

or more of the Provinces," as they exist in the clause which gives us power to assume jurisdiction over these railways. This is obviously something different from the general proposition that any railway constructed must increase the prosperity of the country, and therefore every railway is for the general advantage of Canada, or two or more of the Provinces. It indicates that the railway must be for the general advantage of Canada, that it shall be for the general advantage of two or more of the Provinces, though not for the general advantage of all. It indicates that if you establish either of these propositions, you may assume legislative jurisdiction over it, but it indicates that there may be a third class of railways under this section, which is not for the general advantage of all Canada or of two or more Provinces, but only for the advantage of one Province. There are three classes—first, those which are for the advantage of a Province, and not for the advantage of more than one Province; second, those which are for the advantage of more than one Province; and third, those which are for the advantage of all Canada; and therefore the configuration—the termini, the connections, and so forth, are what we are to consider in each case, when we are to determine whether this railway comes within one category or another. There is another point to which I wish to refer. The hon. gentleman bases his argument upon convenience. He says railways may cross and join one another. Occasionally railway companies apply to us asking for powers which they cannot obtain from the Local Legislatures. They come imploring to be made Dominion railways for their own convenience; and these things point to the proposition we have now confessed, that there is not a single railway which it would not be useful or convenient to declare to be for the general advantage of Canada. We have one kind of Constitution which has its merits and its disadvantages. You cannot combine the merits of two kinds of constitutions in the one. The hon. gentleman considers that it is simpler and more convenient that from this seat of power, this single legislative body, we should control the whole railway mileage of the country, and to that extent have a Legislative Union. Our Constitution says it shall not be so. It says there may be some railways in existence that are not for the general advantage of more than one Province—important, but in one Province, and that with those we shall have nothing to do. The Province shall have sole jurisdiction over them. There may be inconvenience in that. There is an absence of simplicity. There is a certain amount of complication which requires the action sometimes of two legislative bodies to accomplish a particular result. Such things will always be happening. It is not in the case of railway companies alone, that we have corporate entities seeking for particular further powers. How much simpler it would be for us to incorporate every incorporation—that we should do the whole business of the country—in short, how much simpler would it be to have a Legislative instead of a Federal Union. But such is not our Constitution, and the most of us believe that the advantages of our system outweigh the disadvantages. The disadvantages are numerous legislative bodies, divided authority, and increased expense. The advantages are a liberal portion of control over local affairs, and that fuller and more important and satisfactory action which exists, when, within a comparatively limited area, the people deal with their own affairs, in which the rest of the Dominion are not concerned, for themselves acting for themselves by their own power, at their own will, unimplicated with and unembarrassed by the views of others. What the hon. gentleman proposes is to revolutionize our Constitution in reference to our railway system. That is the acknowledged advantage of the other proposals of the Government which are to be matured this Session. The two or three railways remaining are to be absorbed, therefore we get only three or four railways out of the whole sixty-seven railways of the country

which are to remain within the Provincial control. I must say that I do not think the hon. gentleman can justify the proposition except by practically saying that the argument for simplicity and convenience in the management of all these roads from one centre is so great that we should practically subvert the British North American Act, and to that extent make this a Legislative instead of a Federal Union.

Mr. WHITE (Cardwell). I think the hon. gentleman omits to take note of one fact in regard to these local railways. It is true, they are local in the circumstance that they begin and end within the Province; but one cannot avoid thinking that the interest in them is a Dominion interest. The Toronto, Grey and Bruce Railway may be taken as an instance. There is no one along the line of the Grand Trunk Railway, or the Ontario and Quebec Railway, when it is built, or on the line of any one of the railways that extend into the other Provinces, who has not a direct interest in the business of the Toronto, Grey and Bruce Railway. That railway is serving a district of country that finds its outlet through these other Provinces, and is, in fact, a part of the other railways. I think this provision does not at all involve the proposition that we are adopting a Legislative Union. Because we choose to say that railways which feed and are tributary to the leading lines of railway should be governed by the same laws and the same rules which govern the main railway, it does not follow that we are going in the direction of a Legislative Union at all; you cannot localize the interest of these railways if they touch the main lines of railways at all; and so far from regarding this provision as an interference with Provincial rights, it seems to me, from my stand-point, that we are simply adopting a plan which will very much facilitate the general business of the country, without interfering with any rights, in the slightest degree, wherever they are maintained in the interests of the Provinces. Those rights are only valuable as they promote the interests of the people of the Provinces; and if you can promote the interests of the people of the Provinces served by these branch lines of railway carrying their traffic to the leading lines, by placing the whole under one jurisdiction, one management, and one set of laws, I think you are promoting the best interests of the country as a whole, and the best interests of each of the Provinces that form part of the country as a whole. I think the country is to be congratulated on this particular clause of the Bill.

Mr. CAMERON (Victoria). The hon. member for West Durham has referred to the clause as virtually repealing the provisions of the British North America Act. He is, of course, aware that a doubt has always existed in the minds of the profession, and of statesmen also, I believe, as to the proper interpretation of that Act with reference to the railway-creating power, and it is considered by many that, on the true and proper construction of the British North America Act, the Local Legislatures are not invested with the power of chartering railways at all. That question was argued in the Supreme Court, in one case, at great length and very elaborately. The Judges were impressed with the difficulties of the question, but it was unnecessary for them to decide it in that case, as the judgment bore on another point; but one of the Judges, in giving judgment, referred to the question as one regarding which great doubt existed in his mind, and, if I recollect rightly, he made use of an expression showing that his mind inclined to the opinion that the power of chartering railways was vested in this Parliament alone.

Mr. BLAKE. Well, I do not think that this Parliament would venture to act upon any such interpretation of the law. We have for fifteen years acted upon the assumption that there may be Provincial railways. We have acted negatively and affirmatively upon that assumption; we have recognized the existence of local charters as valid; we