

I ask in the interest of those poor wronged people that that portion of the Bill I mentioned be expunged. It cannot injure the Canadian Pacific Railway Company. The road is built and run into Vancouver and I only ask to have this portion of the Bill expunged so that it will not prejudice the case that is now pending in the courts. I think it is only reasonable and just and I hope that the House will take that favorable and consistent view of it. If the decision of the Supreme Court of Canada is confirmed by the Privy Council then the Canadian Pacific Railway Company have only to ask to have this extension confirmed and I am sure that I for one will not object to it, but in the meantime I do ask that that portion be expunged.

HON. MR. KAULBACH—Will they not be obliged to pay for the land they go through even if this Act is passed.

HON. MR. SCOTT—The hon. senator has made rather a grave charge against the highest court of Canada in stating that they have become parties—I could scarcely believe my ears that he intended to convey the full meaning his words imply—that they have become parties to a fraud.

HON. MR. MCINNES (B. C.)—I said nothing of the kind. What I said was this: that the Canadian Pacific Railway Company got a certain individual in British Columbia to allow them to use his name to make an appeal here.

HON. MR. SCOTT—And that the Canadian Pacific Railway paid the expenses; that the case was not argued and the facts were not brought out before the Courts.

HON. MR. MCINNES (B. C.)—Yes, I said the trial was a sham and I say so still.

HON. MR. SCOTT—I understood the hon. gentleman correctly; it is a reflection on the Court and if the hon. gentleman would read the judgment he would withdraw his words which reflect on the highest Court in Canada. The case was ably argued before the full

Court. It was not only argued on behalf of the Respondent, Major, by his counsel but it was also argued by no less a gentleman than Mr. Albert Ritchards, Q. C., who happened to be in Ottawa and asked to be allowed to be added to the list of counsel on behalf of the Respondent. If I were to read the points he took my hon. friend would say that he took the strongest points that possibly could be made. They necessarily were few. They simply were limited to the interpretation of the statute which gives extraordinary power to the Canadian Pacific Railway Company to build what other railways were not allowed to build—branches in all directions. They could build branches 500 miles in length. They are to-day building a branch line from Sudbury to Sault Ste. Marie.

HON. MR. MCINNES—This is not a branch; it is an extension of the main line.

HON. MR. SCOTT—This other that I speak of is a line running almost everywhere with the main line to Sault Ste. Marie. If the hon. gentleman has read the decision of the Supreme Court he will see that each one of the judges says in his own language that it would be a very extraordinary thing to say that this company could not build a railway some 12 or 14 miles in a particular direction where it was authorized to build in every other direction for 500 or a 1000 miles. As one of the Judges put it, Judge Gwynne, he says on the argument of the respondent himself, he could not contend that there was not ample power under the law for the Pacific Railway to have gone eight or ten miles on their own line and by a devious course to have gone down to the harbor so that they would not then have been extending the terminal line from Port Moody. The Court considered it altogether too ludicrous an explanation to give to the law, and they very properly considered that there was ample power. The curious part of the judgment is that the learned Chief Justice in British Columbia, who felt himself bound to differ from the judge before whom it came in the first instance—that is Mr. Justice