

The Ninth Clause read and ordered to be amended as follows :—

Page 5, line 9.—Leave out from “therefor” to “10” in page 6, line 6, and insert the following :—

“ 16. Within three months from the passing of this Act, in the case of a railway already constructed on any section or lot of land any part of which is occupied, or within three months after such construction hereafter, or, before such construction, within six months after any part of such section or lot of land has been taken possession of by the Company for the purpose of constructing a railway thereon, and in the last case after the Company has been so required in writing by the occupant thereof; fences shall be erected and maintained, over such section or lot of land on each side of the railway, of the height and strength of an ordinary division fence, with openings or gates, or bars, or sliding or hurdle gates, with proper fastenings therein, at farm crossings of the railway; and also cattle guards at all highway crossings, suitable and sufficient to prevent cattle and animals from getting on the railway. But this clause shall not be interpreted to the profit of any proprietor or tenant in any case wherein the proprietors of any such section or lot shall have accepted compensation from the Company for dispensing with the erection of such gates or bars.

“ 2. If, after the expiring of such delay, such fences, gates and cattle guards are not duly made; and until they are so made and afterwards if they are not duly maintained the Company shall be liable for all damages which shall be done on the railway by their trains or engines to the cattle, horses or other animals of the occupant of the land in respect of which such fences, gates or guards have not been made or maintained, as the case may be, in conformity herewith.

“ 3. After such fences, gates and guards have been duly made and while they are duly maintained no such liability shall accrue for any such damages unless they are caused wilfully or negligently by the Company or by their employees.”

The remaining Clauses read and agreed to.

Title again read and agreed to.

After some time the House was resumed, and The Honorable Mr. *Dever*, from the said Committee, reported that they had gone through the said Bill, and had directed him to report the same with certain amendments.

*Ordered*, That the said amendments be now received.

And the said amendments, being read a second time, were agreed to.

The Honorable Sir *Alexander Campbell* moved, seconded by the Honorable Mr.

*Plumb*,

That the Forty-first Rule of this House be dispensed with, in so far as the same relates to this Bill, and that the said Bill, as amended, be read a third time presently.

The Honorable Mr. *Power* moved, in amendment, seconded by the Honorable Mr. *McClelan*,

That the said Bill be not now read a third time, but that it be again committed to a Committee of the Whole House, for the purpose of leaving out the words “not only” in the seventh line of the fourth page, the words from “Railway” in the thirteenth line of the said page to “are” in the fifteenth line both excluded, all the words in the first sub-section after “Canada” in the twenty-seventh line and the words “or branch line” in the second sub-section.

The question of concurrence being put thereon, the same was resolved in the negative.

The question being then put on the original motion, the same was resolved in the affirmative, and

The said Bill, as amended, was then read a third time accordingly.

The question was put whether this Bill, as amended, shall pass?

It was resolved in the affirmative.