

Upon the establishment, to the satisfaction of the Governor in Council that in order to the avoidance of difficulties of construction, it is reasonably necessary so to do—

Section 3, agreed to.

On section 4,

Mr. TISDALE. There is one point in connection with this clause which is worthy of the consideration of the government. As the clause is worded the government is not required to approve of any agreements made. This, I think, is a very serious departure from the usual practice of this parliament; heretofore we have not authorized any such agreement without its being subject to the approval of the government.

Mr. EMMERSON. It is left to the Railway Commission in this.

Mr. TISDALE. I submit that this is a matter involving policy and it is a dangerous innovation to take from the country and from parliament the safeguard that the government shall be responsible for all agreements of this kind. I do not think it was intended that the Railway Commission should have these duties.

Mr. HAGGART. But the Railway Commission have not these duties.

Mr. TISDALE. It was asserted in the committee the other day that the Railway Committee would have this authority. Whether they have or have not I think the government should not divest itself of that responsibility. I think that in this case, in this particular Bill, we are throwing a new and unconstitutional duty on the Railway Commission. If I am right in that view I think it is a serious objection. While I am not in accord with many things the government do and with their policy upon some things I am in accord with them in the view that we should carefully guard their responsibility in matters of this kind because they represent the whole country. I think, as I said, that this is a novel and dangerous departure.

Mr. FITZPATRICK. My last suggestion with respect to clause 3 was so enthusiastically received that I am encouraged to make another suggestion with respect to clause 4. Section 4 is one which I think deserves a moment's consideration. The first paragraph provides for agreements that are to be made with certain railway corporations, but section 2 of section 4 reads:

2. Upon any such agreements being entered into the railway or portion thereof to which such agreements apply shall thereupon become and is hereby declared to be a work for the general advantage of Canada, and may be operated as a portion of the railway of the company.

That seems to leave us somewhat in the dark. What road is to be declared for the general advantage of Canada, what portion

of road? I do not want to discuss this matter at length, but I wish to make my protest against legislation of that description.

Mr. D. ROSS. The roads to which this applies are mentioned in section 4, they are the Vancouver, Westminster and Yukon Railway Company, the Victoria Terminal Railway and Ferry Company, and the New Westminster Southern Railway Company, or any of them. I might say that under their provincial legislation all these companies have the right to enter into agreements with other companies. Similar legislation was passed by the Railway Committee of this House this session of parliament in connection with the Dominion Atlantic Railway.

Mr. GALLIHER. I think these are all Canadian railways that are mentioned.

Mr. HAGGART. The Minister of Justice should not be content with a protest. If I correctly understand the principles of constitutional government, the government are responsible not only for government measures but for all legislation introduced into this House; they are as much responsible for this Bill as if it had been a government Bill, and if the Minister of Justice states that two clauses of it are not in accordance with what he thinks is right, then it is the duty of the government to see that they are put right or else the government are laying aside one of their absolute duties. A part of their function is to see that all legislation, not only that introduced by themselves, but all legislation, is correct and has the approval of the government.

Sir WILFRID LAURIER. There is something to be said in favour of the contention just enunciated by the hon. member for Lanark (Mr. Haggart). On the other hand I must say that the government as a rule take the position upon these Bills which are reported from the Railway Committee that the House ought to support the committee, presuming that the matter has been carefully attended to in that committee. But when an objection of the serious character just mentioned by the Minister of Justice is brought to the attention of the government it is a thing which cannot be overlooked. As the matter is now brought to my attention for the first time I may safely say that in my judgment the Bill while it should pass, ought to be allowed to stand until Monday next and during the interval this matter may be looked into.

Mr. GALLIHER. As I read section 4 the first part is that the company may enter into an agreement with the Vancouver, Westminster and Yukon Railway Company, which is a Canadian company; the Victoria Terminal Railway and Ferry Company, which is a Canadian company; and the New Westmin-