

May 31, 1872

the Local Legislatures giving it powers to hold real estate. Before Confederation each Province could have passed this Act. When the British North America Act was passed it was designed that the Dominion Parliament should have all the powers possessed by the different Provincial Legislatures before the union.

The member for Bothwell had drawn a comparison between the constitution of the United States and that of Canada. The constitution of the former is this: "Every State has its own sovereign jurisdiction with the exception of those special powers reserved to Congress. If there was any power not specially and expressly given to the United States by the Constitution, it belonged to the different States." Our constitution is just the reverse. All rights incidental to sovereignty, belong to the Dominion Parliament, except those powers which we cannot exercise so long as we are dependent upon Great Britain. This Parliament can do whatever is necessary for the peace and welfare of the Dominion of Canada. Holding those views, it would be unwise to limit the clauses of the Act under discussion. Until decided by the proper tribunals such questions would arise continually and the House must allow these charters to be asked for and granted. The applicants must be aware that they are taking them subject to the decision of the Courts. The question was surrounded with difficulty. It was a matter of congratulation that they had got on so many years with so little difficulty. Until the courts had given their decision each case must rest on its merits.

After some remarks from **Mr. MILLS**, in which he differed from the views of the Minister of Justice as to the Constitution of the United States, the committee rose and asked leave to sit again.

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CANADIAN PACIFIC RAILWAY

Hon. Sir GEORGE-É. CARTIER moved concurrence in the report of Committee of the Whole on the Pacific Railway Bill.

Hon. Mr. BLAKE: As he had intimated the other evening, he desired to take the sense of the House as to the route the railway should take from the south of Lake Nipissing. Hon. gentlemen opposite had stated that they had not sufficient information before them to enable them to determine which route should be adopted. He had thought that that was an argument in favour of postponing the matter, but he now intended to move, as a way of meeting the difficulty, that the railway should pass, if practicable, by the south and west of Lake Nipissing. The information before the House pointed to an intention of taking the road by the east and north. It was the route the Chief Engineer had laid down in the first instance without having made a survey in the other direction at all.

Under these circumstances, and believing as he did that the Province of Ontario would suffer materially unless every exertion was made to bring the road by the south and west, he would move an amendment to the first clause to the effect, "that the railway be

constructed by the south and west of Lake Nipissing, if found to be practicable."

Hon. Mr. HOLTON asked whether the hon. member for Durham West was prepared to make any statement as to the distance of the route which he advised. It might be thought that route would be the nearest to Lake Ontario, but the question was whether it was the shortest route.

Hon. Mr. BLAKE was not prepared to give an opinion on it, but from what he had gathered during the discussion of the question, he did not think that the road would be appreciably lengthened by adopting the western route.

Hon. Sir GEORGE-É. CARTIER said that the proposition of the hon. member was met by the reply that they did not know enough at present to bind themselves that the Railway should pass between Lake Nipissing and the Georgian Bay because it was the short and long of the proposition of the hon. member that it should pass that way. In stating on the measure that the terminus should be in the south shore, he thought that the Government had done enough. If it was found to be more advantageous to the Dominion that the line should run by the north-east, that route would be adopted. But the hon. member would like that the north should not have any chance at all for that reason; and in the absence of information that it was impossible to pass between Lake Nipissing and the Georgian Bay, he thought it would be wrong in this House to say which route should be adopted. The hon. member for Ottawa County (Mr. Wright) had expressed fears that the north shore would not have a chance; but he (Hon. Sir George-É. Cartier) would say that the north would have a chance if it was found to be the best route to the south shore of Lake Nipissing.

The amendment was then put and lost: —Yeas, 51; Nays, 91.

(Division No. 23)

YEAS

Members

Ault	Beaty
Blake	Bodwell
Bowell	Bowman
Brown	Cameron (Huron South)
Cartwright	Crawford (Leeds South)
Dobbie	Drew
Gibbs	Grant
Grover	Hagar
Jackson	Kempt
Lapum	Lawson
McDonald (Middlesex West)	Mackenzie
Magill	McCallum
McConkey	McMonie
Merritt	Metcalfe
Mills	Morison (Victoria North)
Munroe	Oliver
Ross (Dundas)	Ross (Prince Edward)
Ross (Wellington Centre)	Rymal
Scatcherd	Snider
Stephenson	Stirton
Street	Thompson (Haldimand)