

that explanation and let the Bill pass. The discussion is narrowed down now to a very fine point; if there is a provision in the criminal law applicable to this case, perhaps it would be, as the minister says, not very good legislation, because it might be drawn into a precedent hereafter, but if the minister is not ready to point out existing legislation which applies to this case, then the clause should be there, because it is certainly necessary to protect valuable property like railway bridges. Without giving an opinion on the matter, I simply confine it to this— if there is no existing legislation on the subject it ought to be in the Bill; if it is already provided for by legislation it need not be in the Bill.

HON. MR. KAULBACH—To meet that, the leader of the House says that if the Criminal Act does not provide for it caae will be taken that some such provision shall be made. I think, rather than establish this precedent, we had better see that it is within the scope of the criminal law.

HON. MR. ABBOTT—The general Criminal Act provides rather more amply, I think, than this law does for this offence—at all events sufficiently. Clause 35 is as follows:—

“Everyone who unlawfully and maliciously pulls or throws down, or in anywise destroys any bridge, whether over any stream of water or not, or any viaduct or aqueduct over or under which bridge, viaduct or aqueduct any highway, railway or canal passes, or does any injury with intent and so as thereby to render such bridge, viaduct or aqueduct, or the highway, railway or canal passing over or under the same, or any part thereof, dangerous or impassable, is guilty of felony and liable for imprisonment for life.”

That applies particularly to this case.

HON. MR. SCOTT—Is there anything about the lights?

HON. MR. ABBOTT—Clause 27 provides:—

“Everyone who unlawfully and maliciously cuts, breaks, throws down, or in anywise destroys any fence of any description whatsoever, or any wall, stile, or gate, or any part thereof respectively, shall on summary

conviction be liable to a penalty not exceeding five dollars over and above the amount of the injury done.”

There are provisions respecting injury to machinery and to almost every kind of stationery work by name. I think the Company would be quite sufficiently protected by the law as it stands, but if, upon examination of the law, there is any way in which it can be amended, if it requires amendment, then that provision ought to apply to all bridges. We have heard no complaint, and there has been no case that I know of where the law as it stands has been found insufficient. As I say, if there is any particular in which the law requires to be made perfect, or as nearly so as possible, then, of course, the general criminal Act should be amended so as to make it applicable to all similar structures.

The motion was agreed to.

HON. MR. SANFORD moved the third reading of the Bill.

HON. MR. O'DONOHUE—This is an application for legislation by the Canadian Pacific Railway Company. That is admitted, although apparently the Company here is under another name. It seems to me that this application of the Canadian Pacific Railway Company needs from us considerable attention, for this reason: A private company obtained a charter some years ago to construct a road in the very locality through which a part of this road was intended to run. Already there is in existence there the old Great Western Railway, now part of the Grand Trunk Railway. A charter was granted by the Ontario Government to the Niagara Central Railway Company to construct this road, and that company has obtained bonuses to a considerable extent. The town of St. Catharines aided the project to the extent of \$16,000, and the Company have expended upon the work a large amount. The Company have also procured from the Dominion Government a charter, making the line of Dominion importance. When in that position, before proceeding with the work, they negotiated with the Canadian Pacific Railway Company to transfer to them