

members of the House, who are members of the committee, to the fact that there are two or three points in this Bill which I think go too far. The committee will require to look at them, and put them in a more equitable shape, not only out of consideration for the railway companies but out of consideration for the public. Both of these objects, I think, will have to be considered in the Railway Committee. My hon. friend says that his Bill is the same as the Lower Canada Act. With regard to the first clause of this Bill, it is similar to the Act of Lower Canada, but it makes one or two rather striking alterations. It enables the local municipal council to make the law as to the amount of damages which the company may have to pay if anything is wrong.

HON. MR. McCALLUM—Before a court.

HON. MR. ABBOTT—The words are: "shall be subject to any regulations as to damages." The word "damages" is inserted here. This would give authority to local municipal councils to make the law as to damages. In other respects the old law of Lower Canada is not unfair. But there are two points in the other two clauses which are not taken from the law of Lower Canada; they are entirely new. Firstly, the Bill says that if a drain is to be made across a railway it shall be competent for the council to send a provincial land surveyor, who shall decide where the crossing of the railway is to be made, and who shall make plans and specifications as to the mode in which it is to be done. I think my hon. friend goes too far there. I do not think many provincial land surveyors are competent to decide where would be a safe place to make a tunnel under a railway. I think my hon. friend will have to reconsider that, to some extent; and further than that, this local land surveyor has the duty imposed upon him of estimating how much the tunnel will cost. If, according to the estimate, the tunnel will cost only \$400 or less, the railway company have got to do it, and not only have got to do it (because if they were left to do it in their own way, no doubt they would do it safely), but they are to be subject to his plans and specifications; so, if he decides to make a wooden culvert

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under a railway, such as the first train passing over it will crush in, the company are bound to do it in that way, or do all that is necessary at their own expense. Because my hon. friend will see that by that clause it is the estimate of the local land surveyor that the local municipality is governed by. He might prescribe a work requiring an expenditure of thousands of dollars to make it safe, and estimate the price at \$400; the municipality would pay \$200, and the railway company would have to pay the balance, whatever it might be. I know that my hon. friend does not wish to do injustice, and that he wishes to have the Bill put in reasonable shape, so that it will be just to all parties. I would therefore suggest that it be referred to the Railway Committee.

HON. MR. SCOTT—It is not a private Bill.

HON. MR. McCALLUM—I want it before a Committee of the Whole House; I want the discussion on the Bill to go into our *Debates*, so that the people of this country will know who is in favor of giving them justice and who is not, if it comes to that.

HON. MR. ABBOTT—I think that the subject requires consideration. If there are merely verbal alterations to be made in the Bill they can be made a great deal better in the Railway Committee. The measure will then have to come before the House on the report of the Railway Committee, and the whole matter can be discussed. If the Railway Committee strikes out anything which my hon. friend thinks ought to be in the Bill he can move to have it restored.

HON. MR. McCALLUM—I am in your hands, of course.

HON. MR. ABBOTT—I do not want to dictate to my hon. friend. I want to help him to make a fair Bill; and I think we shall get a better Bill by sending it to the Railway Committee first.

HON. MR. SCOTT—This is not a private bill, and if it goes to the Railway Committee it must be by special vote. The subject matter with which he deals in four clauses, which are not very long, requires eight pages in the Ontario Act.