

brought only by the authority of the Attorney General. Comparatively few people understand that a railway company's charter remains good, even though it has not completed its work within the time fixed. That is the distinction between the Dominion law and the extraordinary clause in the British Columbia charter. That forfeits the charter. But what becomes of the road already built? There is no doubt that under our law the charter remains good in law and fact, as regards any work that has been completed. There is no doubt about that, and that is as it should be. This clause is the usual clause.

Mr. HENDERSON. Before the Bill is reported, I desire to call the attention of the Minister of Justice (Mr. Fitzpatrick) to section 5. I have given notice of an amendment to be moved on the third reading of the Bill; but, if the Minister of Justice thinks there is no merit in that amendment, I shall not move it. The point I wish to draw attention to is this: Under section 20 of the original charter, power is given to construct a great many branch lines, the length of these branches, or their points of commencement and termination not being definitely stated. Now, I find that subsection 8 of section 175 of the Railway Act of 1903, provides as follows:

Except with reference to branch lines authorized by the special Act to be constructed between any two points or places definitely fixed or named therein, no power to construct branch lines in any special Act contained, inconsistent with the provisions of this section shall have any force or effect after three years from the passing of this Act.

Now, I apprehend that there is a conflict between the Railway Act and the charter of this company. If the Minister of Justice thinks there is not, I have nothing further to say. But it would certainly not be wise to pass this charter without having all matters of this kind cleared up. Section 5 of this Bill provides as follows:

The construction of the railways authorized by the said Act of the province of British Columbia and by this Act may be commenced within two years after the passing of this Act, and the said railways may be finished and put in operation within five years after the passing of this Act.

Now, the amendment I have given notice of would leave out the words 'authorized by the said Act of the province of British Columbia and by this Act.' As the original charter provides for the construction of a great many lines of considerable length the points of commencement or terminus not being definitely fixed, it would seem that the charter is out of harmony with the General Railway Act of 1903. I do not wish to throw any obstacles in the way of the Bill and I do not think that the amendment I suggest, even if it should be adopted, would have such an effect.

Mr. FITZPATRICK. I would like to have time to consider the point.

Mr. TISDALE.

Mr. HENDERSON. I think it is worth considering.

Bill reported.

PATENTS OF DAVID THOMAS OWEN.

House in Committee on Bill (No. 177) respecting certain patents of David Thomas Owen.—Mr. Stewart.

On section 1—extension of time for manufacture—

Mr. R. L. BORDEN. Are these sections in the form usually adopted by the House? Perhaps the Minister of Justice (Mr. Fitzpatrick) can tell us.

Mr. FITZPATRICK. I am not the promoter of the Bill, and have not even had an opportunity to look at it. It concerns the department which has control of the patent law.

Mr. R. L. BORDEN. I suppose the Bill will stand until somebody can answer?

Mr. BELCOURT. When the Bill was considered by the Private Bills Committee, there was an officer of the Department of Justice there, and no objection was raised by him to the form or substance of the Bill.

Mr. R. L. BORDEN. I think that somebody should be here who is able to answer a simple question such as that I have asked with regard to this Bill.

Mr. BELCOURT. There having been no objection to the Bill in committee, I assume that the Bill was in satisfactory form.

Mr. DEPUTY SPEAKER. Shall the section carry?

Mr. R. L. BORDEN. I object to the Bill passing until some one is here to answer the question asked—whether or not these clauses—which have not even been read—are in the form usually adopted by the committee and the House. I suppose they are. But somebody should be here able to answer that question definitely. There should be some one who takes enough interest in the Bill to be able to state the facts.

Mr. FITZPATRICK. There is only one way to proceed regularly and that is to allow the Bill to stand until some one can explain.

Some hon. MEMBERS. Hear, hear.

Progress reported.

BRANDON, SASKATCHEWAN AND HUDSON BAY RAILWAY COMPANY.

House in committee on Bill (No. 179) respecting the Brandon, Saskatchewan and Hudson Bay Railway Company—Mr. Turriff.

Mr. TURRIFF. I move that this Bill be referred back to the Railway Committee.

Mr. R. L. BORDEN. For what reason?