

difficulty has arisen in one section of British Columbia, and similar difficulties may arise in other sections as the number of railways increases.

Mr. W. F. MACLEAN. Would this cover a case like that of the Canadian Northern which has given notice of a new line around the north shore of Lake Superior? Would it allow that company, instead, to ask for running rights over the Canadian Pacific Railway?

Mr. EMMERSON. I think it would.

Mr. W. F. MACLEAN. Or, if it were thought to be in the interest of the public to build a double track around the north shore of Lake Superior to be used by all the roads, that could be effected under this clause?

Mr. FITZPATRICK. This would allow one company to use the tracks of another, to the extent determined by the railway commission. For instance, it would give the board power to allow the Canadian Pacific Railway to use the tracks of the Grand Trunk Railway from Toronto to Montreal.

Mr. FOWLER. Is there any limit?

Mr. W. F. MACLEAN. Apparently not.

Mr. FOWLER. Power might be given a company to run from end to end of another road?

Mr. EMMERSON. That is the view that was expressed at the time of the original passing of the Act. Of course, that would be an extreme case, and it is not anticipated that the board would be ever called upon to exercise such a power much less that it would grant such a right. The real object of this section is to remedy difficulties arising in connection with western conditions, particularly through the passes and along the banks of the streams, where there is practically room for only one railway. It is to the advantage not only of the public, but of the railways themselves that this power should be granted. And it is especially to the advantage of the localities. I have one case in mind: Near Hedley in British Columbia, the Victoria, Vancouver and Eastern and the Canadian Pacific Railway are contending as to which should have the right to pass along on the southern side of the river. One railway contends that the other should not be permitted to run into Hedley. The people of Hedley contend that both railways should be permitted to go to their town, as it would be to the advantage of their mining and other industries. I can see wherein it is desirable they should, but there are physical difficulties in the way, and this provision will meet such difficulties.

Mr. HAGGART. To what extent does it amend the old Act? Is this change made at the request of the commissioners?

Mr. EMMERSON. It is not at their request. I consulted the chairman who, without saying what his view was with respect to the powers contained in section 137, was strongly of the opinion that section 137 should give power to the board to grant, under certain circumstances, running rights to one railway over the tracks of another.

Mr. HAGGART. But you are taking power to run over the whole railway.

Mr. EMMERSON. I do not see how you could frame it otherwise and enable the board to deal with the difficulty. Any board that would give such powers would be acting absurdly, and I cannot conceive of any board of railway commissioners doing that, and if they did, there is always the remedy of appeal.

Mr. HAGGART. You have heard the hon. member for York speaking just now, and saying that the board might have the power of granting running rights over other railroads to any extent.

Mr. EMMERSON. I do not think he meant that.

Mr. HAGGART. Yes, and the minister's amendment goes as far as to enable the board to do that. It is possible there might be occasion when a power should be given to the board to grant running rights over another railroad, or over another railroad's property. Perhaps a pass may be so narrow that it is impossible for one railway to go through it without trespassing on the ground owned by another railway, as for instance, when the railway passes along a stream, as at Port Arthur. It may be necessary to make regulations that will enable several railway companies to use that track to get to the river. But there is no need of any such power as the minister proposes, to accomplish anything of that kind. I would almost think that the old clause was broad enough.

Mr. EMMERSON. It was supposed that the old clause did make sufficient provision to do what my hon. friend has just mentioned, and that it did enable the commission to grant running rights over the whole length of another railway. But doubt has arisen, and in the opinion of the chairman of the commission it is desirable that that doubt should be removed. This will apply to all railways. There was a case recently where an effort was made to have this provision put into a Bill that was under consideration by this House, and it was thought better that no such provision should be