

what the hon. gentleman has suggested, that is, placing the control of a road which has been forced through the Dominion lands in the hands of the province. But of course there is no power given here, nor does any exist elsewhere, for the taxation of lands still remaining in the hands of the Dominion.

Mr. SPROULE. What authority will the province have now to lay out new highways? If the municipal corporations wish to lay out highways through Dominion lands, what power of expropriation would they have? Because it is constantly occurring in our province that municipalities have to make the road deviate, it cannot follow a straight line. What would happen in case the municipality was obliged to encroach upon land that did not belong to the province?

Mr. OLIVER. I understand there is a provision in section 5 of the Bill to cover that point.

On section 3,

Mr. SPROULE. What right will you have with regard to the width of the road? Some require to be wider than others.

Mr. OLIVER. I think there is a generally recognized width of one chain. Many years ago the old trails were surveyed two chains in width, but I think that wide survey has been dropped, and the trails are now surveyed of the same width as the ordinary road allowance.

Mr. SPROULE. Could they not go over that width in case of additions or unevenness of the trail, or where snow blockades might be heavy? Otherwise they would be hampered.

Mr. OLIVER. I think that section 5 covers that point while a special survey is required in the development of the country.

On section 5,

Mr. SPROULE. It seems to me there ought to be some provision recognizing the necessity for a deviation of the line of roads, in case for instance, where they have to cross streams.

Mr. OLIVER. This section is to provide for deviations of roads. The lieutenant governor shall say where a new road requires to deviate, and in that case a road shall be so surveyed, and the road thereby becomes vested in the provincial government. I would like to draw the attention of the Minister of Justice to these words: 'In accordance with the system of Dominion lands survey obtaining in the locality.' It seems to me those words might conflict with the idea of a special survey in any direction or in any place which the nature of the country would make necessary to secure a passage.

Mr. OLIVER.

Mr. FITZPATRICK. I would not like to say anything about a clause of this sort, which must have been carefully drafted. Every word is supposed to have an effect, and I would not like to suggest any change in it.

On section 6,—filing of returns of survey to vest lands in the province.

Mr. SPROULE. Will you always have to wait until you get the survey approved by the surveyor general before you can act?

Mr. OLIVER. Yes, before the control finally passes.

Mr. SPROULE. Could you take possession of the land before the consent is given?

Mr. OLIVER. I think that it is a matter of adjustment as to how soon possession can be taken. This provides for the absolute transfer of control, which cannot be done satisfactorily until the approval of the plans and survey by the Surveyor General has been obtained.

Mr. SPROULE. It would be a very inconvenient thing if you had to wait until you applied to Ottawa, with all the delays which usually result, before you can take possession of a piece of land to make or to deviate a road. If you had power to take the land and make the road it would not be so bad, but if you had to wait until you get the consent of the government here it would be very inconvenient.

Mr. OLIVER. I think that it could be overcome by arrangement between the local government and the department. That, I do not think, comes in necessarily in the consideration of this section. We cannot positively, finally and actually transfer the control until we are satisfied what the limits of the land that we transfer are so that we would have to have the approval of the Surveyor General of the territory. I think the difficulty which the hon. gentleman suggests will not arise, because that will be a matter of amicable arrangement between the Dominion government owning the land and the provincial government which wants to use it for a road.

Mr. SPROULE. I would think that would be a difficulty for this reason: Suppose you want to take a piece of land and suppose this government has some other object in view with reference to that land, then, suppose you got the Dominion Land Surveyor to survey the road, that you took possession of it, you are afraid to spend money because you do not know whether you are going to get it or not. There should be some provision in the Act, whereby under the control of the Lieutenant Governor in Council a surveyor could be sent out and survey what is needed, because the local conditions would be better known there than elsewhere, and whereby they could