

take what is needed for the road and then get the consent from the federal government down here. If they must always wait before doing any work until consent is obtained I am inclined to think there would be some difficulty at times. I do not think you could do anything unless it were put in the law. You cannot leave anything to be adjusted between two governments outside of law.

Bill reported, read the third time and passed.

ARBITRATION WITH THE GRAND TRUNK RAILWAY.

House in committee on Bill (No. 199) to amend an Act respecting an arbitration between His Majesty and the Grand Trunk Railway Company of Canada.—Mr. Fitzpatrick.

Mr. R. L. BORDEN. Would the hon. Minister of Justice be good enough to tell us what this Bill accomplishes?

Mr. FITZPATRICK. I think I cannot do better than read the memorandum which has been handed to me by the third arbitrator.

Mr. R. L. BORDEN. Who are the arbitrators?

Mr. FITZPATRICK. Mr. Shepley is the arbitrator for the government; Mr. Lafeur of Montreal is the arbitrator for the Grand Trunk Railway Company and Mr. Justice Killam is the third arbitrator. The memorandum is as follows:—

The Bill now proposes to amend the Act of 1904 by giving the arbitrators power to make several awards on the different points and disputes that have arisen. In this way much expense will probably be avoided, for if an adverse award is given upon any particular dispute it will not be necessary to go into the amount that may be claimed under it, so that the expense upon the inquiry into the amount of damages would be avoided. It also provides that disputes arising since the beginning of the proceedings up to 1st January, 1905, may be referred for adjudication.

After the reference was made certain claims were discovered on both sides which had been put forward in addition to those which had been put forward at the time the arbitration was initiated.

It also provides that clause 13 of the Railway Act, which enacts that the railway commissioners shall devote the whole of their time to the Railway Commission, shall not apply to any of the arbitrators.

This provision is inserted to avoid disqualifying Mr. Justice Killam, who has already heard a very considerable portion of the case.

Mr. R. L. BORDEN. Is this the board of arbitrators to whom was referred disputes in reference to the traffic agreement between the government and the Grand Trunk Railway in 1899 or 1898?

Mr. FITZPATRICK. These are the arbitrators who have been appointed to decide on the claims that have arisen under two agreements; first the agreement of 1879 which provided for the acquisition by the government of that portion of the Grand Trunk Railway from Riviere Du Loup to Lévis, and second under the agreement of 1899 which provides for the acquisition by Canada of what is called the Drummond County Railway. In both of these agreements provision is made for the submission to arbitration of difficulties which may arise.

Bill reported, read a third time and passed.

SUPPLY—RIGHTS OF CANADIANS IN SOUTH AFRICA.

Hon. W. S. FIELDING (Minister of Finance) moved that the House go into Committee of Supply.

Mr. A. C. MACDONELL (South Toronto). Mr. Speaker, before the House goes into Committee of Supply, I desire very briefly at this late stage of the session, to call the attention of the government to a matter of considerable importance to certain Canadian citizens who have been deprived of their rights in connection with large mining interests in South Africa. The facts as represented to me are shortly these: prior to the year 1897, a gentleman named R. E. Brown, an American citizen, secured for himself and certain other persons associated with him (some of them being Canadians) about 1,200 valuable mining claims on what is known as the farm Witfontein in the district of Potchefstroom in the South African Republic. These claims were pegged out and rightfully owned by Mr. Brown, but the president of that republic, Mr. Kruger, denied the right of Mr. Brown and his associates to these claims and refused to issue licenses or leases. Mr. Brown, representing himself and his associates, applied to the courts of the South African Republic and on their behalf brought an action against Dr. Leyds, the secretary of the executive of Mr. Kruger; and also against the clerk of the district in which these mining lands were situated—asking that licenses should issue to him in accordance with the law. In that action Mr. Brown recovered a judgment as prayed for by him. The full court determined that he was entitled to have issued to him licenses for these lands, and in default he was awarded damages commensurate with the estimated value of the claims. These damages were assessed at £720,400, so that it will be seen that the amount involved is very large. That judgment was rendered by the High Court of the Republic of South Africa on the 22nd of January, 1897. Immediately after this judgment, Mr. Kruger sought to thwart its execution in order to deprive Mr. Brown and his associates (some of whom were Canadians) of the benefits thereof. Mr.