

Hon. Mr. CASGRAIN (de Lanaudière)—I would not object to that, but as we are constituting a board, the secretary of the board would be the proper authority.

Hon. Sir MACKENZIE BOWELL—As there seems to be a disagreement among the lawyers as to meaning of this clause, and as the subsection of the clause seems to be drawn in a crude and doubtful form, would it not be well to let it stand, and call the attention of the railway officials to it, and get some suggestion to make it intelligible?

Hon. Mr. SCOTT—I have suggested a change in it that would make it perfectly clear as far as the phraseology is concerned—the company shall furnish free transportation for members with their baggage and for the board and their staff.

Hon. Mr. POIRIER—That would be all right.

The clause was amended and adopted.

Hon. Mr. McMILLAN—As the principle is adopted, it will be remembered that I gave notice that I would move:

That subsection 5 of section 275 be amended by adding the following words, after the word 'Canada,' in line 24:—'provided, however, that the company shall not be liable for any injury that the person so travelling may sustain while travelling on said railway.'

Hon. Mr. CLORAN—That is against the law of the country.

Hon. Mr. SULLIVAN—No.

Hon. Mr. CLORAN—Yes, when you travel on a pass, and damage occurs to you through the company's own negligence, the company is liable. Our deputy sheriff, Mr. Arthur Franchère, was killed on the 29th of January last travelling on a free pass. He was out of his place, standing in the baggage car, where he had no right to be. The car detached itself from the train, ran down a grade and bumped into a standing train further down, with the result that the deputy sheriff was knocked against a stove and killed. The case was brought before the court and judgment was rendered in favour of the family for \$5,000 damages.

Hon. Sir MACKENZIE BOWELL—It was an outrage.

Hon. Mr. CLORAN—It would have been an outrage if they had not granted damages.

Hon. Mr. POWER.

It was the fault of the company that the car detached itself. 'Provided the party travelling on a pass shall not claim damages from the company,' is an outrage on justice. The courts properly granted the family \$5,000 damages, notwithstanding that on the back of the pass was inscribed the very words suggested by the hon. senator. Remember, the victim was out of his place, and not in his seat where he should have been, but happened to be in the baggage car talking to the baggageman.

Hon. Mr. DeBOUCHERVILLE—It was the family that asked for damages: the family did not sign the contract.

Hon. Mr. POWER—When you consider the infinite loss this country would suffer if any considerable number of senators or members of the House of Commons were killed, I think one would hesitate before adopting this amendment.

Hon. Sir MACKENZIE BOWELL—I question that very much in the case of those who are standing ready to fill the seats of those who would be killed.

Hon. Mr. POIRIER—Supposing a conductor or some official should act rudely and assault one of us travelling. If this were to pass there would be no recourse against the company. I think we should guard against such an emergency. I would like to give the company every proper protection, but I should not like to be at the mercy of the officials of the company.

Hon. Mr. McMULLEN—If we are passing a law forcing the railway companies to carry us free, and we are also sustaining the law to compel them to pay damages if we suffer through an accident on their road, it is going too far. I do not think we should attempt to hold the railways responsible if they give us free passes and we should happen to lose our lives. Our families should not be placed in a position to bring action for damages against the company. If the adoption of this amendment will prevent that, I certainly shall vote for it.

Hon. Mr. CLORAN—If the accident is the fault of the victim, he should get no damages, but if the accident is caused by the fault of the company, the company is responsible, and the courts will not uphold any other principle, even when we sign a con-