

hon. friend the leader of the opposition is not prepared to answer that question.

An hon. MEMBER. No.

Mr. SCOTT. Evidently not. Well, in my own opinion, section 23 in these Bills means absolutely nothing—or at all events very little. But I say that if section 23 is put in the Bill, then it is fair, it is right, it is imperative that further notice be put in the Bill that parliament intends, as the Prime Minister says, to negotiate the surrender of these exemption rights from the company—that further notice be put in the Bill, so that the provinces, the people of Canada and the railway company will understand that parliament, at some future day will take away these rights by expropriation or by negotiation. But, as I have had no success with the amendment which I moved to the Alberta Bill, it is useless to repeat that proposal. I beg with regard to this Saskatchewan Bill to move:

That all the words after 'now' be struck out and the following inserted:

That the Bill (No. 70) be re-committed to Committee of the Whole House with instructions to expunge section 23 thereof.

Mr. DAVID HENDERSON (Halton). I only desire to say that I have no sympathy with any motion in this House that has for its purpose the violation of a solemn compact made many years ago by the parliament of Canada. Therefore, I cannot recognize in any form the motion that has been moved by the hon. gentleman (Mr. Scott). I do not believe for a moment that this parliament will stultify itself by accepting the amendment the hon. gentleman (Mr. Scott) has presented and so violating a sacred contract made many years ago.

Mr. W. A. GALLIHER (Kootenay). I fully agree with the hon. member for Halton (Mr. Henderson) that this government and this parliament should hold sacred the contracts made with the former government and parliament by any party or corporation. But, as I stated this afternoon—and I do not intend to repeat my remarks—I contend that if the government in 1881 had power to make this contract and to pass that law, there is no necessity for this section in the Act, for that law would apply, and it cannot be overridden by local legislation afterwards. On the other hand, if this law was ultra vires the parliament of Canada in 1881, then this parliament is not called upon to confirm any portion of a contract that was ultra vires of parliament when it was made. There is a vast difference between carrying out a contract made with a former parliament which contract was within the powers of that parliament, and carrying out a portion of a contract made that was not within the powers of parliament. If it was within the power of parliament to make it, then the rights of the other party will be safe in any case,

whether section 23 is put in or not. And if it is not within their power, it is no part of the duty of this parliament, or any other, to carry out an arrangement which was ultra vires of the authority that made it. For these reasons I support the motion of my hon. friend (Mr. Scott).

Sir WILFRID LAURIER (Prime Minister). There is absolutely nothing new in this question, which was discussed fully in committee. And, for the same reasons that I gave my hon. friend (Mr. Scott) before, I must tell him that we cannot accept this motion.

Mr. R. L. BORDEN. The hon. member for West Assiniboia (Mr. Scott) has covered a very wide range in his speech, including the convention in the Northwest Territories, Mr. Haultain's secrecy as to capital advances, the conferences held between members from the Northwest Territories during the recent session, besides formulating a number of questions, which no one, himself included, seemed able to answer, with regard to certain alleged opinions of the president of the Canadian Northern Railway. These questions seemed to be particularly irrelevant to the matter we have been discussing this evening. The hon. gentleman (Mr. Scott) says this is a serious matter. It certainly is a serious matter, but he did not treat it in a serious way. It is a serious matter. But any one who looks over the volume of 'Hansard' during the last four or five years and observes the gyrations the hon. gentleman has indulged in on this question can form a pretty good opinion as to how serious he is in taking up the time of the House in discussing it at this stage.

Look at his motion as he defines it, a motion in respect of which he has taken up 40 minutes of the time of this House. He says that section 23 means nothing, therefore he takes 40 minutes to ask us to strike it out. If it means nothing then striking it out means nothing. That is the position of the hon. gentleman according to his own statement. That is his own definition of the position which he occupies in taking up the time of the House to-night. If it means anything at all it means that a right which has been made with the Crown, confirmed by the parliament of this country in 1881, may be taken away without compensation. If it has any meaning at all I would suppose it to mean that, or that it was an attempt to accomplish that result. I do not know what the hon. member for Kootenay (Mr. Galliher) means by discussing the question as to whether it was within the competence of the government to make this agreement in 1881.

Mr. GALLIHER. If it was not within the competence of the government to make it we did not need this section, because that right will pass on to them notwithstanding