

more than in other parts of the Dominion, but I can myself testify to the fact that such a measure is desirable in other parts of the Dominion also. Where a railway embankment is carried along the side of a slope it acts as a dam to all the water flowing down that slope, and it is only reasonable that the railway company, who, by the construction of this immense dam, keep back the water on the adjoining farms, should afford, at reasonable intervals, the means of getting that water off and relieving the land. The Bill takes care, as might be expected (being largely the work of the leader of this House), to protect the interests of the railway companies. In the first place, this Bill does not authorize the municipalities to do the work; it makes provision for the work being done by the railway companies themselves, and if a municipality should demand the construction of a culvert where it is not necessary the railway company will have the right to appeal to the Minister of Railways or the Railway Committee of the Privy Council; and if, on an inspection of the locality, the Minister of Railways is of the opinion, or the Railway Committee of the Privy Council is of the opinion, that a culvert is not necessary, it is not to be constructed. The Bill is a perfectly just and harmless measure.

HON. MR. KAULBACH—I am surprised that there should be any opposition to this measure. The leader of the Opposition would drive people to the courts to get an injunction whenever a railway track obstructs the natural flow of water. We know how costly such litigation is and the delay that it entails. It is quite true that under the common law the natural flow of water cannot be stopped by any railway company, but this Bill contains equitable provisions in the interests of the whole public—in the interest of the railway companies as well as of private individuals, and it is applicable not only to Ontario, but also to every Province of the Dominion. I know in the Province of Nova Scotia there are large tracts of land which, if the principle involved in this measure was not recognized, would be of little value to their owners.

HON. MR. DICKEY—Is the Bill which is now before the House in the same form as

the Bill which came from the Railway Committee last year?

HON. MR. McCALLUM—Exactly the same Bill, word for word.

HON. MR. DICKEY—I am very glad to hear that, because I hope it will relieve the House of the necessity of sending it back to the Railway Committee. We have no disposition to shirk work; but, at the same time, I see no necessity for taking up this Bill again if it is in the same shape as when it was reported from the committee last year.

HON. MR. LACOSTE—I think it is safer to send the Bill to the committee this year. Some of those who approved of it last year may have changed their minds in the meantime; and, besides, it is the regular course.

HON. MR. MILLER—The only course is to send it to the Railway Committee. As the hon. member suggests, some members of the committee may have changed their minds since last year, and if it is not sent to the Railway Committee it will have to be referred to a Committee of the Whole House, and that certainly would be less convenient than to refer it to the Railway Committee.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 4:35 p.m.

THE SENATE.

Ottawa, Friday, February 7th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE GLOVER DIVORCE CASE.

MOTION.

HON. MR. DICKEY, from the Select Committee on Divorce, presented their report on the petition of Christiana F. Glover, praying for a divorce.

HON. MR. SANFORD moved that the report be adopted.