

do not know of any guard that will keep animals from getting on our track, and we think therefore we ought to be allowed to escape all responsibility. Of course the railways entirely disregard the fact that 90 or 95 per cent of the animals would be turned back by the ordinary guard, but they argue that because there is a small percentage that will get over any cattle-guard that therefore they ought to be at liberty to kill 100 per cent of the cattle and not be responsible for it. I wonder would the railways pretend for a moment that we ought to determine on a standard fence and then say to the farmer that because there are some breachy animals that will get over that fence, they would pay for that animal if he is killed, and the farmer would not be responsible. It would be no more unreasonable for the farmers to contend that, than it is for the railways to contend that they should not carry out what by common law they are required to do, what by statute they were first required to do, but which they have for years escaped doing by virtue of the legislation of this parliament not having been watched on behalf of the people as energetically as it was watched on behalf of the railways. I have some further authority since last session for submitting to the House that the Bill which I now introduce is the only practical solution of the difficulty. The Toronto 'Daily Star' which ought to be an authority for some members of the government at least, spoke as follows on March 27th of last year:

Necessity is the mother of invention, and if the railways were responsible for animals killed anywhere but on the crossings, they would not be long in finding a cattle-guard that would largely, if not altogether, prevent animals from turning from the road into the track.

As it is now, the railways in Canada have no interest in the question at all. They have abolished guards, and trust to the power of their engine to throw aside any animal that gets in the way.

This is not right, and parliament will not get much rest until it is made right.

In view of that expression of opinion in the Toronto 'Star,' I hope I shall get the support of the Postmaster General (Hon. Sir William Mulock), although I have not had his support for this Bill before, so far as I am aware of. I think, Sir, that this matter should be dealt with now once and for all, and I trust this will be the last time I shall have to address the House upon it. I do not wish the railways or the government or any one else to infer from that, that if the Bill does not pass you shall hear no more about it, for so long as I have a seat in the House, I shall try to get a remedy for this grievance, and I shall keep on knocking at the door in the hope that it will be opened some day. In view of the attention which has been given to this Bill during last session and since last session. In view of the fact that there is no other

solution suggested, and in view of the fact that it has never been rejected by this House on its merits, I think I have good grounds for again submitting it to the House. Last year the Bill was referred to the Railway Committee and discussed thoroughly, but under that reference to the committee it only required fifty members of this House to prevent the Bill passing. Fifty members of that committee as against forty-three, a majority of seven, reported that in the opinion of the Railway Committee it was not wise to pass the Bill at that session. They did not report that it should not pass sometime, or that it did not provide a remedy for the evil, but that it was not wise to pass it during that session. Therefore, fifty members of the committee were able to accomplish what it should take one hundred and seven members, or more than half the House to accomplish. The right hon. the premier found fault with me for taking exception to the report when it came from the committee, and he suggested that I was practically appealing from the report of the committee and that it should not be allowed because it was against the rule that reports of committees should always be respected by the House. Well, Sir, it is time for the House itself to take this thing into serious consideration and decide whether it is reasonable that a farmer should take all responsibility for any accident that may occur, and that the railway company should have no responsibility cast upon it. The railways are permitted to expropriate property, and to cross highways with their dangerous machinery, and yet they are not to be liable for any damage they may cause by reason of their operation. I grant that it is necessary to have railways in order to carry on the business of the country, but why should they not be compelled to treat their neighbour, the farmer, the same as any other neighbour would be compelled to treat him? Accidents will happen in spite of the most absolute care; you cannot help a fence rail falling down or a gate blowing down and animals escaping. Under my amending Act if the animal does escape and gets to the point of intersection, and is there killed, the farmer will lose the animal; but if it gets on to the railway from the highway the railway will be responsible for not having guards to stop it. The only way to get a good guard is, as the 'Star' newspaper of Toronto says, to put the responsibility on the railway. If a railway company wants to get a new coupler, or a new brake, or a new steam whistle, or a new telegraph instrument, is it to be expected that the country at large or parliament will provide them? No, the railway company finds all such things for itself, and it should be bound to find cattle-guards. They may not get guards that will turn back every animal; but they will get guards that will turn back 95 per cent of them. If this legislation passes,

Mr. LANCASTER.