

one body or another? It should be governed by the one authority and that alone. Now, I have made a concession which is indicated in the addition which I have made to my motion of yesterday, because there is a certain reason which appeals to my mind and which no doubt will appeal to the mind of a number of hon. members of this House. It is this: When we are dealing with railways owned by a local government—there are few railways that are in that position—and then as we are dealing with a body of very high standing, a body whose standing is on a par, so to speak, with that of the Dominion parliament, it is to be supposed that it will be easy to get the consent.

Hon. Mr. FERGUSON—I have now the amendment moved by my hon. friend in my hand, and I find the difference between that amendment and the one that was rejected by the committee last evening is contained in the words added—to that extent only. It reads:

This section shall not, however, operate as to through-traffic on railways owned by a provincial government without the consent of such government.

I understand the Secretary of State accepts this added provision on the ground that this provincial owned railway, being a short railway, could not be run on the moiety of the through rate that might be charged proportionate to the length of the road, and that it should be free to receive a local rate out of any through rate that might be arranged. All I have to say in regard to that is that I think this amendment is not of very much importance. The consent of the provincial government will be obtained—in fact, it cannot be withheld, because the people served by this branch line will not long endure such a state of things as being obliged to pay a local rate upon every bit of their traffic that passes over their road, and that being the case, I do not think the amendment will have very much effect one way or the other. It does not, however, remove my objection, although it appears to have removed the objection the hon. Secretary of State has to the amendment as a whole. It does not remove the objection that I feel to this amendment, changing the Bill as presented to us and introducing this clause in place of clauses

Hon. Mr. BEIQUÉ.

5, 6, and 7. The principle of this amendment is that this parliament will be able to make a partial declaration with regard to railways, as to what extent they are under the jurisdiction of this parliament. We are able to make a partial declaration; that is, that they are under the jurisdiction of the federal parliament in the matter of through rates, and in the matter of crossings, and leave them as they were with regard to other matters. I am told, I think on very good authority, that this view is not the view taken by very able railway lawyers in the country; that they do not believe that they can do that. The British North America Act provides a way by which we can bring under our jurisdiction a railway or any other work lying within the territory of one province by declaring that it is a work for the general advantage of Canada, but it has been held by eminent and experienced railway lawyers that we cannot make a partial declaration, that is, that this work shall be under our jurisdiction for one or two purposes and shall not be under our jurisdiction as a whole. It was to that extent that we had not power and that we are introducing a divided jurisdiction in this case that is not desirable, and for my own part, I prefer the principle in clauses 5, 6, and 7, which I understand to be, as far as through traffic is concerned, that our jurisdiction would extend to all railways. As far as I am able to understand the principle underlying these objections, that would be the effect. It certainly would carry our jurisdiction to through traffic which this amendment still leaves with us, and to railway crossings, but it would extend our jurisdiction in other matters also beyond these two subjects. I do not think, for my own part, that this change removes my objection to the amendment on which the opinion of the committee was tested last evening. It introduces another element exempting a provincial owned road from the operation of this section without its consent, which I think it would be just as well to leave out; but still I do not know that it can do any harm. However, I cannot agree with the amendment proposed to the government Bill. I was just going to say that the government seem disposed to abandon their own Bill in one of its most important features. The most important features of