

regulations.' In some municipalities there are special by-laws, applicable to particular subjects, and this clause would prevent these special by-laws being applicable to these companies. I would suggest that the word 'general' should be struck out wherever it appears in this section.

Section as amended agreed to.

Mr. HAGGART. One of them provides a method of settling disputes by the Board of Commissioners. You make that clause applicable and at the same time you have a special clause providing arbitration for the purpose of settling these disputes. We should have it clearly distinguished what subjects the board has control of and what matters come under the arbitration clause.

Mr. R. L. BORDEN. The difficulty is that three different tribunals are provided for the decision of certain disputes in connection with this company. In the first place, so far as rates are concerned, the Governor in Council has power; under subsection 4, as concerns all matters in dispute relating to long distance lines they are to be determined by arbitration; then, under section 20 you make sections 194 and 195 of the Railway Act apply, and under that you have a third tribunal.

Mr. HYMAN. What do you suggest?

Mr. R. L. BORDEN. What I said a moment ago, that there should be a reference of all these matters to one tribunal, the Railway Commission. In that way you would avoid a great deal of confusion that must necessarily arise under this statute.

Mr. FOSTER. We have admitted the principle, of course, by section 194 and 195.

Mr. HYMAN. Of course this Bill was drawn up without the whole matter being in the hands of the commission, and therefore the committee I presume, had to make the best of it as the case stood. In the first place they endeavoured to meet the wishes of the municipal authorities; this is a special clause that they desired, and I do not know whether even if the matter was left under the control of the commissioners that the municipal authorities would be satisfied. This is a special provision made at their request and we are meeting their views.

Mr. HAGGART. Have you met their views?

Mr. HYMAN. We have, so far as section 19 is concerned. That is word for word and in exact accordance with the agreement. They appeared before the committee and made known their wishes in another case and we have met their views. They wished to have it in this way and the committee acceded to their request. We had

Mr. BELCOURT.

considerable discussion with these gentlemen.

Mr. R. L. BORDEN. The hon. gentleman, with all deference to him, is confusing two things. We are not suggesting that any restriction placed by this Act upon the powers of the company shall be taken away; we are not suggesting that any power of location conferred upon a municipal council shall be taken away. We are pointing out that you have under this Bill three different tribunals which are to adjudicate upon any case where the municipal council itself is not the final judge to determine the matter. The municipal council is given the power to itself determine matters as to which it has a certain interest, but apart from that there are other matters as to which it has no such power. These fall under this statute within the purview of three different tribunals, the Governor in Council, the arbitration provided under subsection 4 of clause 19 and the Board of Railway Commissioners.

Mr. HYMAN. There is no question about that.

Mr. R. L. BORDEN. And, as the hon. member for Lanark (Mr. Haggart) has pointed out, not one of us would be able to say without a great deal of consideration at least—and courts might differ about it—whether subsection 4 or section 195 of the Railway Act should apply, and which should be the proper tribunal to go to first.

Mr. HYMAN. What is the matter?

Mr. FOSTER. Do you not think you might take this into consideration with the other two sections?

Mr. HYMAN. I have no objection to this clause standing, but I would again say that in dealing with this we were dealing without any reference to the Railway Commission and dealt with it in the light of the law as it stood. I presume when the broad question comes up that all these matters will be decided, and possibly that clause 19 will become part of the general law. But in the meantime it is not part of the general law, and this is special legislation to meet the wishes of the municipalities.

Mr. FOSTER. Get a hustle on your government and decide it.

Mr. HYMAN. We have plenty to do just now.

Mr. BELCOURT. The object the hon. gentleman has in view seems to me to be met by having half a dozen different jurisdictions; the company can surely not escape its duty with all these tribunals.

Mr. HAGGART. The question is whether you have given it distinctly to any tribunal.