

familiar with the Land Clauses Act in England—I have no doubt he is. And is it not a fact that courts in England under that Act have the power of determining whether or not the whole of a man's land shall be taken where part is taken in the first instance. I have not refreshed my memory by recent examination, but I think there is some provision of that kind in the Land Clauses Act—does the Minister of Justice think there is not?

The MINISTER OF JUSTICE. No. I would not care to say anything about the Act, unless I had it before my eyes.

Mr. BORDEN (Halifax). The Minister of Justice is quite right in regard to that, but I thought that perhaps in connection with these matters he would have frequent occasions to refer to that Act. That English law would seem more in consonance with what we should do. I think you are going far enough when you take part of a man's land, leaving on him to prove not only the value of the land, but the damage which is done by severance as it is called in England—when you go beyond that, and take a man's land absolutely in the first place, or take it for a limited interest at first and hand back to him a portion of that limited interest, and in every case impose upon him the duty of proving his damages, it seems to me you are going very far and passing legislation for which there is no precedent.

Mr. OSLER. Notwithstanding what the hon. Minister of Railways says, I think there is a very marked distinction between the powers given here and the powers given under an expropriation Act. The powers given here are the powers of expropriating an option, not buying the property. The government under this clause may virtually get an option on a quarry, hold it, and by increasing the amount they require from time to time, practically continue to hold that option on it for all time. Look at the power this would give, say the Minister of Railways. Suppose you have a contract to let in connection with railway bridges or canals, requiring a large amount of stone. The minister advertises for tenders. Say there are two tenderers. One man looks about for a stone quarry. The other man, who is a friend of the government, has the promise of the minister that they will expropriate a quarry. That is open to happen under this Act. It puts a power into the hands of the government which might lead to corruption at any future time. It practically allows you to take a man's property and tie it up for an indefinite period; and in the end the government will only pay for the comparatively small amount that they use, or perhaps they will not use any at all. This is a power that should not be possessed by any government or corporation. It might lead to serious abuse, and probably would, if any contractors

Mr. BORDEN (Halifax).

knew that the government had such power when they were tendering for a contract.

The MINISTER OF RAILWAYS AND CANALS. I am at a loss to understand how it is that my hon. friend, when he enters into the discussion of any Bill or proposal emanating from the government, absolutely takes leave of his ordinary good, sound judgment and sense. It is the wildest distortion of language for my hon. friend to say that this Bill authorizes the Crown to take an option for an indefinite period on a man's property. What is the use of trying to conduct an argument in such a fashion? Is he going to ask parliament to condemn this Bill because he asserts that the government are asking power to take an option on a man's property for an indefinite period? I am amazed to hear my hon. friend address an argument of that kind to this committee. There is not the word option in the Bill from beginning to end. The very moment the notice is given, the property is vested in the Crown, and the moment the Crown takes charge of the property it has to pay for it. It has to pay for just what interest it declares it is taking; and there cannot be any indefiniteness in it, because the notice must say what interest it is taking, and for what period its interest must go.

Mr. OSLER. Let me ask the minister a question. Assuming that the Crown has served notice on the owner of a quarry adjoining a public work, and the government contractors are working on that quarry; while they are working there, the quarry man cannot work. As I read this Bill, if the government expropriated a small amount of that quarry and used it for six months, they would have the power to expropriate a further amount for the next six months; and in that way they would be getting an option on the quarry as fully as if it were in writing under seal of the government, and signed. No one else could work that quarry so long as the government were working it. Therefore, as a matter of fact, this Bill gives the government power to expropriate an option on a man's lot. Whether I am legally right or not, I am right technically, as to the effect of the Bill.

The MINISTER OF RAILWAYS AND CANALS. The hon. gentleman has arrived at that conclusion without the slightest data, foundation or authority.

Mr. OSLER. May I ask the minister to answer my question, whether the government under this Bill has the right to expropriate more than once on the same property?

The MINISTER OF RAILWAYS AND CANALS. I think probably the government would have the right to expropriate for a further period, but it would have no more right to make the second expropria-