

ers under the British North America Act, each legislative authority is supreme, and nothing that we can put in this Bill would interfere with the rights of the provinces to legislate, either to add to or to detract from the powers of the company, and I think it is important that we should consider this a little more closely, because we are determining now something which ought to be in nearly all our Acts if it is in any Act at all. I think it is wrong that this company should be singled out for inserting a provision of this kind. Strike out that clause of the Bill and where are the rights of the provinces? They are determined by the British North America Act, and if these provinces that are named here have power to control the works and operations of the company, these provinces have the right to prevent a company from operating within their limits unless they obtain license. Within the scope of their legislative authority in granting that license they may declare that, within the limits of the province, the company shall exercise those rights only insofar as they do not interfere with the legislative rights exercised already by the province so granting license. If there is no right on the part of the province to interfere, we should not charter this company and vest it with these powers and then say that the powers we are giving to them shall be subject to the control of any province. I submit, therefore, that the clause should be struck out.

Hon. Mr. DeBOUCHERVILLE (in French)—I have called attention to the fact that there is no French edition of this Bill as reprinted, and we find that the only one which we have differs from the Bill which is under consideration.

Hon. Mr. LOUGHEED—Do I understand my hon. friend from Toronto to take the position that with the exclusion of this clause, the general laws of the provinces affecting similar companies would be in operation as against this company?

Hon. Mr. KERR—I say that the province can, by granting license, regulate the extent to which, within its power of regulation, they would have a right to do so.

Hon. Mr. LOUGHEED—My hon. friend overlooks the fact that this is made a

Dominion company, and is taken exclusively out of the powers of the provinces, and except the clause be left in the Bill, certainly the provinces of Ontario and Quebec could exercise no jurisdiction whatever over this company. Under paragraph a, of subsection 10, of section 92, of the British North America Act, the legislature has exclusive jurisdiction over local works and undertakings other than such as are of the following classes:

Lines of steam or other ships, railways, canals, telegraphs or other works and undertakings connecting the province with any other or others of the provinces or extending beyond the limits of the province:

b. Lines of steamships between the province and any British or foreign country.

c. Such works, although wholly situated within the province are before or after their execution declared by the parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces.

Hon. Mr. SCOTT—This company will operate in two provinces.

Hon. Mr. LOUGHEED—Yes. It comes within this description, 'Connecting the province with any other or others of the provinces, or extending beyond the limits of the province,' and I presume for that reason we omit the statement in the Bill that it is a work for the general advantage of Canada.

Hon. Mr. KERR—Although we may pass this Bill, the company will not be permitted to operate within those provinces without obtaining a license from the province to do so.

Hon. Mr. LOUGHEED—Why?

Hon. Mr. KERR—Because the province will not allow it.

Hon. Mr. EDWARDS—I think that is entirely wrong, so far as some companies are concerned.

Hon. Sir MACKENZIE BOWELL—My hon. friend from Ottawa is incorrect so far as the law of Ontario is concerned. An Act passed by this parliament and giving a company power to operate in the province of Ontario cannot, under the laws of that province, commence operations without a license—that is, a private company, not an insurance company. I am connected with a publishing company for