

sidered a street railway. It is an electric road which, for a considerable part at all events, travels over its own purchased right of way, and does not travel exclusively on the highways. But in that regard I rest, as I think the temptation of any lawyer would be too strong to resist, upon the express language of the court, a competent court, and in this instance one to whose opinion every one would pay the highest respect, declaring that in 1897, at all events, this particular company was subject to the control and legislative jurisdiction of this Parliament.

Mr. R. L. BORDEN. Would the Minister of Justice pardon me one more question? I have not done more than glance at the judgment of Mr. Justice Street, to which he alludes. Does the definitive pronouncement of Mr. Justice Street extend beyond this, that in respect of the crossing of the Hamilton Radial Railway over the Grand Trunk Railway, the first mentioned company was within the legislative competence of the Parliament of Canada, and within the jurisdiction of the Railway Committee of the Privy Council? Apart from what he says, does his judgment extend beyond that point?

Mr. AYLESWORTH. I have not the volume before me, and I am not able at the moment to say what the nature of the action was. I was under the impression that it was a claim for an injunction to restrain this road from doing what it sought; but the language of the learned judge is very definite, and in no way limits the matter to the crossing.

Mr. R. L. BORDEN. What the Minister of Justice read did undoubtedly go that far.

Mr. AYLESWORTH. I might say that the legislation limiting it to the crossing had not had birth at that time. That was enacted in 1903, and it is entirely anomalous. Far be it from me to raise the slightest question as to the validity of any Act passed by this Parliament; but I cannot help noticing that what the British North America Act authorizes this Parliament to do is to declare certain works to be for the general advantage of Canada, and under that language we have a declaration, not that the works generally of the company are for the advantage of Canada, but some defined portion of those works alone. However that may be, we have now this position of affairs so far as the present company is concerned: A company incorporated by provincial statute afterwards becoming, in the execution of the works contemplated by the Act which