

and other lines of the other road. The Act had not contemplated any more than the physical connection, and, in the opinion of the board, did not give the full power to control the question of rates and the question of the manner in which the siding of one or other road should be used by one or other company.

Mr. W. F. MACLEAN. Let me put a case, and see whether this section will meet it. I have had my attention directed to facts such as these. A farmer residing ten miles from Toronto is the consignee of two car loads of freight, which comes to him a distance of one hundred miles over the Grand Trunk. He wishes it switched to a siding of the Canadian Pacific Railway seven or eight miles out of the city. The Canadian Pacific Railway charges one-half as much for switching a car seven miles as the other company charges for the hundred miles. Now, does it regulate a case of that kind? There ought to be some regulation to compel one road to give to another road switching and siding connections, and the whole carriage should be charged as one proposition.

Mr. HYMAN. I think this amendment exactly fits that case. This gives, in the first place, power to make connections, then it provides that the price to be charged shall be paid by the first mentioned company for such traffic, that is, the company which last handles the car.

New section 21 agreed to.

Mr. EMMERSON. Section 229 of the Railway Act reads as follows :

Whenever any railway crosses any highway at rail level, the company shall not, nor shall its officers, agents or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway for a longer period than five minutes at one time, or in shunting to obstruct public traffic for a longer period than five minutes at any one time.

It is proposed to add at the end of that section :

Or in the opinion of the board unnecessarily interfere therewith.

That gives a fuller remedy to persons aggrieved.

Mr. SPROULE. Could the board give them a longer period than five minutes?

Mr. EMMERSON. If there is no interference.

Mr. R. L. BORDEN. The object is plain. Although they may be within the five minutes given by the statute, nevertheless they may be unnecessarily interfering with public traffic, and this is to enable the board to prevent them from doing that.

Mr. EMMERSON. This amendment is suggested by the city of Chatham.

Mr. LANCASTER. This is hardly in the same form with the rest of the section, which is a positive enactment that they shall not do something.

Mr. EMMERSON. It relates back to shunting.

Mr. LANCASTER. It seems to me that mentioning the opinion of the board makes the language complicated and hard to understand. Why should we not enact it without the opinion of the board?

Mr. EMMERSON. The board can go further than the courts. The board can make a regulation, or hear the case, and they are given discretionary power. Now under section 159 a certain notice is provided for which is to be served upon parties and interests. But there is no provision for service when the party is absent, and I propose that the following be added as a subsection :

If the opposite party is absent from the district or county in which the lands lie, or is unknown, the service of such six days' notice may be made by advertisement, as in the next two preceding sections, provided that the judge may dispense with or shorten the number of days before the publication of the notice in any such case in which he deems it proper.

Mr. LANCASTER. I would suggest that the notice be fastened up on the property. The man is more likely to see the notice on the property than in a newspaper.

Mr. EMMERSON. It might be property where a notice could not be attached. It is likely to be an isolated piece of property. If it is in a newspaper his chances of seeing it will be increased.

Amendment agreed to.

Mr. EMMERSON moved:

That section 276 of the said Act be repealed and the following section substituted in lieu thereof :

276. When the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working, vessels for carrying traffic, by sea or by inland water, between any places or ports in Canada, the provisions of this Act in respect of tolls, tariffs and joint tariffs shall, as far as they are applicable extend to the traffic carried thereby.

2. Where any such vessel carries traffic between a port in Canada reached by such company and a port in Canada reached by the railway of another company, the vessel and the railway of either company shall be deemed to constitute a continuous route in Canada within the meaning of section 266 of the said Act.

Motion agreed to.

On section 22,

Mr. CONMEE. In subsection 2 of this section dealing with telephones, the words 'or compensation' were objected to. The