

A few months ago, the former Quebec government made representations to the federal Government so that the words which appear in section 18 of that company's charter—"that this bridge is for the general advantage of Canada"—be deleted from the charter to allow the province to build a new modern bridge approximately 300 feet from the present bridge.

Since 1882, various amendments have been made to the company's charter. New letters patent have been issued. A new incorporation has been approved. But for the purpose of the discussion, I think we can admit that all the rights and privileges granted to that company in 1882 are extant, namely, the right to operate that bridge and collect charges as well as the right to forbid any other person or company to build another bridge within 3,000 feet from that one. That is why the authorities of the present Quebec government want to proceed with the construction of a new bridge, as the former government had proposed to do.

I submit therefore, honourable senators, that our problem with regard to second reading of that bill is first of all a matter of public interest. You might say: How can you prove the public interest in this case by deleting from a company's charter a statement to the effect that the bridge is for the advantage of Canada?

I see at least two reasons why we can at this stage go ahead and approve that bill. In the first place, the Province of Quebec wants to build a modern toll-free bridge quite near to that which belongs to the Richelieu company, which means that the users will have nothing to pay. That is a rather important factor as far as the public interest is concerned.

In the second place, the bridge that the Province of Quebec wants to build will link the provincial roads at both ends and, if we do not approve this bill, the province might be prevented from proceeding with the construction of a new bridge, which would upset rather seriously the planning of roads under construction right now.

Honourable senators, I do not know if I should stress several other points. But I can say this: section 12 of the company's charter states that no other company or person can build a bridge less than 3,000 feet from the present bridge, but the opinion that this restriction does not apply to the province is but

the opinion of government legal advisers acting on behalf of the province. Furthermore, honourable senators will recall that section 12 of this charter states that no person and no company may build a bridge less than 3,000 feet away, and legal advisers suggest that this does not bind, in law, the province to build there, because section 7(33) of the Interpretation Act, Victoria 31, chap. 1, states, I believe, that no province, acting as a province, nor the federal Government, can be subject to any restriction under a statute, unless it is specifically so stated.

Hon. Mr. Choquette: Nevertheless, will some kind of compensation be given shareholders of this company which, after all, will fold up because of the action taken by the provincial government?

Hon. Mr. Deschatelets: That is an excellent question, Mr. Speaker. Unfortunately, I cannot answer yes or no. I must say in that connection—and I cannot vouch for this information—that the chairman of that company is supposed to hold the majority of shares but that, in fact, several shareholders have shares in the company. However, I say to Senator Choquette that the immediate result of the passing of this bill would be to put back this bridge under the aegis of the Quebec provincial legislation. Moreover, it would have the effect of withdrawing only that statement from the 1892 charter to the effect that it is for the advantage of Canada—and this prevents, it seems, the province from proceeding with the construction of the bridge.

But to reply to Senator Choquette's question, I think all these obligations could very well be defined before a committee of the house because I hope, if honourable senators agree to the principle of the bill, that the committee will hear the various witnesses concerned in that legislation. I hope that all those who have, directly or indirectly, an interest will be summoned, so that honourable senators will realize, first, that it is a case where the public interest is well established and, second, that the shareholders perhaps will not have to suffer any prejudice. But I do not want to say more at this stage.

Now, according to the power given in section 92 (10) of the British North America Act, the provinces have the right to erect works, local structures, as is the case here. However, the main reason why, in my opinion, the province of Quebec must appeal to the feder-