

fined in the Bill prepared by my hon. friend from Prince Edward (Mr. Alcorn).

Mr. ALCORN. In that Bill the expression 'company' means and includes any corporation or any association incorporated or unincorporated, or any partnership or person carrying on the business of an express company. In the committee I drew attention to this omission and endeavoured to have a definition of the term 'express company' but it was objected to. The minister said that the company was the railway company and there was no necessity to define the term 'express company.'

Mr. SPROULE. Some railway companies operate express companies, but there are express companies which have no connection with railways except the right to use the railway.

Mr. EMMERSON. We wanted to leave the general definition of 'company' as it is in the Railway Act, and therefore we included those other words 'or any person or corporation other than the company, to any persons, for hire or otherwise, for or in connection with the collection, receiving, caring for or handling of any goods for the purpose of sending, carrying, transporting or delivery by express.' That seems comprehensive enough. We make the railways responsible, and a close reading of this section will show it is sustained all the way through without in any way bringing into the Railway Act the term 'company' in any other sense than a railway company.

Mr. R. L. BORDEN. I am afraid that the use of the word 'company' in this way will bring about a good deal of confusion. You could define the word 'company' for the purposes of this section, by declaring that it includes not only a railway company carrying on an express business but also any company or corporation carrying on an express business. It seems to me that otherwise a good deal of confusion will ensue. For instance at the end of the section obviously the word 'company' there is used to indicate a corporation which is charging express tolls, but being defined in the Railway Act as a railway company, you would perhaps have an entirely different meaning drawn from that. Do you mean by the word 'company' at the end of the first section a railway company or an express company?

Mr. EMMERSON. A railway company which makes a contract with an express company.

Mr. R. L. BORDEN. I do not think it has very much significance in that regard. You are endeavouring to provide that if goods are carried by a vessel which is not owned or chartered by the corporation with which you make a contract, nevertheless there shall be jurisdiction over that company. I venture to think that the cor-

responding provision of the Railway Act says that, and means that, but you are not saying that or meaning that here according to the minister.

Mr. EMMERSON. Section 6 says:

No company shall carry or transport any goods by express unless and until the tariff—

We hold the railways responsible. The crux of this whole section is in this, that we control the express traffic that goes by rail and we hold the railway company responsible for the express company which does business over that railway.

Mr. W. F. MACLEAN. In the committee, somewhat on the same lines of what the minister says, the way the minister proposed to approach the question was by taking jurisdiction over express tolls. We do not define what an express company is, but we define what an express toll is, and leave the definition of 'company' to apply to a railway company, as the minister said. So, we can regulate express tolls directly and we can regulate the railway company in its contracts with express companies. So far as I can see, the clauses are consistent and do give us power of regulation and do force the railways to be responsible for the conduct of those carrying on an express business on their lines.

Mr. SPROULE. But if you have trouble over the transmission of a parcel by express, to what company are you to look? The 'company' under this Bill is the railway company, and the express company may have no connection with the railway company in any way, so far as its organization is concerned. So there is no use in trying to deal with the railway company if you cannot deal with the express company, because express companies, as such, are not covered by the Act.

Mr. EMMERSON. We are able to regulate express tolls, and we have control of the express business through the medium of the railway which permits the express company to carry its traffic over its line. If we were enacting a separate law relating to express companies, the action suggested by my hon. friend (Mr. Sproule) would be consistent. But we want to harmonize this section with the Railway Act.

Mr. ALCORN. The minister finds himself in precisely the difficulty I thought would meet him through abandoning the Bill to regulate express companies direct. The definition of 'company' in the General Railway Act may be sufficient for the general purposes of the Act, but I do not think it will apply to the amendments he now submits.

Mr. EMMERSON. I wish to give my hon. friend (Mr. Alcorn) every credit for his Bill. But it struck me that that Bill did not go far enough. He attempted only to regulate interprovincial express traffic.