

to the board under special circumstances to relax the rules to some extent. That proviso, of course, should be worded with a great deal of care, so as to do justice to the railways and to the public. It is well known, as has been stated, that at times there is such an accumulation of traffic that the railway companies cannot cope with it. They are simply unable to carry it at once, and they should not be left at the mercy of the public and exposed to all sorts of suits for damages; but, on the other hand, the rules should be such that unless relaxed by the board the public would be guaranteed that their goods would be carried promptly, and therefore that the object of the first portion of the clause would be secured. I suggest that the clause be allowed to stand.

Hon. Sir MACKENZIE BOWELL—I have no objection to it standing, but it seems to me the suggestion of the hon. gentleman is about as impracticable a one as you could put in the law. A glut of traffic arises at a particular time. How is the board to decide whether it should relax this regulation or not? The board is at Ottawa; the difficulty arises at Winnipeg or Calgary; how can the board deal with it? We should either make it imperative, as it is in the Bill, or give reasonable time for carrying it out. 'Without unreasonable delay' is clear enough, or 'without unnecessary delay,' whichever word you wish to use. The word 'unreasonable' or the word 'unnecessary' with the words which follow, would be quite sufficient, and with the words used further on in the clause, 'with due care and diligence,' I think we are imposing on the railways all that is necessary for the protection of the public. The fourth subclause, to which my attention has been called, meets another case altogether. It says:

4. If in any case such accommodation is not, in the opinion of the board, furnished by the company, the board may order the company to furnish the same within such time or during such period as the board deems expedient, having regard to all proper interests. 51 V., c. 29, s. 246, part Am.

I take it that means if a certain number of cars are not available at the time, or they have not sufficient cars to carry the freight offered to them, then the board comes in and orders the company to furnish the cars and do the work.

Hon. Mr. DANDURAND—The phrase that follows the one that we are speaking about, 'and shall without delay and with due care and diligence,' sufficiently qualifies the expression 'without delay,' because if the company acts with due care and diligence I think it will do its duty under this clause.

Hon. Mr. EDWARDS—Who is going to determine that?

Hon. Mr. DANDURAND—With this qualification I do not know what harm there would be to add 'without undue delay.'

Hon. Mr. FERGUSON—This refers to two things. The delay is with reference to the forwarding of goods, the due care refers to the handling. I think the words 'without delay,' on full consideration, would be better qualified as has been suggested. There are different kinds of freight, and railway companies have a right to recognize the difference between goods which are perishable, and goods which are not perishable, and they should have some discretion in giving a preference to perishable goods. If you put in the word 'unreasonable,' it would meet that case.

Hon. Mr. McMULLEN—The clause as it stands meets the case fully. I endorse the remarks made by the hon. gentleman from Rockland (Hon. Mr. Edwards). The railway in our section last year could not furnish cars to shippers for several weeks, and the general reply was, that during the fall so many cars had to be sent to the North-west to meet the demand of Manitoba, that shippers in our section had to wait. That was the general answer given to applications for cars. Railways are anxious to forward all the freight given to them, just as quickly as they can. It is a loss to a railway to keep a car on the track loaded. Railways will earn more money by rushing forward their freight, and utilizing their rolling stock when traffic is abundant, than by leaving their cars standing on the sidings. I think some of the complaints of our hon. friends from the west are unwarranted. I believe honestly the Canadian Pacific Railway have done everything in their power to meet the enormous increase in traffic in the last two years. They virtually have had three crops to handle in two years. The company fur-