

travelling over it, they are subject to a penalty.

Hon. Mr. DRUMMOND—Not the company.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. DRUMMOND—No.

Hon. Sir MACKENZIE BOWELL—It says 'every company shall incur a penalty'—not the owner. The Speaker's amendment is that the owner shall be subject to a penalty. There may be cases—I do not know of any—which suggested this change. Are there any bridges belonging to private parties or to municipalities which are used by the railways, and if so have the owners or the municipalities conceded the rights or sold these bridges to the railways, and if so upon what conditions, and if these conditions are that they were to be kept in proper order fit for the purposes of the railway and for the safety of the travelling public, then it becomes the duty of the company to reconstruct or so strengthen it as to make it safe, that is the object of this provision—to compel them to do it.

Hon. Mr. LOUGHEED—My hon. friend is overlooking the fact that the penalty is to be attached only in the event of the refusal of the owner to carry out the order of the board, and consequently it can do no harm, but if the board does make an order which applies to the owner, there must be some penalty, but the board will not make an order against the owner unless they have jurisdiction.

Hon. Mr. DANDURAND—The hon. gentleman from Belleville speaks of bridges over which the railway passes, but clause 202 speaks of

Every bridge, tunnel or other erection or structure over, through or under which any railway now or hereafter passes.

Hon. Sir MACKENZIE BOWELL—It is the same thing.

Hon. Mr. McMULLEN—I want to say that I know of a case where on an overhead

bridge a farmer, for his own convenience, put a gate at the end of the bridge. The result was his man let out a lot of fat steers and cows and down went the bridge, and very serious injury was done. There was quite a dispute as to whether the company had to erect the bridge, but they were compelled to finally. It was supposed to be of insufficient strength. I think the board should have power to order that no farmer should be permitted to put a gate or bar across the end of an overhead bridge. It is a dangerous thing to do. Cattle coming home in the evening, and a gate there which may be opened and 20 or 30 head of cattle rushing on a bridge, seriously endangers the safety, of the bridge. I do not think there should be a gate on the end of an overhead bridge.

Hon. Sir MACKENZIE BOWELL—The gate would not be across the overhead bridge; if that were so you will stop the highway.

Hon. Mr. McMULLEN—It was a private bridge across a cut on a farm and the bridge was close to the farmer's barn, and for his own convenience he put a gate across the end in order to stop his cattle. The result was that when they drove the cattle in the other direction, the whole of them made a rush on to the bridge and the bridge went down.

The amendment was adopted.

On clause 224,

224. When any train is approaching a highway crossing at rail-level (except within the limits of cities or towns where the municipal authority may pass by-laws prohibiting the same), the engine whistle shall be sounded and the bell rung at least eighty rods before reaching such crossing, and at short intervals, until the engine has crossed such highway; and the company shall, for each neglect to comply with the provisions of this section, incur a penalty of eight dollars, and shall also be liable for all such neglect; and every employee of the company who neglects to comply with this section shall for each offence be subject to a like penalty. 51 V., c. 29, s. 256, Am.