

so doing it can purchase cheaper than by getting the precise quantity required for railway purposes. That clause is very full, and it expressly authorized the company, after taking what it requires for the purposes of its railway to sell the remainder in such a manner as it may deem fit. The subject was mentioned to me by one or two gentlemen, who, I dare say, have been speaking to my hon. friend about it too. They explained the objection of this registrar, and it was stated that the provision which exists in the Railway Act in the Revised Statutes, which is precisely of the nature I have just mentioned, did not exist in the previous statute: but it does exist in the previous statute, and in my opinion there is no possible difficulty in the sale by the railway company of any surplus land it may have acquired in this way over and above what it actually needs for its convenience. There is no difficulty in selling that land in any way that the company thinks proper. If the registrar refuses to register such sales on the ground that the company had no right to sell such lands I think he is wrong, and he could be compelled by mandamus or otherwise to make the registration: so that, as far as that difficulty goes, I do not think an amendment is needed. Of course the amendment suggested, it might be said, would be harmless; but, on the other hand, it might not be harmless. It might encourage to speculation in lands if a railway company were authorized to sell any land it might acquire any how or from any person—it might be construed into authorizing the railway company to deal in land, to buy it on speculation, with the hope of selling at a profit, which is not within the functions of a railway company. It seems to me it is going far enough to say that if the railway company finds it necessary to acquire more land than it needs it may sell the surplus, after keeping what it needs—and that is the state of the law.

HON. MR. LOUGHEED—The difficulty I apprehend arose in the very way mentioned by my hon. friend: the land, I am informed, was not acquired for the "purposes of the railway," but rather for town sites, and therefore was acquired for a speculative object, and doubtless the difficulty has arisen in that way. But as my attention has only been directed to it within the last hour, I am not prepared to say that

my hon. friend is not right. The member who represents the county of Selkirk in the House of Commons, and who lives in the city of Brandon, called my attention to it, and requested me to bring the matter before the House.

The motion was agreed to, and the Bill was read the third time, and passed.

BILL INTRODUCED.

Bill (137) "An Act to amend the Gas Inspection Act." (Mr. Smith.)

The Senate adjourned at 4.25 p.m.

THE SENATE.

Ottawa, Monday, May 5th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

INDIAN ADVANCEMENT ACT \ AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (132) "An Act to amend the Indian Advancement Act, Chapter 44 of the Revised Statutes."

(In the Committee.)

HON. MR. ABBOTT said: The first clause does not exactly meet the desire of the Department. It provides that the previous consent of the Indians of a reserve must be obtained before the reserve is divided into sections. Now, what is intended is to give power to divide the reserve into sections or to constitute the reserve one section by itself, if the Indians so desire it. I have here an amendment, which I now move, to that effect.

The amendment was agreed to, and the clause, as amended, was adopted.

HON. MR. SCOTT—Where those Indian reserves are within municipalities that are organized I cannot see that the Department can take power to deal with such a question.

HON. MR. ABBOTT—I think the Bill applies only to reserves in the North-West.