

connects more than one province, the federal parliament has the power to operate the road; that follows. Here is the judgment, and it is quoted in Bourinot, by Chief Justice Taschereau:

The Federal parliament must have free and unfettered exercise of its powers with respect to matters placed under its control, even though such exercise may interfere with some of the powers left under the provincial control.

Now, if my starting proposition is right, that this Bill deals with a question of trade and commerce, the regulation of trade and commerce is one of the features, at all events, of the Bill, then by this judgment of Chief Justice Taschereau's, as well as that of Chief Justice Strong, which I have already read, this parliament has the right to pass it.

Hon. Mr. DAVID—I would ask my hon. friend to read the decision in the case of Citizens' Insurance Company vs. Parsons, which I think he will find very near the decision he has just cited.

Hon. Mr. FERGUSON—That is the case. It is the case of an insurance company, but the judgment which I have read is a quotation from a previous judgment rendered by Chief Justice Strong and is quoted here approvingly by Justice Taschereau. Then I turn to the judgment of Justice Ritchie:

I do not think that the local legislatures are to be deprived of all power to deal with property and civil rights, because parliament, in the plenary exercise of its power to regulate trade and commerce, may possibly pass laws inconsistent with the exercise by the local legislatures of their powers—the exercise of the powers of the local legislatures being in such a case subject to such regulations as the Dominion may lawfully prescribe.

I might also read from Bourinot with regard to this subject. It runs very much in the same direction. After speaking about the difficulty in laying down any fast rule of construction, he says:

The nearest approach to a rule of general application that has been attempted in the courts of Canada with a view to reconcile the apparently conflicting legislative powers under the Act is with respect to property and civil rights, over which exclusive authority is given to the local legislatures; that as there are many matters involving property and civil rights expressly reserved to the Dominion parliament, the power of the local legislatures must, to a certain extent, be subject to the general and special legislative powers of the Dominion.

He goes on further:

It is therefore to be presumed—indeed it is a necessary implication—that the Imperial statute in assigning to the Dominion parliament the subjects of bankruptcy and insolvency, intended to confer on it legislative power to interfere with property, civil rights and procedure, within the province, so far as a general law relating to these subjects might affect them.

The conclusion I have arrived at for myself is, that we have a right to pass this measure, and that if we do pass it it will become operative, and where there may be any clash between it and a provincial law, the federal law must prevail. I do not think that we should at this stage discuss the merits of the Bill; but as that seems to be the trend of the discussion, I think there are some things in the measure with which I could not agree, and that when we get into committee I shall be very glad to join with those who think as I do on that subject to modify the Bill in that respect. But I appeal to hon. gentlemen, that it is not fair to the interests that are involved in this Bill to deny them what a single individual may do and what any group of people may do in other similar avocations of life under the law, which is conceded to them freely and without any restraint whatever. Take for instance, mining: I have no hesitation to say that in the incorporation of mining companies, there has been a great deal of wrong-doing in Canada as well as in other countries; yet the proverbial liar with a hole in the ground and two or three other associates, is allowed to get an Act of incorporation and go on and operate. That being so, I do not see why the civil servants in Ottawa, for instance, should not be allowed to co-operate and carry on business in a way that would be most conducive to their own interests. I have not a very strong opinion in favour of farmers co-operating in trade. It is essential to farmers that there should be merchants, and that they should trade and they should work together, and for that reason I would not encourage farmers to trade in co-operation. But for a class like civil servants or employees in large factories, they have nothing to sell. Trade is all in one direction. If they feel that middlemen are taking too much out of them, why should they not be allowed to