

over street railways and tramways. It reads as follows:

7. Street railways and tramways, while hereby expressly declared to be subject to such of the provisions of this Act as are referred to in section five, shall not by reason only of the fact of crossing or connecting with any such railway as mentioned in section six, be taken or considered to be works for the general advantage of Canada, nor to be subject to any other of the provisions of the Act, unless such railways or tramways carry freight traffic and charge tolls therefor.

Hon. Mr. LOUGHEED—Then they become works for the general advantage of Canada. The first class of cases mentioned in clause 7 are peculiarly provincial works.

Hon. Mr. DANDURAND—But by the amendment of the hon. gentleman from de Salaberry, the jurisdiction assumed by the federal parliament is exclusively one that the federal parliament in the public interest should control, the crossing itself and the connection and the through traffic, and leaves the whole administration and control of the railway to the province.

Hon. Mr. LOUGHEED—How could parliament divest itself of that right which, of necessity, vests itself in it under the British North America Act, immediately it becomes a work for the general advantage of Canada?

Hon. Mr. DANDURAND—But this parliament does not declare that it is for the general advantage of Canada. It simply says that when that provincial road comes in contact with the federal road, then, as there must be but one jurisdiction and one authority as to the control of that crossing, or connection, or through traffic, the sole power and the sole jurisdiction will be vested with the Dominion government. It does not declare that the road itself is for the general advantage of Canada, but the simple fact of the crossing where a federal road and a provincial road come in contact, gives the federal government exclusive jurisdiction as to the question of through crossing and traffic, but it seems to me this division of authority over one and the same road can well be made and will be found to work harmoniously.

Hon. Mr. LOUGHEED—My hon. friend will pardon me if I point out to him that this parliament cannot say, because a road crosses a Dominion work, that this parliament therefore exercises authority over that

Hon. Mr. DANDURAND.

road. It is by reason of subsection 10 (C) of section 92 of the British North America Act that this parliament has authority to declare a work to be for the general advantage of Canada, and it is only under that clause that it has authority to legislate as it has done under section 306 of the Act of 1888. It is in pursuance of that power, and once having accepted that responsibility, parliament must assume the whole responsibility.

Hon. Mr. BEIQUE—I call the attention of the hon. gentleman from Calgary to the fact that section 306 of the Railway Act of 1888 declares, as the hon. gentleman has just stated, that not only the crossing, the work forming part of the crossing was a work for the general advantage of Canada, but declared that those railways were to be considered ipso facto railways for the general advantage of Canada. The occasion of the declaration was the crossing, or the connection, it is quite evident. The hon. gentleman said, 'You cannot divide that way, because you are delegating a power.' Well, I fail to see where the hon. gentleman finds that there is any delegation of power. We have a railway under the jurisdiction of this parliament. We have another railway crossing it. This second railway is a corporation organized by the local legislature, and what we are declaring is, not that this railway organized by the local legislature is a work for the general advantage of Canada, but we are declaring merely that the crossing and the work pertaining to the crossing, or the connection, are works for the general advantage of Canada, and where can there be any objection to doing that? It is not a delegation of power. If this parliament can declare the whole thing a work for the general advantage of Canada, it seems to me this parliament may declare that part of that work is a work for the general advantage of Canada. Take the province of British Columbia. That province extends to the Pacific ocean, and suppose that a railway organized under the laws of British Columbia, extending from the boundary between British Columbia and the North-west Territories, was in operation, and suppose that this parliament considered that part of the railway having two lines, one going to Vancouver and another one going to Port Simpson, would it not be in the