

“the members should be consulted. May I suggest that the hours be from “say, eleven o’clock in the morning until one, and from three to six in the “afternoon.

“We have in attendance on the Committee, Mr. Strachan Johnston, K.C., “of Toronto, who has been retained by the Minister of Railways to assist the “Committee, and who, no doubt, is thoroughly familiar with the amendments “and the reasons therefor. I would, therefore, suggest that Mr. Johnston be “permitted the same freedom of discussion in the Committee as the members.

“I am sure the members of the Committee will see the need of prompt “attendance at all sittings, in order that the work of the Committee be com- “pleted at the earliest possible date.”

The Committee proceeded to the consideration of the Bill.

On section 2, Interpretation, Sub-section (2), “by-law” when referring to an act of the company, includes a resolution.

HON. MR. PUGSLEY: Would that mean that every resolution would be a by-law?

MR. STRACHAN JOHNSTON, K.C.: I should think so; it does not mean that a resolution includes a by-law.

HON. MR. PUGSLEY: If you have a provision as to what steps will be taken in passing a by-law it might as well apply to a resolution as well.

MR. STRACHAN JOHNSTON, K.C.: There is no change in that respect from the former Act. Perhaps I might say something that would assist the members of the Committee. This Bill is a revision of the Railway Act of 1906, and it is also a consolidation of that Act with the twelve or fourteen amending Acts that have been passed. The Departmental solicitor has prepared for each member of the Committee a copy of the Bill, and you will see straight red lines running horizontally or vertically, which indicate new matter. Wavy red lines indicate recasting without, perhaps, any fundamental change in the meaning of the Section. At a number of places you will see a red tick or check which means that there is some omission of matter in the former Act. If some of you wish to make reference to a section of the old Act, you will find a table at the end which shows how the sections of the old Act are disposed of, and you can by reference to that table easily trace any section of that Act and ascertain what disposition has been made of it.

On subsection 4.

MR. BENNETT: It seems to me that the definition of the word “company” hardly meets the case.

MR. STRACHAN JOHNSTON, K.C.: The reason of the change is this that in the case of the Toronto and Niagara Company which was decided by the Privy Council, it was held that Section 247 of the old Act, which was an Act referring to wires and lines on a highway applied only to Railway Companies, the result of which was that that company was able to go on the streets of the municipality and erect wires without the consent of the municipality—Section 247 only applied to Railway Companies.

HON. MR. LEMIEUX: Is there not a general clause further on which deals with tramways and all such sorts of transportation as are covered by the provision in this subsection.

MR. STRACHAN JOHNSTON, K.C.: There is a clause there, but nevertheless the decision of the Private Council seems to call for this interpretation. Mr. Chrysler, K. C., who was the draftsman of this clause is of the opinion that the interpretation given here is necessary in order to make it clear that the word “company” would apply to other than Railway Companies. I have given considerable consideration to this clause, and I still think Mr. Chrysler’s language is excellent and covers the ground, clearing the difficulty which arose under the old Act. Section 373 is one over which there may be some controversy. You will see that the word “company” is used there in a number of cases where it applies to telephone and power companies and this def-