

Mr. EMMERSON. Will my hon. friend read the section of the Railway Act?

Mr. TISDALE. Section 281 is headed 'Amalgamations and agreements,' and is followed by 282 and 283, which are too long to read. Clause 4 of the agreement between Canadian companies refers to 281. Clause 3 goes on to state that agreements may be entered into between an American road and a Canadian road for running rights and so forth. Now, by this special Act we have referred the terms of this agreement to the Railway Commission, something that, in my opinion, was never intended to be referred to the Railway Commission. I want the Minister of Railways to look at this clause and look at clause 3 and see if the suggestion that I made in the committee ought not to prevail. It hurts nobody; on the contrary, the time will come when the promoters of the Bill will thank me for having pointed out to them this departure from the usual procedure.

Mr. EMMERSON. It is to be submitted to the Board of Railway Commissioners first.

Mr. TISDALE. Still, the Governor in Council has to deal with it.

Mr. MACPHERSON moved to add the following to the said Bill as clause 7:

The company shall, within two years from the passing of this Act, commence the construction of the western portion of its line at or near Cloverdale, and continuously prosecute the construction in an easterly direction to Princeton, along the route as laid down in the original charter of the company, being chapter 75 Victoria of the statutes of British Columbia.

Mr. HENDERSON. I have no objection to the amendment; I would like to ask the hon. gentleman, however, what would happen. It seems to me it will be no advantage to the people of British Columbia to say that the company should do so and so, when you do not provide that they should do so and so. The hon. gentleman knows as well as I do that his motion will have no effect whatever.

Mr. HAGGART. Will the charter be subject to the conditions? Suppose they don't go on and build the road.

Mr. GALLIHER. It applies only to so much as is constructed, the same as any other charter.

Mr. HAGGART. I doubt if the clause in the Act will have the effect of voiding the charter on the part of the road you have completed unless there is a special provision to the contrary.

Mr. DUNCAN ROSS. In reply to the hon. member for Lanark (Mr. Haggart) I would say that under this Bill the Governor in Council has the right to say where this line shall cross the international boundary, and if they do not comply with the conditions imposed by the amendment

moved by the hon. member for Vancouver (Mr. Macpherson) it is not at all likely that the Governor in Council will allow them to do anything else, unless they comply with the legislation adopted by this House.

Mr. TISDALE. I understand the suggestion of the Prime Minister to be that we pass this clause and let it stand until Wednesday, because we will have to come back into committee if the suggestions of the Minister of Justice are considered.

Sir WILFRID LAURIER. No, we must go on to-day.

Mr. R. L. BORDEN. I thought the Bill was not coming on to-day. My hon. friend from North Toronto (Mr. Foster) assured me that it was not coming on, that he had an arrangement with some member of the government.

Sir WILFRID LAURIER. I never heard of it.

Mr. R. L. BORDEN. He assured me on Saturday that the Bill would not come up to-day. He said, 'I have an arrangement about it, as I am not to be here on Monday. It will stand over until Wednesday.' I do not know the nature of the arrangement, but he left me under the impression that the Bill would not come on.

Mr. FITZPATRICK. He sent a note across the floor to me. I understood from it that he could not be here on Wednesday, and asked if it was coming up on Monday and I said, 'yes.'

Mr. R. L. BORDEN. He has evidently got the thing reversed.

Mr. FITZPATRICK. I read the note to mean that he would be absent on Wednesday and wanted to know if the Bill would come up on Monday.

Mr. R. L. BORDEN. I understood that it would come up on Monday, until I saw the hon. gentleman (Mr. Foster) on Saturday when he assured me that it was not coming up on Monday.

Mr. HAGGART. Referring to the clause that was under discussion I would like to ask a further explanation. Suppose bonds are issued on the eastern section of the road on the condition fixed that within two years the road shall be completed, will the bonds issued on the whole road be subject to the condition embodied in the Bill?

Mr. TISDALE. I suppose they would. The charter would not be forfeited by non-compliance with the condition, but would remain good for that part of the road that has been constructed. There are questions that we have never decided here, but that have been decided in the courts. A charter does not expire merely by non-fulfilment of such a condition as this, but only as a result of action in the courts, and action can be