get together and see if they can come to terms.

Mr. BOULTON—No; better put it in the Bill.

Hon. Mr. MACDONALD—You had better frame your Bill in accordance with that.

Mr. WELLS—We will have to put it in the Bill.

Mr. BOULTON—We will have a clause saying we give running powers to be settled mutually between us, and if we cannot agree upon the terms, then, to have them settled by arbitration.

The CHAIRMAN—When will that Bill be ready?

Mr. BOULTON—In an hour, I suppose. Of course, I mean from Bathurst to Brock Street.

Hon. Mr. MACDONALD—That is all.

Mr. CUMBERLAND—As soon as they get to Brock Street, they get to Esplanade Street, and can get what they want from the Corporation.

Mr. ROSS—If we cannot get right of way in Esplanade Street from the Corporation for an additional line, we would need right of way from where we curve off from the Northern to our water lots.

Mr. CUMBERLAND—What we offer is from Bathurst Street to Brock Street. Then the Grand Trunk Railway has a track on Esplanade Street. The Northern has a track, and the Credit Valley Railway can put a track there.

Mr. C. J. CAMPBELL--The Credit Valley Raiiway wants to get to its water lot.

Mr. CUMBERLAND--We have no objection to your getting to the water, and you can cross us, if necessary. No doubt Mr. Ross and I can settle it.

Hon. Mr. MACDONALD--We understand that you are going to endeavor to get from Bathurst Street down to the Credit Valley water lot?

Mr. CUMBERLAND--No; our offer is from Bathurst to Brock Street.

Hon. Mr. MACDONALD--But your line runs down to the water lot?

Mr. CUMBERLAND--There is ample room for their own track after they pass Brock Street.

The Committee then adjourned until 10 o'clock a.m., to-morrow.

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WEDNESDAY, March 31st, 1880.

The Sub-Committee met at 10 a.m., all the members of it being in attendance.

Sir ALBERT SMITH—Do you propose, Mr. Wells, to embody the agreement between yourselves and the Northern in a bill?

Mr. WELLS—I would explain that I have received a telegram from the Minister of Agriculture, who has charge of the land adjoining the 100 feet strip, which is as follows:

“Credit Valley can have thirty feet, asked for; conditions as to price, etc., can be subsequently determined.

“S. C. Wood.”

That gets us over all that difficulty. I am sorry that Mr. Cumberland is not here. I gave him a copy of this new Bill this morning, and told him that the Committee would meet. I recite the Bill:—

“1. It shall be lawful for the said Credit Valley Railway Company to enter upon and occupy any land lying south of the said 100 feet strip, and adjoining thereto, between Queen Street and a point at or near the diamond crossing of the Northern and Great Western Railways, near Bathurst Street; thence upon and along the said strip to a point at or near Bathurst Street, being the point of junction with the main line of the Northern Railway hereinafter mentioned, and to take so much of the said land as shall be necessary for the purposes of their said railway, subject to the terms of compensation as provided for in the Consolidated Railway Act 1879.

“2. It shall be lawful for the Credit Valley Railway Company, and they are hereby authorized and empowered to join and unite their line with the main line of the Northern Railway Company at such point at or near Bathurst Street as may be agreed upon, and to have the right, easement, privilege and power of running trains, locomotives and cars of every description, along and upon the said main line from the said point of junction to the said point at or near Brock Street, subject to such terms of compensation as may be agreed upon, or in default of such agreement subject to the terms of any award as hereinafter mentioned.”

I should say that point has been determined between Col. Cumberland and myself; but we have provided, in case of a dispute arising hereafter, to leave it to an arbitrator. The next clause is as follows:—

“3. The use of the said main line of the Northern Railway Company shall be in accordance with and under the running regulations of the Northern Railway Company, and trains shall have precedence and rights in the following order:—

“1st. Northern Railway passenger trains.

“2nd. Credit Valley passenger trains.

“3rd. Freight trains of the Northern Railway.

“4th. Freight trains of the Credit Valley Railway.

“5th. Special and irregular, and other trains to be run in the same order, Northern Railway first and the same class or denomination as the Northern Railway of the Credit Valley Railway next in order.”

I should say that this clause is taken from an agreement between the Grand Trunk and Great Western and that it is the usual clause. The last clause is as follows:—

“4. In case the said Northern and Credit Valley Railway Companies shall fail to agree upon the said points of junction and departure, or the terms of compensation, or upon the mode or manners

of working the business of the two lines, respectively, or upon any other matters arising out of the exercise of the powers conferred by this Act, the Railway Committee of the Privy Council shall appoint an arbitrator who shall determine all said matters in dispute, and the award of the said arbitrator shall be final and binding upon both of the said companies, and such award may be enforced in a summary way, by injunction or otherwise, in any of the Superior Courts of Law or Equity of the Province of Ontario, upon petition presented to a Judge of any of the said courts and proof of the said award and of non-compliance with the terms thereof."

That is the Bill we propose. Col. Cumberland proposes certain conditions.

Sir ALBERT SMITH—Is it necessary to have legislation at all? Could not all this be done by agreement?

Mr. WELLS—If you can make a bill to force people to come to an agreement.

Sir ALBERT SMITH—But you embody an agreement in this Bill. Is it usual to embody clauses with respect of running powers in a bill?

Mr. WELLS—Yes.

Hon. Mr. MACDONALD—Another difficulty occurs to me. How can we legislate for the Credit Valley without making it a Dominion road?

Mr. WELLS—In my view, Parliament has already done that. The Parliament of Canada, in the Act of 1877—the bill I pointed out the other day—gave local roads the power to cross, which involves precisely the same principle. If they can give the right of crossing, they can give running powers.

Hon. Mr. MACDONALD—What act was that?

Mr. WELLS—The Act of 1877. It was introduced by Mr. Blake.

Sir ALBERT SMITH—Is there anything in your Bill which you could not provide for by agreement?

Mr. WELLS—We can provide for anything in an agreement, but I may state that, if it is left in an open way, we can never come to an agreement.

Sir ALBERT SMITH—But an agreement can be enforced in a court of law.

Mr. WELLS—Yes; if you have an agreement.

Sir ALBERT SMITH—But you agree upon certain points?

Mr. WELLS—Yes; but on others we do not, but we provide in this Bill that, if we fail to agree upon certain points, it is left to an arbitrator. Mr. Ross suggests that the common way of doing it is to come to an agreement first, and afterwards legalize it and make it binding.

Hon. Mr. MACDONALD—At any rate we can have no difficulty whatever in recommending this Bill to the Committee.

Sir ALBERT SMITH—Does it not strike you that an agreement would be sufficient?

Mr. WELLS—I am afraid that we will never come to an agreement if it is left in that way. There would be no objection to leaving the question as to precedence of trains to an arbitrator, but I thought it well to embody it in the Bill.

Hon. Mr. MACDONALD—Cannot you say that the use of the Northern road shall be in accordance with the agreement made this day between the Credit Valley and the Northern?

Mr. WELLS—Probably it would be better. The agreement should embrace every subject of difference that there is. We never could come to an agreement now upon every subject of difference. The moment we come down to details, difficulties will arise.

Hon. Mr. MACDONALD—How are you to get over difficulties by this Bill?

Mr. WELLS—The arbitrator will settle between us.

Mr. CUMBERLAND—When the announcement was made yesterday that we should endeavor to find a method by which the Credit Valley Railway Company should take running powers over our line, we asked that you should adjourn the Committee, to afford us an opportunity of consulting together, in order that, if possible, we should agree upon a Bill, and save you a good deal of trouble. We had interviews, yesterday afternoon, which resulted, not in concert upon particular points, but rather, I am sorry to say, difference. However, Mr. Wells, counsel for the Credit Valley Railway, undertook to draft a bill, and we were to see that bill in order to discuss it, and to see how far we could agree to it, or see how far we should submit to you amendments in regard to any of its clauses. We had hoped to have seen a draft of the Bill, to have sat down and considered the draft, but we have not heard until now of any bill at all. It was only a little before ten o'clock this morning that a printed copy of the Bill, which is not in accord with our views, and which we never have seen, was sent to my lodgings, and, therefore, I must ask the patience of the Committee to afford us an opportunity of consulting with regard to this Bill, which is entirely new to us; which has been drawn without concerted action, and to the terms of which I beg to say at once there are very great objections. It is so serious and difficult a matter that we must have plenty of time to consider it.

The CHAIRMAN—We might meet on Friday at 10, and let the Railway Committee meet at 11.

Hon. Mr. MACDOUGALL—As Mr. Cumberland has made an observation which might imply some trepanning or bad faith on our part, I may state that I sent a message to the House, which I was instructed to do by those in charge of the Bill. I understood that Mr. Cumberland was to have seen the Bill, and if he had any objections to it that he would state them before this Committee to-day.

Mr. WELLS—What occurred was practically what Mr. Cumberland stated namely, that we were to draft a Bill, he was to have a copy of it, and he was to suggest to the Committee this morning whatever amendments he had to propose. I drew the Bill in accordance with this promise, and I expected the solicitor of the Northern to have come to my hotel last evening to see it. We sent up to the Club to try and find Mr. Cumberland, but failed to find him. At the earliest possible moment this morning, about 9 o'clock, we sent him a copy of the Bill.

Sir ALBERT SMITH—In the meantime, I think you should meet together and settle upon something.

The Committee then adjourned until Friday, at 10 a.m.

FRIDAY, April 2nd, 1880.

The Sub-Committee met at 10.30 a.m., all the members of it being present.

The CHAIRMAN—Well, gentlemen, can we congratulate ourselves on your having come to an arrangement this morning ?

Mr. BOULTON—Yes ; to a certain extent.

The CHAIRMAN—Will you explain the extent.

Mr. BOULTON—We have agreed upon nearly all the terms.

Mr. WELLS—After consultation yesterday, and coming as nearly as we could to an agreement, I prepared a bill, embodying the conditions agreed upon, and I am now prepared to read it.

The CHAIRMAN—Mr. Boulton, do you agree to that bill ?

Mr. BOULTON—We do not.

The CHAIRMAN—Do you agree to any portion of it ?

Mr. BOULTON—Yes ; to a great deal of it.

The CHAIRMAN—Will you read the portions that you agree upon ?

Sir ALBERT SMITH—I think it would be better to state precisely the points on which you differ.

Mr. WELLS—The first point was a recital which the Northern put into their bill, that the block of land lying between Bathurst and Brock Streets is their property. We do not feel ourselves at liberty to assent to any such assertion, not on our own account, but because the question of title is in dispute between the city and the Northern Company, the City Council having asked for the patent of the land for which they have had a license of occupation since 1853. We are not interested in that discussion, but, at the same time, we do not think that it would be fair to the city if we were to assent to having that statement in the bill.

The CHAIRMAN—Is that property occupied by your Company ?

Mr. WELLS—No ; by the Northern. I would merely insert “ the station grounds of the Northern Railway Company.”

The CHAIRMAN—There could be no objection to that.

Mr. BOULTON—Very well, the charge can be made ; it does not deprive us of our title.

The CHAIRMAN—It will read then “the property now occupied by the said Company, etc.” Do you agree to that?

Mr. WELLS—Yes.

The change was accordingly made.

The CHAIRMAN—What is the next point of difference?

Mr. WELLS—There is a little difference about the route, which, I think, can be easily settled.

The CHAIRMAN—We come now to the first clause.

Mr. WELLS—We do not object to the first clause.

Mr. BELL—The first clause is all right, but you had better put in the word “owned” instead of “occupied” in the part of it which reads “the strip of land one hundred feet wide, now occupied by the Grand Trunk and Northern Railway Companies.”

Sir ALBERT SMITH—I do not think that it should be changed.

Hon. Mr. MACDONALD—We decline to try titles.

The CHAIRMAN—Is there any objection to the second clause?

Mr. WELLS—No; but there is a technical difficulty. As we explained on a former occasion, the City of Toronto retains \$50,000 of our money until we comply with the condition to build an independent line to Bathurst Street. I have no doubt whatever that the city will waive that and allow us to run for a short distance on the track of the Northern to Bathurst Street. We will endeavor to get their sanction to that before the third reading of this Bill. In the meantime, if we preclude ourselves from the right to run an independent track to Bathurst Street, it may be said that we forfeit the \$50,000.

Mr. BELL—Say “at Bathurst Street.”

The CHAIRMAN—Yes; that would do.

Mr. CUMBERLAND—We are trying to do for the Credit Valley Company what they profess to try to do for themselves—bring them as near Bathurst Street as possible in conformity with their agreement with the city. A point immediately west of the Great Western crossing has been fixed upon because it would be found difficult to unite with our track further east. We suggested that point to prevent an unnecessary diamond crossing.

Mr. WELLS—We are certain to arrange that; we] prefer to leave it open for the reason that I have given.

The CHAIRMAN—Say “at or near Bathurst Street.”

Mr. WELLS—We do not object to that.

Mr. CUMBERLAND.—This is a matter of supreme importance to us, because it is at the very entrance of our yard, and to force them upon the 100 feet strip, close to the entrance of our yard, would be most destructive to our interests. What we say is:

bring them in before it is necessary to cross the Great Western line, because it would be unwise to put another diamond crossing there.

The CHAIRMAN—I should think that the amendment which I have suggested ought to settle it.

Mr. WELLS—We have had some discussion on that point, and I have suggested, as a compromise : “ at a point at or near the round-house of the Great Western.” The amendment proposed by the Chairman would suit if the city would allow us to unite with the Northern at a point west of Bathurst Street.

The CHAIRMAN—What reason could the city have for opposing it ?

Mr. WELLS—No reason at all ; but a whim.

Mr. HAGGART—They want an independent line to Bathurst Street, and Mr. Wells thinks it may make a difference in the payment of the bonus if that condition is not literally complied with.

Hon. Mr. MACDONALD—If the City of Toronto should seek to evade payment on such a ground it would be simply a quibble.

Mr. WELLS—It would.

The CHAIRMAN—No doubt, before you arrive at any agreement of this kind, you would come to an understanding with the city on that point.

Mr. WELLS—Yes ; I have merely stated the strict letter of the bond. If we can get their consent, the amendment will suit us.

The amendment was agreed to and the clause, as amended, was adopted.

Mr. CHAIRMAN—Have you any objection\*to the third clause ?

Mr. WELLS—Yes ; we object to the words “ and shall have constructed and established a terminal station and facilities for the operation of their traffic at the water lots upon Esplanade Street, acquired by them for that purpose.” We say that they have nothing to do with that.

Sir ALBERT SMITH—That is the way it strikes me.

Mr. BOULTON—Why should they get running powers over our line until they have a station at their water lot ?

The CHAIRMAN—I do not think it is the business of the Northern Railway Company to know what the station arrangements of the Credit Valley Railway will be. If a shed at their water lot will suit them, I do not see what objection the Northern can have to it.

Hon. Mr. MACDONALD—If they have no station they will have no traffic, and will not interfere with you.

Mr. CUMBERLAND—If they have no station or traffic why do they ask for running powers over our line ? We have been told every day during the last eighteen months that we are preventing them from getting to their water lots. We say “ go to your water lots and build your station !”

The CHAIRMAN—Have you any objection to striking out those words?

Mr. CUMBERLAND—We do not want the traffic of our yard disturbed until they have facilities for their traffic. If you give them this power before they build a station at their water lot, they can run through our yard without any object. We do not care so long as these powers are not peremptorily and unfairly used without advantage to the public.

The CHAIRMAN—How could they use them without traffic?

Hon. Mr. MACDONALD—They would have to run under your supervision.

Mr. ROSS—And would have to pay for the privilege.

Sir ALBERT SMITH—If they have no traffic or business it will not hurt you.

Mr. CUMBERLAND—If they have no traffic or business they intrude upon our yard and we get nothing for it.

Sir ALBERT SMITH—If they have no traffic you can shut your gates, because the line is to be used simply "for the traffic of the Credit Valley Railway Company."

Mr. CUMBERLAND—If you pass this Bill with those words struck out we dare not stop a locomotive.

The CHAIRMAN—You could not; but they would have to pay for the privilege of passing through.

Mr. CUMBERLAND—The larger their traffic is, of course, the more we will make out of it, and the better we shall like it. But we do not think it is fair that this Company should have the privilege of intruding upon our premises until they have traffic.

Hon. Mr. MACDONALD—If they attempted anything of that kind the next Session of Parliament would soon settle the question.

The CHAIRMAN—You would only have to come down here with a petition saying that they were simply troubling you, to be relieved of the difficulty.

Mr. WELLS—Col. Cumberland is afraid of what would be called, in a less dignified place than this, "pure cussedness" on our part.

The words relating to the terminal facilities of the Credit Valley Railway, quoted by the Chairman, were struck out.

Hon. Mr. MACDONALD—Now, as to running regulations?

The CHAIRMAN—They must be under the control of the Northern Railway.

Hon. Mr. MACDONALD—No control is necessary except over the running powers.

Mr. WELLS—That control ought to be more clearly defined than it is. For instance they might, under this language, tell us to go on a switch and stay there.

Mr. ROSS—The only reason that I suggested a change there is that they might stop us altogether. The control extends to more than the running powers.

Hon. Mr. MACDONALD—I think that the Northern Railway have a right to absolute control as to the running regulations, but for no other purposes.

Mr. CUMBERLAND—You will observe that the evidence given by Mr. Chanute was in these words: “In my judgment, no independent railway or line should be permitted to go through either of those yards (that is, the Grand Trunk or the Northern) unless under the control of the parties who already work them and have tracks there.”

Mr. WELLS—That means an independent line.

Mr. CUMBERLAND—No; Mr. Chanute means any line. He goes on and says: “I do not think an independent line should be permitted; it would inevitably bring about collisions.”

The CHAIRMAN—The third clause contains these words: “The exercise of all such running powers shall be subject to the control of the Northern Railway Company.”

Hon. Mr. MACDONALD—That expresses my idea, but the phraseology of the clause goes further; it implies that the control there spoken of shall be over and above the regulations.

Mr. CUMBERLAND—We do not want that.

Hon. Mr. MACDONALD—I know that you do not, and that is why I suggest the change.

Sir ALBERT SMITH—You want no control except over the running powers.

Mr. CUMBERLAND—That is all; but the moment they get on our property they should be subject to our control, so far as running arrangements are concerned, until they leave it.

Sir ALBERT SMITH—It seems to me that it would be necessary, for the protection of life and property, to have some greater control than over the running powers merely.

Hon. Mr. MACDONALD—Let me read the proviso to this clause: “Provided always that the exercise of all such running powers shall be subject to the control of the Northern Railway Company, and under such regulations of the Northern Railway Company as may from time to time be in force and operation with regard to the movement of their own trains.”

Mr. BOULTON—I think, as it is, you will find is the only safe way.

Mr. WELLS—Very well; we will not insist upon it.

On the last clause,

Mr. WELLS—As to arbitration, I provide, in the Bill that I have drafted, for the appointment of an arbitrator by the Railway Committee of the Privy Council. They provide in their Bill for three arbitrators, to be appointed in the manner provided by the Common Law Procedure Act. I very strongly object to the ordinary mode of appointing arbitrators. Each man appoints an advocate, for it comes to nothing else, and the third arbitrator really decides the case. I think it would be far better, cheaper and more satisfactory if we were to agree now upon some gentleman, say the manager of some large railway company in the United States, who is entirely independent of all social or other relations here. I do not know their names, even, but I would suggest the manager



of the New York Central, the manager of the Erie Railway, or of the Baltimore and Ohio, or some other leading railway. According to my experience, there is no more unsatisfactory tribunal to try anything than that mode of arbitration by which each side chooses an advocate, and the third is chosen I don't care how. The third arbitrator either exercises his own judgment or is influenced by the stronger will of either of the other two arbitrators. I think that the Privy Council should appoint one man who should decide the whole matter.

Sir ALBERT SMITH—Would there be any objection to that?

The CHAIRMAN—As a rule, I object to bringing in the Privy Council in matters of this kind. I think that we should, as legislators, do our work here, and try to put into the hands of the Privy Council as little legislative work as possible. I speak of the principle generally. We are in power to-day; others may be in power to-morrow.

Sir ALBERT SMITH—I hope so. (Laughter.)

The CHAIRMAN—I do not say that it is probable.

Mr. BOULTON—We do not see any reason why the Credit Valley Railway Company should have special legislation as to arbitration powers. We say, leave them as other railway companies are left, under the provisions of the Common Law Procedure Act.

Hon. Mr. MACDONALD—I concur with Mr. Wells entirely in his reasons for objecting to the ordinary mode of appointing arbitrators.

Sir ALBERT SMITH—Still, under all the circumstances, I think it is better to follow the present system.

Mr. WELLS—Let one arbitrator be appointed, if not by the Privy Council, by the Chief Justice of the Court of Appeals.

Mr. CUMBERLAND—We prefer the usual mode. We do not want to deprive ourselves in dealing with a most important question involving the use of our property, of the right to exercise our judgment in getting the most skilled person that we can secure to act as arbitrator for us.

Mr. WELLS—You are not deprived of that right.

Hon. Mr. MACDONALD—Any eminent judge would take care to select, and would understand thoroughly the importance of appointing one of the ablest men that could be obtained.

Mr. CUMBERLAND—With all the respect in the world for the Bench, I prefer the other way. We may be dealing to-day with matters of traffic, and to-morrow with questions of engineering, which are utterly opposed to each other, and you cannot find any one man who possesses the qualifications to act as an arbitrator for both.

Hon. Mr. MACDONALD—But this applies to tolls, rents or compensations.

Mr. CUMBERLAND—You will find in the next line that it says: "or upon any other matters arising out of the powers conferred by this Act."

Mr. BOULTON—The Common Law Procedure Act provides for such cases.

Hon. Mr. MACDONALD—If you are to have three arbitrators, of course that is the proper way to select them.

Mr. WELLS—Of course, I submit to the opinion of the Committee, but I have the strongest objections to the ordinary mode of appointing arbitrators.

The CHAIRMAN—We will leave that as it is in the Bill.

Mr. WELLS—I think the latter end of the third clause should be altered.

The CHAIRMAN—I think it should. We cannot put in those details; that matter must be left to the arbitrators. They must settle the terms of the rents, tolls or compensations, having regard to the changes that may be involved by granting this right of way to the Credit Valley Railway.

Mr. CUMBERLAND—The reason that we put in these details is that their own witness, Mr. Chanute, stated the other day that it would necessitate a duplication of the main track and lead to a re-arrangement of the sidings, for which we should receive compensation.

Sir ALBERT SMITH—No doubt the arbitrators would have regard to that. Is it necessary to say so here?

Mr. CUMBERLAND—You make us double our track and shift our sidings; and I want it on record, as an instruction to the arbitrators, that, if we have done anything that entitles us to payment, we shall receive it.

The CHAIRMAN—That would be really the work of the arbitrators. I do not think we should enter into these details.

Mr. CUMBERLAND—It involves a question of the public safety. If we see that there is any doubt of payment being made to us for the expense that we would incur in laying additional tracks and re-arranging our yard, we would not do it, and the public safety might be endangered.

Sir ALBERT SMITH—Don't you think that the arbitrators should have regard to this?

Mr. BOULTON—I think that they should; and, therefore, I can see no objection to putting in these words.

Mr. WELLS—It is a special instruction to the arbitrators.

Sir ALBERT SMITH—But don't you think, Mr. Wells, that they should have regard to it, in view of what your own witness said?

Mr. WELLS—Mr. Chanute's evidence did not go so far as Mr. Cumberland would lead you to believe it did. He stated that the Northern would, in time, be led to remodel its yard to accommodate its own traffic.

Sir ALBERT SMITH—If a second track is rendered necessary for the safety of the public, should you not contribute a portion of the expense of constructing it?

Mr. WELLS—Very likely. The arbitrators will decide how much compensation they should receive; but I object to the arbitrators being instructed in this way.

Hon. Mr. MACDONALD—The arbitrators will indicate what portion of the changes is rendered necessary by the accommodation which you require.

Sir ALBERT SMITH—If we give you compulsory legislation, by which you go into the yard of the Northern, is it unreasonable to say that, before you do so, you shall pay for the privilege?

Mr. WELLS—Of course, it will be a matter for the arbitrators to decide; but I object that the arbitrators should feel, by the language of the Act under which they are working, that our use of the track should involve such changes. Mr. Chanute's evidence did not go so far as Mr. Cumberland indicated.

Hon. Mr. MACDONALD—He said that the increased business of the Northern Railway would, in time, render a change necessary, but that if you went in, it would be necessary at once.

Mr. BOULTON—I do not think that the language of the clause should leave any doubt on the subject. It should not lie in their mouths to say that the arbitrators had nothing to do with it.

Sir ALBERT SMITH—If you have compulsory legislation to go into that yard, you should pay for it.

Mr. WELLS—If a change is rendered necessary we will pay what the arbitrators decide is our share; but I do not want this language in the Bill.

Sir ALBERT SMITH—Why not?

Mr. WELLS—Because it implies an instruction to the arbitrators that a change must be made.

Mr. HAGGART—Put it in this way: "Necessarily incurred by the Northern Railway Company."

Mr. BOULTON—We accept Mr. Haggart's amendment.

Sir ALBERT SMITH—Yes; that would do. If they expend more than is necessary, the arbitrators will not allow for it.

The CHAIRMAN—Then the sentence will read: "regard being had in settling such tolls, rents or compensations to any special works necessarily constructed, or expenditure necessarily incurred by the Northern Railway Company," etc.

Mr. WELLS—What do you mean by "works"?

Hon. Mr. MACDONALD—I do not know; but if any work is made necessary by your trains running there, you should pay for it.

The CHAIRMAN—Well, let it read: "in settling such tolls, rents or compensations to any special expenditure necessarily incurred," etc.

Hon. Mr. MACDONALD—That will do.

The amendment was agreed to.

Mr. CUMBERLAND—We object to the term of five years, mentioned at the end of the third clause, and for this reason: A new company has seldom much traffic; it has to be developed. If a term of five years is agreed upon we will be very much at the mercy of the arbitrators, who may base their decisions upon the first traffic, which is light, or speculate on the traffic of the future. I think, therefore, that the period should be shorter, and at the end of the first year or two the parties should be left free to make a new agreement. Great changes are likely to take place in the traffic entering Toronto. The construction of the Sault St. Marie line would greatly change ours; we are growing apace, and our connections within the next five years may be greatly changed.

Sir ALBERT SMITH—If they pay in proportion to the business done, that would make no difference.

Mr. CUMBERLAND—My learned friend, Mr. Wells, had the word “rent” inserted in this Bill with a view, no doubt, to having compensation commuted to a rental.

Sir ALBERT SMITH—But looking to the future, would not the arbitrators make the Credit Valley Railway Company pay in proportion to the business done?

Mr. CUMBERLAND—You cannot tell what they would do. I believe I am right in saying that the Great Western Railway Company are paying to the Grand Trunk Railway for the right to pass over their land \$6,000 a year, whether their trains be many or few, and it is quite possible that the arbitrators in our case may follow that precedent, and then what? Would they base it upon the initiatory traffic of the Credit Valley Railway, or speculate on the traffic of the future?

Sir ALBERT SMITH—If you were heard before them, and made the same speech that you have made now, I am quite sure that they would adopt the latter plan.

Mr. WELLS—I should like to add some words there to shew that we are only to pay the proportion reasonably chargeable to us. I mean that certain changes may be rendered necessary to accommodate their own business, or may be of advantage to them, and in either case we should not be compelled to pay more than our fair portion.

Hon. Mr. MACDONALD—It does not say that you shall pay any portion; that is to be settled by the arbitrators.

On the fourth clause,

Mr. WELLS—The essential difference between this fourth clause in my bill and the fourth clause in theirs is, that they provide, in case of amalgamation, that the running powers shall cease. Now, it may happen that we may wish to unite with some small company, or rather they may join us. For instance, there is the London Junction Railway, which is fifteen miles long.

Mr. BELL—That is not built yet.

Mr. WELLS—It will be built. The point is that we might acquire that road, or they might amalgamate with us. Now I contend that the Northern Railway Company have nothing to do with that. Our running powers through the yard of the Northern Railway should not cease if we enter into business like that. What they mean, I suppose, is that we should not amalgamate with the Canada Southern Railway, which is a road that they are more afraid of than any other. They don't want us to be swallowed up by some large company, which would then exercise those running powers. That is perfectly reasonable, but it is not reasonable to declare that, if we amalgamate with some small local line, our running powers into Toronto shall cease.

Sir ALBERT SMITH—I understand that your road has been assisted very largely by subsidies from municipalities through which it passes?

Mr. WELLS—Yes.

Sir ALBERT SMITH—Have these municipalities any power over you to prevent you selling your road to some other company?

Mr. WELLS—Yes; they have very strict regulations to prevent anything of the kind.

Sir ALBERT SMITH—Would it not seriously affect these municipalities if another company should get control of your road?

Mr. WELLS—Under our agreements with these municipalities we could not do so; we would be restrained by the Court of Chancery from parting with our road.

Sir ALBERT SMITH—Would not this clause, as it stands, shew that there is no desire on your part to dispose of your road.

Hon. Mr. MACDONALD—The only difference between the Companies appears to be this: Mr. Wells desires to have the right of securing little side lines which may connect with the Credit Valley Railway.

Mr. WELLS—I suggest that the clause be amended to permit us to acquire such roads.

Mr. CUMBERLAND—My view is this: first of all, with regard to the municipalities, there can be no possible bargain as to [the Credit Valley Railway getting into Toronto by securing running powers over the Northern Railway. The municipalities do not know to-day, and will not know until to-morrow, whether the Credit Valley Railway will or will not get into Toronto by obtaining running powers over our road; therefore it is no part of the bargain. I beg to say at the outset, that we do not want to cramp their hands in the slightest degree; that if we go into this we want to do so cordially, and if we are fairly compensated we hope to make money out of it. We do not want to cramp or check them in any way, except such as is fair to the property entrusted to us. But we do not want them to be in a position to hawk this franchise that we are giving them as an element of value in selling out to any other company. We say: "If you amalgamate with any other road, such as the Canada Southern, the Great Western, or any other road, this privilege of running into Toronto is a matter of very high value, and would be an element in the bargain. We want to be a party to that bargain. We do not suppose that if you were to enter into a legitimate arrangement that is in the public and our interests, we would be hostile to it; but we want to be consulted, and in a position to say that, if we are selling the franchise of running over our road, we want to participate a little in the profits. With regard to the question put by the Minister of Justice, these small, lateral roads have, in a great many cases, brought ruin to the old and larger lines, and I beg to say that we look with peculiar jealousy to these powers, because it is not six months since a proposition was made that this very railway should extend from Orangeville to Alliston, a station on our line."

Mr. WELLS—Not emanating from us.

Mr. CUMBERLAND—No; but carried to you by others.

Mr. WELLS—We have had fifty such propositions made to us.

Mr. CUMBERLAND—To leave them free to do that would be to leave them free to use the valuable privileges which we are willingly joining in giving them, to the intrusion of intense competition upon points already served by the Northern Railway.

Mr. WELLS—I can set your mind at rest upon that subject.

Mr. CUMBERLAND—I am speaking of the principle, and illustrating it by this one fact. If you are able to lease or purchase roads without some reference to us, you will be enabled, as in the case of the road from Orangeville to Alliston, to bring intense competition to our system, which competition, for the trade of Toronto, could only be active against us by reason of ourselves assisting you to get into the city. By reason of holding those running powers, they can, under leases given independent of us, intrude their line into our district, and enter Toronto over our own track, and thus introduce intense competition. We therefore ask protection, not with any desire to check or hinder the Credit Valley Railway Company in any way, but to see that our property is not so far passed over to them that they can bargain it away without compensation to us.

The CHAIRMAN—To illustrate the working of this clause: suppose, after making arrangements with you, and the whole thing is settled for five years, this company should amalgamate with another, you would wish in that case that the agreement between you should cease, and that you might be in a position to make a new bargain under the changed circumstances.

Mr. CUMBERLAND—Yes.

The CHAIRMAN—But you do not wish, I suppose, to say that, if they amalgamate with another company, or buy another road, they should not have the right to run into Toronto through your yard so long as they made new arrangements with you? What I mean is this: Suppose that the arrangements they are making with you now are worth £10,000 a year, and that the Credit Valley Railway Company and another company should amalgamate, you say that, from that date, the bargain between the Northern Railway Company and the Credit Valley Railway Company must cease, and that you must begin again and see what arrangements you could make under the new circumstances. Is that so?

Mr. CUMBERLAND—Yes.

Mr. WELLS—My clause covers that.

Mr. CUMBERLAND—The only reasonable, and the most facile way to arrange it is to give them running powers for their own traffic, and, if they want anything more, let them come to Parliament for it.

Sir ALBERT SMITH—If any change takes place, they must come to Parliament; that is what you say?

Mr. CUMBERLAND—That is what I say with regard to amalgamation. They always have this Parliament to appeal to, and we know better than to obstruct them when we know that an appeal could be made here. I cannot see any danger. Legislate for the condition of things to-day. If there should be an amalgamation or fusion with another company, let them come here if we cannot agree, and we will come too; but I ask you to shew some consideration for us, and to give us this protection. I may mention another thing: the President of the Credit Valley Railway Company was the original constructor and promoter of the Toronto, Grey & Bruce Railway, which runs through the important town of Orangeville, but, having abandoned that road, he has absolutely intruded a second railway, the Credit Valley Railway, into that town. The Parliament of Canada would

hardly assent to such a thing in this case; it would be a cruel thing. If they could lease the line from Orangeville to Alliston, the value of which would really consist in the running powers you are giving over our line into the City of Toronto, it would be unfair to us.

Sir A. SMITH—There is some force in that, I must confess. I think it is our duty to protect as much as we can the interests of those municipalities that have aided the Credit Valley Railway, but I do not think we should do an injustice to the Northern Railway.

Hon. Mr. MACDONALD—I do not see anything unreasonable in this, only I would add a clause to the effect that if, by the consent of the two contracting parties, such an amalgamation or lease was agreed to, then the present arrangement would go on.

Mr. WELLS—I may set Mr. Cumberland's mind at rest about the branch to Orangeville. We gave a bond that we should not extend our line beyond that point, and Mr. Cumberland need not fear, then, anything in that direction. The municipality of Orangeville considered it in their interest to make that a terminus, and we gave a bond that it should be, and so it will be for all time. Any attempt, therefore, to extend beyond that point would be a violation of that bond, and we would be enjoined. I cannot conceive anything fairer than the clause which I have drawn.

The CHAIRMAN—I do not see any objection to this clause after all. If you want to buy another road, or amalgamate with another company, you can always do it in this way: that your bargain or purchase will be good from the date that Parliament will sanction it. You will come down here to Parliament, representing what you have done, or rather what will be done, because, of course, the agreement will be suspended until Parliament has allowed you to have running powers again, and then, with that sanction, you can amalgamate. If you do not obtain those running powers, then they will be of no effect. After all, I think it is fair as it is. You have a privilege, and a great one it is, given you to go over this railway, and I think, under the circumstances, we might pass this clause as it is.

Mr. BOULTON—They might get round the stump even with that clause; instead of the Canada Southern or some other Company buying up the Credit Valley Railway, they might twist it round and represent that the Credit Valley Railway had bought the other Company.

The CHAIRMAN—It is now twelve o'clock, and the Railway Committee is waiting. You must agree upon something, if we are to report it to-day.

Hon. Mr. MACDONALD—I think that the clause, with the addition of some words, giving them permission to agree to an amalgamation or lease, would do. At present it is an absolute revocation of the agreement, whether the change meets with the approval of the Northern Railway or not.

Mr. CUMBERLAND—So anxious are we to do what is fair or liberal, that, if you please, we will leave the latter part to the jurisdiction of the Privy Council; leave it open to both parties to appeal to the Privy Council, and that body is sure to do what is right.

The CHAIRMAN—I do not approve of that; do not let the Privy Council legislate.

Mr. ROSS—You will see that the Credit Valley Railway, as the clause stands, would be debarred from any interchange of business with other railway companies.

Hon. Mr. MACDONALD—Oh, no ; my only objection is that I do not think we ought to force the Northern Railway to take the traffic of any other railway companies through their yard through any pretended arrangement with the Credit Valley Railway Company. They should have nothing but the legitimate traffic coming on their own road. For instance, supposing there is some new road built and connected with the traffic of the Credit Valley Railway Company, and their cars come on this road to carry the legitimate traffic of the Credit Valley Railway Company, I think this clause does not prevent it.

The CHAIRMAN—I think it would be well to add the following words to the clause : “ unless the said Credit Valley Railway Company and the Northern Railway Company agree to such amalgamation, union, lease, sale or joint working or traffic arrangements.” Shall this clause be adopted ?

Mr. WELLS—The traffic of the Credit Valley Railway Company is a very vague expression. I say that “ traffic hauled by the Credit Valley Railway Company ” would be better.

Mr. CUMBERLAND—I object to that. It would leave it open to them to bring in any foreign company or any other company in direct opposition to us, through our yard.

Hon. Mr. MACDONALD—I want to know, supposing, as I stated just now, that a new road was built north or south of this Credit Valley line and joined or connected with it, bringing traffic on the Credit Valley Railway for 30, 40 or 70 miles, if you would object to that ?

Mr. CUMBERLAND—No, the words “ Credit Valley traffic ” cover that. I do not care where it comes from if the Credit Valley Railway Company earns anything by it ; it is Credit Valley Railway traffic.

Hon. Mr. MACDONALD—All I want is that the Credit Valley Railway shall have the right under this agreement to haul traffic, obtained from other roads, over its track. Suppose there is a road built from Ottawa to Toronto, and it joins this Credit Valley Railway at the station eastward of where they cross your yard, would it be Credit Valley Railway traffic if they carried it over their own line from the station ?

Mr. CUMBERLAND—If they make an earning out of it, it is their own traffic.

Mr. WELLS—Suppose we haul the cars and traffic of another road from St. Thomas to Toronto over our line ?

Mr. CUMBERLAND—That is Credit Valley Railway traffic.

Mr. WELLS—Then put in the word “ haul.”

The CHAIRMAN—We will adopt the clause with the amendment that I have mentioned, and I will report the Bill.

The Sub-Committee then rose and proceeded to report the Bill to the Railway Committee in the next chamber.



FRIDAY, April 2nd, 1880.

The Railway Committee met at 11 a. m., to receive the report of the Sub-Committee on the Credit Valley Railway Bill.

The CHAIRMAN—We have just come from the sub-committee, and I now submit the Bill as amended. (Here the Bill was read.) The parties interested have agreed upon this Bill.

Mr. KIRKPATRICK—Have you taken into consideration the fact that the first clause, to which I see the preamble refers, also really confers power upon the Credit Valley Company to enter upon certain lands which do not appear to be Dominion lands? We do not know whose lands they are. Now, this Credit Valley Company is a corporation not subject to the laws of this Parliament. It was not incorporated by the Dominion Parliament, and we are conferring power upon it to enter upon certain lands, the ownership of which we know nothing about. We have no claim to this strip of land south of the hundred feet, and we are authorizing them to enter upon it without compensation. Whose land is it?

Hon. Mr. MACDONALD—The sub-committee was informed that part of the land belonged to the Dominion Government, that is where the Government sheds are situated, and that the balance belonged to the Ontario Government, and it was stated to us by a representative of the Credit Valley road that that Company had the permission of the Local Government to occupy the land belonging to them. All, of course, that this Act could do was to give them a strip of the land owned and occupied by the Dominion Government.

Mr. WELLS—I have received a telegram from the Hon. Mr. Wood, stating that the Credit Valley Company can have the thirty feet asked for; conditions as to price, etc., can be subsequently determined. That is, from Strachan Avenue to Queen Street.

Mr. KIRKPATRICK—Then why come here for power to enter upon that land? This Bill can confer upon you no such power. We might authorize you to enter upon the land belonging to the Dominion Government, but, certainly, we have no power to give you lands belonging to the Local Government.

Sir ALBERT SMITH—We only dealt with the matter from Bathurst Street eastward.

Mr. PLUMB—You ought to give them the right to enter upon lands belonging to the Dominion Government.

Hon. Mr. MACDONALD—Yes; and we propose to do so.

Hon. Mr. ANGLIN—Do you propose to surrender those lands altogether? I do not think it would be wise to do so.

Mr. PLUMB—I think it would be well to amend that first clause by inserting after the words "thirty feet wide," the following: "any portion of that land over which the Dominion Government have control."

Hon. Mr. ROBINSON (Toronto)—Why not say that, with the assent of the Local Government, they can have right of way south of the hundred feet strip?

Mr. KIRKPATRICK—Because we have no power to do so. It is lawful for them to go there now if they wish.

Mr. WELLS—I have no objection to the amendment suggested by Mr. Plumb.

Mr. GIROUARD (Jacques Cartier)—I think we should say in this clause “that portion of the land over which the Dominion Government has control.”

Hon. Mr. ANGLIN—Are we making them a present of our lands?

Mr. KIRKPATRICK—I do not know, but I think it should be subject to compensation.

Hon. Mr. ANGLIN—I do not think that we should part with our property; we might want to use it for some other purpose in the future. This clause, as it stands, gives them an absolute title to it.

The CHAIRMAN—This Company is a local one, and as such it has certain powers under the Local Railway Act. It does not want to be incorporated as a Dominion company; but it comes here to get certain powers which it could not have under the Local Act. Those powers are to join a road owned by a company incorporated by the Dominion. That is a matter that we must deal with; but this clause would be giving them power which they must have under the Local Act, or if they have not that power now they could only get it here by Parliament declaring the Credit Valley a road for the benefit of the Dominion. Therefore, as they do not want to be made a Dominion company, they cannot obtain that right here from us. They must have it under their Local Act. If they want to pass over ground belonging to the Dominion, they must apply here for permission. That is their object in coming here.

Hon. Mr. MACDONALD—I would suggest to amend the clause by adding to it these words: “This clause shall only apply to lands over which the Dominion Government have control, and compensation shall be made therefor under the General Railway Act.”

Hon. Mr. ANGLIN—I think that is unnecessary.

Mr. WHITE (Hastings)—Did any of the railways that enter Toronto on that hundred feet strip give compensation for the land that they are using?

The CHAIRMAN—No.

Mr. WHITE (Hastings)—Then why take this poor company and compel them to pay for land that they may require to use for the very same purpose?

Hon. Mr. MACDONALD—The compensation will not amount to much.

Mr. PLUMB—I understand that the Credit Valley Company's solicitor does not object to the amendment proposed by the Minister of Justice, that this section shall apply only to land belonging to or under the control of the Dominion Government, and that compensation shall be given therefor under the General Railway Act. As the amendment has the approval of the Company's solicitor, I move that it be adopted.

Mr. CAMERON (Victoria)—I think the whole Bill is *ultra vires* for us and beyond our constitutional power, and while I understand that it is the result of an agreement

between the two companies, it seems to me that an agreement would be quite sufficient for all that the Credit Valley wants. What we are attempting to give them by this Act is beyond our power or authority to give. I do not believe that we have any power or right in this Parliament to give a Company incorporated by the Provincial Legislature power to take land, unless that Company choose to come under the General Railway Act of Canada. I do not think that a local company can take a part of its powers and rights from the Local Legislature and a part from the Dominion Parliament. I do not object to one word in this Bill, because it is an agreement made with a company with which I have professional connection; but I speak now as a member of the House, and not as being in any way connected with the Northern Railway, and I express the opinion that this Bill is beyond our powers, and is unconstitutional.

Sir ALBERT SMITH—The point stated by the hon. gentleman from Victoria (Mr. Cameron) was considered by us in the Sub-Committee. There are grave doubts on the subject. We felt those doubts, and we suggested to the Railway Companies that they should make an agreement among themselves. They both seemed unwilling to do so, and thought it better to have an Act of Parliament. After they had arranged the main terms they ascertained that the Local Government were willing to give the land which belonged to them, and we assumed that the Dominion Government would be willing to give what land, belonging to them, was necessary. The real question that we had to deal with, was the running powers into the water lot of the Credit Valley Railway Company. After some negotiations between the Companies they came to the terms which are embodied in this Bill. There may be some doubt as to the constitutionality of the measure, but inasmuch as the Companies have agreed between themselves, there seems to be no objection to passing the measure.

Mr. BOULTBEE—The fact that they have agreed among themselves would not make the Act constitutional. If it is *ultra vires* it cannot be enforced in a court of law, whereas an agreement would be binding.

Mr. PLUMB—I should like to ask Mr. Cameron whether we have power to deal with the Northern, a Company incorporated by the Canadian Parliament, and I ask further whether this Parliament is precluded from giving land belonging to the Dominion to a railway company, even though it does not hold its charter under the Dominion?

Mr. CAMERON (Victoria)—A company incorporated by the Local Legislature can take lands of the Dominion Government, under their general powers, without the necessity of having an act of Parliament to give them that right; therefore, so far as that is concerned, this Bill is wholly unnecessary. So far as the Northern is concerned, it can enter into an agreement to give this Company running powers over its lines, and need not come to this Parliament to sanction it. So, in both respects, legislation is unnecessary. If such an agreement is made between them, it might be desirable to have it ratified by this Parliament. I observe that the Bill recites an agreement, but as to that, I think it is wholly unnecessary. The agreement itself would be perfectly binding and effectual without legislation, if there is such an agreement; and, if there is not such an agreement, we have not the power to give a right that the Northern Company has not voluntarily granted.

Hon. Mr. MACDONALD—There is no doubt that Mr. Cameron is perfectly right in saying that these companies can make any agreement between themselves for their mutual benefit, and that it can be enforced in the courts. The difficulty here is, that it was found impossible to bring these people together. There was something more than private interests at stake; there was the public interest; and the question was, whether we should take such a course as would lead them to come to an agreement. The result of the efforts of this Committee, and of the sub-committee appointed by them, has been to bring these companies, that were otherwise as far asunder as

the poles, to come to a compromise. We considered in the Committee the difficulty raised by Mr. Cameron, and if we were dealing solely with the Credit Valley, or two railways situated as the Credit Valley is, holding charters solely under the Provincial Government, that difficulty might be insuperable; but if the hon. gentleman will look at the Bill he will find that it only enforces obligations on the Northern Railway, which is a Dominion company. Therefore, it appears to me that we are entirely within the limits of our constitutional authority in imposing upon that railway the obligations which we say it owes to a corporation existing in Ontario as a provincial road. Then, with regard to the obligations of payment, we say that, for the protection of the Northern road, arbitrators shall be appointed to define the amount payable to that company, and if that amount is not paid, then, for the protection of the Northern, we say the obligation to give the Credit Valley running powers shall cease. We do not say that they shall have any legal redress as against the Credit Valley. We impose no obligation on the Credit Valley whatever, except so far as to say: "You seek certain privileges over a road incorporated by the Dominion, and we say that, so long as you do what you agree to perform, we will enforce this obligation on the Northern. The moment you cease to do so, we say the Northern shall be at liberty to disregard the obligation imposed by this Act." Although the first clause of the Act relates to the obtaining of lands, the Committee will recollect that this difficulty arose from the contention of the Credit Valley Company that they had a legal right to participate in the use of the hundred feet strip now occupied by the Grand Trunk and the Northern; and the Committee felt that, whatever force there might be in the contention, and whatever they might be inclined to do, the Credit Valley had the means of going to a certain point on their course to their terminus without encroaching upon the rights of occupation or title already possessed by other roads, and they felt that it was not necessary that they should strain the law in any way to give them what they could easily get otherwise. Therefore, we are dealing with the rights of those parties from Bathurst to Brock Street, crossing the Northern yard, being the only means by which we thought it expedient to give the Credit Valley Company access to their water lots. I do not know but the Committee might have gone further, legally, under the law as it stands; because, by the Act of 1877, the fifteenth and sixteenth sections of the Railway Act are extended and applied to a railway incorporated under an act of the Provincial Legislature, so that, practically, we may safely say—I do not say that there is no doubt about it—that, if we were dealing with the rights and franchise of the Credit Valley itself, that would be within the limits of our jurisdiction.

Mr. BOULTBEE—With great deference to the opinion expressed by the Minister of Justice, that this Act might be made obligatory upon the Companies, I fail to find any ground for coming to that conclusion. There is no such provision in the clause as he suggests; there is no provision that the running powers shall cease unless the compensation agreed upon by the arbitrators is paid; and, consequently, if the Northern Railway Company had to sue for the money, it would be impossible to collect it.

Hon. Mr. MACDONALD—What difficulty would there be in recovering the money in court?

Mr. BOULTBEE—You put it in this way: that they only enjoy those rights while they pay the money, and, consequently, they may enjoy the rights and if this Act is *ultra vires*, the Northern could not recover the money.

Hon. Mr. MACDONALD—I do not see that. There is an agreement that they shall perform the service specified in this Act, and shall receive therefor certain compensation.

Mr. BOULTBEE—That arises out of a contract.

Hon. Mr. MACDONALD—I do not care how it arises, there is work to be performed by the Northern, and surely, when that work is performed, they can recover their wages.

Mr. GIROUARD—Upon the question of constitutionality, I should like to say a word. I generally pay great respect to the opinions expressed by the hon. member who sits on my right (Mr. Cameron), but it seems to me that this is not a question to be settled by agreement, but by Act of Parliament. The Northern Railway has obtained certain privileges from the Dominion, for what purpose? Is it to transfer those privileges to another company? Not at all, but for the good of the company, and not to be transferred to another unless the power to transfer is given by act of Parliament, and, therefore, I understand why the Credit Valley Railway should apply to this Parliament to sanction the agreement that has been made with the Northern. There is a clause in the British North America Act which defines the works which shall come under the jurisdiction of the local legislatures, and those which shall come under the jurisdiction of the Dominion. Among them are railways declared to be for the general advantage of Canada. It is true that the Credit Valley Railway has not been declared a Dominion railway, and the consequence of that is that it is not subject to the Dominion Act; but we have power to deal with any railway within the jurisdiction of the Dominion Parliament, and we have jurisdiction over any matter which may tend to unite a local railway with a Dominion railway. Now, I understand that that is the very object of this Bill. It says that they shall be empowered to join and unite their main line with the main line of the Northern Railway; therefore, it seems to me that we have jurisdiction over the subject-matter of this Bill, and that it is to be settled, not by agreement, but by act of Parliament.

Sir ALBERT SMITH—It is evident that there is a great diversity of opinion with regard to the law on this subject. Some say that we have jurisdiction, and some say we have not, but we have got the interested parties together, and they have substantially agreed upon certain terms which they ask us to embody in the Act of Parliament. There is a consensus of opinion among them, and why should we refuse to pass this Bill which they desire? The whole question is settled, it seems to me.

The preamble was adopted.

Mr. PLUMB—I move that the first clause be amended by adding the following: "This clause shall apply only to lands belonging to the Dominion Government, compensation for which shall be made under the provisions of the Consolidated Railway Act of 1879."

Mr. HAGGART—The amendment, as proposed, will render the Bill entirely useless for the Credit Valley Railway. It will be impossible for them to get to the point of junction with the Northern Railway.

Mr. KIRKPATRICK—How can we give them power to enter upon the lands of the Local Government?

Mr. HAGGART—Can't you give them power to enter upon them by paying compensation? Besides the Local Government's lands, there is a strip belonging to the Great Western Railway which they must cross.

Mr. KIRKPATRICK—We cannot give them power to enter upon land over which we have no authority. I would suggest, as an amendment in lieu of Mr. Plumb's, to add the following: "Provided the said strip of land is under the control of the Parliament of Canada." Unless such an amendment is made, we are giving them right of way over property which we have nothing to do with.

Hon. Mr. MACKENZIE—Yes we have. It is perfectly well known that, from Strachan Avenue down to the point of crossing, the land is owned by the Dominion.

Mr. WELLS—There is a small strip of land belonging to the Great Western Railway which intervenes.

Hon. Mr. MACKENZIE—Where?

Mr. WELLS—Between the Immigrant Shed grounds and the point where you enter the strip.

Hon. Mr. MACKENZIE—But that is occupied by the Great Western, I presume?

Mr. WELLS—No; it is vacant land.

Mr. KIRKPATRICK—I would suggest that the better way to amend that clause would be to make it read as follows: "Enter upon and occupy so much of the strip of land, thirty feet wide, as is subject to the control of the Parliament of Canada," etc.

Mr. PLUMB—That is all right.

The amendment was agreed to, and the clause, as amended, was adopted.

On the fourth clause,

Mr. OLIVER—I do not approve of this clause as it stands. The whole of the arrangements entered into under this Bill cease if the Credit Valley connects with the Canada Southern at St. Thomas, or with any other railway.

Mr. CAMERON—No; that is not the effect of the clause.

Mr. CASEY—It distinctly states that these running powers are granted for the Credit Valley traffic, and not for the traffic of any other railway.

Hon. Mr. MACDONALD—Is not all traffic that comes on the Credit Valley Railway included under the term "traffic of the Credit Valley Railway Company?"

Mr. CASEY—It seems to me that, under this clause, they could not have the traffic that comes over any other road. At all events, I think that the question should be put beyond dispute, and that they should have the privilege of hauling any traffic exchanged with other roads.

Mr. OLIVER—There is a small railway, about twenty-two miles in length, being built from Woodstock to St. Marys, and bonuses have been granted in aid of that road. In all probability it will connect with the Credit Valley at Woodstock. In that case, as I understand it, the arrangement sanctioned by this Act will cease.

Hon. Mr. MACDONALD—The Bill was framed by the parties interested, and it struck the sub-committee as giving them all that they wanted. What we desired was to give the Credit Valley Company the use of the Northern track to get into the city of Toronto, and we thought it would be unjust, by a side wind, to allow them to do more than carry their own legitimate traffic through the grounds of the Northern.

Mr. CASEY—What do you mean by legitimate traffic?

Hon. Mr. MACDONALD—What comes legitimately over their own road, but they are not to amalgamate and carry the Canada Southern or Great Western over that line. The railway men who were before us assured us that the Credit Valley would be permitted to carry the traffic coming over any road with which they were connected, because it becomes Credit Valley traffic the moment it comes upon that road. In other words, there is a difference between corporate fusion and ordinary exchange of traffic on a road. It does seem to me that this clause meets every objection.

Mr. CASEY—Does this give them the right to haul cars of other companies ?

Sir ALBERT SMITH—We intended that they should have that right.

Mr. MACDONALD—As railway people express it, the moment the cars of other companies come upon the Credit Valley line they carry part of the Credit Valley traffic and this clause does not prevent such traffic. These matters were carefully considered and have been gone over by the parties directly interested, and their solicitors and counsel for the last week, and, if the Committee will allow me to suggest it, they knew what they were about, and were not likely to sacrifice their own interests.

Mr. WHITE (Cardwell)—There is no doubt that, an agreement having been made between the companies, we should pass this Bill. It seems to me that if the clause were to strike out the words "and for the traffic of," in the second line of the clause, so that it would read "the running powers hereby granted are exclusively granted to the Credit Valley Railway Company," it would meet with the views of all parties. You avoid in that way all question as to what is traffic belonging to the Credit Valley Railway, and what is traffic belonging to another railway. The object of the Northern, which, in my opinion, is a very proper object, is to prevent the Credit Valley from amalgamating with some other company, and, under the powers conferred by a bill of this kind, wherein such a thing was never contemplated, give the use of the track of the Northern to another, and possibly a rival company. There is no necessity for saying anything about the traffic at all.

Sir ALBERT SMITH—I think that the suggestion is a very good one, provided that it is understood that the Credit Valley can haul the cars of another company, provided it is Credit Valley traffic. Any traffic that belongs legitimately and properly to this line they should have the right to carry.

Mr. HAGGART—The promoters of this Bill seem to think that it does not give them the power to haul the cars belonging to another line.

Sir ALBERT SMITH—Yes ; they have that power.

Mr. HAGGART—If it gives them that power there will be no harm in making it clear in this Bill. I move to substitute the words "hauled by" for the word "of" in the second line. It would then read : "exclusively granted to and for the traffic hauled by the Credit Valley Railway Company."

Mr. CASEY—That would be better. At first sight, the amendment proposed by Mr. White seemed to me to cover all the ground, but it might leave the question open whether the powers granted to the Credit Valley Railway Company would allow them to haul the cars of other lines or not. We who live in the section served by this road, feel as deep an interest in this question being settled as the promoters of the Bill, and we insist that words shall be put in this clause which shall make it absolutely clear that the Credit Valley Railway is not limited to hauling cars of their own over this right of way through the Northern's yard ; and, further, I think there is some dubiousness about their amalgamating or uniting with other roads. I am afraid that this might cover the case of the

Credit Valley Railway Company leasing some small road like the one that has been spoken of by Mr. Oliver. In such a case they should have the right to haul the traffic thus secured over this right of way.

Hon. Mr. MACDONALD—What length of road would you say should be the limit?

Mr. CASEY—I would not say what length. The object of this clause is to prevent the Credit Valley Railway becoming an outlet of some other road. I want to understand whether this clause would allow the Credit Valley Railway to take the traffic of a road it had leased over this right of way?

Hon. Mr. MACDONALD—It is intended to prevent that.

Mr. CASEY—I understood that it was intended to prevent the Credit Valley Railway being amalgamated with or leased to another road, so as to come under the management or control of another company, and take its traffic over this right of way.

Sir ALBERT SMITH—The hon. gentleman will see that the mode of compensation there is to provide simply for the traffic of this railway. If this company should unite with another road, there should be some further compensation. We provide that this running power shall cease unless the other company agrees to it.

Mr. KIRKPATRICK—The words “traffic arrangements,” near the end of the clause, must come out, or the Bill is inoperative. No railway company can carry on a freight business without making traffic arrangements with some other company. Therefore, I move to strike out the words “or traffic arrangements.” You might put a clause there to prevent pooling, etc.

Mr. CUMBERLAND—Put “joint traffic arrangements.”

Mr. PLUMB—I think if this carries the idea of an exclusive grant to the Credit Valley Railway Company we are safe in passing it. I believe, with Sir Albert Smith, that we should not give power to the Credit Valley Railway Company to use this franchise in that way without compensation. We must not allow the Credit Valley Railway to become the outlet of large traffic in another direction which is not contemplated in this Bill. If the companies desire that this should be left in, perhaps it would be well to leave it. There is no objection to that as I understand it.

Mr. WELLS—I beg your pardon, we object to it.

Mr. PLUMB—I think it ought to be left as it is.

Hon. Mr. MACDOUGALL—Although I have been connected professionally with the Credit Valley Railway Company, I do not represent them here; but as a member of Parliament for a section of country through which this road runs, which section has given some \$90,000 in aid of it, I may be allowed to make one or two observations on the subject under consideration. I do not know what the gentlemen who represent the Credit Valley Railway Company, officially and legally, have done to-day, but I apprehend that it will be found that these clauses will not be agreeable to that company as they are interpreted by members of this Committee. They certainly do not meet with my approval, and I, therefore, give notice that I shall, *pro bono publico*, object to the clauses as they are, when the Bill comes before Parliament. I utterly dissent from the idea that we ought to consider whether traffic is legitimate or illegitimate. We build railways for the traffic of the country, and we are spending millions to get the traffic of foreign countries. (Hear, hear.) What reason can there be for preventing the traffic of the Canada Southern, which comes from the United States, from running over this line to the



City of Toronto, if that is its destination? Why should we suggest the idea of legitimacy or illegitimacy in traffic? If this line is taken, it is because it is the most convenient, and if we prevent it from coming this way, another route will be found for it. The land over which this dispute has arisen has been taken, as we all know, from the public by the Northern and the Grand Trunk Railway Companies. It has not been paid for. I can see that Mr. Cumberland has got control of this Bill. The measure introduced by the Credit Valley Company has disappeared, and this one, prepared by the Northern Railway Company, is now before us. They affect that their rights are being interferred with; but I contend that the whole question is a public one. There is no question of the rights of the Northern. If any are interfered with, let there be compensation, the amount of which can easily be fixed. The true principle, which experience has found best, is that you should pay so much per car or per ton for the privilege of using the track. Let that be stated in the Bill and it will meet the difficulties that some gentlemen see in the increased traffic. God knows we want all the traffic that we can get in this country, and the city of Toronto is not to be blocked up by the Grand Trunk, the Northern, or any other railway company. In one bill that we were asked to enact, it is claimed that the Northern Company owns this land, which it occupies. That claim has been disputed by the Government of this country for years. They occupy it, and their occupation has been connived at; but it has never been paid for. It is public property, and we have to discuss that in the House. I make these remarks, not as a representative of the Credit Valley Railway Company, but as a member of Parliament, representing a constituency through which this road passes.

Hon. Mr. MACDONALD—Will the hon. gentleman state how this Bill prevents the cars of the Canada Southern or any other road running over the Credit Valley track into the city of Toronto?

Hon. Mr. MACDOUGALL—I have not got the Bill before me, but I understand that the language is “exclusively granted for the traffic of the Credit Valley Railway Company.” That would imply that there is some other traffic besides the Credit Valley which is not allowed to pass over this line.

Hon. Mr. MACDONALD—Not at all.

Hon. Mr. MACDOUGALL—Then why use this language at all?

Hon. Mr. MACDONALD—Mr. White has moved to strike out the words, “and for the traffic of.”

Hon. Mr. MACDOUGALL—If that amendment is adopted, how would it read?

The CHAIRMAN—“It is hereby declared that the running powers hereby granted are exclusively granted to the Credit Valley Railway Company, and not to any other Railway Company,” etc.

Mr. BOULTBEE—I think, from the remarks of Mr. Macdougall, that we are getting at the pith of the whole matter. The object of the Credit Valley Railway Company seems to be to get themselves into a position to make themselves a portion of a through line; and gentlemen like Mr. Oliver or Mr. Casey, who represent municipalities which have given large bonuses to this road, are, I think, getting seriously misled, because, to give that Company facilities to make a great through line of the Credit Valley Railway would be to deprive them of their local advantages. If it should become a through line, the local freights would become of secondary importance to the through traffic. If you are acting in the interests of the municipalities, the more exclusive that clause is the more it will be to the advantage of the municipalities.

Mr. OLIVER—The ultimate intention, as announced by the Credit Valley Railway Company, was to make it a through road. We were told, when we granted our bonuses, that it was intended to connect with the Canada Southern at St. Thomas, so that we are not at all afraid that our local interests would be destroyed by making it a through road. I do not think that the amendment proposed by Mr. White will suit. After the word traffic, insert words to this effect, "or cars hauled by the Credit Valley Railway Company, and that in the event of the Credit Valley Railway being leased or sold to, acquired or worked by any other Railway Company, then in such case the running powers hereby acquired shall come to an end; but in the event of the Credit Valley Railway Company leasing or acquiring any other railway, then the tolls or compensation payable to the Northern Railway Company shall be subject to settlement by agreement, or, in case of dispute, by arbitration, as herein provided." Now, this amendment simply declares that, if the Credit Valley is merged into any other Company whatever, then this whole agreement shall cease, but in the event of the Credit Valley leasing or making traffic arrangements with provincial or other roads, then this whole arrangement shall be subject to re-settlement. I do not see that anything can be fairer. Then, in the event of the Credit Valley Railway Company making arrangements with the Canada Southern, or amalgamating these small provincial lines merging into this road, there shall be a reconsideration of the terms of agreement. But to make this whole arrangement cease if a small railway is merged into the Credit Valley, would be, I think, unwise and unfair. There is no use whatever in passing the Bill in its present shape. I, for one, should oppose it, not only here, but in the House, unless the Committee adopt some such amendment as I have suggested. It need not be in the phraseology of the amendment that I proposed, but they ought to provide that, as long as the Credit Valley Railway is an independent road, the company shall have liberty to continue this agreement, but the moment it ceases to be an independent road, the arrangement sanctioned by this Bill shall cease.

Mr. PLUMB—I have been greatly misunderstood by the gentleman who addressed the Committee with so much force a few moments ago. I never proposed or desired to limit the railway traffic coming into this country, and I say now, that I am perfectly satisfied that, in making an arrangement of this kind, we are making it for a local road. If the traffic of that road is to be enlarged, I say that the companies should be permitted to make a new arrangement. It should be distinctly understood how far the limitation of this clause goes. I am not to be thrown aside by any spread-eagle eloquence of any hon. gentleman. I am just as much in favor of increasing the traffic in this country as any hon. gentleman can be, and I have only risen to prevent a wrong impression from being made upon the Committee:

Sir ALBERT SMITH—Mr. Oliver thinks it is only right that this Credit Valley Railway Company should have the right to amalgamate with any other company without restriction.

Mr. CASEY—No; he says that they should have the right to absorb other roads.

Sir ALBERT SMITH—Suppose that they should absorb other roads until the traffic becomes too great for the capacity of the Northern Railway, should the Northern Railway have nothing to say or do about the matter? Why not let them come to Parliament if they want to make a new arrangement?

Mr. JONES (Leeds)—This clause, as I understand it, gives the Credit Valley Railway Company no right to use the yard of the Northern Railway, but simply the right to pass through it. The third clause gives large powers to the Northern Railway. They

may say "we have certain passenger and freight trains to pass through, and you must wait until they pass."

Mr. CUMBERLAND—Any difference with regard to the extent or manner of exercising the running powers that we have granted to this company may be settled by arbitration, so that there is an escape from any difficulty of that kind. I should like to explain the circumstances under which this Parliament has been troubled with this legislation. We have been almost coerced to give running powers through our yard, in order that a particular railway as it now exists, or as it is now contemplated that it should exist, may connect its station at Parkdale with its contemplated station at the water front. This privilege, which is a very great one—a franchise of the utmost value, and one which I hope will be an element of profit to us—has been given to the Credit Valley Railway Company. What do we hear now? that you are invited not to legislate for the Credit Valley Railway Company alone, towards which, for the last two or three days, we have been lending a helping hand, but you must even pass us over to the Great Western. If the word "traffic" be left out, and the word "haul" be put in, the day after His Excellency shall have given the Royal assent to this Bill, our friends may hand us over bodily to the Great Western Railway, and the Great Western Railway get, without consultation with us, or compensation to us, access to the City of Toronto through our yard. All that we ask is this: that you will be good enough to protect our property from unfair users. We are ready to let the Credit Valley Railway in, subject to the compensation to be given to us, and to all the regulations which apply even to our own trains. We have dealt, I think, with great liberality, and we simply ask, don't let that franchise go into the hands of the Credit Valley Railway Company to be sold or hawked about. I can fancy myself the representative of the Credit Valley Railway Company going to Vanderbilt, in New York, and expatiating upon the magnificent future of this road, and specially laying stress upon this point that we have, by favor of the Dominion Parliament, access to the City of Toronto, and "there's millions in it." (Laughter.)

Mr. HAGGART—Why not?

Mr. CUMBERLAND—That franchise would be sold and trafficked for, without reference to the owners of the property, without profit or compensation to them.

Mr. KIRKPATRICK—You get compensation for it.

Mr. PLUMB—No; only for the traffic of the Credit Valley Railway Company.

Mr. CUMBERLAND—We ask you to protect our property from being hawked about and sold without consultation with us. The traffic of the Grand Trunk Railway is the traffic of the Michigan Central, or any other road from which it secures traffic on which it earns anything. The Canada Southern joins the Credit Valley Railway at St. Thomas, and the traffic coming from that road, or from any other road joining the Credit Valley Railway, which shall give the Credit Valley Railway Company earnings, is Credit Valley traffic beyond all question, and it cannot be said to be otherwise. That is a very different thing from getting into joint working arrangements.

Mr. WHITE (Cardwell)—That is not proposed here. I object to any words in this clause which will give rise to doubts as to the right of the Credit Valley Railway Co., to make traffic arrangements with any other company. It seems to me that the joint working which they are not allowed to enter into is protection enough, and I would, therefore, move to amend the clause in that direction.

The amendment was adopted.

Mr. KIRKPATRICK moved to amend the fifth clause so as to provide for the appointment of the third arbitrator by the Chief Justice, or one of the judges of the Court of Appeal of Ontario.

The amendment was agreed to.

The Committee adjourned at 1.40 p.m. until Tuesday next, the sixth instant, at 10.30 a.m.

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