

will of Parliament; but in the revision of the Statutes, which was but a consolidation, there was an omission which technically would free certain persons from paying penalties. The Department has continued to administer the law as formerly enacted, and has collected the penalties.

Hon. Mr. BARNARD: Illegally collected the penalties.

Hon. Mr. DANDURAND: I am told that there are very few cases of that kind.

Hon. Mr. BARNARD: Why should there be any? And if they have been wrongfully collected, why should they not be refunded?

Hon. Mr. DANDURAND: They were not wrongfully collected.

Hon. Mr. BARNARD: The will of Parliament is expressed in the Act as consolidated. Otherwise who is to say what is the will of Parliament? And if the Department have collected penalties contrary to the Act as printed in the consolidated Statutes, they have been collecting them illegally and should be willing to refund them.

Hon. Mr. DANDURAND: Technically the argument of my honourable friend may be correct, but he knows that the will of Parliament is expressed by the various Acts that form the Statutes, and that the purpose of the codification is not to alter the legislation which is being codified.

Section 6 was agreed to.

Sections 7 and 8 were agreed to.

The preamble and the title were agreed to.

The Bill was reported.

#### THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

### TORONTO TERMINALS RAILWAY BILL

#### FIRST READING

Bill 129, an Act respecting the Toronto Terminals Railway Company.—Hon. Mr. Dandurand.

#### SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: In 1905 the Grand Trunk Railway Company of Canada applied to the Board of Railway Commissioners for Canada for authority to take certain lands in the city of Toronto for the purpose of enlarging

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its facilities and building a Union Station. The Board granted the application on certain conditions, as set out in the order of the Board dated February 23, 1905.

By Chapter 170 of the Statutes of Canada, 1906, the Toronto Terminals Railway Company was incorporated, with power to take over from the Grand Trunk the property in the city of Toronto known as the "Union Station property," and was vested with all powers and authority conferred upon the Grand Trunk by the above mentioned order of the Board of Railway Commissioners.

Apparently nothing was done until June 9, 1909, when the Board, by Order No. 7200, ordered a four-track viaduct between certain specific points in Toronto on both the Grand Trunk and the Canadian Pacific Railway. The city of Toronto was ordered to pay to the railway companies one-third of the cost.

Subsequently, all compensation to be paid to the Canadian Pacific for extra lands taken and consequential injury and damages to its facilities by the forced raising of its freight yards and buildings was ordered as a charge solely against the city, to be paid directly to the Canadian Pacific.

Appeals were taken from the orders of the Board and subsequently, in 1913, a new scheme was agreed to. This was confirmed by the Board on July 31, 1913. This agreement provides for a full six-track viaduct scheme between certain specific points in Toronto and provides that the total cost of the same shall be borne by the city of Toronto, the Grand Trunk and the Canadian Pacific in such proportions as may be agreed to or, in default, as fixed by the Board, but the amount which the city shall contribute thereto shall not, in any event, be greater than the amount which, under the existing orders of the Board, the city is or may be directed to pay or assume in respect of the viaduct or works to be executed under and by virtue of the said orders.

The railways were arranging for the Terminals Company to undertake the work of constructing the viaduct and also the new Union Station and preparing for a bond issue to cover the cost when the war broke out and further proceedings of that kind were discontinued. The station building was completed about 1921.

In November, 1923, no actual viaduct construction had been started, and as an alternative to the 1913 agreement a scheme which would be less costly at that time was submitted by the railway companies.

In April, 1924, no agreement having been arrived at as to the alternative scheme, ac-