

rifle range under the control of the Department of Militia and Defence for target practice, carried on in accordance with the regulations of the Governor in Council in that behalf; provided that there shall be no claim to compensation where death or injury to the person is due to negligence on the part of the person killed or injured, or where such person at the time death or injury was sustained, was present as a spectator of the shooting or for the purpose of taking part in the shooting, or in some official or other capacity in connection therewith; or in case of injury to property, where such injury is due to negligence on the part of the owner of the property.

Mr. R. L. BORDEN. On looking at the amendment I see it is provided that—

There shall be no claim to compensation where death or injury to the person is due to negligence on the part of the person killed or injured, or where such person at the time death or injury was sustained was present as a spectator of the shooting.

Would not that take away from the Crown liability for a spectator who was injured through the negligence of some person authorized to use the rifle range?

Mr. FITZPATRICK. Voluntarily, yes.

Mr. R. L. BORDEN. In that case you leave a civil action to the party in respect to the injury against the person who is guilty of the negligence?

Mr. FITZPATRICK. Exactly.

Mr. R. L. BORDEN. Then follows another branch:

Or in some official or other capacity in connection therewith.

Is not that possibly going a little too far? I am not sure but that the Crown should be liable in a case of that kind. Perhaps the principle may be quite right, but it would exclude the Crown from liability for compensation in the case of the death of a person engaged in an official or other capacity in connection with the rifle range.

Mr. FITZPATRICK. That is right, but if by negligence an accident happens or if a man voluntarily exposes himself to this risk he has no claim.

Mr. R. L. BORDEN. Yes, you are following the principle of law, until the law was amended by statute, of a workman knowingly entering upon a dangerous task and who would not be entitled to any compensation by reason of the danger.

Mr. FITZPATRICK. Under the present statute as we have it the proprietor of adjoining property is to be compensated for damage resulting to his property by reason of the existence of the rifle range in this vicinity, but if he is working on his property and an accident arises he receives no compensation. This is to make the person of the proprietor of the adjoining

property as sacred as the immovable property itself.

Mr. SAM. HUGHES. Two thousand yards beyond the rifle range is controlled by the government. In case a person were on the property in rear of the rifle range controlled by the government and were injured, would he be compensated? He must not be off the property controlled by the range in order to be entitled to compensation?

Mr. FITZPATRICK. That is right.

Mr. BRODEUR. An accident occurred some years ago in which a man working on his farm was killed and he could not get any compensation from the courts. This is to cover a case of that kind.

Mr. SAM. HUGHES. He was not killed; he was only wounded.

Mr. BRODEUR. He was only wounded. The courts decided that under the statute there was no compensation.

Mr. R. L. BORDEN. There is only one suggestion I would like to make to the hon. Minister of Justice. I do not know whether it would be necessary or desirable to save the rights of any person injured against all persons other than the Crown. You may have circumstances under which the Crown would not be liable; for example if the shooting is not carried on under the regulations of the Governor in Council. That is a condition precedent to liability under the Crown. The injury might occur where the shooting was not so carried on and there might be an argument made that the statute is exhaustive and that it comprehends all claims for injury in respect to a rifle range. I do not know that it could be so construed, but it might perhaps be guarded against.

Mr. FITZPATRICK. You might let the amendment go through and we may consider it before the third reading, and if there is any point in it we will remedy it by a further amendment.

Section, as amended, agreed to.

Sir FREDERICK BORDEN. There is one further section which I propose to insert as section 61a. It will come after section 61 of the reprinted Bill. It is as follows:

61a. Any person, not being at the time an officer or member of the militia, or a member of a rifle association or club formed or recognized under regulations, who, without the consent of the person in charge of such rifle range, or of some person authorized in that behalf by regulations, uses for target practice a rifle range which has been inspected and approved, shall incur a penalty not exceeding twenty-five dollars.

Section agreed to.