

PARLIAMENTARY REPORT—(Contd.)

either way. Doubtless, this procedure has been irksome to successive ministers of Railways, and the only justification for it is that it reserves to the Government the matter of policy as to the locating of lines within certain distances of each other. To meet the views, therefore, of the Radial deputations, and in order that there might be a fair division of railway territory in the Niagara peninsula as between the C. N. R. and the municipalities, Hon. Dr. Reid, in his capacity as acting Minister of Railways, introduced into the Commons a bill to amend the Railway Act, by transferring from the Minister of Railways to the Board of Railway Commissioners full authority to deal with the location of Railway lines. The matter is so important that I quote in full the provisions of the section as it was proposed to be amended:

"157. The company shall prepare and submit to the Board, in duplicate, a map showing the general location of the proposed line of the railway, the termini and the principal towns and places through which the railway is to pass, giving the names thereof, the railways, navigable streams and tide-waters, if any, to be crossed by the railway, and such as may be within a radius of thirty miles of the proposed railway, and, generally, the physical features of the country through which the railway is to be constructed, and shall give such further or other information as the Board may require.

2. Such map shall be prepared upon a scale not smaller than six miles to the inch, or upon such other appropriate scale as the Board may determine, and shall be accompanied by an application in duplicate, stating the Special Act authorizing the construction of such railway, and requesting the Board's approval of the general location as shown on the said map.

3. The Board may approve such map and location, or any portion thereof, or may make or require such changes and alterations therein as it deems expedient; but if the Board deems that the construction of a railway upon the proposed location or upon any portion thereof is not in the public interest it shall refuse approval of the whole or of such portion; and in any case where the Board deems it in the public interest it may, as to any portion of the proposed railway, make any order, or require the taking of any proceedings, provided for by subsections seven and eight of this section.

4. Where the Board approves the whole or any portion of such map and location such approval shall be signified upon the map and the duplicate thereof accordingly.

5. The map when so approved and the application shall be filed in the Department of Railways and Canals and the duplicate thereof with the Board.

6. The provisions of this section shall only apply to the main line, and to branch lines over six miles in length.

7. Where the proposed location of any new railway is close to or in the neighborhood of an existing railway, and the Board is of opinion that it is undesirable in the public interest to have the two separate rights of way in such vicinity, the Board may, when it deems proper, upon the application of any company, municipality or person interested, or of its own motion, order that the company constructing such new railway shall take the proceedings provided for in section one hundred and seventy-six to such extent as the Board deems necessary in order to avoid having such separate rights of way.

8. The Board, in any case where it deems it in the public interest to avoid the construction of one or more new railways close to or in the neighborhood of an existing railway, or to avoid the construction of two or more new railways close to or in the neighborhood of each other, may, on the application of any company, municipality or person interested, or of its own motion, make such order or direction for the joint or common use, or construction and use, by the companies owning, constructing or operating such railways, of one right of way, with such number of

tracks, and such terminals, stations and other facilities, and such arrangements respecting them, as may be deemed necessary or desirable."

This bill was general in its terms. If adopted it would have applied equally to British Columbia and Nova Scotia as to the Niagara Peninsula. At the time it particularly met the views of the Ontario municipalities. The measure duly passed the Commons, but when it reached the Senate the influence of the lobby again told. Delays took place, and the bill was left stranded with the Railway Committee of the Senate until prorogation day. Hence it cannot be taken up again until next session.

It will now devolve upon the municipalities interested, and the Hydro Radial Union, to renew the contest before the Minister of Railways when the location plans of the two roads in question are submitted to him for his approval. None such have yet been filed at the Department.

One of the most important measures of the session affecting Western Canada was the bill incorporating the Western Canada Telephone Co. As originally drafted this measure looked somewhat dangerous from a municipal standpoint, and the cities and towns in British Columbia likely to be affected by it were, naturally, desirous of seeing amendments to certain of the provisions. It was at first suggested that the municipalities of British Columbia should send a special representative to Ottawa to present their views, but finally it was decided to leave the whole matter in the able hands of Mr. Lighthall, K.C., Honorary Secretary of the Union. The representations of Mr. Lighthall had weight, not only with the promoters, who assumed a conciliatory attitude, but with the Committee, with the result that the bill was redrafted, and certain changes made in it as to satisfy the municipalities, in a large degree. Not only were ample provisions for the protection of public highways, streets, bridges, etc., included in the bill, but clauses were also inserted for the preservation of trees and compensation to be awarded to owners, whose lands were entered upon by the Company.

The bill proposed to give wide operating powers to the Company. Objection was made by certain members of Parliament to the extensive powers sought. The outcome was an amendment, making it obligatory, before the lines of the Company could be extended to the provinces of Alberta, Saskatchewan and Manitoba, to first secure the consent of the Lieutenant-Governor in Council of the province in which it was proposed to construct, operate and maintain telephone lines.

The question of rates and tolls was also considered, and it was left with the Board of Railway Commissioners to determine the toll schedules. In the past some corporations, who must submit their tariffs of rates, rentals or tolls to the Board of Railway Commissioners for approval, have failed to notify those who are likely to be interested.

In some cases, possibly, approval has been given to certain rate schedules which otherwise might have been withheld had the full facts been laid before the Railway Board at the time of hearing. As regards the tolls of the Western Canada Telephone Company, an order has recently been made by the Chief Commissioner, Sir Henry Drayton, requiring the company to furnish copies to the British Columbia municipalities in advance of the hearing before the Board, so that the municipalities may make such representations to the Railway Commission as in their judgment they may deem necessary.

It may not be generally known to the members of the Union of Canadian Municipalities that the Board of Railway Commissioners has a manual of "Procedure" which must be followed in all applications coming before it. Some of these "Rules and Regulations" are not quite as clear or definite as they should be. This manual, I understand, is to be revised immediately after the summer holidays. I recommend that the Executive of the Union be authorized to confer with the members of the Railway Commission, with a view to the submission of such suggested amendments to these rules as would strengthen the position of the municipalities of Canada in any applications coming before the Board, in which they may be interested.

For information I beg to report that the volume of the Dominion Statutes for 1916 contains an index to all private acts passed by Parliament since Confederation.