

hon. gentleman will inform himself as to the facts before making such a statement.

Mr. BARRON. The hon. member seems to be super-sensitive. He speaks like a man who has a guilty conscience. I did not say he had a money interest in railways, but I said he spoke from a railway standpoint, and I say so still. I never intended to say that he was interested in railways from a money point of view.

Mr. TISDALE. I certainly understood the hon. gentleman to speak more broadly. If he did not intend that, he should say so, and I will accept his statement.

Sir JOHN THOMPSON. After listening to the arguments on both sides, one is impressed with the fact, that there are inconveniences which this Bill seeks to remedy. The inconveniences, undoubtedly, are caused by the carelessness of companies in failing to draw up their trains at regular stations, and at places for which they have sold tickets to passengers. No doubt, that is frequently done through carelessness, and, so far as it can be remedied, it should be remedied. The other disadvantage is the careless handling of baggage, which we have all witnessed. It is true, that this Bill only attaches penalties to the infraction of the common law. If any inconvenience occurs to a passenger by the train not stopping at the proper place, or by his baggage being injured, he has his remedy at common law. It may or may not be expedient to attach penalties to these acts in addition to the common law remedy for damages, but I call the attention of the House to the fact, that the Bill will introduce greater inconveniences, as my hon. friend from Norfolk (Mr. Tisdale) says, than those which it proposes to remedy. I will mention some of them for the consideration of the promoter of the Bill, if he thinks fit to go further with it. It is customary, I think, on all railway lines, and certainly on the more important lines, to have stopping places at certain seasons of the year for the convenience of business people. That is so also with regard to a few families living at a little distance from the regular station, for whose convenience the railway company makes a stoppage where there is no regular station. Then, as my hon. friend from Grey (Mr. Sproule) has just said, there is the case of long excursion trains, which cannot be brought up in many cases to the small platforms at which the passengers are to land. But, under the provisions of this Bill, it would be necessary that, at every one of these stopping places which are temporary and merely for the convenience of individuals where no business is transacted except the getting on and off of passengers, the railway company must erect a platform. That, of course, would be utterly impracticable, and would lead to the closing of every one of these accommodation stopping places and, in that way, would inflict a greater inconvenience on the public than the inconveniences which the hon. gentleman refers to. The first section of this Bill says :

" all railway trains for the conveyance of passengers shall be drawn up at the stations or other stopping places so as to enable passengers to alight from the car on to a platform which shall be constructed at each station or stopping place."

So that, at every one of these temporary stopping places for the convenience of persons travelling in certain seasons of the year, the railway company would subject itself to a penalty for according that accommodation. Further, at many of these occasional stopping places, there are steep grades, and, under the provisions of this Bill, if the train passed the stopping place or platform, it would be absolutely necessary, for the mere convenience of one or two passengers, to back the whole train on a steep grade, and in many cases that would involve a great deal of delay and expense. In fact, on these two grounds, the Bill would practically close all stopping places of that description.

Then, we have the cases which exist in Toronto, Hamilton and some other cities, where, for the convenience of passengers, they are allowed to alight from, and to enter the train at a momentary stopping place on the streets. That would also have to be stopped, because it would be impossible to put a platform on the streets. Then it often happens that the platform is so near the highway that it is absolutely impossible that the baggage could be taken from the train, and the train could pass on so as to allow the passengers to alight from the passenger cars without the train standing on the highway, and the Act passed last Session makes it an offence for a train to stand across a street for more than three minutes. Now with regard to the second section, I think it is open to a good deal of objection, to part of which, perhaps, the hon. gentleman has not had his attention called. The Bill says :

" Passengers' baggage shall not be thrown or cast from the baggage car to the platform, but proper appliances shall be provided on which baggage, not removed by hand, shall be removed undamaged from the baggage car to the platform."

The hon. gentleman means, I suppose, that passengers' baggage shall not be thrown out carelessly but that it shall be removed with care. But he has made it a penal offence if baggage is found in a damaged condition at all; that is to say, if the baggage is found, on its removal from the baggage car to the platform, to be damaged, the company is liable to this penalty. It surely ought to be enough to impose a penalty if the damage occurs through any fault of the company's officers. Under this clause I think the burden would clearly be upon the company, and not upon the owner, to show that the baggage was not damaged through any fault of their officers. Then the third section says :

" For each neglect to comply with the provision of the two sections next preceding, the railway company shall, in addition to any other liabilities, incur a penalty which shall be recoverable by any person who sues for the same."

Now it sometimes happens that the railway companies are not at all at fault for the carelessness of those who act as baggagemen. It sometimes happens that railway companies take the utmost care to have the baggage properly handled, and they impose fines upon baggagemen for using violence. I know several cases of baggagemen having been dismissed for wilful disobedience to the orders of the company in that respect; and yet this Bill, instead of imposing a penalty upon the person who has been guilty, namely, the baggageman himself, who has violated the orders of the company, makes the company liable to the penalty. Taking all these circumstances into consideration, I would suggest that this Bill be read the second time, without the House considering itself bound to the principle of the Bill, and that it be referred to the committee which I named the other evening for the consideration of other Bills imposing penalties. It would be better to have it considered there than in the Railway Committee.

Mr. COOK. If there are objections to the Bill, I am willing to take the course suggested by the Minister of Justice. I quite appreciate the objection taken to the second clause by the Minister of Justice, but I do not think the objections made by other hon. gentlemen are quite so well taken. At the same time the Bill might be amended by striking out the first clause so that it would not interfere with cars stopping upon the highway and letting out passengers at a place where there would not be a station. The object I have is to compel the railway companies to land their passengers on the platform instead of between two trains. It often happens that passengers have to pass between two trains and cross the track to get to the platform. Last year, in introducing a similar Bill, I believe I did not mention that the railway companies have a practice of landing passengers between freight trains. For instance, you may take any of the stations on the line of a road where two freight trains meet and the passenger train