

but the question of through-traffic. The hon. gentleman thinks the federal government cannot take partial jurisdiction over a provincial railway. We have had clause 306 of the revised statutes of 1888, which brought under the federal jurisdiction all provincial railways from the moment they intersected or connected with the federal railways. The Supreme Court of Canada did not hold the same views as to the right of the federal power to monopolize or lay its hand on provincial railways by the simple fact of the crossing or junction. As to the question of through-traffic, the hon. gentleman from Marshfield says that high legal opinion is to the effect that we cannot take a partial jurisdiction over provincial railways, I would rather hold to the lines and the principles laid down by the amendment which is before us under discussion at present, and lean towards provincial autonomy, and all its consequences, than revert to and maintain the principle contained in article 306 of the revised statutes of 1888.

Hon. Mr. McMULLEN—It has been my privilege and pleasure for some time to listen to extended discussions on this exceedingly important point in both houses, and I must confess, in my humble opinion it is full time that some of the best legal talent we have in this country should put their heads together and submit for the consideration and decision of the Supreme Court the whole question as regards the powers vested in this parliament so far as railways are concerned, and the powers reserved by the provinces at the time of confederation. There appears to be a misunderstanding. It is generally supposed that the central authority is the source and centre of all power. If my idea is correct—perhaps I am mistaken—the provinces were the centre and source of all power at the time of confederation, and they delegated to the central authority certain powers within the limits of which we were to legislate in the interests of the people of this Dominion, and amongst other things we have the right which they delegated to us, to grant charters; but there was a provision which they reserved to themselves, that the provinces have the right to charter local railways, which are of local interest and for local purposes. I think we shall make a serious mistake if we continue from year to year and session to

Hon. Mr. DANDURAND.

session in encroaching upon the rights of the provinces, their municipal institutions, their control over highways and in giving effect to legislation in this House, making encroachments upon their rights, that they supposed they had reserved for themselves. If our legal talent cannot come to an arrangement of this kind, I would suggest that the government of the day notify each province, the attorney general of which would prepare an argument from the provincial standpoint, of the claims of each province, and its rights under confederation to charter railways for local purposes, and retain power over them, insofar as municipal rights are concerned—the rights over highways and other rights which absolutely and entirely should belong to the province. It would be easy to prepare a case of that kind, submit it to the Supreme Court and let us have a decision, and a clear and distinct outline of what was, in their opinion, intended to be reserved to the provinces, and what power was intended to be conferred on the central authority represented by this House and the House of Commons. For my part, I am very strongly inclined to cling to the view expressed by the hon. member from De Salaberry. The idea he has expressed with regard to the rights of provinces and municipalities, is one that should meet with general approval. We are here to discharge duties devolving upon us, and we should do our duty with honour and regard and respect for the local authorities that are in their sphere and within the exercise of their own powers entitled to the same rights as we enjoy in the larger sphere and we should not keep continually encroaching upon what was looked upon at confederation, and what I believe in my own mind to be, matters properly belonging to their jurisdiction. I must say I have taken a stand on two or three Bills already. We have gone too far. We have undertaken in this House to give effect to charters which are absolutely and entirely provincial matters, which should have been passed upon by the local legislatures, hanging it on a single thread that a railway was declared to be a work for the general advantage of Canada because it formed connection with some trunk lines. It is a flimsy pretext on which to attempt to charter a local company in this parliament to build a road, be-