

Mr. BELCOURT. As far as section 20 is concerned, it does not seem doubtful to me. We have incorporated in the charter of this company sections 194 and 195 of the Railway Act. Section 194 gives jurisdiction to the Railway Commission to determine the manner in which the company will erect its system. Then we have incorporated the provision of the Telephone Company's Act which determines the manner in which the line shall be built, the height of poles, wiring and manner of stringing wires, &c.

Mr. HAGGART. Suppose there is a dispute as to which has jurisdiction.

Mr. BELCOURT. It seems to me that section 194 of the Railway Act would apply.

Mr. HYMAN. As against section 19.

Mr. R. L. BORDEN. I would think there was a great deal of doubt about that with all deference to my hon. and learned friend (Mr. Belcourt).

Mr. BELCOURT. I am discussing section 19.

Mr. R. L. BORDEN. Section 19 deals especially with location and provides for a settlement by arbitration. The question dealt with by section 19 is to be determined under section 19; but under the provisions of section 20, another tribunal is created, and I would not like to say off-hand, nor would my hon. and learned friend, just what you can determine under section 19 and under section 20.

Mr. BELCOURT. I can quite see the difficulty; subsection 4 of section 19 creates an arbitration whereas section 20 brings it under the Railway Act.

Mr. HAGGART. That is the trouble.

Mr. BELCOURT. I see the conflict and think we should do away with one clause.

Mr. TURRIFF. When the Bill was before the committee sections 194 and 195 of the Railway Act were made applicable at the request of some one, I think, connected with the Railway Department who was in the committee.

Mr. HYMAN. That only refers to section 194.

Mr. TURRIFF. Well, it was covering the crossing by telephone lines over railway tracks.

Mr. HAGGART. But includes both 194 and 195.

Mr. TURRIFF. No objections to give it to either tribunal.

Mr. BELCOURT. Strike out subsection 4.

Mr. HYMAN. No, subsection 4 is part of the agreement with municipal authorities. It would break faith with them. I move that section 19 stand.

Motion agreed to.

On section 24,—subsection 5,

Mr. GALLIHER. I notice that penalties are imposed by virtue of this Act, how are we going to carry out the enforcement of these penalties? There is nothing in this Act providing for it.

Mr. HAGGART. It is the moral influence they will exert.

Mr. R. L. BORDEN. In the provinces there is usually a general statute providing how penalties may be recovered in case no other provision is made. I am not aware that we have any such general statute for the Dominion but possibly there may be one; if not, the question which has been put to the government by my hon. friend (Mr. Galliher) is a very pertinent one.

Mr. HYMAN. I suggest that that matter be brought up again when the Minister of Justice is present, and we will further consider the Bill.

Mr. TURRIFF moved that the committee rise, and ask leave to sit again.

Motion agreed to and progress reported.

SECOND READINGS.

Bill (No. 86) respecting the Ontario and Minnesota Power Company, Limited.—Mr. Campbell.

Bill (No. 87) to incorporate the International Terminal and Bridge Company.—Mr. T. G. Johnston.

Bill (No. 88) to incorporate the Athabaska Northern Railway Company.—Mr. Turriff.

Bill (No. 89) respecting Monterey Electric and Gas Company, Limited, and to change its name to 'Monterey Railway, Light and power Company.—Mr. Macdonell.

Bill (No. 91) respecting the Timagami Railway Company.—Mr. McCool.

Bill (No. 92) respecting the Ottawa and New York Railway Company.—Mr. Belcourt.

Bill (No. 93) respecting the Grand Council of the Catholic Mutual Benefit Association of Canada.—Mr. J. J. Hughes.

Bill (No. 94) respecting the Brockville, Westport and Northwestern Railway.—Mr. Derbyshire.

Bill (No. 95) respecting Gillies Brothers, Limited.—Mr. A. A. Wright.

Bill (No. 96) respecting the Montreal and Southern Counties Railway Company.—Mr. Geoffrion.