

North America Act it must be a trade with the outside world, or at least between two provinces. I find that there are judicial findings upon that subject, and I will read one of them, a decision of Chief Justice Strong, who uses this language in *Severn vs. the Queen*:

That the regulation of trade and commerce in the provinces, domestic and internal, as well as foreign and external, is, by the British North America Act, conferred upon the parliament of the Dominion, calls for no demonstration, for the language of the Act is explicit.

The question will of course whether this Bill is one for the regulation of trade and commerce. It is not exclusively that. It goes a little beyond it, and I notice from the wording of the letter of the Minister of Justice that he thinks it possible that it pertains to banking; and, of course, if it did, it would not weaken the position I take, because undoubtedly the regulation of banking is set down as belonging to the Dominion parliament. Subsection 2 of section 91 of the British North America Act gives exclusive jurisdiction in matters of trade and commerce to the parliament of Canada. Allow me to refer to a judgment, which is quoted in *Bourinot*, by Mr. Justice Taschereau, of the Supreme Court, with reference to this subject. If this Bill is a Bill dealing with the regulation of trade and commerce, although it might infringe on some right that the province has in carrying it out, we have still the right to pass it, and it would operate, even when it came in contact with a provincial law. It may be, as stated by my hon. friend, that the right to incorporate companies for a local purpose belongs to the provincial legislature; but if this is a question of trade and commerce, and we legislate on the subject, even the power of the province in the matter of legislating in the formation of companies for local objects would have to give way before the supreme power of this parliament. For instance, as an illustration of what I mean, we take the question of railways; a railway connecting more than one province is a question entirely within the power of the parliament of Canada. There is no power and jurisdiction given more thoroughly to the province than on questions relating to property and civil rights; still we have judgments, I may say

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almost innumerable, that the power of the province in regard to property and civil rights must give way before the supreme power of parliament in the working of the railways. It would be impossible to build and operate a railway as a federal work without encroaching on property and civil rights within the province, and the judgments are all in one direction, that the parliament of Canada, having the undoubted right to build the railway, can infringe on what is contained in the British North America Act as exclusive of the right of the province with regard to property and civil rights.

Hon. Mr. ROSS (Middlesex)—That proposition is rather too broad. While, under the Dominion Act, power is given to a railway to expropriate lands for railway purposes, yet in the disposal of these lands, in the title of these lands and in the power of dealing with these lands, you have to fall back upon provincial legislation, whatever that legislation may be. Your power to expropriate does not give you the right to set aside provincial legislation as to the mode of asserting or registering your title or dealing with the property ultimately.

Hon. Mr. LANDRY—In such a case, would we not be obliged to follow the procedure of the province in matters of expropriation, or have we not a law of our own?

Hon. Mr. ROSS—I think you have that under the Railway Act.

Hon. Mr. LANDRY—Though the province has a similar law?

Hon. Mr. FERGUSON—Undoubtedly in the matter of expropriation, the federal parliament passes a law and it overbears the law of the province; and if that point is clear, there is quite sufficient made out to substantiate the point I have been making.

Hon. Mr. ROSS—When a railway is declared to be a work for the general advantage of Canada only.

Hon. Mr. FERGUSON—When a railway is declared to be for the general advantage of Canada or, if it is not so stated, if it