

made in that Bill, but that there should be a general clause passed that would apply to all railway companies. It seems to me that is a preferable course, and therefore this action is taken.

Mr. R. L. BORDEN. It seems to me the Bill uses very comprehensive language, amounting almost to the power of expropriation.

The company may take possession of, use or occupy any lands belonging to any other railway company, use and enjoy the right of way, tracks and terminals—

Mr. EMMERSON. That is in the original section 137.

Mr. R. L. BORDEN. That is very different, this widens very much the purpose.

The company may, for the purpose of constructing, maintaining or operating its railways.

The order provided that it might do this for the purpose of obtaining a right of way. How is this particular language selected? By whom was this clause suggested?

Mr. EMMERSON. By the chairman of the commission. The law clerk of the department conferred with him, and the section is framed by him, or under his direction.

Mr. W. F. MACLEAN. I think this is a very good amendment to the Railway Act. It is the beginning of the unification of our railways into a system. To-day they are acting at cross purposes, they refuse to give one another accommodation. An accident may happen between here and Toronto at a point where it would be easy to switch the train in trouble on to the line of another railway and let it go through on the other system. One road can give accommodation to another, but as a matter of fact they are fighting each other, wasting their energy in fighting rival lines. This opens the door for meeting cases where they are actually throwing money into the water by building rival lines through certain portions of the country, whereas they might join together and have a common user of a road already in existence. I am rather surprised at this progressive legislation, but I am not going to object to it.

Mr. EMMERSON. You almost alarm me.

Mr. LANCASTER. There is one thing in the amendment that perhaps the minister can explain to us. Subsection 1 of section 137 seems to contemplate only the case where a company would want to make use of the track for its own reasons. The present section seems to contemplate a case where, although the company might not want to do this, the board might, of their own violation, think it ought to be done, and order it to be done without application.

Mr. EMMERSON.

I do not know whether this matter was suggested by the Railway Commission to the minister, but it seems to me it is a great distinction. We are saying now:

The company may, for the purpose of constructing, maintaining or operating its railway, or for the construction or working of any works or measures ordered by the board under any of the provisions of this Act.

Now, these words 'any works or measures ordered by the board under the provisions of this Act' do not seem to be in the legislation we have had hitherto. That seems to be a good deal stronger than I am prepared to say would be best, and I would like to know some reason why we should give this board power to compel railways to give running rights on the tracks of another railway besides when another railway wants it. Supposing a company is willing to build independently, and to run along by the side of another railway, is it contemplated here that, notwithstanding that the railway wants to build, the board of its own motion can say, no, you must not build there, you must build on the track of the road already existing.

Mr. EMMERSON. I will point out to the hon. member why it is desirable that the board should have this power of initiative. For instance, take the case of the location on a route map; there may be two railways located through the same pass. Physical difficulties occur and neither will give way. They both cannot go over the same right of way and it is difficult to adjust these differences. Neither of the companies will apply. This enables the board when called upon to—

Mr. W. F. MACLEAN. Get together.

Mr. EMMERSON. This enables the board to simply say to these railway companies: One must build the road and the other must have running rights and to impose the terms. This is suggested by the Commission. It fits a case in British Columbia, that I have in my mind.

Mr. OSLER. You are making a general Act to fit one particular case. It is an extraordinarily wide provision.

Mr. EMMERSON. This legislation does not emanate from that particular case. This seems to be necessary legislation suggested by the experience of the Railway Commission in connection with the settlement of difficulties between railways.

Mr. W. F. MACLEAN. Put in good broad terms.

Mr. LANCASTER. While I am just as anxious as the hon. member for South York (Mr. W. F. Maclean) is to have transportation matters facilitated in this country—

Mr. EMMERSON. You are with him now.