

member for Bothwell is a Bill which will stand any amount of criticism, if its provisions are fairly stated.

An hon. MEMBER. Why did you not pass it?

Mr. CHARLTON. We are not debating whether it was passed, but we are debating the provisions of the Bill upon its merits, as it has been compared with other measures, and the Bill upon its merits will compare with any Bill this Legislature has passed.

Mr. WHITE (Cardwell). We have wandered a good deal from the general subject before the House, and I do not propose to follow the hon. gentleman in much of the matter to which he has referred. The question as to whether the Canadian Pacific Railway Company have properly fulfilled their contract, or whether they have failed to do it, in the terms originally arranged, is a matter which will be considered, no doubt, when the question comes up on the railway resolutions, of which notice has been given by the First Minister. The question which seems to me to have come before the House, with some degree of prominence, is: What was the policy of the late Administration with reference to protecting the Canadian Pacific Railway from competition? The hon. gentleman who has just sat down (Mr. Charlton) takes the ground that the Act introduced by the hon. member for Bothwell, when Minister of the Interior, did not in any way prevent any railway from being built to the boundary. The question as to what was in the contemplation of the Government at that time will, perhaps, better be ascertained from the legislation that actually took place. In 1872 a number of railway charters, some three, I think, were granted to gentlemen for the purpose of building railways to connect the United States with Winnipeg and with the Red River country in our territory; and it is a curious fact that in every one of those Acts, and in the one, for instance, in which Mr. Donald McInnes, of Hamilton, Mr. Donald A. Smith, and Mr. George Stephens, of Montreal, and others, were incorporated to build a railway from the boundary to Winnipeg, the concluding clause is in these words:

"The foregoing sections and provisions of this Act shall have force and effect from and after the day which may be appointed for that purpose by proclamation issued under the Order of the Governor in Council, and not before."

You will find, in no other charters granted by this Parliament for the construction of railways, the power reserved to the Governor in Council to bring the Act into operation; the Act comes into operation by the fact of its passing Parliament; but, in these particular cases, in 1872, when the question of the construction of the Canadian Pacific Railway was then in its initial stages, it was felt desirable by Parliament, even at that early stage, that provision should be made to protect the railway from possible competition, and to secure that when it was built the capitalists engaged in constructing it would, at least, have the guarantee of immunity from undue competition. Hon. gentlemen opposite came into office a year after. During the five years they were in office not one of those Acts was brought into operation by the issue of a proclamation under Order of the Governor in Council. Nay, more than that, I have reason to know—from statements of Mr. George Stephen and Mr. Donald Smith—that application was made by those gentlemen to the ex-First Minister (Mr. Mackenzie), who was Minister of Public Works, to bring that Act into operation, and he distinctly refused, upon the ground which he sustained afterwards in the Railway Committee, in 1879, that he would not permit connection of independent lines through that north-western country with the American system, reserving to the Canadian Pacific Railway, then a Government road, being constructed by the Government, although with the presence on the Statute Book of an Act of Parliament to authorise the granting of a charter to a company for its construction, that exclusive right. He was determined that railway should be protected, if possible, from any

Mr. CHARLTON.

American competition. It was in precise accordance and in complete sympathy with the policy thus acted upon by the Government in their refusal to bring into operation the Acts of incorporation passed in 1872, to connect Manitoba and the North-West with American railways, that the clauses were put into this Bill, introduced by the hon. member for Bothwell (Mr. Mills), to protect the Canadian Pacific Railway from competition, by saying no railways should be chartered under that Act which came within 40 miles of the Canadian Pacific Railway. He said that only referred to railways receiving grants from the Government. That is quite true. It was open to Parliament, if Parliament so determined, to grant a charter to any independent company, but if a company was chartered under that Act, which was supposed to be the Act to make provision for the construction of railways through the North-West, beyond and outside the Canadian Pacific Railway, no charter under that Act could possibly be given for the construction of railways coming into competition with the Canadian Pacific Railway.

Sir JOHN A. MACDONALD. With or without subsidy.

Mr. WHITE. Certainly, because this charter was for railways to which subsidies were given, but it provided the means, first, for an easy incorporation of railway companies, and next for the subsidising of railway companies. Then the hon. gentleman tells us that special care was taken by the Government or by the hon. member who introduced the Bill to secure that the lands which were given should be properly opened for settlement and should continue within the control of the Government. The hon. gentleman has not quite accurately stated the terms of the Act. The Act, it is true, gave the Government the power, if it thought proper, by Order in Council, to substitute a \$10,000 subsidy per mile for the subsidy in land, but it gave to the Government the power to do either the one or the other, and everyone knows that, in the estimation in which the lands were held at that time, hon. gentlemen opposite, giving their 50,000,000 acres of land, and retaining that upon the Statute Book, for the construction of the Canadian Pacific Railway, if the lands given to the railways could have secured their construction, the feeling was that a good bargain was made for the country. But what further did they do in that Act? So little careful were they for the settlers who might have settled there that they actually provided in the Bill that if a settler happened to find himself settled within what would be the railway belt of some railway company of that kind, his homestead was to be reduced from 160 acres to 80 acres, and if he was an actual settler he was only then to have the right to purchase a pre-emption to the extent of 80 acres, and the pre-emption was abolished altogether within the railway belt, except in the cases I have mentioned. More than that, they provided that if a settler happened to have taken up a lot which turned out to be in the locality where a railway station was to be, and where the probability was that a town or village would arise, he was to be dispossessed of his lot, he was to be driven from his land, and was to be given land elsewhere, and simply paid for the improvements he had made.

Mr. BOWELL. Whether he had effected settlement before the notice was given or not.

Mr. WHITE. Yes; a settler who had actually taken up his lot within the railway belt, if he happened to be in a place which was afterwards set apart for a town or village, was to be sent abroad, and land was to be given to him elsewhere, and he was to be paid for the improvements he had made. That was the carefulness of hon. gentlemen in connection with the settler. There can be no doubt whatever, so far as that measure was concerned, that we would have had substantial grievances in the North-West if it had come into force, and we had found settlers who, perhaps, had