

property or work under the management and direction of the Department of Railways and Canals. So the entire ground is covered; and in introducing this Bill I took the opportunity of stating that there would be a legitimate charge against the working expenses of the Intercolonial and Prince Edward Island Railways, whenever injuries occurred to passengers.

Mr. DAVIES. I merely wish to call attention to the fact that I took exactly the same view of the law as the hon. Minister takes, and I presented that argument to the Supreme Court of Canada, urging very strongly that under those sections there was no possibility of doubt that there was liability on the part of the Government, provided there was negligence by their employes. But the Court held that the Government were not responsible under the Act. I would, therefore, ask the Minister, as he has expressed his willingness to consider the cases connected with the accident on the Prince Edward Island Railway, if this clause does not cover them, to consider the advisability of placing a sum in the Estimates to meet these cases.

Sir CHARLES TUPPER. I have stated to the House that the Government intend to treat damages arising from accidents as proper charges against the working expenses of the railways. The hon. gentleman does not require anything further, I presume.

On section 4,

Sir CHARLES TUPPER. This is a clause repealing sections 48 and 49 of the Consolidated Railway Act, and vesting certain powers in the Railway Committee with respect to railways crossing highways on the level; that certain works may be ordered by the Committee, and providing a penalty for non-compliance with the orders of the Committee.

Mr. BLAKE. It appears to me that in this section power should be given to local municipalities to apply to the Railway Committee to act. The clause provides that:

"In any case where any portion of a railway is constructed, or authorized or proposed to be constructed, upon or along, or across any turnpike road, street or other public highway, on the level, the railway company, before constructing or using the same, or in the case of railways already constructed, within such time as the Railway Committee shall direct, shall submit a plan."

Then, of course, the Railway Committee might not act on its own mere motion, and it seems to me important to provide, that local municipalities might apply to the Railway Committee to direct the railway company to do so, and it would then proceed to give directions for the plan to be filed in any particular case.

Sir CHARLES TUPPER. I do not see any objection to the suggestion, and I will make a note of it. You do not propose to make it necessary that the municipality should apply to the Committee?

Mr. BLAKE. I would not make it necessary, because there might occur a case where the attention of the Railway Committee might be attracted to it in the public interest. I would leave it in the discretion of the Committee to act, and provide that the local authorities might call the attention of the Committee to such matters.

Sir CHARLES TUPPER. I will look carefully into it.

Mr. McCARTHY. I quite agree with my hon. friend, otherwise it would be every person's duty—and, therefore, no person's duty—to call attention to the dangerous condition in which railway crossings are. I hope the hon. gentleman's suggestions will be adopted.

On section 6,

Mr. BLAKE. I would ask the hon. gentleman to indicate what railway companies are to be left out. This will be shorter than to indicate those which are brought in.

Sir CHARLES TUPPER.

Sir CHARLES TUPPER. I may say in a word that the clause is pretty comprehensive, and the suggestion of the leader of the Opposition will save time. The companies excepted are: the Carillon and Grenville, Fredericton, New Brunswick and Canada, St. John and Maine, Waterloo and Magog, the Western Counties, the Grand Southern and the Windsor and Annapolis. As to the last it is in doubt, as I suppose it is embraced really by the term Intercolonial, because the title has not passed.

Mr. BLAKE. Will the bridge arrangement which it is contemplated to assist by the resolution on the paper, take in the St. John and Maine and some others?

Sir CHARLES TUPPER. I hope so.

Mr. BLAKE. Assuming for a moment that this structure was completed, how many would that take out of the category?

Sir CHARLES TUPPER. I hope that it would take out the New Brunswick and Canada, the St. John and Maine, and the Grand Southern certainly.

Mr. BLAKE. Perhaps the hon. gentleman will state the number of railways comprehended; and if he has a list of the names I would be glad to get it.

Sir CHARLES TUPPER. Sixty-four.

Mr. BLAKE. I presume that includes many which are so by the law.

Sir CHARLES TUPPER. That is, roads which are now and will be immediately affected by this Act, or which are now affected.

Mr. BLAKE. But it does not make a distinction between those coming in under the Act and those already in. I think that would avoid a great deal of difficulty if the hon. gentleman would schedule them separately. I do not know whether the hon. gentleman intends by this clause to at once term works for the general advantage of Canada all railways which may afterwards be incorporated by the Provinces and constructed under Provincial Legislatures, and which may happen to be connected with one of the main lines.

Sir CHARLES TUPPER. My intention is to apply it if it came within the category of this clause; but, of course, the question of whether that intention is carried out is a question of law which the hon. gentleman can answer better than I can.

Mr. BLAKE. It is difficult to judge as to the point of law, when the same phrase is used for the present and the past tense. For example, this curious consequence would follow: that the very instant a Provincial Legislature passed an Act of incorporation to any railway from a point on one of these leading lines, that instant, however short or Provincial it might be in its character, it would pass out of the Provincial jurisdiction.

Sir CHARLES TUPPER. Not until it is constructed.

Mr. BLAKE. The hon. gentleman proposes that the Province shall construct and he shall appropriate. I think, however, he had better consider the wording of the Act before the third reading; and I would also suggest that he should schedule those roads which are affected and which are to be affected.

Sir CHARLES TUPPER. I see no objection.

Mr. BLAKE. I wish at this stage only to say a few words in answer to the hon. gentleman. In answering me he stated that he did not see any ground at all for my position. He said that any railway at all which was constructed was for the general advantage of Canada, because it increased the prosperity of some part of the country, and the whole country is interested in the prosperity of every part. I told him before, and I repeat, that this is not the meaning of the words "general advantage of Canada, or of two