

Canada. This road is wholly within one province. It does not connect one province with another, and it is, therefore, a provincial work under the terms of the British North America Act. What right have we to falsify the record by declaring that a purely local work is for the general advantage of Canada when we have not a particle of evidence to warrant our making that declaration?

Mr. HENDERSON. My recollection is that this road was described in the committee as a short line of about six miles long to connect the water-front with the main line of the Canadian Pacific railway for certain purposes. The fact that it connects with the main line of the Canadian Pacific railway, which is a work for the general advantage of Canada, was accepted as sufficient to warrant this parliament in making that declaration. That question was not discussed in the committee, but I presume that is the reason why this clause was accepted.

Mr. PUGSLEY. In the case of some railways which, though wholly within a province, were connecting links in an interprovincial system, it was held that they might be considered as being for the general advantage of Canada. But this is a short branch line only six miles long, not constructed by the Canadian Pacific railway, but to be constructed by a separate company and is purely of a local character.

Mr. LENNOX. It is already constructed.

Mr. PUGSLEY. Then this takes it out of provincial jurisdiction. It was constructed under a provincial charter, as a purely provincial road, and we are now declaring that it is a work for the general advantage of Canada. The British North America Act is very explicit on this point. It provides that the incorporation of companies for provincial objects shall rest exclusively with the provincial legislatures.

The British North America Act gives this parliament power in exceptional cases to declare a work to be for the general advantage of Canada. Surely we ought not to act in a capricious manner, and assume a jurisdiction that we would not otherwise have by inserting those words. I understood that, in view of the protests which the provinces had been making in recent years, we had come to the conclusion that we would not make that declaration except in cases where it was perfectly clear that it was justified; otherwise we could assume jurisdiction over all provincial works simply by making that declaration.

Mr. HENDERSON. I cannot understand why a small line of railway such as this, to be operated by the Canadian Pacific railway, should be refused Dominion juris-

isdiction when the main line is under that jurisdiction.

Mr. PUGSLEY. Is there any evidence that this line is to be operated by the Canadian Pacific railway?

Mr. LENNOX. It is so stated in the Bill.

Mr. HENDERSON. I am inclined to think that if the hon. gentleman will refer to the Railway Act he will find that where one line of railway crosses or connects with another line, if the latter has been declared to be for the general advantage of Canada, the other one would as a matter of fact, come under the same jurisdiction.

Mr. GUTHRIE. Only in respect to the crossing.

Mr. PUGSLEY. The Act was changed to limit it to the point of crossing.

Mr. GUTHRIE. It was certainly stated by the promoter of this Bill that the charter of this small branch line was now under the control of the Canadian Pacific railway, and that it would be operated by the Canadian Pacific railway, and would become a part of its general system. Under these circumstances my opinion is that it should be declared to be a work for the general advantage of Canada. You cannot operate two lines under two jurisdictions, one provincial and the other Dominion, when they are really parts of one system.

Mr. MONK. From my knowledge of the local conditions, I may say that there are immense industries being established at Cap de la Madeleine, near Three Rivers, and it is impossible for the local railways to serve these industries. Hence an amalgamation with the Canadian Pacific railway was obtained, and this necessitated giving to this railway a federal charter.

Mr. PUGSLEY. I could understand that if there were any evidence before the committee that the Canadian Pacific railway had leased this road, but there is no allegation to that effect.

Mr. MONK. That is the object of the Bill.

Mr. PUGSLEY. Is my hon. friend able to say that the arrangements for that purpose have been completed?

Mr. MONK. I am not able to say that, but I know that that is the object the promoters have in view.

Mr. PUGSLEY. There is no statement here that the amalgamation has taken place.

Mr. COCHRANE. They could not enter into a contract until this Bill passed.

Mr. PUGSLEY. Why not? The Canadian Pacific Railway Company can lease