

Hon. Mr. POWER—The case that this is intended chiefly to provide for is a case where a railway runs along a highway, and the board, when the application is made to them, order that the railway company shall provide a new highway in place of the highway which they have occupied with their rails; and this clause is intended to provide for the taking of such land as may be necessary to make that new highway. There is really no change in the law. If any hon. gentleman will look at section 186 of the present Railway Act he will find this language:

And all the provisions of law at any time applicable to the taking of land by such company, and its valuation and conveyance to the company, and to the compensation therefor, shall apply to the case of any land required for the proper carrying out of the requirements of the Railway Committee under this section.

It will be now the requirements of the board.

Hon. Sir MACKENZIE BOWELL—The law provides for the case mentioned by the hon. Speaker at present. I know that in the city in which I live the road was expropriated by the Grand Trunk Railway only a few years ago, and they purchased land adjoining it and diverted the lines two or three rods to the south. Of course, they had to pay the owner for the land they required, but before they had the authority or power to do it, they had to apply to the municipality of the township of Thurlow for permission, and the council passed a by-law granting them permission to divert the concession line. They had to pay for that, and so they would under any circumstances. My own impression is that the words 'any additional' which have been suggested by the railway solicitors would be much better retained in the Bill. However, it is suggested by the Secretary of State that it should stand until we can consider the matter.

The clause was allowed to stand.

On clause 197,

Hon. Mr. SCOTT—This is the clause relating to drainage proceedings under the provincial Act. We had better let it stand for the present.

Hon. Mr. FERGUSON—I see no reason why we should let this clause stand; I think it is very likely members of this

House have their minds fully made up on this subject. It has been fully discussed in the Senate. I do not know why we should not go through it, and at least discuss it in our own way without hearing from the railway companies, except through the circulars placed in our hands. I know my own mind is made up, and I daresay others are ready to vote upon it.

Hon. Mr. SCOTT—I understood that a tacit understanding existed that the representatives of the railway companies should have an opportunity of laying their views before the senators informally. We could not refer the Bill to a committee because many hon. gentlemen here wished to be present when the discussion went on, and a certain number of clauses were named as those that they desired specially to express their views upon. I understood that was tacitly approved of by the House, and I understood further that Friday morning had been named as the time when those views were to be expressed. I think we should carry out that agreement, and any clause that it has been decided should stand, to let it stand.

Hon. Sir MACKENZIE BOWELL—It was decided also that those who support the other view, should be given an opportunity to be heard.

Hon. Mr. DANDURAND—If the hon. gentleman from Marshfield has made up his mind upon this question, there are some—I speak for myself, at all events—who know very little about the difficulties to be encountered in the rural parts of the country upon this question.

Hon. Mr. BAKER—There are many members here who have not had the advantage of hearing the discussions which have taken place in this House upon the subject in times past.

Hon. Mr. McMULLEN—If there is any understanding that the railway people are to be heard with regard to these clauses, it is well we should keep faith with them and give them an opportunity to be heard. Possibly there are some who are interested in maintaining the clauses as they are, and they also should have an opportunity to be heard.

Hon. Sir MACKENZIE BOWELL—It was understood when this informal discus-