

than I do about any of the other provinces. It is not exactly the question that damage is often done by railways crossing farms and backing the water up on the land, for as to that, the courts are open to the farmers and they can either get damages or compel the construction of a culvert. But the railways have been constructed in many of the western parts of the province through unsettled lands or partly settled lands, and at the time of construction the farmers did not need to drain this land. Under the Ontario law the owners of a particular area can by petition to the council have an engineer sent, and if the engineer recommends it, they can have a drain made sufficient for the purpose of draining this swamp land. It so happens, however, that by reason of the railway crossing between this area and the outlet, the drain has to be carried a long distance to some stream, and so there is an enormously increased expense entailed in order to reach a proper outlet. Sometimes this drain benefits the railway company, but the man who needs the drain has to pay the increased expense, without having redress to the extent of a single farthing against the railway company that blocks the way. The railway companies now simply stand by, and so far as Dominion railways are concerned, they are beyond the jurisdiction of Ontario legislation, as my hon. friend from Lambton (Mr. Lister) has pointed out, and cannot be compelled to pay a part of the expense. This constitutes a grievance. I have read with some care the Bill of my hon. friend (Mr. Casey), and notwithstanding the care with which he has drawn it, it will no doubt require a great deal of attention in the committee, and unquestionably considerable amendment in order to make it workable without doing any injustice to the railway companies of the Dominion. The point now is, to affirm the principle of the Bill, and that I do most cordially.

Motion agreed to, and Bill read the second time.

The PRIME MINISTER (Mr. Laurier) moved the adjournment of the House.

Motion agreed to, and House adjourned at 9.30 p.m.

HOUSE OF COMMONS.

THURSDAY, 22nd April, 1897.

The SPEAKER took the Chair at Three o'clock.

PRAYERS.

FIRST READINGS.

Bill (No. 40) to incorporate the Maritime Milling Company (Limited).—(Mr. Fraser.)

Mr. BRITTON.

Bill (No. 41) respecting the River St. Clair Railway Bridge and Tunnel Company.—(Mr. Taylor.)

Bill (No. 42) to incorporate the St. Mary's River Bridge Company.—(Mr. Dymont.)

Bill (No. 43) respecting the Canada Southern Railway Company.—(Mr. Taylor.)

Bill (No. 44) respecting the Welland Power Supply Canal Company (Limited).—(Mr. Sutherland.)

REPORTS.

Report of Commissioner for North-west Mounted Police for the year 1896.—(Mr. Laurier.)

Report of the Board of Civil Service Examiners for 1896.—(Mr. Fisher.)

TRADE MARKS.

Mr. LOUNT moved for leave to introduce Bill (No. 45) in further amendment of the Trade Mark and Design Act.

Some hon. MEMBERS Explain.

Mr. LOUNT. I had supposed that this Bill might have been introduced without explanation, but probably it is not out of order and may be useful for the further consideration of the Bill that something should be said at its introduction so that members of the House may be able to form some opinion and come to some conclusion respecting the propriety of the measure. The Bill is intended to enlarge the Act respecting Trade Marks and Design. By the third section of the present Act it is provided that:

All marks, names, brands, labels, packages or other business devices, which are adopted for use by any person in his trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description manufactured, produced, compounded, packed or offered for sale by him—applied in any manner whatever either to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatsoever containing the same, shall, for the purposes of this Act, be considered and known as trade marks, and may be registered for the exclusive use of the person registering the same in the manner herein provided; and thereafter such person shall have the exclusive right to use the same to designate articles manufactured or sold by him.

By the operation of the Act it is confined solely to trade marks of persons or individuals, and is made a valuable interest beyond any doubt, if there is any valuable interest to those who adopt trade marks, labels or devices used by them in their trade or calling. But while it has advantage to the individual it does not go far enough in the opinion of the trade organizations of this country, and so far as my instructions go and from the best information I can obtain, the trade associations, which have their headquarters largely in the city of Toronto