

It is a prostitution of the powers and prerogatives of the parliament of Canada to pass such legislation. Would the hon. gentleman seriously argue that a group of railways around the city of Montreal, Toronto, Hamilton, or London would be a work for the general advantage of Canada and should be incorporated by this parliament?

Mr. WADE. Will the hon. gentleman allow me to ask him a question?

Mr. CLARKE. When I get through, my hon. friend can follow. And I would prefer that he would allow me to continue my line of argument.

Mr. COWAN. I do not blame him, for not wanting to get an answer.

Mr. CLARKE. If the hon. gentleman insists, I shall give way to him.

Mr. WADE. I would ask my hon. friend, in the most respectful manner, whether he does not think that the proper time to guard against those things is when the particular charter is before parliament? And is it not right that we should have a General Railway Act to deal with the different railways that are chartered by this parliament?

Mr. CLARKE. The hon. gentleman twelve months ago asked me the same question, when I was making an emphatic protest against the incorporation of the Toronto Niagara Power Company. I tried to point out to him that all railways declared to be works for the general advantage of Canada will come under the purview of this commission. The hon. gentleman will admit that in this I am right. The tram-car lines come here seeking incorporation and are declared to be for the general advantage of Canada, and the control and operation of those lines will come under the jurisdiction of the board of commission.

Mr. WADE. That is not the question I asked.

Mr. CLARKE. We are trying to protect the rights of the municipalities by the amendment to clause 184. How did that clause read before the hon. minister proposed his further amendment this afternoon? It reads as follows:

The railway may be carried upon, along or across any existing highway upon leave therefor having been first obtained from the board as hereinafter provided. But the board shall not grant leave to any company to carry any street railway or tramway or any railway operated or to be operated as a street railway or tramway along any highway which is within the limits of any city or incorporated town until the company shall have first obtained the consent therefor by a by-law of the municipal authority of such city or incorporated town.

Though I am not a lawyer, I take it that if that clause were permitted to remain in that shape, these tram-car outfits which are declared to be works for the general

Mr. CLARKE.

advantage of Canada, could not go along the streets of a municipality at all without first obtaining the consent of the municipality. That is our contention. Have we not the right to demand that protection for these particular municipalities and for all municipalities? Is it not a reasonable proposition that where a great number of human beings are assembled in one city, one hundred and fifty, two hundred or two hundred and fifty thousand people, that their rights in the highways shall be protected? Is this parliament more jealous of the rights of railway promoters and tramroad promoters and exploiters than it is of the rights of the people?

Mr. COWAN. Has anybody disputed that?

Mr. CLARKE. My hon. friend from Annapolis (Mr. Wade) I understood, disputed that.

Mr. WADE. Not at all.

Mr. CLARKE. Then, what was he disputing?

Mr. COWAN. The Toronto and Niagara Power Company was not a railway company at all, but was absolutely a power company; and the rights of municipalities were guarded in the Private Bills Committee before the Bill came back to this House.

Mr. CLARKE. My hon. friend has contradicted the statement I have made. Let me draw attention to the discussion that took place on the Toronto and Niagara Power Company. I drew attention, when the Bill was in the committee stage, to the fact that the gentlemen who were asking for incorporation as the Toronto and Niagara Power Company were, probably by coincidence, probably by circumstances, the owners of the Toronto Railway Company, and also of the Suburban Railway companies that it is now proposed to amalgamate with the Toronto and Hamilton Company. And I drew attention to the fact that it was only reasonable that the municipalities through which the power company passed should have the right to obtain power, and that the power company should sell it to them without discrimination; because I pointed out that the franchises of the tramroads would fall in, and unless the company was obliged to sell power without discrimination the value of the franchises would be destroyed. And when we asked that this should be done, hon. gentlemen opposite voted against that simple proposition. Twelve months have elapsed since that charter was given. And now we find that the gentlemen who got that charter and their associates are asking now for a charter for a railway, to be declared a work for the general advantage of Canada, to amalgamate not only the suburban railways, but the Toronto and Hamilton Railway in one company, and to over-