

Hon. Sir MACKENZIE BOWELL—I know that, but the objection is taken to the clause for the reason I have suggested. The interpretation put upon it by those who are interested in the traffic is that it might possibly be construed to convey a different meaning and have a fuller force than parliament intended it should.

The clause was allowed to stand.

On clause 279, subclause 7,

279. The company or any director or officer thereof, or any receiver, trustee, lessee, agent or person, acting for or employed by the company, who, alone or with any other company or person, shall wilfully do or cause to be done, or shall willingly suffer to be done any act, matter or thing, contrary to the provisions of or to any order, direction, decision or regulation of the board made or given under this Act in respect of tolls, or who shall aid or abet therein, or shall wilfully omit or fail to do any act, matter, or thing thereby required to be done, or shall cause or willingly suffer or permit any act, matter or thing, so directed or required thereby to be done, not to be so done, or shall aid or abet any omission or failure, or shall be guilty of any infraction of any such order, direction, decision or regulation, or any of such provisions of this Act, or shall aid or abet therein, shall for each offence be liable to a penalty of not more than one thousand dollars, nor less than one hundred dollars. 51 V., c. 29, s. 241, Am.

7. No prosecution shall be had or instituted for any penalty provided under this section, nor shall any action be commenced for any treble damages under this section without the leave of the board first being obtained.

Hon. Mr. POWER—This is a new clause and there is a principle involved which deserves some consideration. Under this clause, no matter how great a wrong has been done to a shipper, he could not bring an action unless with the concurrence of the board, 'the consent of the board first had and obtained.' A person whose rights have been interfered with may be living in Prince Edward Island or British Columbia, the Yukon, or any other remote part of the country, and it may not be easy to get at the commission. The board may be having a holiday, or something of that sort. I am not saying that this provision is wrong, but it is an important one, and a very serious limitation of the rights of the person who may have been damnified, and the committee should not pass it without understanding it.

Hon. Mr. McMULLEN—I really think this clause should receive very serious consideration at the hands of this committee. It completely ties up any action being taken until the consent of the board is obtained.

You cannot do anything until you obtain the consent of the board.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. McMULLEN—These two clauses tie matters up and you cannot do anything until you obtain the consent of the board. I do not really see that it is a prudent enactment. It is going a step too far charging the board with an amount of onerous duties which I think it should not be burdened with.

Hon. Mr. DANDURAND—Should not the last paragraph, subclause 7, stand, with the suggestion that the hon. Secretary of State would examine into the economy of this clause and tell us what prompted the drafter of it to prepare this clause?

Hon. Mr. LOUGHEED—We have already passed a similar clause to subsection 7, with reference to the institution of actions against the company for other breaches of the provisions of this Bill, whereby it was provided an action should not be instituted without first obtaining permission of the board.

Hon. Mr. DANDURAND—But we know that this is not an exclusive jurisdiction that the board has. I have only hurriedly read part of this clause; is it to apply to all actions generally?

Hon. Mr. LOUGHEED—This deals with the question of delays. In the event of the company not complying with subsection 5, a prosecution may be brought against the company and treble damages awarded, leave first having been given by the board.

Hon. Mr. FERGUSON—I think it is very much in the interests of persons prosecuting to come before the board, because the board would use its judgment in not allowing them to get into deep water, which they would be very apt to do.

The subclause was adopted.

On clause 303,

Hon. Mr. POWER—Under the Act of 1888 returns are to be made to the minister, and the same provision is contained in these clauses. The returns are all to be made to the minister. It seems to me, inasmuch as the board of commissioners has been substituted for the minister to a very consider-