

Hon. Mr. BEIQUE—I have already answered the question. My argument may not have been convincing, but I have tried to argue that what can be done as a whole can be done in part, and I have referred to that supposed road in British Columbia—two main lines, one extending to one port and another to another port.

Hon. Mr. DANDURAND—The hon. gentleman has cited a Supreme Court judgment.

Hon. Mr. BEIQUE—I have cited the Supreme Court judgment for the purpose of showing that they recognize this, that the crossing in itself—and notwithstanding section 306 of the Railway Act of 1888—did not bring the whole of the road under the jurisdiction of the Dominion parliament, but brought that part of the works under the jurisdiction of the Dominion parliament, because the holding of the Supreme Court was that sections 174, 175 and 176 would have to be respected. With reference to the position taken by the hon. Secretary of State, for my part—my opinion may be worth very little, I must confess, and it is rather with diffidence I express an opinion on that point—I am satisfied it is within the jurisdiction of this parliament, and I am inclined to think that it is advisable also that the power of this parliament should extend to through traffic, and that it would be a mistake to make any distinction as between a road belonging to a local government and a road owned by a private company. I must take occasion to say that I am considerably in accord with the hon. gentleman from Marshfield in the suggestion he made, that so far as through traffic is concerned, there should be introduced in this Bill a clause—providing the government consent, because it is a matter of policy for the government—making those sections relating to through traffic applicable to government railways as well as to other railways, and for the reason which has been stated so well by the hon. gentleman, that it would be destroying the jurisdiction of the board in certain cases. Suppose the board is called upon to regulate through traffic passing over three railways, two of them being railways under the jurisdiction of the board and the intermediate railway being a government railway; there would be a very serious question as to whether the board would

have jurisdiction at all, even with the consent of the government, to deal in any shape or form with the through traffic, because the through traffic would have to extend over a road which is not within their jurisdiction, and for my part I am inclined to the opinion that the board would have no jurisdiction at all. For that reason, and also because it is a question of general interest, I think the government railways ought to be brought within the four corners of this provision having reference to through traffic. Now, where would be the necessity of making any exception for a government road? If it is advisable as a matter of policy to provide that the powers of this commission shall extend over the through traffic in a general way, whether that through traffic is entirely on roads which are under the jurisdiction of this parliament or not—whether the road is owned by the local government or not, it seems to me, should make no difference. I would call the attention of the hon. Secretary of State to this—it is a repetition of what I have stated, but it may have escaped his attention—as to whether the principle which was applied by the Privy Council under the Insolvent Act, would not apply here, and enable parliament to deal with the question independent of the provision in the British North America Act, section 92, subsection 10.

Hon. Mr. DAVID—I have listened with a great deal of pleasure to the remarks made by the hon. gentleman from de Salaberry. I have myself prepared an amendment, which reads as follows: It is short, but it is in the line of the opinion just expressed by the hon. Secretary of State:—

That clause 6 be amended by striking out all the words from the word 'Canada' in the sixth line, and replacing them by the following words: 'shall be subject to the rules and orders of the Railway Commission as regards such connections or crossings.'

My intention was not to go as far as the hon. gentleman from de Salaberry and give the control of through traffic to the Railway Commission. I will vote for the amendment of the hon. gentleman from de Salaberry if I cannot get anything better, but if it was possible to put in an amendment in line with the opinion expressed by the hon. Secretary of State, I would rather vote for that amendment. It would be, perhaps, possible to reconcile the opinions expressed