

Mr. COWAN. I admit that the hon. member for Lincoln (Mr. Lancaster) has taken a great deal of pains and a great deal of care in connection with this matter, but I must tell him in this, as in most other sections of the Bill, he is entirely wrong. The Bill does not propose to deal with provincial electric railways—

Mr. LANCASTER. All I want to say to the hon. member for South Essex (Mr. Cowan) is that he had better read the Bill.

Mr. COWAN. And all I want to say to the hon. member for Lincoln (Mr. Lancaster) is that if he were to read the Bill half a dozen times more his ideas would be quite as beclouded as they are after the reading he has given it. The hon. member for West Toronto tells us that the Bill to incorporate the Toronto and Niagara Company usurped the rights of the streets of the city of Toronto to the absolute disregard of the rights of the citizens or the corporation of that city. I desire to draw the attention of the hon. gentleman to section 13 of the Bill of last year, which was passed before the Private Bills Committee and afterwards was passed in this House without amendment, though the hon. gentleman made a speech in connection with it. This, be it remembered, was not a tramway company, but it was for the purpose of transmitting power from Niagara Falls to the city of Toronto to supply the city, and the effect of the Bill was to give the right to erect poles and to do other works to carry out the purposes of the company. There was this express clause put in :

Provided the same are so constructed as not to incommode the public use of streets, highways or public places or to impede the access to any house or other building erected in the vicinity thereof, or to interrupt the navigation of any waters, but the company shall be responsible for all damages which it causes in carrying out or maintaining any of its said works.

So that in the Bill which the hon. gentleman held up as an example, the very safeguards were put in which now at last he wakes up to say ought to be inserted in all Bills in which the public interest is concerned.

Mr. HENDERSON. I do not propose to travel out of the record as the hon. member for Essex (Mr. Cowan) has done, but to deal directly with the question before the committee. Now I would assure the minister that I do not intend to make a speech to circulate in my constituency, notwithstanding the statement made by the member for Essex. The amendment that was adopted by this committee to section 184, reads as follows :

But the board shall not grant leave to any company to carry any street railway or tramway, or any railway operated or to be operated as a street railway or tramway, along any high-

way which is within the limits of any city or incorporated town.

Since the minister has given us an assurance that he is enlarging the powers of municipalities, I wish to ask him why he does not give the same power to townships and villages that he gives to cities and incorporated towns. Now that is what my constituents desire should be done. I have a special request that the minister be asked to extend that privilege, or right, or power, to other municipalities as well as incorporated cities and towns. If he will accede to my request, I shall make no further protest with regard to this section. I realize that he will only be granting what is our right, and I contend that the minor municipalities, the incorporated villages and townships have the same right to protection for their streets and highways as the towns and cities. Now I hope and trust that the minister, since he is endeavouring to meet the views of the committee, will enlarge the amendment by adding the words 'other municipalities.'

Mr. WADE. I asked the hon. member for Toronto (Mr. Clarke) whether he did not think that the proper time to raise these objections in regard to street railways was when the charters for them were before the House. Was not that the time to ask that such conditions and provisions should be thrown around the charters as were necessary in order to protect the interests of the cities and towns? Certainly all hon. gentlemen must recognize that we are to-night attempting to frame a general railway law, one that will apply to all railways that are in existence to-day, and to all railways that may come into existence in the future, and to street railways that may be chartered by this parliament. Now I was astonished at some of the speeches made by hon. gentlemen opposite. A stranger listening to them would suppose we were passing this clause for the first time, and he would be surprised to know that ever since Canada had a Railway Act, and long before the Dominion existed, a similar Railway Act existed in the old province of Ontario and the other provinces, in which substantially the same clause was contained as we are now discussing. Section 183 of the General Railway Act as amended in 1888, contained substantially the same provision, by which a railway company can cross a highway or, by leave of the Railway Committee of the Privy Council, can go along that highway. Now, Sir, I do not take a second place to the hon. member for East Grey (Mr. Sproule) or to any other hon. gentleman on that side of the House, or upon this, in my desire to protect the rights of the provinces and of the municipalities. Nobody has ever raised any such question before. These hon. gentlemen are setting up a man of straw for the purpose of knocking it down. I want to ask the hon. member for East Grey if, during all those twenty-five years he has

Mr. LANCASTER.