

that the gate should have on the post, and this Bill is for the purpose of having the gate so much longer than the opening between the posts, that it must have at least a bearing of $7\frac{1}{2}$ inches on each post.

HON. MR. McCALLUM—Then in order to comply with the provisions of this Bill you have either to move the posts and contract the opening or to throw away the old gates. If the railway companies are willing to undergo the expense of putting in new gates that is all right. I am satisfied however that the hurdle gate will not work in this country where there is so much snow, sleet and frost.

HON. MR. SCOTT—There is no other legal gate but the hurdle gate and if a railway company does not choose to adopt the sliding gate, and any accident occurs such as is referred to by the honorable gentleman from Belleville, the individual would not be liable if the company did not furnish a legal gate.

HON. MR. MILLER—Will my hon. friend inform me whether there is such a clause in the General Railway Act?

HON. MR. SCOTT—I think there is.

HON. MR. ABBOTT—Hon. gentlemen will perceive that the argument that the hurdle gates are not usually used is no reason why we should not pass this Bill. No doubt hurdle gates are not used generally; if so the Bill will do no harm. If they are used the provision is a useful one. I take this to be, what you may call it in one sense, a retro-active measure; the Bill simply defines what those "proper fastenings" are; it does not alter the law which has prevailed for years. If a man's cattle get out on the track through a gate, and the question comes up that the Company has not complied with the law in furnishing a proper gate, this Bill establishes that the gate must have a proper bearing on the posts of 15 inches. If hurdle gates are used it is an excellent provision. There is nothing in this Bill which requires the posts to be taken up and removed or new posts to be put down.

HON. MR. McCALLUM—I understood the hon. gentleman from Ottawa to say that unless all the railway gates in this country were hurdle gates they were not according to law.

HON. MR. SCOTT—The hon. gentleman is quite right.

HON. MR. McCALLUM—Then I say nineteen-twentieths of the gates used by the companies in Ontario are swinging gates.

HON. MR. SCOTT—I think not.

HON. MR. McCALLUM—If the hon. gentleman can show me where the hurdle gates are used I would be obliged to him. When the gate openings are too narrow, as they are now, if they have to be constructed so as to allow the old gates to have 15 inches of a lap they will be totally unfit for farm purposes. I am sorry, if it is the case, that the railway companies have been breaking the law by putting up swinging gates. If that is the law, I say, in the interest of all concerned, the sooner it is amended the better, so that when a farmer goes across from one field to another he can go according to law.

HON. MR. POWER—If the hon. gentleman from Ottawa has laid down the proposition that the hon. gentleman from Monck has stated, then I must say my confidence in my leader's ability to interpret an act has been somewhat shaken. The Consolidated Statutes, which are our guide, now say that the Railways shall have swinging gates or hurdle gates.

HON. MR. ABBOTT—My hon. friend will see that the law does not require that gate posts shall be put up closer together, but that the gates shall be wider.

HON. MR. DICKEY—How many miles of Government railway are there in Ontario?

HON. MR. McCALLUM—There are a good many miles of Government railway in Ontario from Rat Portage down. The clause was agreed to.