

jurisdiction of a province, and removing it to the jurisdiction of the Dominion, by simply declaring it to be a work for the general advantage of Canada. We have done that deliberately, wantonly, and, if I were to use a legal term, I might say maliciously. If we are to understand that hereafter no Bill shall pass the Railway Committee merely because these magical words are put into it, and that every applicant for a railway charter shall be required to show that the railway is a work for the general advantage of Canada, I should be very glad to know that and to follow it up. But I am afraid we shall have to go back a great deal on the legislation that we have been enacting in the past, and will have to forget that for years we have been creating corporations to build railways that we have no right whatever to deal with.

Mr. CONMEE. Do I understand the hon. member to contend that this parliament has not the right to incorporate a railway within a province unless we declare it to be a work for the general advantage of Canada?

Mr. BARKER. I assert, without a shadow of doubt, that again and again we have taken upon ourselves in this parliament to deal with undertakings which we have no more right to deal with than the declaration of faith. We have been creating companies to construct railways over which we have no right or jurisdiction whatever, and have enabled ourselves to do that by declaring the work to be for the general advantage of Canada.

Mr. CONMEE. Suppose we gave a charter without making that declaration?

Mr. BARKER. In many cases it would not be worth the paper it is written on.

Mr. CONMEE. I do not agree with you.

Mr. GRAHAM. Possibly I may be charged with being somewhat of a sinner in that respect, but there is only one body I know of in Canada which really regulates the rates of railways, and that is the Board of Railway Commissioners, and it has been my desire, so far as possible, to bring any railway that was going to do any kind of general traffic under that board. A question has been raised as to jurisdiction, but my standpoint is to get the greatest benefit to the public; and wherever it is possible to have a railway doing a general traffic brought under the control of the board, I shall go as far as I can to have that done.

Mr. ROCHE. There are provincial boards.

Mr. GRAHAM. They have not regulated many rates so far.

Mr. ROCHE. They are created for that purpose.

Mr. GRAHAM. The Board of Railway Commissioners are doing good work along that line. I am under the impression that a decision or an opinion has been given recently that it is questionable whether the board has the right to regulate the traffic, even if it be through traffic, when the charter was granted by a province. If that be the case, we ought, whenever possible, to bring these railways under federal jurisdiction and get control of their rates and operations.

Mr. SPROULE. Do you not think that, under our authority to control trade and commerce, we would have the right to build a railway between two points, though both were in one province, to carry on a through route trade? We have specifically provided that we shall have control of trade and commerce; and it seems to me, from the arguments I have heard, over and over again, in this House by very eminent legal men, such as the Hon. Edward Blake and the late Hon. David Mills, that we have a perfect right to build a railway anywhere, even if it were only five miles long and in the centre of a province.

Progress reported.

CONSIDERED IN COMMITTEE—THIRD READINGS.

Bill (No. 110) respecting the Algoma Central and Hudson Bay Railway Company.—Mr. Tolmie.

Bill (No. 97) respecting the Pacific and Atlantic Railway Company.—Mr. Tolmie.

Bill (No. 90) respecting the Central Ontario railway.—Mr. Stratton.

Bill (No. 107) to incorporate the Ottawa, Montreal and Eastern Railway Company.—Mr. Gladu.

SECOND READINGS.

Bill (No. 136) respecting the St. Clair and Erie Ship Canal Company.—Mr. McColl.

Bill (No. 137) respecting the Erie, London and Tillsonburg Railway Company.—Mr. Clarke (Essex).

SUPPLY.

House in Committee of Supply.

Richibucto wharf—reconstruction of approach and headblock, \$5,000.

Mr. PUGSLEY. This amount is required to make further provision toward the repairs necessary to render safe this wharf which was purchased from the municipality of the county. It was purchased for \$1,500, but was not in good state of repairs. The total estimated cost of the improvements is \$11,500. Expended in 1908-9, \$2,299, and there will be expended to the 31st March next, \$3,156, and we are asking now \$5,000, leaving \$1,000 more to complete the work.