

Magna Charta days. Under the existing law, which nobody finds fault with, you may take my farm and pay me for it; and when you are done with it you can sell it to some one else. But I deny that you have the right to take it from me for the time and hand it back to me when you please. It is impossible to say what compensation I should have in that case, for it is a question of the future and there is only one Being, and he is not in this world, who knows the future. This is a clear invasion of the individual rights of property. Then there is the other consideration, and second in importance only to the first—that, if parliament confers this right upon the Crown, this right of qualified expropriation, the corporations will demand the same, and trouble will commence the end of which no man can foresee. Do allow my protest to have some effect and go no further with legislation involving so vicious a principle and likely to arouse so undesirable a feeling.

Mr. HUGHES (North Victoria). I would ask the hon. minister what necessity there is for passing this Bill? Have any cases arisen which seem to make such a law as this necessary?

The MINISTER OF RAILWAYS AND CANALS. My hon. friend from South Norfolk (Hon. Mr. Tisdale) has spoken with a great deal of feeling. I apprehend that he has convinced himself that a grievous wrong would be perpetrated and some very obnoxious infraction of principle or some great iniquity result if this Bill should become law. My hon. friend must have been dwelling upon this until it has assumed a much greater magnitude and importance in his mind than the facts would justify. There is nothing alarming about the proposition which my hon. friend (Hon. Mr. Fitzpatrick) has embodied in this Bill. There is nothing strange, there is nothing unusual about it. It is simply a moderate and reasonable extension of a principle already recognized, and which is practiced every day of our life. That principle is that whatever individual interests may be, they should be subordinate to the public requirements, awarding every possible compensation to the individual who may have suffered pecuniary injury. Now this Bill surely makes ample provisions for compensation to the man who is injured; and if it appears that in the public interest either the whole or the part of any man's property must be taken for public purposes, we provide that he shall be compensated therefor. Now my hon. friend seems to think that there is something outrageously wrong in the idea of expropriation itself?

Hon. Mr. HAGGART. No, I qualified it.

The MINISTER OF RAILWAYS AND CANALS. We are not proposing to give power to any railway company by this legislation; we are only proposing to give to the

Crown power to make a qualified expropriation, just as you do when you give to a railway company power to take a portion of a man's farm, or to run through the middle of his farm. This legislation is qualified in the same way. My hon. friend thinks that we must not touch a man's property, that we must not even touch the hem of his property, unless we take the whole of it.

Hon. Mr. TISDALE. No, I made no such argument.

The MINISTER OF RAILWAYS AND CANALS. I am not professing to give his exact words, but in effect he argued as I have stated. It is no more a qualified expropriation to take part of a man's property, or to take it for a limited time, than it is to take it for all time. I fail to see wherein the principle is different. As I tried to argue the other day, unless hon. members are of opinion that it is wholly impossible for any tribunal to make a just estimate of the amount of compensation a man ought to receive when you take a limited interest in his property, unless you are driven to that conclusion, there is nothing wrong in this Bill, because if you give him full and ample compensation what more can he expect? It is not a desirable thing, I admit, to take a man's property away from him against his will. I do not like to do that any more than anybody else, but that principle is so imbedded in our law and jurisprudence, in our whole system of government, that it is altogether too late in the day to complain about it. You do it everywhere. You give that power to every kind of a public organization; you give it to cities and towns, to expropriate lands for the purpose of parks, groves and gardens. My hon. friend goes back to Magna Charta. Well, we are doing lots of things to-day that were not done in the days of Magna Charta.

Mr. CLANCY. Is the question of limited expropriation a settled principle in Canada?

The MINISTER OF RAILWAYS AND CANALS. I do not exactly know what my hon. friend means, but if he means to ask if there is any established law to authorize it in Canada, I say there is not, certainly not as respects Dominion public works, because we have advanced beyond the conditions out of which grew the existing legislation, and we have advanced to a period when the extent and magnitude of our public works make it necessary that the Crown should be invested with some additional power in order that these public works may be carried on at the least cost to the country.

Mr. CLANCY. The reason I asked the question was that the hon. gentleman based his whole argument upon the other principle, something that is now in existence in Canada, and well understood, namely, that pri-