

vate interests must yield to public interests, under a general expropriation system as practised in Canada. The hon. gentleman was basing his argument upon that, although in his Bill he provides for a different state of things, namely, limited expropriation.

The MINISTER OF RAILWAYS AND CANALS. I take exception to the hon. gentleman's statement that this is the adoption of a new principle. It is not. The principle is the principle of expropriation, of giving power to the government to take a man's property for its use. Now, it is a mere extension, a mere enlargement, to say that when you require a man's property, if you do not require it all, or only require it for a limited time, you may make a limited use of that property. That is not the adoption of a new principle at all. He is mistaking the enlargement and extension in a moderate way of a principle for the principle itself. The principle is already laid down and established. Everybody admits that it would be impossible to carry on the government if you did not have that power. Therefore no one ought to oppose the provisions of this Bill unless he strikes out the basic principle itself. Now my hon. friend says that in the prosecution of public works it is often found in Canada wholly unnecessary to take the whole of a man's property or to take it permanently; all that is necessary in any instance is to take only a part of it, and for a limited period. Now upon what ground is it contended that while you can take the whole of a man's property for all time, you cannot take a portion of that property for a part of the time, even though you make him ample compensation.

Mr. CLANCY. The difference between the hon. gentleman and myself is not whether he should take the property, but the difficulty is to provide means by which a proper compensation would be given in each case.

The MINISTER OF RAILWAYS AND CANALS. My hon. friends have to admit that they are here. Is it impossible, or is it improbable that the courts of the country cannot have such evidence and assistance given to them by the parties who are concerned in showing the value of an interest which has been taken as will enable them to name the sum which will safely and surely be sufficient compensation for the interest in the property taken? Take the case of any property that the Crown may want to occupy for four or five years. Take a farm; if my hon. friend has a farm, or a dwelling house, if my hon. friend has a dwelling house, which the Crown would require to use for five or ten years—does he argue against the Bill upon the assumption that it would be impossible for any tribunal to say what the use and occupation of that farm for ten years would

be, or to arrive at the amount of compensation that he should receive for taking the property away from him during that time?

Mr. CLANCY. The hon. gentleman seems to be reasoning backwards. He is putting up a case and he is asking: Would any person suppose it is possible to arrive at a fair compensation? What we say is, that it should be reasonably possible to arrive at a fair consideration.

The MINISTER OF RAILWAYS AND CANALS. Why can you not be reasonably positive? If you cannot be reasonably positive there is a difficulty as to the value, the price, or the accurate amount which a man ought to get, but there is not a tribunal which would deal with such a case, or which would be called upon to adjudicate upon it, which would not allow ample latitude so as to cover any possible contingency. We know that in our experience—the hon. member for Lanark (Hon. Mr. Haggart) doubtless knows as the result of his experience in the department which he presided over for a number of years—that the Crown invariably gets the worst of it in all these cases. This has been referred to by the hon. member for Norfolk (Mr. Tisdale). He knows that the disposition of every tribunal is to give to the individual claimant the benefit of every doubt, and to give against the government every advantage which it can give to the other side.

Hon. Mr. HAGGART. We are not debating the question as to how the Crown is used, or whether it has been obliged to pay greater damages to individuals than it should have paid. It is the clause which is immediately before us that we are discussing. The question is: What is the meaning of the clause which is immediately before us? The hon. Minister of Railways and Canals asks if the court cannot fix the amount of the remuneration for a limited estate in any property. They can. They can describe a limited interest just as well as they can the value of a complete expropriation, but how are they to arrive at the compensation when the hon. Minister of Justice says that the Crown may use a property for one, two, or three years before payment of the compensation may take place?

The MINISTER OF RAILWAYS AND CANALS. You have to name the time during which you require to use the property.

The MINISTER OF JUSTICE. You have to put that in the notice of expropriation.

Hon. Mr. HAGGART. I am dealing with the clause immediately before us, and you have not to do anything of the kind. I will ask the hon. Minister of Justice if notice has been served at the present moment in regard to any land intended to be expropriated, and on which the amount of compensation for the expropriation is not paid, would not that clause apply in such a case?