

I assume that hon. gentlemen are fairly familiar with the Act. It includes all questions not specifically assigned to the legislatures. Now perhaps some hon. gentleman will point out where, in the constitution, there is any power assigned to the legislature of Ontario or any other legislature to confer on companies the powers which this company require to carry out their undertaking. I cannot find it, I do not think it is there. I am well aware that it may be argued that certain powers do follow; but it can be argued with a great deal more force that a company seeking powers having other than provincial objects have a right to come to this parliament, and this parliament alone can give them power to carry out their undertaking. I am fortified in that. When the Minnesota and Ontario Bill relating to the Rainy river came before this House, His Honour Judge Fitzpatrick, was then Minister of Justice. That question came before him, and he wrote a letter to the then Minister of Public Works stating his opinion that this parliament had a right to grant the legislation. His opinion went a great deal farther; I have not got it under my hand at the moment, because I did not expect to discuss this question. But it went this far. Certain amendments were proposed, to the Bill, by a petition on behalf of the town of Fort Francis, and the minister's opinion went so far as to say that in granting legislation, or in certifying to plans, the parliament of Canada had a right to impose the conditions asked, or such of them as were in the public interest, some ten or twelve amendments were made to the Bill, as I have already pointed out, guarding the public interest in that respect. Then I may say that the present Minister of Justice wrote a letter last year upon this very matter; it was read, and is on record before the Senate committee, in which he stated that as the objects of this company were not confined to provincial purposes only but were also international and interprovincial, the parliament of Canada was the only power that could give them the charter they were asking for. So under these circumstances I do not think it should be treated lightly. If the interest of the public is going to be prejudiced, if the interest of Ontario is going to be prejudiced in any sense, I could understand it, but that is not the case.

Mr. R. L. BORDEN. On what ground was it that the Senate rejected the Bill last year?

Mr. CONMEE. That is a pretty difficult question for me to answer. In the first place, I would answer it in this way, that some of the senators did not take the trouble to understand the Bill, some of them were absent, some of them had the opinion which, I fear, some hon. gentlemen oppo-

site entertain, or profess to entertain. I see my hon. friend from West Algoma (Mr. Boyce) shaking his head, and I think he may hold the opinion I am about to mention, namely, that this Bill is an invasion of provincial rights. Now I take issue with that opinion. I need not refer to the British North America Act to establish the fact that this parliament has the right to pass any legislation that, in its opinion, is necessary for the order and good government of Canada, or to pass any legislation it may choose to pass that is for the general advantage of Canada. I have the section under my hand, but I will not take up the time of the House to read it. It is admitted that they have the power. I do not think that any hon. gentleman will deny that. The constitution specifically confers upon this parliament the power to pass this legislation, it has the constitutional right to deal with the subject and the legislature has not the right to deal with it. No where in the constitution is there a specific provision that would give the legislature that power.

Mr. JOHN HAGGART. Is there anything in the Bill which gives the company the power to expropriate?

Mr. CONMEE. Yes, the company will have the power to expropriate certain lands.

Mr. LENNOX. No.

Mr. CONMEE. Let me just explain that for a moment. In other provinces this company would have the right to build these works without coming here for this right, but in Ontario land sold under the Mining Act is subject to a provision which reserves a chain as a road allowance. Along the margin of rivers, where municipalities are organized, these roads pass under the control of the municipality and become highways. In this case there is no municipality. Therefore, the control of that chain reserve is in the Ontario government, and it is to overcome that difficulty that powers of expropriation are necessary. There is also the question of the bed of the river.

Mr. JOHN HAGGART. Have we the right to give the power to expropriate from the Crown in the province?

Mr. CONMEE. The hon. gentleman has been a member of this House for the last twenty-five years or more, and hardly a session has passed but what he has voted for granting just that power. He has conferred it upon company after company all his life, and now he is asking me a question. He had better look at his own record first. I answer: Yes, we have the right. I go further and say it is our duty to do so because it is a public enterprise. The hon. member for West Algoma (Mr. Boyce) asks