

yet they have been abandoned by their owners rather than pay the taxes levied. I am aware that the reeve of one of the principal townships in Hastings has been called upon to pay \$600 for a drain across his farm, which a man could dig for \$60. The county council thought fit to send a petition asking for legislation in this direction, and especially asking in regard to drainage across railway tracks, which is often found more costly than all the other parts of the drainage put together.

Mr. LISTER. The Bill under consideration is one that affects a very large section and a very large number of the people of this country. For the western part of Ontario, where the land is flat, and where it is absolutely necessary that it should be drained for the purpose of cultivating it, a law of this kind should be passed. The Bill which my hon. friend introduces is substantially a statute passed by the province of Ontario, whereby the owner of the land can bring any railway corporation under its provisions and compel the corporation, the same as an individual, to do what is necessary to give the owner of the land drainage. Our courts in Ontario have held that the law passed by the legislature is ultra vires of that legislature, holding that that legislature has no power to pass an Act affecting railway companies incorporated by the Parliament of the Dominion of Canada, or which has been brought under the control of the Dominion of Canada by the provisions of the British North America Act. Such being the case, the farmers, at all events of western Ontario, are left practically without any remedy. Within my own knowledge farmers in my own county have for years been trying to get drainage for their lands under the tracks of railway companies. The courts, as I have said, have decided that these railway companies do not come under the laws of the province, and the difficulty has been to get the companies to do what they ought to do under ordinary circumstances. The law being as at present, the owner of the land was without any machinery by which he could compel a railway company to allow him even to go upon railway property and drain. The consequence has been, as my hon. friend stated a moment ago, that the farmer was either compelled to come to the Railway Committee of the Privy Council and ask for a judgment of that court, or he was bound and compelled to accept the terms dictated by the railway company, and I need hardly say in many cases those terms have been exceedingly harsh. Petitions have been presented to this Parliament, over and over again, by the farmers of the country asking that some legislation should be passed by Parliament; but as yet no steps have been taken, the answer on one or two occasions being that those people have a complete remedy by the Railway Committee of the Privy Council. The Railway Committee of the Privy Council is many hundreds of

miles away and in some cases thousands of miles away from the people interested, and the simple mention of that body deters those people from coming here for that redress which I am sure that committee would give them. There is no injustice in compelling a railway company to stand in the same position and on the same footing as an individual. Under our law, by a very simple process, if a man requires drainage for his land, he serves on the owner of the adjoining lands, or the municipality if it is necessary to go across the road, a notice, and if the parties cannot agree to the terms on which the ditch shall be constructed, then an engineer is brought in, and his award is final and binding on all the parties. It may be said so far as the railway companies are concerned: we owe a duty to the travelling public, that it is absolutely necessary that no person should interfere with the railway tracks in any way whatever. That it is quite true so long as the measure provides that this work shall be done under a competent engineer or under the superintendency of a Government engineer, or of an engineer of the railway company, and the rights of the public are perfectly protected. So I can only repeat what my hon. friend has said, that this is a measure demanded by the people, that it is in the interest of the people, that it cannot injure the railway companies in any degree whatever; and while this may not be the exact law that is required, a reference to a committee, as has been proposed, may enable us to bring before this House a measure that will be acceptable to the people at large and to the railway companies of the country as well. There is no doubt whatever that the time has come when it is necessary there should be legislation upon this question.

Mr. SEMPLE. I certainly think that the measure introduced by the hon. member for Elgin should pass. Frequently owners of lands through which railways pass have been subjected to great inconvenience and loss of money from not having an outlet for the surplus water that passes through their farms. I no one case where a large portion of the farm is often covered by water. The owner has asked the agent of the railway company to be allowed the privilege of draining across the railway track, and has offered to have the work carried out to the satisfaction of the manager or the foreman of the company, and to place tiles and do the work in a first-class manner, but the railway company will not allow the work to be done. This involves a loss both to the country and to the farming community, and a Bill like that introduced by the hon. member for Elgin has become a necessity.

Mr. BRITTON. There is no doubt in the world that some such legislation as this proposed is necessary in the interests of the farmers at all events in the province of Ontario, about which I know perhaps more