

and the expression 'express tolls.' The point would be that any freight toll where the traffic was conveyed in any portion of the road by rail, the Board of Railway Commissioners would have power to regulate that. By striking out all the words from this point to the end of the section, it seems to me you have a complete definition and no question could arise in the way suggested by the hon. member for East Grey (Mr. Sproule).

Mr. HAGGART. You do not take into consideration the delivery.

Mr. EMMERSON. I was going to add as another subsection, subsection 8.

Every company and every person or corporation charging express tolls shall make to the board an annual return each year of its capital, business, and working expenditure and such returns shall be made in such form, covering such period and at such time and shall be published in such a manner as the board from time to time directs.

Mr. R. L. BORDEN. Why were these words which you propose to omit put in?

Mr. EMMERSON. They were put in in committee, they wanted to define the words, they thought it was not sufficiently done and they started to do the job over again. Since I have given the matter some consideration, I think, the section is better without the words.

Mr. ALCORN. I asked to have the words put in to make it plain that goods carried by water should come within the purview of the Bill. Numerous instances can be cited all over the country where express goods are carried partly by rail and partly by water and where they are wholly carried by water. The carriage of fruit between Niagara and Toronto, the west and the maritime provinces could be largely by water. I desire to make the expression 'express tolls' perfectly clear as including all portions of the route whether by rail or water, because grave doubts have been expressed in this House several times as to whether we had jurisdiction to legislate with regard to the water carriage. I could see no difficulty myself in doing so, or in requiring that the express tolls should be fair and reasonable and taking power to regulate them when they are carried partly or wholly by water. For that reason I asked to have these words put in.

Mr. R. L. BORDEN. I think I understand the reason, and it seems to me it would be better to leave in the latter part of the section. The member for East Grey (Mr. Sproule) raised the point that the words were not sufficiently comprehensive. If you look at the first part of the section you will see that provision is made there to cover the case of a toll for carriage; that includes a stage carriage for example.

The expression 'toll' means any toll, rate or charge to be charged by a company, or any person or corporation other than the company . . . . for or in connection with the collection, receiving, forwarding or handling of any goods.

There is a very comprehensive expression; it will cover carriage by stage as well as by rail. In order to make it abundantly clear that the expression 'express tolls' would also include a toll for the transportation of goods partly by rail and partly by water, the hon. gentleman who had charge of the Bill (Mr. Alcorn) introduced that clause and thought it would be much better to use this expression as well.

Mr. EMMERSON. I would ask my hon. friend to again look at the first words:

Or for any service incidental thereto, or for or in connection with any or either of these objects, where the whole or any portion of the carriage or transportation of such goods is by rail upon the railway of the company.

Now, that certainly implies very clearly that there should be some portion of the carriage by water or by some other means of transportation than by railway. It would seem to me to be tautological. We only wish to govern by the Railway Commissioners the rates of express companies on traffic that goes a portion of the way by rail, and we do not wish to go outside of that. I do not conceive it to be the desire of this committee to attempt to regulate express carriage by water or by teams. I do not think there are conditions any where in Canada that would necessitate our attempting to do that.

Mr. R. L. BORDEN. Does not the Railway Act cover the case of goods conveyed partly by rail and partly by water?

Mr. EMMERSON. That is only when a railway company runs vessels in connection with its freight or passenger traffic. In that case the whole tariff is regulated.

Mr. R. L. BORDEN. Suppose, for example, that the Canadian Northern Railway makes a freight rate on grain which it collects in the Northwest, carries to Port Arthur, transfers to vessels which it does not own or charter, and afterwards to the Canadian Pacific Railway by which it is carried to Montreal. Has not the Railway Commission jurisdiction over that rate? I will be very much surprised if it has not.

Mr. EMMERSON. A question has arisen with respect to that. But assuming that it were so, we are providing for that in this section with respect to express rates.

Mr. R. L. BORDEN. I am not controverting that. I am only suggesting that the hon. member for Prince Edward (Mr. Alcorn) who introduced the Bill from which these provisions were taken, desired the concluding words of this section inserted, for the reason that he wished to make that