

## Some Reasons Why the Hamilton Radial Railway Bill should be Passed.

---

This Bill was passed by the Senate at the last session of Parliament, and was reported by the Railway Committee of the House of Commons, but a question of jurisdiction and Provincial rights having been raised, it was **talked out** at the end of the session.

The promoters of the Bill argued, firstly, that the powers asked for by the Bill could only be given by the Dominion Parliament, and were beyond the jurisdiction of Provincial Legislatures, and secondly that apart from any consideration of the scope of the Bill, there were very strong grounds for the contention that the Company was already under Dominion jurisdiction, that, in fact, no other view was tenable, and that if any possible question or doubt about jurisdiction existed, it should be set at rest and that the Parliament of Canada alone could remove all doubts.

It is perfectly true as stated and reiterated in the debate of last session that applications were on two occasions made to the Ontario Legislature for Acts extending time for construction and other purposes after 1897, when it is now contended the railway went under Dominion jurisdiction; but this was done without any thought or attention being given to the matter of legislative jurisdiction, and indeed it is only very recently that the question has received the careful and serious consideration which its great importance calls for.

The promoters are advised: That the railway has been solely and exclusively under Dominion jurisdiction since 1897; that Parliament has no power to get rid of that jurisdiction or delegate it to any other authority; and that this Radial Railway is a railway, and not a street railway.

No more unfortunate case could have been selected for raising a question of infringement of Provincial jurisdiction. Scores of charters have heretofore been granted by Parliament for railways entirely within, and not running to or