

have not confirmed them; we have not ventured to insult the Provinces by confirming them; but we have considered them as valid, and we have given added powers to these railways, and have declared certain works promoted under local charters to be works for the general advantage of Canada, when they are indisputably so, and when they had *bona fide* applied. So, all the Provinces, I believe, have, since Confederation, acted on the theory that they have power to charter local railways. For my own part, though I speak with deference regarding those who have entertained doubt, I do not understand how there can be any doubt about this provision of the Constitution.

Mr. McCARTHY. The observation of the hon. member for Victoria is hardly applicable to this particular clause of the Bill, because, however correct may be the doubt to which my hon. friend has given utterance, it is quite plain that we, by this sixth clause, are legislating in the opposite direction, because we are reciting and confirming the power of the Local Legislatures. It appears to me that we must deal with this clause as with all other enactments, upon its merits. Now let us see what roads this clause proposes to place under the jurisdiction of this House. The Intercolonial Railway is already subject to the laws of the Parliament; so is the Grand Trunk; so, I believe, is the North Shore, though I am not sure as to that; so is the Northern Railway; the Hamilton and North-Western, I think, is not, for it has a local charter; the Canada Southern, no doubt, is; so is the Western; the Credit Valley is not; the Ontario and Quebec is; and the Canadian Pacific is, of course. Therefore, we are simply enacting in regard to the Hamilton and North-Western, and the Credit Valley, and possibly, also, as to the North Shore. The Hamilton and North-Western is a road that, I believe, forms part of one of the main lines between Hamilton and the Suspension Bridge; therefore, it may be assumed to be as much as any other line for the general advantage of Canada, as it is, in fact, a section of a through line. So with the Credit Valley. I think these roads are properly brought within the jurisdiction of this House, and I think that it is quite plain that the proposition of the hon. Minister of Railways that the leading lines, with those connecting with them, and their branches, ought to be subject to the same law, is a proper proposition. Nothing could be more unfortunate than that one part of a railway should be under the jurisdiction of the Local Legislature, and one part under the jurisdiction of the Dominion Parliament.

Mr. BLAKE. This provision not only includes branches, but the lines connecting with them and the lines crossing them.

Mr. McCARTHY. It may possibly go further than the argument I am advancing would warrant.

Mr. BLAKE. I quite agree with the hon. gentleman that a branch line should be subject to the same jurisdiction as the main line.

Mr. McCARTHY. That is my opinion; and all traffic arrangements, and the fixing of rates and tolls on all Canadian roads, whether chartered by the Local Legislature or by this Parliament, I hold, are subject to the Parliament of Canada. So far as I know, the Local Legislatures have not accepted that doctrine but act on the opposite theory. I think it will be found when the question comes up, and I have never heard it very seriously disputed, that this is the place where tolls and rates and traffic arrangements are to be settled and can only be settled. Notwithstanding what may be done elsewhere, the laws we pass here should regulate rates and tolls. That is the reason why all the important lines, at all events, ought for their own sakes, so as to be represented here in this matter of the settlement of tolls, to be subject to the laws of this House.

Mr. BLAKE.

Sir CHARLES TUPPER. I do not think the hon. leader of the Opposition made out his case when he contended there was any violation of either the text or the spirit of the Union Act in this proposal. I do not go into the question at all that has been raised whether any doubt may arise as to whether the jurisdiction, in relation to railways alone, belongs to this Parliament. I take it, as the hon. gentleman does, that the Union Act provides that railways connecting one or more Provinces or connecting us with any other country, are railways necessarily within the jurisdiction of this country. It is quite true provision is made that local railways are under the jurisdiction of the Local Legislatures, but the Union Act goes much further and provides distinctly that this Parliament shall have the power of declaring any railway, when, in the judgment of Parliament, it is felt a wise thing to do for any purpose whatever, shall come within its jurisdiction. Therefore, there is no excess of the power of the Union Act proposed here, but this is simply carrying out the provisions of the Union Act which were intended for this very purpose. As the hon. gentleman from North Simcoe has said, the doubt will be removed, a doubt that certainly has arisen to a very large extent by this proposal, because it would enable us to deal with these lines of communication that run into each other, and by this connection reach other Provinces, and will facilitate the making of such regulations for traffic as are really in the interest of the country.

On section 10,

Mr. BLAKE. This clause will require to be recast if we consent to this proposal. It is an amendment of section 60 of the Act:

Section 60 of the said Act is hereby amended by adding at the end of the first sub-section of the said section, after the word "proxy," the words "and also to the approval of the Governor in Council."

That is all right; it is practically saying that these working arrangements of twenty-one years shall be subject to the approval of the Governor in Council, and that notice of the application shall be given for sometime in the *Canada Gazette* in order that all parties interested may be heard. But the hon. gentleman has tacked on certain other provisos, *b*, *c* and *d*, which are not at all proper to be tacked on to this clause. The main clause contains a provision for the approval of the Governor in Council for twenty-one years, or, rather, it is a proviso the company shall have power to make the traffic arrangements subject to the approval of the Governor in Council. If it is intended that if there is any purchase or lease of any railway or portion of railway there shall be approval of the Governor in Council, that should be done by a separate and independent clause: "Any purchase or lease of any railway or portion of railway shall be subject to the approval of the Governor in Council, &c." And that is a very extensive provision. There may, to-day, be the right of a railway company to purchase a railway. Negotiations may be proceeding, the matter may be all but concluded, yet we would certainly intercept the consummation of the transaction by interposing this new condition. I think it ought to be guarded so as to apply, if it is to apply at all, only to transactions which are entirely *in futuro*. Then this other proviso *c* is not properly a proviso to the first sub-section of section 60 at all. It is an independent proviso and ought to be a separate clause, just as *b* ought. It is a proviso of a very important character. I do not know whether it is intended to withdraw rights which were given, somewhat improvidently, to one of the great railway companies some time ago, or whether it is intended simply to deal with the case of a company unlawfully dealing in the shares or stocks of other companies. I think another of the two great rival corporations, as I am afraid we must call them, with which we are blest, has been dealing considerably in the shares and stocks of other corporations. We have read in the