

the clauses respecting Express Companies, as reported from the Special Committee on the foregoing Bill.—Mr. Emmerson.

On section 21,

Mr. EMMERSON. I beg to move as section 21 (a) relating to Express Companies the following:

1. For the purpose of this section the expression 'express toll' means any toll, rate or charge to be charged by the company, or any person or corporation other than the company, to any persons, for hire or otherwise, for or in connection with the collection, receiving, caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, 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, and the expression 'express toll' also means a toll or rate charge for transportation of goods partly by rail and partly by water, whether such water transportation be in vessels owned, chartered or otherwise used by the company.

2. All express tolls shall be subject to the approval of the board.

3. Tariffs of such express tolls shall be filed with the board and shall be in such form, size and style and give such information, particulars and details as the board, from time to time, by regulation or by order in any particular case, prescribes.

4. No express toll shall be charged in respect of which there is default in such filing or which is disallowed by the board; provided that any company, person or corporation now or immediately previous to the passing of this Act, charging express tolls may without such filing or approval for a period of six months next after the passing of this Act, or for such further period as the board allows, charge such express tolls as such company, person or corporation immediately previous to the passing of this Act might lawfully have charged.

5. The board may disallow any express tariff or any portion thereof which it considers unjust or unreasonable and shall have and may exercise all the powers with respect to express tolls and such tariffs as it has or may exercise under the Railway Act, 1903, with respect to freight tolls and freight tariffs, and all the provisions of the said Railway Act, 1903, applicable and not inconsistent with the provisions of this section shall apply to express tolls and tariffs.

6. No company shall carry or transport any goods by express, unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the board in the manner hereinbefore provided, or in the case of competitive tariffs filed in accordance with the rules and regulations of the board made in relation thereto, nor in any case where such express toll in any tariff has been disallowed by the board, and every company which carries or transports and every officer or employee thereof, who directs or knowingly permits to be carried or transported any goods by express contrary to the provisions of this subsection shall be liable to a

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penalty, not exceeding one hundred dollars, for such violation.

7. The board may by regulation or in any particular case, prescribe what is carriage or transportation of goods by express, or whether goods are carried or transported by express within the meaning of this section and the Railway Act, 1903.

Mr. SPROULE. In this proposed clause, you refer to express matter conveyed 'partly by rail and partly by water.' Express matter is very often carried by stages on land for long distances, and it seems to me you ought to include the land carriage as well.

Mr. EMMERSON. I think that would be restricting the section.

Mr. SPROULE. No, you only refer to carriage by rail and water in the clause.

Mr. EMMERSON. We do not undertake to control rates on steamers.

Mr. W. F. MACLEAN. I think under clause 7 the board will have the power to define what is express matter.

Mr. R. L. BORDEN. My hon. friend from Grey points out that you only include carriage by rail and by water and he suggests that in order to make it more comprehensive you should use the expression 'carriage by land or by water.'

Mr. ALCORN. These are the clauses by which the Minister of Railways has seen fit to expropriate my Bill with reference to express companies, and which was referred to the same special committee as his clauses relating to telephones. The terms of the amendment now proposed by the minister are by no means as wide, as comprehensive, or as minute as the Bill I had the honour to present, and the point just raised by the hon. member for Grey (Mr. Sproule) is evidence of that. In my Bill I had provided for carriage by express by any and every method, but as this section was first drafted by the minister it only provided for carriage by rail. At my suggestion the clause was made to read so as to cover carriage partly by rail and partly by water. I congratulate the minister upon having appropriated the principle if not the detail of my measure, but, at the same time, I believe that had the Bill which I presented been accepted, a great many difficulties and a great many uncertainties which will arise under this clause now proposed would have been avoided.

Mr. BARR. The hon. gentleman from Prince Edward (Mr. Alcorn) may justly accuse the Minister of Railways of having stolen his thunder and I am afraid that in the theft the minister has lessened the effect.

Mr. EMMERSON. I was going to suggest that you strike out of the first clause all the words after 'company' beginning