

ways and Canals (Hon. Mr. Blair) seem to confirm the view I touched upon when this Bill was before the committee on the last occasion. That hon. gentleman hesitates to say that this would be a safe power to give to private corporations and draws a distinction between the exercise of this power by such corporations and by the government. That hesitancy seems to confirm my idea for there being no similar provision in the legislation of other portions of the empire. I understand that it is conceded that this is a unique piece of legislation; and I suggest for the consideration of the committee that the reason it does not obtain elsewhere is not merely that it is a dangerous and unfair power to put into the hands of a private corporation, but that it is an equally unfair and dangerous power to put into the hands of the government. To illustrate, let us apply the principle as in the case that the Minister of Justice (Hon. Mr. Fitzpatrick) stated the other day when he was explaining the measure. Suppose the government want the temporary use of land for the erection of derricks in connection with the public works, and they want to get that right from the owner at a reasonable price.

They do not want to pay the amount that would be involved in taking the title in fee. Therefore, some such legislation as this is deemed desirable. It is desirable from the point of view of the government, there can be no doubt about that, for it will enable them to get what they want at a cheap rate. But there is something to be said also from the point of view of the owner of the property, and it is because of that, I believe, that other legislatures hesitate before passing such a law as this. The result of the Bill will be that the government can drive a hard and small bargain every time it wishes to use the land of a private owner for temporary purposes. They can get the use of the land at, perhaps, \$150 or \$300 less than the real value. And for this reason—the owner, let us say is a farmer; he has a strong belief that the temporary use of his property is worth a certain sum, but he is face to face with the fact that he may be drawn into a contest with the government, and must retain counsel and be put to expense. He may be well advised by cautious counsel that, though there is good reason to believe he is entitled to so many hundred dollars, it is impossible to say what the tribunal will fix, for the evidence has to be threshed out, and if he appeals, he will be mulct in costs as a result of the contest with the government. The result may be that he will sacrifice so many hundred dollars, as represented by the Minister of Justice, and will accept the proposition of the government. I do not think that is putting it as an extreme view, as in the ordinary run of cases, that would be the result.

The MINISTER OF JUSTICE. Assume that the case is one of the permanent expropriation of property.

Sir CHARLES HIBBERT TUPPER. There is always the difference in value—in that case you get into bigger figures. As I understand, the hon. minister based his plea on the fact that he is dealing with insignificant figures and does not want to pay a big sum. The smaller the amount involved the less likely the individual will be to engage in a contest with the government. It may be an evil that the government cannot drive a cheap bargain when it wants to, but the very fact that the government hesitates to give this power to private corporations is good reason why we should hesitate to give it to the government, as it may be a detriment to the farmer.

The MINISTER OF RAILWAYS AND CANALS. I do not see the force of that argument—that because some hesitation is felt in giving this power to railway corporations, therefore, parliament cannot safely confer it upon the government. It seems to me the arguments would be all the other way. Parliament can safely confer this power upon the government, but we may well pause and consider very carefully whether we should give the same power to railway companies. The argument of my hon. friend (Sir Charles Hibbert Tupper) is against all expropriations where only small values are involved. It would apply to every case of expropriation in which the value did not represent such an amount as would make it worth while to the owner to employ counsel. We are expropriating small properties every day in the week.

At six o'clock, the House took recess.

After Recess.

House resumed at eight o'clock.

PRIVATE BILLS.

WINDING LEDGES POWER AND BOOM COMPANY.

Mr. MacKINNON moved the second reading of Bill (No. 26) to incorporate the Winding Ledges Power and Boom Company.—Mr. Costigan.

Mr. SPEAKER. Is it the pleasure of the House that this Bill be read the second time, and that it be referred to the Select Standing Committee on Miscellaneous Private Bills?

Hon. Mr. COSTIGAN. Mr. Speaker, I suggest that the Bill should go in the usual way to the Committee on Railways and Canals, where all similar Bills have, up to the present, gone. I merely make the suggestion as I know that Bills of that character have heretofore gone to this committee.