

pelled the companies to give equal facilities under the same circumstances to individuals as well. With a view to meet the hon. gentleman as far as possible, and to embody the suggestion he threw out, he will be glad, as his own Bill was not proceeded with, to have the same provision embodied in the Consolidated Railway Act, and this amendment is proposed, and I trust the hon. gentleman will find that it meets the points which he impressed on the House, and that it will, in his judgment, meet the case so far as it can be met by the tribunal of the Railway Committee of the Privy Council. The section is as follows:—

"Every railway company shall, according to its power, afford all reasonable facilities for the receiving, and forwarding and delivery of traffic upon and from the several railways belonging to or worked by such company, and for the return of carriages, trucks and other vehicles; and no such company shall make or give any undue or unreasonable preference or advantage to or in favor of any particular person or company or any particular description of traffic in any respect whatever, nor shall any such company subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. And any railway company having or working railways which form part of a continuous line or railway, or which intersect any other railway, or which have the terminal station or wharf of the one near the terminal station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding all the traffic arriving by one of such railways by the other, without any unreasonable delay, and without any such preference or advantage or precedence or disadvantage as aforesaid, and so that no obstruction may be offered to any person desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation may by means of the railways of the several companies be at all times afforded to the public in that behalf; and any agreement made between any two or more railway companies contrary to the foregoing provisions shall be unlawful, null and void."

The next is a provision to meet the case of the sale of a railway or part of a railway to a party not having the necessary powers to work it. There is no provision in the existing Statute under which a railway so sold and becoming the property of an individual—purchased, not by a company, but by parties not having corporate powers—can be worked. This is a clause intended to provide means for working a railway under such circumstances by authority of the Government, until the assembly of Parliament, and an opportunity has been offered to obtain corporate powers. The clause is as follows:

"If at any time any railway or any section of any railway be sold under the provisions of any deed of mortgage thereof, or at the instance of the holders of any mortgage, bonds or debentures, for the payment of which any charges has been created thereon, or under any lawful proceeding, and be purchased by any person or corporation not having any corporate powers authorising the holding and operating thereof by such purchase, the purchaser thereof shall transmit to the Minister of Railways and Canals, within ten days from the date of such purchase, a notice in writing stating the fact that such purchase has been made, describing the termini and line of route of the railway purchased, and specifying the charter under which the same had been constructed and operated, including a copy of any writing preliminary to a conveyance of such railway which has been made as evidence of such sale; and immediately upon the execution of any deed of conveyance of such railway the purchaser shall also transmit to the Minister of Railways and Canals a duplicate or an authenticated copy of such deed, and shall furnish to the Minister, on request, any further details or information that he may require."

Section 14 is as follows:—

"Until the purchaser shall have given notice to the Minister in manner and form as provided by the last preceding section, it shall not be lawful for the purchaser to run or operate the railway so purchased, or to take, exact or receive any tolls whatever in respect of any traffic carried thereon; but after the said conditions have been complied with, the purchaser may continue until the end of the then next Session of the Parliament of Canada to operate such railway and to take and receive such tolls thereon as the railway company previously owning and operating the same was authorized to take, and shall be subject in so far as they can be made applicable to the terms and conditions of the charter of the said company, until he shall have received a letter of license from the Minister of Railways and Canals, which letter the Minister is hereby authorized to grant, defining the terms and conditions on which such railway shall be run by such purchaser during the said period."

I believe these clauses will be found to fully meet the case; but the party is obliged to apply to Parliament at the earliest possible moment, in order to obtain corporate

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powers the same as any other company. The next clause is as follows:—

"It shall be the duty of such purchaser to apply to the Parliament of Canada at the next following Session thereof after the purchase of such railway for an Act of incorporation or other legislative authority, to hold, operate and run such railway, and if such application be made to the said Parliament and be unsuccessful, it shall be in the discretion of the hon. Minister of Railways and Canals to extend the license to such railway until the end of the then next following Session of Parliament and no longer. And if during such extended period the purchaser does not obtain such Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister of Railways and Canals, as shall be determined by the Railway Committee of the Privy Council."

I trust that these amendments, many of which have been suggested by hon. gentlemen on the Railway Committee, and all of them, I believe, or most of them, certainly have been brought under the notice of that Committee, and its approval will meet with the approval of this House, and enable us to obviate a number of serious difficulties and objections which have been met with in carrying out the Railway Act, and many difficulties which have presented themselves in the management of the railways, so far as the Government is concerned.

Mr. BLAKE. I suppose that the hon. gentleman intends to refer this Bill to the Railway Committee.

Sir CHARLES TUPPER. No.

Mr. BLAKE. Well, I am very sorry the hon. gentleman takes this course. This is a very important Bill. It contains very numerous provisions, some of them of a startling character, and one of them in particular very startling. It was introduced six days ago, and distributed in English only one or two days ago. It is not yet distributed in French, and the Government announced that they would likely, to-day, take Government Notices of Motion and Concurrence, and not Bills. I have not excepted to a number of things taken in the ordinary course, and which did not involve discussion; but the hon. gentleman announces now, that he proposes to take up this Bill without referring it to the Railway Committee, to which the original Railway Act, to which this is an amendment in many important respects, was referred. Under these circumstances, I think that the hon. gentleman's proceedings are unfair. He is exposing the House to a surprise to read this Bill the second time at this stage, without the preliminary steps being taken, which we have a right to rely upon according to the Rules of the House; and, under these circumstances, I object, as the Bill is not distributed in French.

Sir CHARLES TUPPER. Of course, it is quite competent to the hon. gentleman to obstruct the progress of the Bill, but I am sorry that at this late period of the Session, he feels it to be his duty to do so, because I think I am in the judgment of the House, or of a very large portion of it, the members of the Committee on Railways and Canals, when I say that these, with the exception of one single clause in the Bill, which I admit is a clause of very great importance—

Mr. BLAKE. Hear, hear.

Sir CHARLES TUPPER. But one that is very easily comprehended—

Mr. BLAKE. It is very comprehensive, I admit.

Sir CHARLES TUPPER. It is very comprehensive and very easily comprehended. It is a very simple proposition, although I think that it is a very necessary and very important proposition; yet it is a very simple one, and, with the exception of one, not one single clause in the Bill has not already been considered by the Committee of Railways and Canals; and I think I may say further that not a single clause in the Bill has not virtually received the approval of the Committee of Railways and Canals. I have no intention to have the Bill read the third time at this