

they will perhaps pay slightly unfairly for about 5 per cent of the animals that will be skilful enough to pass over any guard; but is it not better that the railways should pay for that 5 per cent, even wrongly, than not pay for the 95 per cent rightly? It is simply a question of the greatest wrong being done the greater number, or the greater right to the greater number. Because there is a trifling percentage of cases in which the result might be hard on the railways, that is no reason why they should escape all responsibility in 95 per cent of the cases.

I do not think I ought to trouble the House any longer on this question. I dare say other members desire to address you upon it. If the Bill passes its second reading, as I think it ought to, we shall all have an opportunity to discuss it in committee, if the House goes into committee upon it, as I trust it will; and if any member there can propose an amendment which will provide a better remedy for the wrongs that exist or one more applicable to the rights of the railways, he will have my support in amending the Bill to that extent, so long as the principle of the measure remains, namely, that the responsibility ought to be on the railways to protect their own property, and to keep animals from getting on their property from the highway.

The MINISTER OF RAILWAYS AND CANALS (Hon. A. G. Blair). I may say at once that I have no opposition whatever to offer to the second reading of this Bill. I shall propose, however, that the Bill, after being read a second time, shall be referred to the Committee on Railways, Canals and Telegraph Lines. I shall do so for this reason, that it is quite impracticable for us to discuss in this House a question of such apparently contentious character with the same effect or advantage as we can before that committee. I have no fault to find with the desire which the hon. gentleman has expressed, that the utmost justice shall be done in connection with this serious trouble. I realize the gravity of it. I know there is a very strong public opinion, in some parts of Canada at all events, in respect to it. I know that many people desire a remedy. I am confident that what they desire is that when the remedy is applied, it shall be a just, fair and equitable remedy, and I am prepared to act to the utmost of my ability with any gentleman who is interested in this question, in order that a remedy shall be devised which shall be an ample remedy, but which shall also be a just and equitable remedy. When the Railway Committee a year ago dealt with this question, it was perfectly clear that there was a very divided opinion among the members of that committee as to the form which the remedy ought to take, and seeing that the committee were far from likely to agree upon this, I suggested that during the recess persons should be chosen who would examine into the question of cattle-guards, have tests made of all the

cattle-guards in use, and report at the conclusion of their labours what the result was; and if they were able to report that one or more cattle-guards could be found which would answer the purpose and afford a sufficient protection, the government would introduce legislation whereby the use of such guard would be enforced. My hon. friend fell in entirely with that suggestion. If I am not mistaken as to what occurred, the hon. gentleman moved or seconded a motion in this House for the purpose of having the matter disposed of for the session in that way. After the session a commission consisting of two gentlemen was constituted. They have made investigations and held tests, and they are preparing a report, which I hope will be available in a very few days. Whether or not that report will be of material assistance to us in determining the character of the legislation which we shall adopt, I am not now in a position to say. But I am in a position to state here now that when this question shall have been dealt with by the Railway Committee, if that committee comes to the conclusion that the principle on which the law is now based should be changed and some other principle adopted as more equitable, then it will be the simplest matter in the world to incorporate such an amendment into the Bill creating the Railway Commission, and making it part of the general railway law of the country. That is the way in which I think this matter can be dealt with in a business like manner, and a manner that will produce the very best results.

Mr. JABEL ROBINSON (West Elgin). Did I understand the hon. Minister of Railways and Canals to say that the commission has not yet reported?

The MINISTER OF RAILWAYS AND CANALS. Not yet.

Mr. ROBINSON (West Elgin). Is it possible that they will report before this session is over?

The MINISTER OF RAILWAYS AND CANALS. Undoubtedly.

Mr. ROBINSON (West Elgin). This is a very important matter, and we want to deal with it this session.

The MINISTER OF RAILWAYS AND CANALS. We will engage that it shall be dealt with this session, when the Railway Bill is going through.

Mr. R. L. BORDEN (Halifax). How long is it since that commission was appointed?

The MINISTER OF RAILWAYS AND CANALS. I think the commission was appointed in August. They have been visiting different parts of the country, and the delay which has occurred has arisen largely from the desire of the experts to have every cattle-guard submitted to a test. There are some people who think that they have very effi-