

back to the Railway Committee rather than to allow it to stand on the order paper.

Mr. J. D. TAYLOR. I did suggest, before the discussion commenced, that this Bill should stand. My object being to make just such an arrangement as has been suggested. I may say that the promoters of this Bill are in the rather embarrassing position of the old gentleman in the fable who tried to please everybody and pleased nobody. I hope the same result will not follow. The object of the promoters is very simple and very innocent. They have, as has been stated, a charter under the Companies Act, and they are dealing with power secured from the federal government. They want to construct and operate a tramway which is essential to the carrying on of their construction works. Their whole desire is to arrive at that object in the simplest way.

Mr. SPROULE. Why do you not give them power to build under a federal charter?

Mr. J. D. TAYLOR. I may say that when this Bill was before the Railway Committee, the suggestion was that they should be empowered to build such lines as they might be authorized to construct by legislative or other competent authority, and with the desire to satisfy the committee, that was changed to read 'under the authority of the legislature of British Columbia'. All that the company desire is that they may be put in the position that any private individual would be in who had money enough to build that railway. Such private individual would not require to come to this parliament at all; but this being a corporate company, and not being empowered to engage in the construction or operation of railways, they took this step. I may say that I entirely concur in the suggestion of the Minister of Justice that the Bill should stand in order that an arrangement satisfactory to everybody may be arrived at.

Mr. CONMEE. I think there are other objections. It would create a precedent that I think should not be created. We give to this company power for all time to get such additional powers as the legislature may give to them. It is true, the legislature may guard the public interest, but the undertaking is entirely out of the control of this parliament. The Board of Railway Commissioners have not that control over it that they have over other lines. I think the best plan would be for the promoter of the Bill to refer it back to the Railway Committee to deal with it as was suggested in that committee before.

Mr. GUTHRIE. An amendment to the clause has been drawn by the promoters

Mr. EMMERSON.

and has been submitted to my hon. friend the Minister of Justice, and I believe it is satisfactory to him. It practically strikes out the whole of clause 1 and enacts that subject to the provisions of the Railway Act the company may lay out, construct and operate a line of railway. They also insert the usual clause which makes this practically a railway Bill, declaring it to be a work for the general advantage of Canada. Perhaps the minister will express an opinion on the proposed amendment, as I understand he will not be here next week.

Mr. AYLESWORTH. This proposition, so far as the form of the legislation is concerned, is entirely free from the objections which I have just been suggesting to the Bill as it came from the committee, and so far as the merits of the legislation go, I have no word of objection to offer to the company obtaining the additional powers it desires. With reference, however, to the proposal to insert in the Bill the declaration that the undertaking of the company is a work for the general advantage of Canada, that is a declaration which I think we are all agreed had better be sparingly made. With regard to a company which is incorporated by the Dominion, I cannot see how it has any appropriate place. It is, of course, only this parliament which can make that declaration. No provincial legislature can make it. This parliament must be its own judge of the propriety of making that declaration with regard to any undertaking; but the whole effect of making it is that from the time it is made, no other body than this parliament has any power to legislate with reference to that particular company. Therefore, it is a declaration which it is appropriate enough to make when we are transferring some provincial undertaking to our jurisdiction, but which has no propriety whatever in the case of a company which we are incorporating, and which, therefore, never was under any other jurisdiction than that of this parliament. I cannot see any use that it has, because without it any legislation which this company was at any time to obtain would have to be obtained from this parliament, because it is a Dominion company, and if it is useless and inappropriate, I scarcely see the object of inserting it even though it might be unobjectionable.

Mr. BARKER. I hesitate to say a word against the opinion expressed by the Minister of Justice, but there seems to me to be this question involved in what he has just said. We sometimes pass Acts of parliament relating to companies, with power to construct railways wholly within a province, almost local concerns; but we have been in the habit, a very bad one, I think, of taking a railway which upon the face of the charter is a local railway under the