

full discussion of the grounds, as to whether these lands were the property of the Dominion government or not, and the other ground as to the clause being originally in the Bill, declaring it to be a work for the general advantage of Canada. I recollect that the solicitor, representing the promoters, informed the committee that the clause was in the Bill, and that it had been expunged by a sub-committee of the House of Commons, and the Hon. Mr. Emerson who opposed the Bill, admitted that the lands were for the time being vested in the Dominion government. Therefore, these are not new points. For my part, for reasons that I stated before, I am not influenced at all by the ownership of the lands, whether they are owned by the Dominion government or anybody else. It does not affect the question of jurisdiction to my mind, and it seems to me that if this course is to be approved in this case, after the Bill has been fully discussed before the committee for two hours or more, if we are to send it back to that committee, and especially when the report of the committee was merely to the same effect as the report made last year. I believe on practically the same measure, it will be a precedent for a number of Bills which may come before this House.

Hon. Sir MACKENZIE BOWELL—It is only with the consent of the House that I have the right to say a few words, in reference to the cases cited by my hon friend from Toronto. As no one objects, I take it for granted that this House consents to hear me. I merely want to point out that the cases to which my hon. friend has referred, particularly the one that is now before the courts, are not decided. I should like also to call his attention and the attention of the Senate to this fact. We know that there has been in the past a dispute between the province of British Columbia and the Dominion government, as to what their respective rights are in the railway belt, which was conceded by British Columbia to the Dominion government in consideration of the building of the Canadian Pacific Railway. The Dominion government claimed the right to the mines and minerals in that belt. The hon. gentleman knows very well that that question was

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taken before the Privy Council, where it was decided that they belonged to the province, but the Dominion government did not concede those rights. That is one point. Until the dispute between the Dominion government and British Columbia has been decided by the courts, the case to which my hon. friend refers is no reference by which this Senate should be controlled or guided, for the simple reason that we do not know what the decision may be. Let me say that the hon. gentleman evaded the point I made in reference to the ownership of the land. There is no doubt as to the ownership of the lands within that belt originally; but my contention was that having sold those lands and deeded them to private parties, it brought them within the jurisdiction of the civil courts of British Columbia. That is the point I made, and the hon. gentleman never touched it. Take the lands that were given to the Canadian Pacific Railway in the Northwest Territories and Manitoba, that was a concession to them, and they belonged to them and the lands could not be taxed until they were patented; but the moment they were patented, they became subject to the local taxation in the province in which they were situated, and just precisely the same is it with the lands in British Columbia. That is the point I made to which my hon. friend did not refer either directly or indirectly. The case he puts as between the Grand Trunk Railway and the Attorney General of Ontario, is not a case in point. It may be presumption to argue with a lawyer who stands high in his profession on questions of this kind, but we do know from experience that there is concurrent jurisdiction, as the hon. gentleman has pointed out, between the Dominion government and the different provinces. Take the fishery question, for instance—

Hon. Mr. KERR—Did the hon. gentleman not contend that the current of decisions was turning now from what it had been, and was rather going towards conceding to the provinces?

Hon. Mr. DAVIS—I rise to a point of order. Both hon. gentlemen who are now occupying the attention of the Chamber have spoken before.