

means of reimbursing themselves for that expenditure?

Hon. Mr. TEMPLEMAN—Look at the last two or three lines—‘upon such terms and conditions.’

Hon. Mr. LOUGHEED—Let us assume the bridge is heavily bonded, the board has not any power to step in and interfere with the mortgage or the rights of the bondholders.

Hon. Mr. KERR (Toronto)—Surely it has. The right to build the bridge is subject to all the rights of the public under the Railway Act.

Hon. Mr. LOUGHEED—I very much doubt that. This simply deals with it. It says they may make an order for its reconstruction, but no provision is made for dealing with the bonds or charges which may be against that bridge, and the railway companies may have to do it at their own expense.

Hon. Mr. McMILLAN—Who is to build that bridge?

Hon. Sir MACKENZIE BOWELL—The company.

Hon. Mr. McMILLAN—Is it the owner or the company who has to reconstruct it?

Hon. Mr. LOUGHEED—I say, the policy of the law should be to make the owner do it.

Hon. Mr. DANDURAND—Suppose the owner of the bridge has decided to reconstruct, but is stopped by the railway company who observe that he is not doing it properly, and he is cited before the board because of the manner of reconstruction, cannot the board give an order to that owner to build according to certain lines and according to law, and if he refuses to do so, should he not be amenable to law and be fined according to law under this clause?

Hon. Sir MACKENZIE BOWELL—There is no such provision as that in the clause.

Hon. Mr. LOUGHEED—Why is the owner cited before the Railway Board?

Hon. Sir MACKENZIE BOWELL—Because he is the owner.

Hon. Mr. LOUGHEED—If some obligation is not to be thrown upon him, why is he cited before the board?

Hon. Mr. BEIQUE—My own construction of subsection 2 is exactly in accord with the contention of the hon. gentleman from Calgary, but leave aside subsection 2, then subsection 4 applies equally to the first paragraph of clause 202. That first paragraph may affect the owner or may affect the company, and therefore it seems perfectly clear that if you want to have the law complete, if you want to reach all parties interested, you must add the words ‘or owner.’ To save time, it seems to me that in matters of this kind, it should be sufficient at the outset to call the attention of the hon. Secretary of State, and let the matter be referred to the Law Clerk.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman explain to the committee upon what conditions the owner should have the penalty imposed upon him? What is he to neglect or refuse to do to incur that penalty?

Hon. Mr. BEIQUE—I have stated already that the first paragraph of section 202 is wide enough to cover a bridge belonging to a municipality or belonging to a private party or belonging to an electric railway company and passing over the property of the railway. Suppose a bridge is too weak, or too low, or for other reasons requires to be reconstructed, and an order is given by the board to the owner of that bridge, it does not concern the company. The company is not affected by the order, and if you do not add the words ‘or owner,’ then the board would not be able to accomplish the object.

Hon. Mr. POWER—This clause substantially re-enacts subsection of section 192 of the Railway Act. That section provides that if the work is to be done by somebody it must be done.

Hon. Mr. FERGUSON—The old law is precisely the same as we have it here without the word ‘owner.’

Hon. Mr. SCOTT—I will submit it to the law department, if the House desires.

The clause was allowed to stand.

On clause 205,

205. In every case in which the parliament or Canada votes financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid such wages as are generally