

## CANADIAN NORTHERN PACIFIC RAILWAY.

Bill 187 taken in committee—Hon. F. Cochrane—6338.

*Borden, Rt. Hon. R. L. (Prime Minister)—6341.*

Did Sir Wilfrid never grant subsidies to roads chartered by provincial governments, over which the commission had no control?—6341. The Halifax and Southwestern Railway claims exemption from the jurisdiction of the board and it received a subsidy—6344. Asks if Sir Wilfrid argues that the railway board has no jurisdiction over through traffic on this line—6348. Perfectly clear that the company can make no agreement that will oust the jurisdiction of this parliament—6349. A Nova Scotia line aided from the Dominion treasury without any provision that it come under the Railway Board—6350. Quotes section 8 of the Railway Act—6351. Does not know on what ground the tribunal gave the judgment Mr. Graham has alluded to—6352. His view fortified by the provision Sir Wilfrid has quoted—6353. So far as the general public of Canada is concerned, this agreement does not purport to take away its rights—6354. That provision has been held to be inoperative by the tribunal of last resort—6355. Thinks Mr. Graham is not quite accurate in saying that this road has received greater aid than any other road—6356. As far as through rates over the road are concerned he agrees, but cannot see the detriment in regard to local rates—6357. Everyone realizes of course that with respect to through rates the Board of Railway Commissioners must have jurisdiction—6358. Mr. Graham will recognize the inadvisability of passing any legislation in distinct violation of the agreement with British Columbia—6359. Perfectly agrees that as far as through traffic is concerned, the road must be under the Railway Board—6360. I think it would be regarded as through traffic—6361. The Province of British Columbia has gone beyond any of the provinces of Canada in assuming a very great burden—6365. The wise thing is not to pass legislation in respect to one road only, particularly a road such as this—6366. The late government passed an Act concerning this same railway in 1901, in which is a clause in regard to rates—6367. British Columbia might very well have done as Manitoba and come to parliament to ratify the agreement—6368. Thought Sir Wilfrid was contending that it was extraordinary—6372.

*Cochrane, Hon. F. (Minister of Railways and Canals)—6339.*

The charter is a provincial one. The British Columbia government guarantee bonds for \$25,000 a mile. Some expensive bridges—6339. Parliament can at any time declare this road a work for the general advantage of Canada, and bring it under the Railway Commission—6340.

## CANADIAN NORTHERN PACIFIC RAILWAY—Con.

*Cochrane, Hon. F.—Con.*

There were ten or twelve subsidies granted in 1908 and 1910 to railways with provincial charters, in the same way as this is granted—6342. You admitted last night that I was not wrong. You have not told the whole story yet—6343. The courts maintained the appeal on the ground that the roads were under a provincial charter—6344. If they did not do what is right—6346. When a province gets a railway constructed, this parliament owes it to the province to grant aid to it as well as any private company—6347. The Intercolonial Railway operating the St. John Valley Railway, will Mr. Graham's argument apply to that?—6351. There has been one granted though—6371.

*German, W. M. (Welland)—6355.*

The crux of the situation. They are either under the control of the Railway Board if they receive this subsidy or they are not—6355. We should put such language into the Bill as will bring them clearly within the jurisdiction of that board—6356. That is the whole question. I should think they are—6357. Asks Mr. Borden if the decision of the Privy Council declares the company exempt will he legislate to bring them under control as far as regards through rates?—6358. Why should British Columbia have some exclusive rights or jurisdiction over a transcontinental line within its limits that no other province has?—6362. You have that already in the agreement. The Privy Council decided very emphatically that the board had no control—6363. Now is the time to make provision in order to protect the general public interests of Canada—6364. As to provincial companies—6366.

*Graham, Hon. Geo. P. (Renfrew)—6343.*

The minister is wrong in every one of these. Quotes the Act. The courts have held that that provision cannot be enforced—6343. What parliament should do is to provide that any railway receiving aid became a work for the general advantage of Canada—6344. By section 8, it entered into a solemn agreement not to be subject to the Board of Railway Commissioners. Quotes the section—6345. They not only agree to be subject to the rates provided by the Lieutenant Governor in Council, but new machinery is set up to establish those rates—6346. Cannot favour a policy that will at one stroke undo the work parliament has for years been endeavouring to accomplish—6347. Thought the Halifax and Southwestern Railway in the item was not the same road as Mr. Borden referred to—6349. The judgment of the Privy Council was that the board had no control over a road with a provincial charter even if it connects with a through road—6350. That is his conception. Wants to be clearly understood—6358. Finds the