

5th section of that Act shows that the Government may convey to the company with a suitable number of station buildings and with water service (but without equipment) those portions of the Canadian Pacific Railway "constructed or agreed by the said contract to be constructed by the Government etc.," the whole subject to the contract. Now I think I have shown that Port Moody was the terminus by law and by contract with the company, and that therefore the buildings must be put there and nowhere else. Clause 1 of the Construction Act provides that the western section is "the portion of said railway now in course of construction extending from Kamloops to Port Moody." Clause 6 requires the Government to complete by the 1st of May 1891 the remaining portion "between Yale and Port Moody", recognizing Port Moody through the whole of it. Clause 7 is the same as section 5 of the Act as to the transfer of the railway to be built by the Government, together with "a suitable number of station buildings and with water service." And clause 8 provides that as each portion of the road is received from the Government the company is to equip it. The Government is only to provide a suitable number of station buildings and the water service, that is tanks, etc. Under clause 7 and 8 the Government can build elevators, warehouses and station buildings, etc., as provided under the Act.

HON. MR. MACDONALD — The Government were to build the first buildings?

HON. MR. KAULBACH—Yes, and at Port Moody, and that is all we ask. The question is whether under clause 7 and 8 the Government can build elevators, wharves, docks, warehouses, etc., for the terminus. It might possibly build warehouses under power to build station buildings, but certainly not the others which either come under "equipment" or are not authorized to be built and transferred by the Government, inasmuch as there being an express enumeration of what the Government may do, it is forbidden to do anything more. The Government were to build that portion of it complete, the station buildings and water service at Port

Moody. Under 44 Vic. cap. 1, which I have read, schedule A, section 15, the Canadian Pacific Railway shall extend from Callander to Port Moody, and certain branches are named, and other branches may be located as provided in the contract. As to the main line, clause 13 of the contract, the terminal point is the junction with the western section at Kamloops, and this is preserved by 45 Vic. cap. 53, section 1, allowing some other pass than the Yellow Head to be followed. The intention to preserve Port Moody as the western terminus is thus made very clear. It is beyond all doubt by section 13. Now it is true in section A, of 44 Vic. chap. 1 reference is made to "*any extension* of the said main line of railway, that shall hereafter be constructed or acquired by the Company," but as to *acquiring extension*, section 25 of schedule A, expressly defines what extensions and amalgamations may be made, and on what conditions. And as to *constructing extensions*, no express power is given to construct any extension. If the only act applying was this portion of 44 Vic. chap. 1, (which is the Company's charter) then by implication there would be an unlimited power to extend the Canadian Pacific Railway. But the Consolidated Railway Act 42 Vic. chap. 9 applies to this Canadian Pacific Railway, not only by its own terms as in its second section, but also by the express enactment in section 17 of 44 Vic. chap. 1. Certain sections of the Consolidated Railway Act do not apply (see 44 Vic. chap. 1, sections 17 to 23) but they have no bearing on this point. Therefore the only extensions the Canadian Pacific Railway Co. can build are such as are authorized by the Consolidated Railway Act. Now I do not think it is necessary to go any further than to have cited, as I have done to the House, the acts of Parliament and to show, as I said before, (and I want to impress it again) that the Government were to build at Port Moody—the terminus adopted and fixed by Act of Parliament, and in the contract with the company—those buildings, and the Government cannot construct them anywhere else but at Port Moody. Having determined that they should be there, the Government have no right to go beyond Port Moody and put up permanent build-

HON. MR. KAULBACH