

HON. MR. SCOTT—The subject matter of this Bill has in the past been dealt with usually as a Government measure. The Railway Act, from time to time, as amended, and improved no doubt, and codified, has contained provisions giving authority to a particular tribunal to deal with questions which this Bill now proposes to place before another tribunal. Under the Railway Act the powers that are now proposed to be conferred upon municipal councils are allotted to the Railway Committee of the Privy Council. It is changing the authority from the Railway Committee of the Privy Council to an ordinary township council. Under the Railway Act passed last Session one of the special duties of the Railway Committee is to enquire into, hear and determine any application, complaint or dispute respecting a variety of matters, and among those matters is the one that is now the subject of this Bill, under the 14th section, which it is proposed practically to repeal by this Bill.

HON. MR. McCALLUM—Not to repeal it.

HON. MR. SCOTT—This Bill practically repeals it, so far as the case of any work under \$400 is concerned. Section 2 provides that on application of a municipal council those portions of drains and ditches crossing railway lands are to be built by the company if under \$400 in estimated cost. Now, it has always been felt necessary that the Railway Committee should have those large powers in reference to an important class of cases, this being one of the number, not so much because disputes arise between municipalities and railway companies, but because the public are largely interested.

HON. MR. McCALLUM—The railway company do the work always.

HON. MR. SCOTT—The existing law officially provides that it shall be done by an official appointed by the Railway Committee.

HON. MR. McCALLUM—My Bill provides that the railway company shall do it themselves.

HON. MR. SCOTT—We all know that any disturbance of the railway tracks by

the introduction of culverts, openings in embankments, ditches crossing railway beds, &c., are just so many more elements of danger to the public. And if a municipality is to have the right to put in a culvert or pierce an embankment wherever they chose, no matter what opposition the railway company may offer, then I think we will have added materially to the dangers of railway travel. It is well known that railway ditches drain certain sections of the country, and that the railway companies, in their own interest, make culverts wherever necessary. They must lead off the water and find a sufficient discharge for it, so that it will not be a source of danger to their embankments in the spring, or in times of freshets, and I think it would be a very grave mistake to place the authority in the hands of a township council, to imperil a railway embankment at any point they chose to direct that a culvert shall be made. I have myself had considerable experience in respect of questions arising between municipalities and railway companies. Fortunately, wherever a point of difference arose, where it was fairly claimed that the company ought to drain off the water from the adjoining lands, I do not know of a single instance where an appeal has gone to the Railway Committee of the Privy Council. Now, the hon. gentleman proposes that all over the Dominion this important jurisdiction shall be changed from the Railway Committee of the Privy Council, which is the safeguard that the public have, and given to the township councils. I don't think Parliament will sanction any such change. I think myself it would be exceedingly unwise and exceedingly dangerous. The hon. gentleman who has introduced this Bill comes from a Province where municipal councils are granted very much larger powers than in any other portion of this Dominion. Where municipal law has been refined to the greatest degree that it is safe to carry it, and where township councils have very large powers under the Railway Act of Ontario, no such power is given to township councils. There is in the Railway Act of Ontario an authority that directs how this work shall be done, and that authority in the very Act that