

These clauses will restore the law to what I think it ought to be and would have been had the attention of Parliament been directed at the time to the changes made when the Acts were consolidated. I pass by the observations my hon. friend has thought fit to make about the members of my profession—for cases of that kind, which I deplore, do occur—but if my hon. friend ventures to assert, that in any measure I have been charged with I have been influenced in any way whatever, by any matter of the kind to which he refers, he is completely mistaken. This is not my matter, but that of the hon. member for Renfrew. He has been induced to bring it in by a scandalous transaction, so to speak, which occurred in his own riding—by an injustice suffered in the name of law; and he would have been wanting in his duty had he not brought to the attention of this House the necessity of the amendment he proposed.

Mr. O'BRIEN. A greater injustice could not be perpetrated, on a very large class of people, than will be inflicted if the hon. Minister of Railways refuses to pass this amendment. When the hon. gentleman talks of motives and reasons, they are not far to seek. From the whole course of railway legislation, from the whole manner in which the railway companies carry on their transactions, it is very evident that, if the law was altered, it was altered through the influence of the railway companies; and if the law is not changed to-day, a large section of the people will be placed in a most disadvantageous position. There are large districts of new country where the land may be said to be in common, for every man's cattle is allowed to run loose through the woods; and if this law is not to be altered, those cattle will be at the mercy of the companies. How is a man, living at the end of a township, whose cattle has strayed over a couple of thousand acres, to give notice to a company to fence any particular lot through which his cattle may pass? This would be a great injustice to the people in the new districts through which many of these colonization roads are intended to run. Look at the railways in Muskoka. In the town near which I live, there is not a day in which the safety and lives of the people are not endangered by the culpable carelessness of the companies; and it seems there is no possibility of redress. Remonstrances are frequently made, but without result. They have their crossings on the level in places where it is difficult to avoid danger. The railway legislation of the country has gone far enough, and it is about time the House interposed, and let the people understand there is a power beyond the railways. All this subsidizing of railways is very well, for they develop the country, but that is no reason why the railways should be placed above Parliament, and it is time Parliament should interfere. I trust this House, taking into consideration the remote parts of the country through which these new railways are to pass, and the practical impossibility of obtaining redress, will support the amendment of the hon. member for Renfrew.

Mr. WHITE (Renfrew). I regret exceedingly that, after having sat with the hon. Minister of Railways for so many years, he should to-night cast upon me the imputation of having introduced any measure in Parliament for the purpose of serving my own interests.

Sir CHARLES TUPPER. I did not say so.

Mr. WHITE (Renfrew). The hon. gentleman said I brought this measure because I had been defeated in a lawsuit with a railway company.

Sir CHARLES TUPPER. I said it was because some party in whom the hon. gentleman took an interest was defeated. I should judge, from the warmth with which he spoke, and the familiarity he exhibited with all the details of the case, that he took a great interest in it.

Mr. WHITE (Renfrew). I take a very warm interest in everything that affects the interests of my constituents.

Mr. McCARTHY.

I have no personal interest in the matter. I do not happen to know the gentleman who brought this lawsuit against the Canadian Pacific Railway, but I think I would be wanting in the discharge of my duty if I failed to bring this matter before Parliament under the circumstances, knowing that a gross injustice, from my point of view at all events, has been perpetrated by a powerful railway corporation on an unoffending farmer; and supposing he is a poor farmer, unable, perhaps, to defend himself, I would be wanting in my duty, if I refused to ask this House to remedy this evil which has been brought under my notice. I refer to this case, because it elucidated the point I was endeavoring to present to the House and Committee. I have no interest in this case, nor has any person connected with me, but I refer to it simply because a decision had been rendered in it, that, from my point of view, declared the law to be that which it ought not to be. It was for that reason and none other that I introduced this amendment. Let me say in reference to the question of notice, that notwithstanding what the hon. Minister of Railways may say in reference to the intelligence of the farmers of this country—and I believe with him that they are a very intelligent class, and that they know as much of law generally as it is in their interest they should know; some of them know rather more than it is in their interest they should know—there are many gentlemen who are well educated and tolerably familiar with our Railway Law who do not know this provision exists in the Railway Act, and are therefore liable to be placed at a disadvantage in not giving notice to the companies to erect fences. The hon. gentleman knows that for sixty or seventy miles through the county I have the honor to represent, the Canadian Pacific Railway has not a single mile of fence, and he knows—because he has been, I am happy to say, in that section of the country—that over a considerable portion of that district which is not fenced by the Canadian Pacific Railway, there are occupied lands. Now, Sir, my hon. friend from North Simcoe (Mr. McCarthy) has thrown out the suggestion that my amendment should be withdrawn and that the sections of the old Consolidated Statutes of Canada should be substituted therefor. I am not at all wedded to my proposition, and if anything else could be substituted that would effect the same purpose I am willing to accept it. But the reason the hon. Minister of Railways has adduced against this amendment is the one which induced me to put it in its present form. I admit there are large tracts of country in which there is no necessity to erect fences, but there still exists a necessity for the protection of the lands of adjoining proprietors, and the duty and the obligation of such protection ought to be put on the strong and powerful corporation.

Mr. BLAKE. As the hon. gentleman from North Simcoe and the hon. gentleman from North Renfrew have suggested different modes of effecting the same purpose, I would suggest that an amendment should be framed between them which would best effect the common object they have in view. On the whole I think the hon. gentleman will see that his friends are against him on this occasion.

Sir CHARLES TUPPER. I am afraid that with cannon in front of me, cannon behind me, cannon to the right of me, and cannon to the left of me, I shall have to submit. But I beg the House to remember that the responsibility of this change will not rest upon me. I have discharged my duty to the best of my ability in presenting the reasons why I thought this amendment should not be accepted. My hon. friends, notwithstanding their power, have failed to change my view of the case. I think the course suggested by the leader of the Opposition is the best one, and that a clause should be framed embodying both these propositions.

Mr. BLAKE. I must protest against the doctrine of the hon. gentleman, who says he submits but he will not be