

it is express if it goes by one particular train, and it is not express if it goes by another train? If it goes by a freight train, apparently, that it is not express, and if it goes by a fast passenger train it is express? Suppose it goes by an intermediate or a mixed train, or accommodation train, is it to be regarded as express then or not?

Mr. GALLIHER. It is always billed as express.

Mr. R. L. BORDEN. Well, if the only difficulty to be got over is to change the form of billing, it would not be difficult to evade this statute. My hon. friend will recognize that at once.

Mr. W. F. MACLEAN. Would not section 7 cover that?

Mr. R. L. BORDEN. I think that would enable the board to make a regulation. Now, the point I mentioned at first was whether the minister has considered the wisdom or unwisdom of providing that every railway company in the country shall give reasonable facilities, such as may be ordered by the Board of Railway Commissioners, for carrying on an express business upon its line. The minister is not in a very good position to insert any provision of that kind in the statute.

Mr. EMMERSON. There is a provision in the Railway Act, section 278, which would cover that point.

Mr. R. L. BORDEN. I was saying that the minister would not be in a good position to enforce it, because, as I understand, on the Intercolonial, which is under his management, he permits only one express company to carry on business—at least that statement is made, and I do not recollect that it was denied.

Mr. EMMERSON. Both companies do. The Dominion Company carries goods from St. John to Halifax.

Mr. R. L. BORDEN. The people of the maritime provinces must be under a delusion about that, because I recollect some Board of Trade, either at Halifax or Sydney, made complaints.

Mr. EMMERSON. The government railway is not under the provision of the Railway Act. There are certain portions of the Intercolonial which are served by the Canadian Express Company, and a certain portion of the Intercolonial is open to both the Dominion and the Canadian Express Companies, that portion of the line between St. John and Halifax.

Mr. R. L. BORDEN. I remember that some board of trade, perhaps more than one, sent me a resolution, I think about two years ago, in which they asked that the Intercolonial Railway should do business with

both these express companies in order that there might be competition.

Mr. EMMERSON. It is the same with the Canadian Pacific Railway Company, which is exclusively served by the Dominion Express Company. There are certain sections of the Intercolonial that are exclusively served by the Canadian Express Company, for economic reasons, in view of the traffic, and having regard to the finances of the Intercolonial; but there is another portion of the railway which is open to both companies.

Mr. W. F. MACLEAN. Does the minister say that under the Railway Act a railway company can be compelled to give this permission?

Mr. EMMERSON. There is this provision, that every company which grants any facilities for carrying goods to any incorporated express company, shall grant equal facilities, on equal terms and conditions, to any other incorporated express company which demands the same.

Mr. W. F. MACLEAN. That was all fought out in this parliament and in the courts of Ontario some years ago, and it ended disastrously for the rival of the company that was doing the express business.

Mr. EMMERSON. Since then the Railway Board has been created, and there is machinery under the regulations of that board whereby the privileges which are granted under that section can be secured to any company. The difficulty to which my hon. friend refers occurred some years previous, before that machinery had been created.

Section 21a, as amended, agreed to.

Mr. GALLIHER. Before the minister goes on to another section which might cause a good deal of discussion, I would like to draw his attention to section 10 in the reprinted Bill, with a view to adding a few words affecting another industry. This section reads:

When any person having authority to create, develop, enlarge or change any water-power, or any electrical or power development by means of water, desires for any such purpose to carry any canal, flume pipe, ditch or wire across, over or under any railway, and is unable to agree with the railway company as to the terms and conditions upon which the same may be so carried over—

They may apply to the Board of Railway Commissioners and shall be granted the right on certain terms. I would suggest to the minister that that section be amended by adding after the word 'water' in the third line, the following words:

Or to develop and operate mineral claims or mines.