

late a railway company having a provincial charter and practically ignoring the fact that most of the provinces have machinery for the regulation of railway companies incorporated by themselves. I do not know if the province of Quebec has a railway commission, but it has a tribunal that regulates railway companies analogous to the commission appointed by the Dominion government. Consequently, the reason which was given by the hon. member for Westmoreland, why a Dominion charter should be granted to this company, was certainly not a strong one, because, if it were only to give the Railway Commission of the Dominion jurisdiction to regulate its rates, that is not a sufficient reason why it should come to this House for its charter.

The question of provincial rights has been raised many times during this session. The absurd lengths to which this House has gone in declaring railways to be for the general advantage of Canada is instanced by the fact that in the county of Ontario it has declared an electric railway, only two miles in length, running from Oshawa to the lake shore, to connect the town with the steam railway company's road, to be for the general advantage of Canada. That shows to us the absurd lengths to which this House has gone in declaring railways that are purely provincial to be for the general advantage of Canada.

I think it is only right that great deference should be paid to the representations made by the representatives of the province of Quebec. Before the Railway Committee a representative from the province of Quebec appeared and made strong representations that the Dominion should not grant this charter. I think this House should pay great deference to those representations and as a young member of the House I was struck very much by the spectacle of most of the hon. gentlemen representing Quebec constituencies ignoring the representations of the Quebec representative and voting in favour of granting the charter. My own opinion is that when a province protests great deference should be paid to that protest and when there is a contention between the Dominion and the province with reference to their respective jurisdictions, that a reference should be made of the Bill to the law department of the government for an opinion. I think that what the House should do with a contentious Bill of this nature is to refer it to the law department in order to get an opinion as to whether the province has sufficient powers to grant this company a charter. Wherever a company can have its rights and privileges granted by a provincial charter we should not encroach upon the jurisdiction of the provinces and grant Dominion charters. One

Mr. SHARPE.

argument alone is sufficient 'to show' the wisdom of adopting that course and that is that the provincial control is closer, more intense, and would tend to a cessation of the friction that exists between the province and the Dominion. Under these circumstances, while I am not speaking as to the merits of the Bill or as to whether it should receive a provincial or Dominion charter, I say that where there is contention, and there certainly is contention in reference to this Bill, it should be referred to the law department for an opinion as to whether the power of the province is sufficient to grant a charter adequate to the purposes of this company. If the province has sufficient power to grant all necessary rights and privileges to this company then the law department's opinion should prevail and we should refuse to grant that charter and let them go to the province and get the rights that they desire.

Mr. E. ROY. I will not dispute the reasons that have been given by the hon. member, but when we look at the constitution I think there is no question but that we have jurisdiction to deal with this Bill. I am for provincial rights, but when I look at section 91 of the British North America Act I see that the powers of this parliament 'extend to all matters coming within the classes of subjects next hereinafter enumerated.' When we come to section 92 we see that it says:

In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say:

Then follows the enumeration. By paragraph 10 we see that there is included in this list,

Local works and undertakings, other than such as are of the following classes,—

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

Those are excepted. Then we come to paragraph (c):

Such works as, although wholly situate 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.

That is to say that the parliament of Canada has the right to declare immediately that the works to be undertaken under this Bill are for the general advantage of Canada. Therefore, I think we have the jurisdiction. Whether the work to be done under this Bill is for the general advantage of Canada is another question. The argument has been presented before the