

Shawinigan Falls Terminal Railway

the fact that we have a general act with a specific provision, section 170. If my memory serves me correctly, section 170 specifically forbids this sort of thing. I hope the Prime Minister will believe that I am in earnest. I am trying to be helpful. I can see no objection to adding the words I have suggested. In the committee we were in the position that there was no one there with authority to consent without communicating with other people. I merely raise the point, and I am not pressing it at all. I am merely raising it in order that we may be sure that some day someone will not come back to us and say: You dumb members of parliament on this committee passed something the legality of which is quite doubtful.

I also made the suggestion that at the end of clause 1 there should be this simple statement, "Not to exceed \$125,000." We were told that was the amount which had been agreed upon. I did not press either of these points in the committee and I am not pressing them here. Nevertheless I feel that "not exceeding \$125,000" might be a good five or six words to add because someone may come along years later and say: You members of the House of Commons on this committee passed this measure permitting the purchase without limiting the sum, and therefore you opened the door; even though you had an assurance, why did you not put it in the legislation? I shall not speak any further on the two points I raised in the committee.

Mr. St. Laurent: From memory I cannot give the hon. member the number of the section of the Quebec code. I am told that it is section 147 of the Railway Act, but the section of the Quebec code is in exactly the same position, unless and until parliament deals with it, as the section in the Railway Act. It is a pre-confederation statute which has never been interfered with, and the effect of which was continued by the British North America Act until competent legislative authority shall see fit to interfere with it.

Mr. Smith (Calgary West): The Prime Minister will admit that it would be safer to use the words I have suggested?

Mr. St. Laurent: I do not know that the drafters of the acts for the relief of all those who have come before parliament made such a serious mistake in omitting to put in "notwithstanding article so and so of the Quebec code".

Mr. Knowles: Mr. Chairman, on the point raised by the hon. member for Calgary West, if I may dare to get into this interesting discussion between two eminent lawyers, I wonder whether any consideration was given in the committee to a citation that I think

[Mr. Smith (Calgary West).]

has a bearing on the point, and which is found in Beauchesne at page 302 of his third edition. The citation is number 798, but anyone who looks at it will note that at the end there appears the notation "B.611". That means that Beauchesne took it from Bourinot, and for reasons that will be obvious in a moment I should like to read the paragraph from page 611 of Bourinot's fourth edition. In both cases private bills are under discussion by these noted authors on procedure. I am sure the hon. member for Calgary West will be interested in this if he has not seen it before. It reads:

In cases when the committee have considered an amendment of the general law preferable to the passage of certain private bills, they have occasionally made a special report to that effect, and postponed the consideration of the bills to which it had reference to enable the house to take action in the matter (k); or they have expunged certain provisions and recommended an amendment of the general law in these respects (l).

The significance of the letters "k" and "l" is that they refer to footnotes which indicate the bills that illustrate the point. There are three or four referred to at the bottom of page 611 in Bourinot; mining companies bills, 1854-55; Joliette incorporation of 1863; De Lery gold mining company, 1865; Quebec corporation of 1865. Naturally I have not had time to look up these particular private bills, and it is not my purpose to prolong the argument, but it seems to me that the point raised by the hon. member for Calgary West was not far-fetched.

As regards the point suggested by the Prime Minister in reply as to acts for the relief of various people—in other words, divorce bills—I would point out that divorce is listed in section 91 of the British North America Act as one of the powers that parliament has. Therefore we are not exceeding the power of parliament when we pass divorce acts. I do not think the hon. member for Calgary West was far out in raising the point whether we should by a private act set aside the general law without at least making a note of the fact. In fact, Beauchesne and Bourinot would seem to suggest that sometimes there are occasions like this where it is preferable to amend the general law to achieve a purpose such as that of this bill.

Mr. Harkness: As indicated by the hon. member for Calgary West, the purchase of the Shawinigan Falls Terminal Railway Company is a joint enterprise by the Canadian Pacific Railway and the Canadian National Railways. According to the evidence presented to us in the committee it will entail an expenditure on the part of the