

mode of fastening besides the one mentioned. It looks to me as if it were intended to use a new pattern of a gate instead of the old one.

HON. MR. DICKEY—It leaves the old swinging gates as they are; but when I am told by one gentleman that the application of this Bill will be prospective and my view of it is that it is entirely prospective, and by another that it is not, I should like to know what is the view of the Government on that point? Is it the intention that where there are hurdle gates now, that those gates shall be taken down and new ones put up that will overlap fifteen inches? I was under the impression that the object of the Bill was entirely prospective—that all new gates should be of the character described in the Bill.

HON. MR. MILLER—I think there can be little doubt that the meaning of the clause is that after this Bill becomes law all hurdle-gates to be constructed will have to comply with this law. To my mind there can be no question about that, and I do not see how it could be otherwise. Perhaps, as the Bill is to stand over for third reading, after it goes through committee, this discussion may cause enquiries to be made, and we may approach it in a week's time with more knowledge of the subject than we have at present. I think myself that the law will be retro-active, and that it will apply to all hurdle gates now in existence.

HON. MR. MCKINDSEY—I would ask the leader of the Government if there are any of those hurdle gates now in existence? I do not know that I have seen any of them in my travels through Ontario. Railway gates at farm crossings are all swung on hinges and are closed on a small flange of an inch or two, and the impression of the farmers is that through the action of frost the posts are heaved and the gates fall through. As I understand it, the object of this bill is to make gates more secure by seeing that they shall overlap the posts at least 15 inches—that is 7½ inches on both sides, so as to prevent beasts from pushing them through this inch flange. I do not know of any hurdle gates sliding on rollers that

are used anywhere in Ontario. They all open out on hinges, and if the width which is now adopted for farm crossings through the country is reduced 15 inches the question is whether such gates are going to be satisfactory for farm purposes.

HON. MR. MCINNIS—It appears to me that those hurdle gates sliding on rollers would be unworkable. How are they to be worked in the winter season in a country like this where we have such heavy falls of snow and such intense frosts. I have yet to see the first one of those hurdle gates on any of the railways I have passed over.

HON. MR. READ—This hurdle gate question is much more important than people imagine. Where I have travelled I have not seen the hurdle gate although it may possibly be in use, and be a better gate than the swinging gate. The people of this country whose lands are taken for railway purposes, are placed under great risk and responsibility. Under a law passed two or three years ago if a farm crossing gate is left open by a stranger, the proprietor of the land is liable to a fine of \$10. He is also liable for any damage that may occur either to property or anything else through the negligence of tramps or his own servants in leaving the gate open. A gate that is not easily opened would not be so liable to be left open negligently, and would be a better gate than the one in use. Then as regards the width of the farm crossing gate if you contract the opening to less than it is now it would not be useful for general purposes. You could not pass loads of hay or grain through it.

HON. MR. SCOTT—It is for the very purpose of avoiding the danger to which my hon. friend has adverted that this clause has become necessary. The standard fence that railways are obliged to build is that used in a township division or legal fence. Under the Railway Act all gates have to be sliding or hurdle gates; swinging gates on hinges are not legal gates according to the spirit of the Act. But the Act is entirely silent with regard to the bearing