

HON. MR. POWER—I understand the Leader of the Government has prepared an amendment to this Bill.

HON. MR. ABBOTT—No.

HON. MR. POWER—There is one point in this Bill to which I would wish to direct the hon. gentleman's attention. I noticed that there are provisions in this measure which properly come under the criminal law, and when the Statutes of Canada were being consolidated these provisions were, as far as possible, consolidated also, and one can readily see that it is a most undesirable thing that provisions imposing severe penalties and constituting crimes should be embodied in private acts. No one would dream for a moment to look for a provision constituting a crime in a Bill incorporating this Railway. I think it is the duty of the hon. leader of the House to look into this Bill in that respect.

HON. MR. ABBOTT—I was not aware that the hon. gentleman had before alluded to this matter. He is quite right in his criticism of the 27th clause, but when the Bill was before the Committee, it was found that a similar clause was in many other Acts of the same kind, and therefore it was allowed to be passed over. On looking at it, however, I think it is better to strike it out as the matter is already provided for in the criminal law.

HON. MR. SCOTT—I should object to this amendment and for this reason. There have been introduced into several private bills clauses of this kind for the purpose of calling public attention to the subject provided for. This a clause which provides for a particular subject matter connected with this Bill, and I maintain that the public ought to be acquainted with the criminal law, and will have a better opportunity of becoming familiar with this particular part of it when it is incorporated in a Bill of this kind. It ought to be like the laws of King Alfred, made as public as possible. I think, in the public interest, and in the interest of all concerned, it would be infinitely better

if a single clause, even if it be taken from the criminal law, should be allowed to be put into those bills as notice to the public when it is particularly connected with the enterprise for which the Bill is introduced.

HON. MR. POWER—I fail to see the force of the hon. gentleman's reasoning. According to the theory of the hon. gentleman each railway corporation should have a criminal law for itself.

HON. MR. SCOTT—No. This does not come under the general railway act, though the general criminal law would apply to it.

HON. MR. POWER — The clause provides

If any person forces or attempts to force any gate or guard of the said bridge, or the approaches thereto, or if any person wilfully does or causes to be done any act or acts whatsoever, whereby the said bridge, its lights, stationary works, machinery, fixtures or other appurtenances thereto are obstructed, impaired, weakened, destroyed or injured, the person so offending.

Now if any person forces or attempts to force a gate on one railway the penalty should be the same as if he attempts to force or forces it on another railway. As it is now the criminal law makes a general provision which applies to all those cases, and I think it would be a most unwise thing to incorporate it in this private Bill.

HON. MR. SCOTT—There is provision made in the general Railway Act for offences to which this particular clause is not applicable for the reason that there are very few railways crossing rivers of this character. We have already on record the terrible accident which occurred at the crossing of the canal a few years ago. It is necessary that at the crossing of a deep chasm like the Niagara River, ample provision should be made to protect the public on both sides, and the public would have more satisfactory notification by having this clause in the charter giving the bridge company special powers. If you look at the General Railway Act you will find there is a clause for misdemeanors that apply to all railways. The clause under discussion