

Mr. R. L. BORDEN. Does this merely give them the right to build a siding not exceeding a quarter of a mile in length upon the land adjoining their railway?

Mr. W. F. MACLEAN. Not against the other man's rights.

Mr. EMMERSON. They could not expropriate, but if they acquire the property with his consent, they may build their siding.

Mr. LANCASTER. What is the meaning of the words 'on terms to be fixed by the board'?

Mr. EMMERSON. Upon such terms as may be agreed upon between the company and the owners of the adjoining land or settled by the board.

Mr. LANCASTER. That is what I object to. If they do not agree, the board may summarily settle the terms. We would be taking away the man's right to have an arbitration.

Mr. R. L. BORDEN. A man might be perfectly willing to have a siding built on his property, but there might be some difference as to the terms.

Mr. LANCASTER. Then he should not lose right to arbitrate and be obliged to accept the decision of the board.

Mr. R. L. BORDEN. Is not the board as good a tribunal as an arbitrator?

Mr. LANCASTER. The whole Act contemplates an arbitration when the owner does not agree with the railway company. That rule should apply whether the company require the land for a siding or anything else.

Mr. R. L. BORDEN. That follows if the company are going there without his consent, but if the man desires the siding for the purpose of his business, there are terms and conditions to be agreed upon.

Mr. LANCASTER. There must be union in the whole contract or he does not consent. It is idle to say that he consents and then have the board decide on the terms.

Mr. EMMERSON. I will consider that.

Mr. SPROULE. I do not know whether I caught it correctly, but it seemed to me that it went further and left it a question between the company and the individual as to handling his produce. If you grant that right, you take away the power of the commission to prevent discrimination.

Mr. EMMERSON. And another question is the rights of municipalities. They can, say in the city of Ottawa, purchase a property adjoining a street and run a siding to the disadvantage of a municipality. If it were left a mere matter of arrangement between the company and the owner of the

Mr. EMMERSON.

adjoining property, they might affect the public interest adversely.

Now, I wish to go back to the section referring to section 137 of the original Act. I move the following amendment:

Subsection 1 of section 137 is repealed and the following subsection is substituted in lieu thereof:—

137. The company may take possession of, use or occupy any lands belonging to any other railway company, use and enjoy the whole or any portion of the right of way, tracks, terminals, stations or station grounds of any railway company and have and exercise full right and power to run and operate its trains over and upon any portion or portions of the railway of any other railway company, subject always to the approval of the board first obtained, and to any order and direction which the board may make with regard to the exercise, enjoyment or restriction of such powers or privileges.

Amendment agreed to.

Mr. EMMERSON. I propose now a new section as follows:

Where a branch line of one railway joins or connects the line or lines of such railway with another, the board may upon application of one of the companies, or of the municipal corporation or other public body, order, that the railway company which constructed such branch line shall afford all reasonable and proper facilities for the interchange, by means of such branch of freight and live stock traffic and the empty cars incidental thereto, between the lines of the said railway and those of the railway with which the said branch is so joined or connected, in both directions, and also between the lines of the said first mentioned company and those of other railway companies connecting with the lines of the first mentioned company, and all tracks and sidings used, by such first mentioned company, for the purpose of loading and unloading cars, and owned and controlled by, or connecting with the lines of the first mentioned company, and such other tracks and sidings as the board may, from time to time, direct, and the board may, in and by such order, or by other orders, from time to time, determine as questions of fact, and direct the price per car which shall be charged by and paid to the first mentioned company for such traffic.

2. This section shall apply whether or not the point of connection is within the same city, town or village as the point of shipment or delivery, or so near thereto that the tolls to and from such points are the same.

Mr. W. F. MACLEAN. Will the minister please explain that?

Mr. HYMAN. I think that this section is possibly intended to meet a case in the city of London, although its application will be general. Connection was made by loop line or spur line between the Grand Trunk and the Canadian Pacific Railway. The connection was ordered by the board, and put in by one of the railway companies. Then a difficulty arose as to the working of the connection upon the private sidings