

one, and pointed to the Act which said they were to furnish stations at the stopping-places provided, meaning the stations provided in the original plan. The Board ordered the station to be built. The Supreme Court said that whether or not the Act meant that additional stations should be ordered, the Board had power, under Section 26 as it then stood, now Section 33, to order the Company to build a station because the company had permission, under the Act, to build a new station, if they wanted to. That applies to Section 171, because under this section, if some alteration is not made in it, the Board will have right to order an existing completed railway to move its tracks, and place it down somewhere else. That is to say, within the limits of a mile. I think that was the intention.

Hon. Mr. COCHRANE: That was not the intention.

Mr. CHRYSLER, K.C.: I am merely pointing it out, because I think it was not the intention. There is another section further on which gives the Board an enlarged power in the future to move its tracks.

Mr. JOHNSTON, K.C.: You mean where there is duplication?

Mr. CHRYSLER, K.C.: Yes.

Mr. JOHNSTON, K.C.: That is section 194, subsections 4 and 5.

Mr. CHRYSLER, K.C.: Those sections give the power for special reasons to order the removal of tracks. This section is all right, if it is carefully drawn, but I submit it is not drawn now in a way that will provide for the objection that I make.

The CHAIRMAN: What is your suggested amendment?

Mr. CHRYSLER, K.C.: In the first place it should be made clear that section 171 does not apply to a completed railway. It should apply to deviations that are made between the time of filing the general location plan and the detailed plan which is provided for in section 169. Look at subsection 3, which says, "in granting any such sanction the Board shall be bound by the general location as already approved by the Board, and shall not, without the filing of an amended map of the general location with the Department of Railways and Canals, sanction a deviation of more than one mile from any one point on the general location so approved." The suggestion is that the Board will not allow any deviation at all. There is no permission to make a deviation there. You have to refile a part of the general location plan with the Board in order to make a deviation. If it were to be filed with the Minister we could understand what was intended, but you have to file a plan with the same Board of the deviation which you intend to make. Then there is another thing which should be guarded against. It should not be allowed to be done twice: that is to say, the railway may be moved a mile by filing an amended plan of the general location with the Department of Railways and Canals. It should not afterwards be open to the possibility of being moved another mile by filing another plan.

It is just in that language.

The CHAIRMAN: Would you give us, Mr. Chrysler, an idea of what amendment you would propose?

Mr. CHRYSLER, K.C.: I find difficulty in doing that, because I do not know whether the Committee have decided to leave the control of the general locations with the Board.

Hon. Mr. COCHRANE: I think it is all right.

Mr. CHRYSLER, K.C.: Then we will leave it so. This can be much simplified. There are two points to be provided for, but I will arrange the wording with Mr. Johnston.

Mr. MACLEAN: You can agree upon something and submit it to us.

Mr. JOHNSTON, K.C.: Can you draw what you propose as an amendment this afternoon, Mr. Chrysler?