

this first experiment, he had not better let the other alone.

Mr. QUINN. I would ask whether there was no question as to the legality or illegality of the Act, and no opinion given by the Department of Justice?

The MINISTER OF RAILWAYS AND CANALS. I think the feeling was that it would be necessary to come to Parliament and ask for an indemnification for any outlay that might be incident to the operating of that road.

Mr. QUINN. My idea is that where any doubt exists, it is the duty of the department which intends to pass an Order in Council, to get the opinion of the Department of Justice as to the legality of what is to be undertaken. I have not the law before me, but I remember there is some such provision. If a department can undertake any matter it likes, without submitting the question of its legality to the Department of Justice, it is leaving to any Minister the right to do almost anything he likes. I think this is a most serious position, and it strikes at the very root of the rights of this Parliament if a Minister of the Crown can get the assent of Council to a proceeding which is not declared legal by the Department of Justice. The Minister might as well do it of his own free-will without applying to Council at all, and we have no guarantee that that is not done every day.

Mr. FOSTER. I move that this vote be struck out.

Mr. BRITTON. This does not seem to me to be such a very serious matter. Perhaps I am wrong; but put a case like this. Suppose certain harbour improvements were asked for, and the Government thought it worth while to make an examination of the harbour and to make soundings before venturing to submit to Parliament a proposition for the improvements; does my hon. friend think that he would find a statute which would authorize the hiring of a tug and the employment of persons to make the soundings and to estimate in a general way what the improvements would cost? Or suppose another case. Suppose it was thought proper to enter into negotiations with a railway company to take over a part of their line, and it was said to be in a certain condition in which the Minister of Railways said it was not. Does my hon. friend think he would find a statute which would authorize the hiring of a car and the travelling of a hundred miles with the engineer of the department and the deputy head? I do not think he would find a statute of that kind; and unless they were prepared to pay the expenses of these things out of their own pockets, they would have to come to Parliament and ask for a vote to cover the expenditure. In a matter of this kind, if the Government make any arrangement that can be considered permanent or quasi per-

manent, they would have to get the authority of Parliament to do it; but merely to make an experiment, to see what is in the road for a short time, and then to come to Parliament and ask for a vote to cover the expenditure, does not, I think, involve such a violation of the constitution as the hon. gentleman suggests.

Mr. BORDEN (Halifax). I do not see the slightest application of the illustrations the hon. gentleman (Mr. Britton) has put before the committee, and I will hardly waste the time of the committee in going over them. I think that hon. gentleman will see that no government or company can operate a line of railway in this country except under statutory authority. It has been conceded by the Minister of Railways and the Minister of Marine and Fisheries that no such legal authority was possessed by the Government, so far as this railway is concerned, and the Government operated it without statutory or any other authority. What would have been the result if one of the trains had killed some people or set fire to a building or did some other damage? If the railway was operated without authority, very serious consequences would have resulted. It does not seem to me a good principle for any Government to attempt to operate a railway or any other public work without statutory authority and then ask Parliament to vote the money which had been lost in operating it.

Mr. SPROULE. The other illustration which the hon. gentleman gave was just as bad. He cited the action of the Government in spending money on a public harbour, but we have never spent a dollar on a harbour until voted by the House. This contract was, however, entered into and the work carried out before Parliament was asked to vote a dollar for it.

Deepening St. Pierre River..... \$40,000

Mr. HAGGART. On what principle is this vote asked for the deepening of that river?

The MINISTER OF RAILWAYS AND CANALS. My engineers advise me that this expenditure is required. The St. Pierre River was deepened and straightened by what is known as the Lachine Drain, which cost something like \$140,000. To make that river useful and get the proper depth, I am told it will require \$40,000 more.

Mr. FOSTER. Is that a part of the navigation?

The MINISTER OF RAILWAYS AND CANALS. In the first place, we will require to purchase 20,000 superficial feet of land. The excavation will cost \$12,000; masonry of the culverts, \$520; masonry in the bridge, \$19,000; revetment wall, \$175; value of land, \$3,600; contingencies, between \$3,000 and \$4,000.