

for such a fence. The system, I understand, is that on the petition of two-thirds of the actual population of a territory, or portion of a territory, the Lieutenant-Governor may create that section into a municipality; so that if there were thirty-three settlers in a territory, which might be of any extent almost, twenty-two of them could petition the Lieutenant-Governor and get the district erected into a municipality, and that would compel any railway company whose line passed through that district to fence its entire frontage through that territory, although there might be only a very sparse settlement. How far the actual needs of these municipalities require to be met is not very easy to be decided in a moment. The law provides fully for ordinary municipalities, and compels the fencing of the frontage of a railway on both sides in these municipalities, and, I think, by a subsequent clause, requires further fencing where there are settlers. The railway companies are compelled to fence. Under these circumstances, and considering the enormous magnitude of what my hon. friend proposes to impose on the railway companies, I should hesitate to accept his amendment. I undertake to say that the question will be looked into, and we will endeavor to ascertain how far we can give additional protection to tracts of country not organized into municipalities as contemplated by the Act as it stands, but at this moment I could not undertake to accept an amendment of such enormous importance as this.

HON. MR. POWER—The object of the hon. gentleman from Calgary might be met by applying to the Territories the provisions which apply to the Maritime Provinces now.

HON. MR. ABBOTT—I think the law says that now with respect to the whole country.

HON. MR. POWER—It provides that at the time of the construction of a railway the company shall make a fence where the land is occupied; but there does not seem to be any provision for a case where the lands are not occupied until after the construction of the railway.

HON. MR. ABBOTT—I think there is a clause which compels them to construct a fence on six months' notice.

HON. MR. LOUGHEED—I am quite well aware of the fact that it would entail a very large expense on the railway companies at the present time, and as the matter was brought hurriedly before the Railway Committee, without sufficient time to permit of a proper consideration being given to it, I am prepared to withdraw the amendment, on the assurance of the leader of the House that the matter will receive the consideration of the Government before next session.

HON. MR. ABBOTT—I can assure my hon. friend that it will receive the careful consideration of the Government.

HON. MR. LOUGHEED—I was about to direct the attention of the House to a difficulty which has arisen in Manitoba, owing to the construction placed upon the Railway Act by one of the registrars under the Torrens Act. I understand the attention of the leader of the House has been directed to the fact. The difficulty arose in this way: Under the previous Railway Act, before the consolidation of 1888, it was contended that powers were not given at that time to the railway companies to acquire lands by purchase. Certain town sites had been acquired by purchase by the C. P. R. Co., and were afterwards sold. On application of the purchasers for a certificate of title under the Torrens Act a difficulty thus arose. It was held by the registrar that the railway companies not having the power to purchase those lands, they therefore had not the power to sell and to make title to same, and hence a certificate could not be issued under the Act. The attention of the leader of the House, I understand, has been directed to it, and a suggestion was made that section 1 of this amending Act should be so amended as to meet the difficulty which had arisen, making the law retroactive to reach the transactions which have already taken place.

HON. MR. ABBOTT—My attention has been directed to this question, but I doubt if the difficulty really exists, except, perhaps, in the mind of the registrar. The General Railway Act which was in force previous to the Revised Statutes contains a clause which authorizes a railway company desiring to acquire land for its stations or other conveniences to acquire a larger portion of land than it needs, if by