

claim (1) that the provinces have legislative jurisdiction over the matters embraced in the Bill; (2) that the legislatures of the provinces have exercised those powers, so that we have the case of a province claiming to have, and having the powers to deal with these matters, and that they have exercised those powers; (3) they have incorporated a large number of companies with the powers embraced in the Bill, and (4) such companies are in active operation, and (5) are under the supervision and control of the legislatures of the provinces respectively. Now, confronted with such a case, the facts of which are beyond dispute, what conclusion could the committee come to but to advise this House as to what it deemed the proper course? The House is not bound to follow that advice, it is perfectly true; but in the discharge of its duty, having heard this evidence, and not being able to present the evidence in detail before the Senate and having heard the contention, they summarized the facts in these findings, and present to the House the conclusion that in the opinion of the committee it is not necessary or advisable that this House should act. Why? Because it appears that the provinces have acted, and that the requirements of the public, so far as there are requirements in these matters, are being satisfied.

There is no necessity, nor is it advisable to interfere with or disturb the conditions which have been so established. It is not necessary that Parliament should act, nor is it advisable that they should interfere with the conditions which have been established by the provinces. In other words the provincial right which has been asserted and which has been acted upon by the provinces, and under which rights have grown up, companies have been formed, properties have been acquired and all good purposes which it is supposed and claimed by the advocates of this Bill can be conferred upon the public, are really being conferred and are being enjoyed by those who have taken advantage of the rights which they claim, and the rights which they have been conceded under the provincial legislatures; therefore it is not necessary nor is it advisable to pass this Bill. Under those circumstances, with that statement of facts presented before the committee, what other

conclusion and what other duty had the committee to discharge but to come in this way before the House, and if that report is acceptable to this House, then it is certainly the duty of the House to adopt it and to take no further action with reference to the Bill. The case has been presented as to what is the condition of things under the law as the matter stands. Let me say a word or two with reference to my own view, which I presented before the committee and which I think is the view which this House should adopt, or I would not present it. First, I submit that this Bill is one which is within the legislative jurisdiction of the provinces, and I was glad to find that in the opinion of the Minister of Justice, who was asked to consider this question, and whose opinion was read here, that that view which I had previously expressed before the committee at a previous meeting and on more than one occasion too, has been sustained, and the provinces have the jurisdiction to legislate in connection with the matter as this Bill proposes. The next proposition is, has this parliament power to pass it? On that point, it is not necessary, in the view which I take of the matter, and which the committee took of the matter, to come to a conclusion, and as the Minister of Justice abstained from giving an opinion on the point, for the reasons which very properly occurred to me, and which are stated by him in the letter which was read, it is not necessary to come to the conclusion as to whether we have the power or not, because I am prepared to concede, if Parliament has the power, it being undoubtedly my opinion and it being an opinion which is sustained by that of the Minister of Justice that provinces have that power, the circumstances are such as to make it inadvisable and inexcusable that parliament should exercise the power, even if we have it. There is a borderland undoubtedly between the jurisdiction of Parliament as compared with the jurisdiction of the provinces, and there is an overlapping ground in respect to the powers vested in the provinces and also in the Dominion. An illustration of that is in the case of railways. A railway can be incorporated by a province if its operations are wholly within the province. The Dominion could incorporate a railway in the same