

should not be in the General Railway Act, because it only applies to railways having bridges of this character and I think it would be a great mistake to emasculate the Bill by leaving it out of this Bill.

HON. MR. ABBOTT—To make this discussion regular I move that the Bill be not read now the third time, but that the 27th section be amended by striking out the word "and" in the 13th line and the three last lines of the clause.

HON. MR. SCOTT—Making it a misdemeanor.

HON. MR. ABBOTT—These are the lines to which my hon. friend from Halifax has referred as making it a criminal offence which is already defined as a crime by the criminal law. The Minister of Justice has a strong opinion as to the impropriety of encumbering private bills with these criminal clauses. The subject has received a great deal of consideration and it is thought better that the definition of crime should be confined to the general law and made applicable to all crimes of a similar character rather than be put into an act authorizing a private work. The argument which the hon. gentleman from Ottawa urges in favor of it does not seem to justify the encumbering of private bills with a definition of a crime. If it was necessary in the construction of a bridge to put in a crimes clause appropriate to that subject, it would be equally appropriate to insert in a bill respecting promissory notes a provision respecting forgery, and so on with every subject matter on which we legislate. The criminal law should contain, as it appears to me a definition of crimes of all kinds, and it is to the criminal law that everyone would look for the knowledge of what constitutes a crime and not to a private bill incorporating a private company. It appears to me that the public would be more likely, if there were a choice of two modes of defining this crime, to be aware of the nature of it, and the punishment provided, if it were inserted in the criminal law only than if it were inserted in this Bill: and I cannot see, therefore, any reason for inserting it

in this Bill where it obtains less publicity than by inserting it in the criminal law. I think, as a matter of order, and in the interest of good legislation we should not put these definitions of crime into private bills.

HON. MR. SCOTT—I cannot at the moment refer to them, but I know that in a number of Acts clauses of that kind are provided for special crimes, peculiar to the subject matter referred to in the Act. I find in the General Railway Act a provision for the punishment of persons wilfully obstructing an engineer. Now there, in that instance, is a part of the criminal law in the Act relating to railways. I do not know that the criminal law provides for the punishment of persons injuring bridges: perhaps it does. Has my hon. friend looked into it?

HON. MR. ABBOTT—I have not examined it, but the Minister of Justice informs me that the criminal law provides a penalty for the offence. If it does not I shall take care that it does, because the propriety and necessity of it is strongly felt by the Minister of Justice, and if my hon. friend will show me that there is no provision for it in the criminal law, I shall see that the defect is remedied.

HON. MR. DICKEY—As Chairman of the Committee, I may be expected to say a word on this subject. My attention has been called not for the first time today, to the provision to which objection is taken. I was the first to invite the notice of the Committee to the clause as unusual, and, as it appeared to me, an incongruous thing to be found in a section of a Railway Act. I was answered in this way, and the answer appeared to me a very fair one, that this was not merely a Railway Bill, but it was a Bill for constructing bridges, and that this provision was intended to apply accordingly. The suggestion was made that there was no existing legislation which would apply to it, and therefore it was necessary that this clause should be in the Bill. It was further stated that in other Bills a similar provision was incorporated, as could be seen by reference to our Statute Book. I was satisfied with

HON. MR. SCOTT.