

not in the interests of land owners or agriculturists of the Dominion. I cannot see where it will endanger the public or endanger the property of the railways when railway companies are required to make those improvements by their own officers. Therefore, I think my hon. friend's Bill might be allowed to go to the Committee on Railways to be discussed there in detail.

HON. MR. SCOTT—My hon. friend did not catch my point. It is not a question of expense or drainage, but it gives the municipality the right to say that a railway embankment shall be pierced at a particular point. The railway engineer says: "We cannot do it safely there; it is an element of danger to our road." The question of expense does not come in. My hon. friend does not catch the point at all. It is that the construction of a culvert across a railway shall be left to a township council. I do not think a township council should be entrusted with so much power. When a dispute arises between a municipality and a railway company as to the place at which a ditch shall cross the railway the Railway Committee of the Privy Council is the only proper tribunal, because they will send an official of their own to say where this drain ought to be. It is simply a question to decide where the safest and best point for the crossing is to be made.

HON. MR. McCALLUM—Of course, I may be permitted to explain this a little further. My hon. friend from Ottawa cannot have considered the Bill, or he would not look at it as he does. I believe that the Act of last Session is conceded by all parties, and even by the hon. leader of this House, as being too stringent, and the hon. gentleman said last year that he would give his attention this Session towards making it more favorable to the interests of the people. It is on record in his speech here. If a man at Vancouver or down at Cape Breton wants to get a drain through his farm and across a railway he has to come before the Railway Committee of the Privy Council before he can get permission to do it. If the railway companies are allowed to go on in this way they will next be telling us what crop we should sow on our farms

and how to till them. The hon. gentleman from Ottawa says that this Bill will be dangerous to railways. As far as draining across railways is concerned, this Bill provides that the railway companies shall do the work themselves; for I am opposed, and have always been opposed, to having anyone interfering with railway property but the railway company themselves. What I am asking for in this Bill has been the law in Lower Canada since 1859. If it has been a good law for Lower Canada all this time, certainly it cannot be very bad for the other Provinces of the Dominion. The first clause of the Bill is taken from the Railway Act, which has not been repealed by the Revised Statutes of Canada. This has been the law in Quebec, yet my hon. friend from Ottawa gets up here to-day and says he would compel every farmer who wants to drain his land to come before the Railway Committee of the Privy Council. Under the provisions of this Bill the Railway Company will do the work in all cases, and if there is a dispute as to who shall pay for the work it shall be decided by arbitration. There is nothing unreasonable about that. If the amount exceeds \$400, and it is an important work, the parties have to come before the Railway Committee of the Privy Council, as at present; so it is only dealing with minor drains. Then, after the company makes the drain the amount for which the owner of the property is liable stands as a judgment against the land. The railway company is protected in every way, more so, even, than the law of Lower Canada. My hon. friend ought to be liberal enough to allow the Bill to go before the committee, where I could explain it in detail.

HON. MR. ABBOTT—My hon. friend who has last spoken is quite right in saying that I sympathise with the object of this Bill. I think, as I said last year, the clause inserted in the Railway Act of last Session is in some respects too stringent, and that there should be a remedy devised that would prevent the farmer or local proprietor from being injured in respect of his drainage by the construction of the railway. I have risen now, not for the purpose of opposing the second reading of the Bill as it stands, but merely to call the attention of the