

articles in the Quebec code shall govern in this matter. Is that not it?

Hon. Mr. BEIQUE—Merely when the property taken is in the province of Quebec.

Hon. Mr. FERGUSON—I think I am right. The hon. gentleman wishes certain articles in the code of the province of Quebec enacted as the law of the Dominion, simply describing them by the number they bear in the code of Quebec. It seems to me that is quite dangerous, because some changes in the legislation might be had in the province of Quebec behind the back of the Department of Railways, and some persons might move there for an amendment to these clauses to carry out some particular object in view, and it is the handing over of the power to legislate on this particular matter from this parliament to the provincial legislature that is objectionable. It seems to me the safe course to pursue would be for the hon. gentleman to draft a clause which would be the law in the province of Quebec, and not take the code, which is liable to be amended by the legislature of the province at any time, without that consideration which an amendment to the Railway Act would involve if attempted in this House. When a question is raised in this House of an amendment to this Act, attention would be called to it and everybody would know about it. I do not know that there is any danger, but it seems to me it is open to the danger of some change being made in the legislature of Quebec without any consideration of the point which would seriously affect Dominion law.

Hon. Mr. DANDURAND—The hon. gentleman would like that the provisions referred to in the hon. gentleman's amendment would be incorporated.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. BEIQUE—I may be allowed to refer to clause 146 which reads as follows

146. The powers, by the last two preceding sections conferred upon rectors in possession of glebe lands in the province of Ontario, ecclesiastical and other corporations, trustees of land for church or school purposes, executors appointed by wills under which they are not invested with any power over the real property of the testator, administrators of persons dying intestate, but at their death seized of real property, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the company. 51 V., c. 29, s. 138, Am.

Here is a provision which is made exceptionally for the province of Ontario, and we have to deal with a matter for which a separate provision should be made for Quebec.

Hon. Mr. KERR (Toronto)—The case is not parallel. The exception taken there is only to the case of people who are merely life tenants of the property, and therefore a notice to them would not be notice to those who are beneficial owners of the property. It is only saying that in Ontario the real beneficial owner shall be notified and not the person in possession.

Hon. Mr. LOUGHEED—The law makes provision for this class of cases, and I apprehend if there had been any grievance under the old law we would have heard of it. I would point out in vindication of the Bill, which we on this side of the House seem called upon to defend, that the application of the section as it is at present drafted in the Bill seems to be quite clear, because he at once selects the articles of the code which are peculiarly applicable to this clause of the Bill. Then if my hon. friend, as a member of the bar of Quebec can do that, surely the judiciary of Quebec can do it equally well. I think that is one of the clearest arguments that the clause is sufficiently clear to dispense with the necessity of mentioning any articles in the code.

Hon. Mr. KERR—These specific articles of the code may be set out literally or in effect.

The clause was allowed to stand.

On clause 184,

Hon. Mr. DAVID—I move that subclause 3 of clause 184, which deals with railways on highways and the consent of the municipality, be struck out. The subclause reads as follows:

3. Nothing in this section shall deprive any such company of rights conferred upon it by any special Act of the parliament of Canada, or amendment thereof, passed prior to the present session of parliament.

I should like to know the reason for the insertion of that subsection. Whether it is there or not makes no difference. There is some special reason, some subtle design, which I do not know. I do not see why that clause should remain in the Bill. No