

been sitting in this House, he ever raised his voice to say one word against this section 183 as it is contained in the Railway Act?

Mr. SPROULE. I can tell the hon. gentleman that twenty-one or twenty-two years ago I fought that question as vigorously as I could, when it was proposed by the same means to take over the Toronto, Grey and Bruce Railway. I drew attention to the fact that it was a provincial railway that had been subsidized to the tune of \$300,000. In one of the by-laws were contained certain provisions that were regarded as valuable for municipalities, and if that railway was amalgamated with a Dominion railway and declared to be for the general advantage of Canada, it took away provincial rights, and I fought it as vigorously as I could, as I have done many times since.

Mr. WADE. Now I wonder if the hon. gentleman has satisfied himself that he has answered my question. What I asked him was this, if he could tell me that he ever stood in his place in parliament and uttered one word against this section 183 which has been in the Railway Act ever since Canada had a Railway Act, as infringing upon the rights of provinces or municipalities. That is what I want to get from him.

Mr. SPROULE. I do not remember whether I was present at the time that Act was passed. But I say that from time to time when private Bills were brought before parliament infringing upon those rights, I objected as strenuously as I knew how.

Mr. WADE. There is an Act upon our statute-book which is substantially the same as the section we are now trying to enact. There is this difference, that under the old section as it stood it was necessary, before you could run along a highway, to have the consent of the Railway Committee of the Privy Council. Instead of that tribunal we now have the board and it is upon that that hon. gentlemen are making all this talk about guarding the rights of municipalities.

Mr. SPROULE. There was no Railway Committee of the Privy Council for years after the question was debated in this House.

Mr. WADE. The hon. gentleman is certainly taking a marvellous position. We have had the old Act amended time and time again. Let me pin him down to this that in 1888 the whole railway legislation was consolidated. Did he, when the Act was going through in 1888 and when he was upon this side of the House, rise up and say anything about infringing upon provincial rights, or city rights, or municipal rights? Did he not sit in his place and give a silent vote, or if he spoke, did he not speak in favour of it?

Mr. SPROULE. Never.

Mr. WADE. We, upon this side of the House, are getting somewhat tired of this kind of talk. It is a fact, and hon. gentlemen know it, that before a railway can be located over the country the company must come forward with their plans showing the location and get these plans approved and if these plans show a line running along the street, before they can be put into execution, they must have the approval of the board. There is a tribunal provided for by this Bill which will listen to all parties and decide as to whether it is proper to allow a railway to pass along a street in any municipality. I can imagine that in 99 cases out of 100 cases the railway company will not be allowed to build their line along the highway, but in the 99th case, or perhaps in the 999th case, it will be absolutely necessary that the railway should be carried along the highway or a street because there would be no other feasible way by which it could be carried along. Then, I ask hon. gentlemen as a reasonable proposition: Must not this parliament have the power to enact a law by which a charter can be carried into effect that is granted by this House? The speech of the hon. member for East Grey would lead us to suppose, in fact, he has made the solemn declaration, that he would wrest from these companies all the rights they have of crossing highways under the provisions of this section. That is a bold declaration to make. It may be one that will bring to him some influence in the rural districts but I am sure—

Mr. SPROULE. I never made such a declaration.

Mr. WADE. I am glad to know I misunderstood the hon. gentleman and that he will not take such a position now. The hon. gentleman will lead us to suppose that this parliament has no powers. Surely, that is a peculiar contention. The parliament of Canada has the right to declare what are works for the general benefit of Canada. The parliament of Canada has the right to pass a general railway law, parliament has the right to incorporate railway companies and I must take this occasion for saying that I regret that hon. gentlemen opposite have so much to say about this charter jobbing and of people who are around grabbing up all these franchises. I cannot imagine what sort of men are conducting these affairs in the province of Ontario. We hear nothing of that kind in our province down by the sea and I cannot believe that the people who are organizing these companies are quite as bad as their friends over there paint them. If we have the right to enact a general railway law and if we have the right to charter railway companies must we not possess the right of saying that they can build their rail-