

to amend and consolidate the law respecting railways.

(In the Committee.)

On clause 2,

Hon. Mr. SCOTT—An amendment was moved by an hon. senator in reference to subsection (b). The subsection reads :

The expression by-law includes a resolution.

The proposal was to make it read :

Except when referring to municipal bodies the expression by-law includes resolution.

I do not know who suggested this amendment, but it does not commend itself to my judgment. A by-law and a resolution are attended with very different ceremony and very different consideration.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. SCOTT—A by-law is a proceeding by a company that is not passed on the mere motion of the mover or seconder, but ordinarily receives perhaps a second reading, and at all events it has to have the name of the president, or vice-president, or one of the heads of the corporation, and usually the secretary, and it must have a seal. A resolution is more a hap-hazard proposition committed to a body of men and is carried yea or nay, and does not receive that solidity of thought or judgment that a by-law does.

Hon. Mr. BEIQUE—It was I who made the motion.

Hon. Mr. SCOTT—My proposition would be to exclude resolutions altogether.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. SCOTT—Because where it is defined that an Act of a company must be marked by the ceremony of a by-law, it would be going too far to say that if they passed a resolution it would have the same virtue and the same force as a by-law. I do not concur in that view and I do not think it is a wise provision, and therefore I would be disposed to favour the proposal of my hon. friend as far as it goes. He said it shall not refer to Acts by a municipal body, but I would go further and say that even as far as railway companies are concerned, a resolution ought not to be attended with the same weight and force as a by-law.

Hon. Mr. POWER—I am very glad to hear the Secretary of State express himself in that way. As I understood the hon. gentleman from De Salaberry the other day, he entertained very much the same opinion as has been expressed by the hon. minister in charge of the Bill. The hon. gentleman from De Salaberry thought that he would minimize the evil by the addition which he proposed, but if hon. gentlemen look at clause 80, they will find that is really the only place in the Bill in which resolutions are referred to :

The directors may make by-laws or pass resolutions from time to time for the following purposes.

There is no necessity for introducing 'resolutions' into the interpretation clause, and making them equivalent to by-laws on account of that clause; but if hon. gentlemen look at the heading on page 80, 'by-laws, rules and regulations' they will find that by-laws, rules and regulations are treated as something different from resolutions there, and I think the making of a resolution equivalent to a by-law will simply lead to confusion. I am glad the hon. Secretary of State proposes to strike out this paragraph (b). It is calculated to do nothing but harm.

Hon. Sir MACKENZIE BOWELL—What limitations does the hon. gentleman propose to make ?

Hon. Mr. BEIQUE—As this clause (b) reads, the expression 'by-law' includes resolutions. I gave notice that I would ask that it be amended by substituting for that clause (b) the following :

Except when referring to municipal bodies, the expression 'by-law' includes 'resolution.'

But I quite agree with the suggestion of the hon. Secretary of State, and think it would be much better to strike out this paragraph altogether.

Hon. Sir MACKENZIE BOWELL—There seems to be but one opinion on this question, particularly with those who have had any experience at boards. In striking out that subclause, it would be well also to strike out the few words in clause 80, because those who have been on those boards know you can often get a snap resolution passed, which might be of very great