

sion took place, that as our own room might be too small and the acoustic properties of the Railway Committee room of the other House were bad, it would be better to meet here in the morning or in the old Railway Committee room, and notice of the meeting should be given.

The clause was allowed to stand.

On clause 200,

200. The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed when not in use; and no person, any of whose cattle are killed or injured by any train, owing to the non-observance of this section, shall have any right of action against any company in respect to the same being killed or injured. 51 V., c. 29, s. 198.

Hon. Mr. BOLDUC—I desire to call the attention of the committee to the want of security for the landowners under this clause. In many instances the landowner does not live near the farm crossing. If I read the clause correctly, the gates must be kept closed by the landowner, and in cases where the landowner lives two or three miles from the farm, it is hard on him, if a stranger passing through his farm should forget to shut the gates, and cattle get out on the track and are killed. According to my reading of the clause, I do not think there is any recourse against the company under such circumstances. I should like to have the opinion of legal gentlemen as to whether my view is correct or not.

Hon. Mr. McMILLAN—I take the same view of it as the hon. gentleman does. Unless it is through the neglect of the landowner the gates are left open, you cannot hold him responsible. I would offer an amendment to this clause to render the owner liable only in case of neglect on his part.

Hon. Mr. SCOTT—That would be impossible.

Hon. Mr. McMILLAN—I mean in case it is not the fault of the landowner that the gates are left open.

Hon. Mr. SCOTT—The company have nothing more to do with it than my hon. friend has.

Hon. Mr. McMILLAN—The man's cattle may be in the adjoining field, and pass out on the track through an open gate. Although it may be through no fault of the owner

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that the gate is open, he has no recourse against the company if the cattle are killed.

Hon. Mr. LOUGHEED—Under the law as it is to-day, if the cattle of the owner within inclosed premises should get out on the highway, and commit damage, he would be liable in any event. This clause simply leaves the liability as it has always been.

Hon. Mr. McMILLAN—But this entails on him the responsibility of keeping the gates shut all the time.

Hon. Mr. LOUGHEED—To escape liability he would have to keep his gate shut.

Hon. Mr. POWER—This is the law which has been in force for a considerable number of years.

Hon. Mr. McMILLAN—And from which the farmers have suffered.

Hon. Mr. POWER—There is one change in the clause, and that is in favour of the owner. It provides that he shall be compensated for cattle which are injured. Under the existing law the compensation is limited to cattle that are killed. The railway company are obliged to go to a good deal of expense in erecting these farm crossings, and they are put there for the convenience of the farmer whose land abuts on the railway, and surely the least he can do is to take the trouble to keep the gates closed.

Hon. Mr. MCGREGOR—I know great hardship has existed under that clause. A storm may blow down a fence or open a gate and the sectionmen passing may see it and not notify the owner. The railway company should be obliged either to notify the owner or close the gate.

Hon. Mr. BOLDUC—It is true this has been the law for some time, and that is the reason why I wish to have it changed. I know last year some strangers left a gate open on a farm near where I live, and two or three cattle were killed without any fault of the owner, and he had no recourse against the railway company. We know that farmers, whose farms are crossed by railways, suffer great inconvenience, and it is not fair to throw the burden on them of keeping the gates closed if they may be opened by outsiders. The amendment proposed by the hon. gentleman from Glengarry ought to be adopted.