

came from the municipality of New Westminster. They were very much opposed to the work that was going on there by a railway company, and a fierce contest arose between them. The railway was ably represented on this occasion by counsel, but the municipality was represented by nothing else than a letter; yet the Railway Committee decided in favor of the municipality, showing that the idea that it is necessary to be represented at Ottawa is entirely erroneous. The Railway Committee of the Privy Council are exceedingly careful to guard the rights of those who are not represented—much more careful and cautious than if those rights are represented by counsel. With a knowledge of that whereof I am speaking, having considerable experience in these matters, all I can say is that to settle a grievance of this kind—an application for a culvert or deepening a drain—it will involve very much less time and labor to make application to Mr. Trudeau, Secretary of the Railway Committee of the Privy Council, than to apply under this Bill, and I do not think it is likely that a solitary case will arise under this Bill in the next ten years.

HON. MR. POWER—Then why oppose it?

HON. MR. SCOTT—Because it is a disturbing Bill. Under the existing law, if any grievance arises it is a very simple matter to communicate with Mr. Trudeau and have it dealt with by the Railway Committee. There is an officer whose duty it is to attend to such matters—Mr. Ridout—and he is constantly travelling over the country from the Atlantic to the Pacific to inquire into just such cases, and I think one could fairly throw out the challenge that an authenticated case of hardship under the Railway Act as it now exists cannot be pointed out. Is it wise or prudent that we should throw on the country a Bill of this kind? It either has a meaning, or it has not a meaning. It is a Bill that is difficult in its interpretation and would be a prolific source of litigation. It must be patent to hon. gentlemen when they read it that in every case under this Bill the parties will still have a right to appeal to the Railway Committee, and they have all this complicated machinery, in the first instance. The railway companies will probably resist

a Bill of this kind. They do not think it reasonable; they do not think it is demanded or necessary. They will simply dispute the propriety of putting a culvert in a particular place. Then, after the plans have been prepared, the municipality appealed to and the order made, they will come to the Railway Committee of the Privy Council, where the question will have to be finally decided, because there is a clause in this Bill which gives either party the right to appeal to that tribunal. It is a very simple matter to communicate by letter with the Secretary of the Railway Committee of the Privy Council to question the propriety of putting a culvert at the point indicated. The Railway Committee still has to deal with it. You will impose all that trouble by the machinery provided in this Bill, and give these imaginary powers—because, after all, they are only imaginary—to the municipality, when they can accomplish nothing by means of them.

HON. MR. KAULBACH—I am very much surprised to hear my hon. friend saying that the railway companies are so arbitrary and despotic that they will resist a demand, whether reasonable or unreasonable. I do not suppose what I am saying will have any effect on the Bill, because the House has given its decision. The hon. gentleman mentions one case where a railway company was defeated on an application to the Railway Committee of the Privy Council. It shows how arbitrary the railway company must have been to let the case come before that tribunal when there were no grounds for resisting the demand. Under the Bill the Railway Committee are judges, but only in certain cases. The hon. gentleman from Ottawa says that a case can be fairly and reasonably discussed and decided with the counsel for the railway company there to press the claims of the railway and nobody present to represent the interest of the other side; but I do not think there would be the same probability of having a proper decision as there would be under this Bill. I contend that the proposed legislation is in the interest of the country, and there will not be any dispute between the railway companies and the municipalities. This will prevent rather than cause dissensions in the country. It will in many cases improve the railway tracks;