

I will deal a little later. When Manitoba made that contract we had all the power necessary; there was no power this parliament could give to our province which we did not already possess. But we were making contracts with railway corporations, the Northern Pacific Railway and the Canadian Northern Railway, which were operating under Dominion charters and which had to get from the parliament of Canada their power to enter into a contract. In view of that, the two companies and the provincial government joined in asking this parliament to give to the railway companies power to make the contract which it was proposed should be made. It was unnecessary for our government to ask for any further power; we did not require any assistance from this parliament, but joined in a request in the following manner:

That his honour the Lieutenant Governor be requested to forward officially a certified copy of the following act, passed by the Legislative Assembly of the province of Manitoba, on the twentieth day of March, one thousand, nine hundred and one, and intitled, "An act confirming a certain agreement respecting certain railways and respecting freight and passenger rates," to the honourable the Secretary of State for Canada, with the request on behalf of the government of Manitoba, that the government of Canada will introduce into the parliament of Canada at its present session, a similar measure and legislation confirming the indenture in the said act referred to, and to enable and require the parties to carry out the same, in order that the true intent and meaning of the parties may be properly and fully accomplished.

That is the request we made to this parliament, to give the railway companies the necessary power. Parliament answered that petition by an act assented to on May 23, 1901, of which the preamble is indicated in the following:

His Majesty, represented by the executive government of the province of Manitoba, of the first part, and the Canadian Northern Railway Company, of the second part, have executed a certain indenture bearing date the eleventh day of February, nineteen hundred and one, and set forth in schedule B to this act; and whereas the parties to the said indenture of the eleventh day of February, nineteen hundred and one, have, by their petitions, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petitions: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Let the House observe closely that "His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada," enacted what followed. Now let me turn to the Dominion act of 1901, and I have here the legislation brought down. First there is the contract made with the Northern Pacific Railway, signed by your humble servant, and then the contract made with the

[Mr. Rogers.]

Canadian Northern Railway; and under this act parliament went on to say:

1. Whereas by indenture of lease, dated the fifteenth day of January, nineteen hundred and one, and set forth in schedule A to this act, the lessors named in the said indenture did demise and lease to Her Majesty, represented therein by the executive government of the province of Manitoba, certain lines of railway therein mentioned, upon terms and conditions set forth in the said indenture; and whereas His Majesty, represented by the executive government of the province of Manitoba, of the first part, and the Canadian Northern Railway Company, of the second part, have executed a certain indenture bearing date the eleventh day of February, nineteen hundred and one, and set forth in schedule B to this act; and whereas the parties to the said indenture of the eleventh day of February, nineteen hundred and one, have, by their petitions, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petitions: therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Northern Pacific and Manitoba Railway Company, the Winnipeg Transfer Railway Company (Limited), the Portage and Northwestern Railway Company and the Waskada and Northeastern Railway Company have, and shall be deemed to have had at the time of the execution of the said indenture of the fifteenth day of January, nineteen hundred and one, full power to demise and lease the lines of railway and other premises included in the said indenture on the terms therein contained; and the said indenture of lease and the assignment thereof by the said indenture of the eleventh day of February, nineteen hundred and one, are hereby confirmed.

They confirmed both contracts. The act went on to say:

2. The Canadian Northern Railway Company has, and shall be deemed to have had at the time of the execution of the said indenture of the eleventh day of February, nineteen hundred and one, full power—

- (a) to accept the assignment of the said lease;
- (b) to make the covenants and agreements in the said indenture contained—
 - (i) relating to the said lease and to the payments thereunder and to the terms thereof;
 - (ii) relating to the bonds mentioned in clauses 5 and 6 of the said indenture;
 - (iii) relating to the rates to be charged or demanded by the said company for the carriage of freight and passengers;
 - (iv) relating to the payments to be paid by the said company notwithstanding exemption from taxation;
 - (c) and to make the grant contained in clause 20 of the said indenture.

3. Nothing in this act or in the indentures contained in the schedules hereto, or done in pursuance of this act or of the said indentures, shall—

- (a) divest or limit, temporarily or otherwise, the rights or powers (under existing or future legislation of the parliament of Canada) of the Governor in Council, or of the railway committee of the Privy Council, or of any commission or other authority, respecting any matter or thing, obligation or duty;
- (b) place the government of Canada, directly or indirectly, under any liability, obligation or duty with respect to any bonds, debentures, stocks or securities of any kind, or any interest thereon or any payment, matter or thing in the said indentures provided for or referred to, or in any way arising therefrom;

(c) authorize the Canadian Northern Railway Company, contrary to the meaning of the Railway Act, to charge or demanded any discriminating rate for the