

Hon. Mr. McMILLAN—The hon. gentleman must not lose sight of the fact that he is offering a bid to the owner of the bridge to refuse. The public is in danger and you are not going to stop an enterprise of that kind by offering an inducement to the owner of the bridge to refuse.

Hon. Mr. CLORAN—I would allow the members of the board to force the owner to allow the company to construct it, but not to make him do it.

Hon. Mr. McMILLAN—What better authority can you refer to than the board?

Hon. Mr. CLORAN—I want to know the authority to tell me I should be bound to build a bridge twice.

Hon. Mr. LOUGHEED—We have already discussed this at length. There was no amendment and the clause was declared carried.

The CHAIRMAN—The clause has been carried.

On subclause 4.

4. Every company shall incur a penalty not exceeding fifty dollars for each day of wilful neglect, omission or refusal to obey the provisions of this section. 51 V., c. 29, s. 192, Am.

Hon. Mr. POWER—The question was whether the words 'or owner' should be inserted after 'company.'

Hon. Mr. KERR (Toronto)—It is not necessary.

Hon. Mr. POWER—Excuse me, it is necessary. Should not the owner be liable to a penalty if he does not construct his bridge as well as the company? I move that the words 'or owner' be inserted.

Hon. Sir MACKENZIE BOWELL—Is there anything in this clause which gives power to the board to compel the owner to build that bridge?

Hon. Mr. POWER—Yes.

Hon. Sir MACKENZIE BOWELL—On such terms and conditions as they may direct. The clause provides that in case they require to rebuild, or build a bridge and the owner refuses to do it, then the board may order its construction. In doing that, the

board must exercise that power in the interest of the travelling public, and if the board desires a reconstruction or restrengthening of that bridge, though it does not belong to them, in order to enable the public to pass over it with safety, surely the owner should not be asked to rebuild that bridge.

Hon. Mr. DRUMMOND—We must consider that this provision is not in the interest of the railway company alone, but in the public interest. The railway would go on using a bridge lower than provided for in this Act if it were not a case of risk to the employees, and therefore in the public interest, so that it must be looked upon as in the public interest and not in the interests of the company.

Hon. Mr. DANDURAND—The hon. gentleman from Victoria did not see how the municipality could be forced to reconstruct a bridge or pay a share of the reconstruction. There are very many cases where the municipality may be about to construct a bridge, or to rebuild an old bridge, and should not the commission be seized with the question of the height, and force the municipality to bring its bridge to a certain level or height, and then the municipality would pay? These are all questions which will be left to the discretion of the board.

Hon. Mr. SULLIVAN—Is not that penalty for not complying? If they refuse to consent to such changes it shall be the duty of the company to apply to the board.

Hon. Mr. POWER—That is not what it means. The clause says:

4. Every company shall incur a penalty not exceeding fifty dollars for each day of wilful neglect, omission or refusal to obey the provisions of this section. 51 V., c. 29, s. 192, Am.

Hon. Mr. SULLIVAN—That is that they must apply to the board, and if they fail to do that, they are fined?

Hon. Sir MACKENZIE BOWELL—It does not provide in the first three lines that the owner is to reconstruct the bridge. It simply says that if the owner refuses to do it, or to allow the company to do it, then they apply to the board and the board orders its reconstruction, and if the company will not reconstruct, though it may be dangerous in