

ster Southern Railway Company, which is also a Canadian company. They are permitted to enter into an agreement with all or any of these three companies, and the second section says that when such an agreement is entered into with either one or all of these three it shall be declared a work for the general advantage of Canada. What is there in that legislation that is not in line with the legislation that is passed in this House every session? I am willing to accept or to consider any suggestion the Minister of Justice will make with reference to this. I hope I have not been discourteous; I did not intend to be sarcastic in reference to the amendment of the minister a moment ago. I did not speak upon it and did not intend to treat it in that way. Far be it from me to take such a position. The suggestions of the minister are suggestions that I think every one of us is bound to consider carefully, and if there is anything wrong in section 4 or any departure from the ordinary principles of legislation in it, I am willing to consider any suggestion the Minister of Justice may make in that behalf.

Mr. BARKER. I think there is a good deal in what the Minister of Justice has said for the consideration of the hon. member who has just spoken. We all know that in this House we have power to declare that a particular work is a work for the general advantage of Canada and certain results flow from that declaration. It has become the practice of this House to declare anything for the general advantage of Canada that the promoter of a Bill chooses to so style in that Bill, but the statement in this Bill goes a little further than any we have yet had. It does seem a hypothetical declaration, if certain things happen in the future it is a work for the general advantage of Canada, but if these things do not happen in the future I presume it is not a work for the general advantage of Canada. That is the point practically that the Minister of Justice is raising.

Mr. FITZPATRICK. Not only that, but you can declare a specific work, which is certain and is known, to be a work for the general advantage of Canada, but can you declare in advance that a work or a portion of a work which is not defined or described may become a work for the general advantage of Canada? That is to say, can you say that a portion of something that is not in existence to-day may become subject to our legislation. I am not saying this in order to criticise the Bill, but in the well-understood interest of this legislation if it is seriously intended to carry it. When the courts are called upon to construe this Act in the future how are they to know what portion of the road is to be for the general advantage of Canada? How are the courts to determine which Railway Act, the provin-

Mr. GALLIHER.

cial or the Dominion, will be applicable? In case of expropriation how are you to proceed?

Mr. GALLIHER. Is there a Bill that goes through this House authorizing a railway, before a mile of it is built, in which the railway is not declared to be for the general advantage of Canada? What would the Minister of Justice suggest? I am willing, as I say, to consider any suggestion. I do not want to see the Bill delayed and it must not be forgotten that we declare railways before a mile is built to be for the general advantage of Canada. This is simply a permission to enter into an agreement with existing companies; they are not mythical companies. If an agreement is entered into with actual existing companies in Canada surely we can declare them to be for the general advantage of Canada, if we can make a similar declaration in Bills relating to railways of which not a mile has been built.

Mr. FITZPATRICK. What you do here is to authorize the company to enter into an agreement with the other companies. Then you go on to say that the others which are mere provincial concerns may become Dominion concerns. You do more than that. I can understand legislation of that description, but you do more, you not only declare the company that is in contemplation to be for the general advantage of Canada, but you declare any portion of its line to be for the general advantage of Canada. What portion? What are you dealing with? What is it that you are bringing under the scope of our legislation?

An hon. MEMBER. The railway.

Mr. FITZPATRICK. It may be a mile of railway.

Mr. TISDALE. I want the gentlemen who are supporting this Bill to understand that others are just as anxious as they are to see it pass in a proper shape, and they must not think that we are obstructing their Bill. The clauses of section 281 of the Railway Act apply, which requires that the charter should be subject to the approval of the Governor in Council, and that proper notices should be given. But in section 3 the agreement is even more important, because their powers are taken for amalgamation, they are more important than an ordinary agreement between two roads in Canada. If it is only two roads in Canada, they have to go through all the proceedings that are mentioned in 281. Now, section 3 absolutely removes it from the Railway Act, in my opinion, because it refers the terms of that agreement to the Board of Railway Commissioners, an entirely different board from that to which all other agreements and amalgamations by our Railway Act are approved. I doubt if the Railway Committee the other morning considered what was in the other clause.