

Canadian Pacific Railway, passing over the Intercolonial Railway and a railway in Nova Scotia, that the Intercolonial Railway, not being under control of the board, it would not be possible for the board to arrange through rates in the event of those railroads not agreeing among themselves. The provisions of this clause are that where the owners of two or more railways will not arrange for a through rate, the board can come in and make an equitable division. The government railway should be included. It would only go just as far as this practical difficulty which every hon. gentleman will see arises, and it may be a very serious difficulty in the lower provinces. Of course, as the hon. Speaker pointed out, it might be possible to get over that, but the best way to get over it is to arrange it in the Bill. I propose to insert as subsection 5 of clause 267, the following :

Notwithstanding anything in section three of the Act, this section and the next preceding section shall apply to government railroads and vessels connected therewith.

Hon. Mr. SCOTT—The hon. gentleman had better give it as a notice, and we will consider it. We will want to make a slight change then in clause 3 of the Act itself.

Hon. Mr. FERGUSON—Then I give it as a notice.

Hon. Mr. SCOTT—We have specially excluded the government railways in clause 3, and we will perhaps have to modify that and allow those provisions to come in.

The amendment was allowed to stand as a notice.

On clause 202,

Hon. Mr. YOUNG—I desire to suggest an amendment to this clause. No provision is made in this clause for any time within which the railways shall reconstruct or alter the bridges or tunnels, as directed by this clause, and this is to provide that they may have a reasonable time to do so under the direction of the board. Under the old clause provision was made for large alterations; they reconstructed a bridge or tunnel, as the case may be, in accordance with the requirements of the Railway Act. In this

clause that was left out, and it is only reasonable to amend is as proposed.

The amendment was agreed to.

On subclause 2,

Hon. Mr. CLORAN—Subclause 2 reads as follows :—

2. If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned by the company, and the owner of the same refuses to consent to such necessary changes, it shall be the duty of the company to apply to the board, and upon notice to all parties interested, the board shall hear the matter, and may make such order, allowing such raising, reconstruction or alteration, upon such terms and conditions as to the board shall appear just and proper and in the public interest.

Supposing a municipality has built a bridge or tunnel and the railway has been using it up to the time of the passing of this Act, under the provision of this Bill if that bridge must be enlarged, raised or lowered, this clause gives to the board power to say to that municipality or corporation 'you shall do that on your own responsibility.' Why should that be allowed? If it is necessary for the company to have a wider or higher tunnel, let the company build it and do not give the board the power to charge the municipality with the extra expense. That is what this clause does. Here is a municipality which has built a bridge over a railway. It is not sufficient exactly. Take Notre Dame street, Montreal: there is a bridge on the Grand Trunk Railway there. I do not suppose between the top of the car and that bridge there is a space of three or four feet. This clause exacts a height of seven feet. That bridge was built partly by the corporation. If the interests of the railway demand a higher bridge, why force the citizens to undergo the expense?

Hon. Mr. WATSON—They would not do it.

Hon. Mr. CLORAN—But you give them the power to do it, and I say you should not place in the board that discretionary power. You should not force that municipality to go before the board and plead in the matter. We should not involve them in additional expense like that.