

this kind had occurred, and where lawsuits respecting cattle had been frequent, where, in fact, they knew all about the risks that were run, and were good judges of the rights which they desired to have protected by the amendment to the statute. In making this amendment the Government have gone as far as they possibly could go.

HON. MR. KAULBACH—How would the law apply to Crown land? There are many parts of Nova Scotia where there are lands belonging to the Crown on which cattle roam. Does my hon. friend think that the law should apply to such lands?

HON. MR. ABBOTT—It the Crown allows the cattle to roam there it cannot be said that they are illegally there.

HON. MR. DICKEY—It is very desirable that some law should be passed on this subject, because in the absence of any law these very difficulties occur which have been adverted to by my hon. friend from Colchester, and it was in order to remove doubts and give better protection to the public that this clause was put in. In doing that there was a difficulty in adapting it to the varying circumstances of the different Provinces, and what better standard could you take, apart from the objection which I will notice presently, than by saying "being allowed by law." We made it sufficiently comprehensive and elastic to meet the varying circumstances of the different Provinces. My reason for saying that is this: the only doubt I had in my own mind as to this clause was how far we might be considered as trenching on the civil rights of the different Provinces. My difficulty was met by these words, "allowed by law"—that is to say, the law of the country through which the road passes. I do not think the clause is open to the criticism that has been passed on it. I am very sorry indeed that our attention was not called to this, and it is unfortunate that the objection was not made so that we could have fully considered it in committee.

HON. MR. POWER—I moved that amendment in committee.

HON. MR. DICKEY—As far as we could consider it at the moment, we thought that we hit on the very best course we could by using those words "allowed by

law." I have a decided objection to these words being struck out, because I think they are a protection to the different Provinces through which the railways run.

The amendment was declared lost on a division.

HON. MR. LOUGHEED—When this matter was before the committee I directed the attention of the leader of the Senate to the fact that this section, while it casts certain duties upon railways running through municipalities in the Provinces, in my opinion would not, from its peculiar construction, reach the North-West Territories. I therefore submitted to the committee a suggestion that the matter should be looked into, and gave notice that I probably would move an amendment at the third reading. Upon looking at it more closely I see that it is so constructed that it does not extend to the Territories. I therefore move that the said Bill be not now read a third time, but that it be amended by inserting the following as clause (a):—

Section 194 of the Railway Act is hereby amended by adding the following words to the first clause thereof:—

"It is further provided that in the Western Territories of Canada, when municipalities have been organized under the municipal laws of the said Territories, the land through which any railway runs in such municipalities shall be protected by fences, gates and cattle guards, as in this section provided."

I understand that from the nature of the municipal laws in Manitoba and British Columbia, the municipal laws referred to in the section are not such as to allow its extension even to those two Provinces. I hope the leader of the House may see his way to permit this amendment to be made, so that we can benefit by this law in the Western Territories.

HON. MR. ABBOTT—This matter was discussed slightly, as my hon. friend says, in the Railway Committee, when representatives of the various railways interested were present, and was strongly objected to. The point that is made against my hon. friend's motion is this, that under the system which prevails it would be practicable so to organize municipalities without in reality any material population, as to compel the numerous railway companies that are now in existence in the North-West to fence their entire lands, even though there might not be any cattle within miles of the track, or any necessity