

the Lynn lake line, in subsection 2 of section 5, we inserted the same thing into subsection 4 in the fourth line "or to provide for payment in whole or in part" et cetera; in other words, we eliminated a subsection from it.

Mr. GREEN: I cannot understand lawyers shortening the bill.

The CHAIRMAN: Shall the clause carry?

Carried.

Clause 5?

Carried.

Clause 6?

Carried.

Clause 7?

Carried.

Clause 8?

Carried.

Clause 9:

9. The Company is not required to fence the right of way of the railway line and is not liable in damages by reason only of the absence of fencing.

Mr. GREEN: Mr. Chairman, on clause 9, this is a provision which says that the company is not required to fence the right of way of the railway line and it is not liable in damages by reason only of the absence of fencing. In the Lynn lake line bill you will see a similar section was included and until amended also included station grounds; and the argument was made then in support of a section of this kind that there would be no cows grazing along the Lynn lake line and therefore it was not necessary for the railway to protect the right of way. We have just had evidence this morning that there is quite a big farming territory around Terrace, a very good farming area and there is also a large summer resort country on the way down through Kitimat. Why is it necessary for the C.N.R. to include a provision of this kind in this bill in what is going to be more or less settled country; certainly, there is no question that it is going to be built, at least in part, through settled territory.

Mr. ROSEVEAR: Well, Mr. Chairman, the cost of fencing is very high and the company thought that this being a sparsely populated area that we should not have the obligation to fence. If that provision is not there we have the obligation to fence; on the other hand, if you consider that it should be there I do not think that we would see any objection to it. I do not wish to be unfair about it; but nevertheless we would like to be relieved of an obligation to fence a line going through a sparsely populated area.

Mr. GREEN: Would you not in fact use your own judgment, and where there was a settlement you would find it wise to fence anyway; certainly it is only fair to the people who live adjacent to the railway that the line should be fenced. I think in this case that the section should be deleted, Mr. Chairman, and I so move.

Hon. Mr. CHEVRIER: In view of the attitude of the witness I think perhaps we should leave the section in, Mr. Green, because we did so in the former bill, and from the understanding I have it was in a far more isolated territory than this will be; and the witness indicated, I think, that while there was agricultural land, yet at the moment it was only agricultural land which was available for development.

Mr. GREEN: No. There are farms at Terrace.