

latures have jurisdiction over local railways, then they should not be ousted of that jurisdiction by a stroke of the pen except for very good reason, and we should, on the other hand, extend the power of the Dominion parliament to a reasonable measure, and therefore as far as crossings and as far as connections of local railways with railways that are under the exclusive jurisdiction of the Dominion parliament are concerned, it seems to me that the jurisdiction of the Dominion parliament should control those crossings and connections, because it would not be practicable to have such matters left under the control of the board under this Bill, and to leave it also under the authority of the Railway committees of the local legislatures, because the two powers might clash and it would not be workable. We must decide either for one or the other, and although in favour of provincial rights, I think that in a matter of this kind it is the Dominion power which should prevail. I therefore propose, when the House is again in Committee of the Whole, to move that sections 5, 6 and 7 be struck out and replaced by the following—

5. Every railway, steam or electric street railway or tramway, the construction or operation of which is authorized by a special Act passed by the Legislature of any province, now or hereafter connecting with or crossing a railway which, at the time of such connection or crossing, is subject to the legislative authority of the parliament of Canada, is hereby declared to be a work for the general advantage of Canada in respect only to such connection or crossing or through traffic thereon or anything appertaining thereto, and this Act shall apply.

This would be adopting the principle that as far as any crossings of that kind, or any connections of that kind, or through traffic on those local railways are concerned, the works would be considered a work for the general advantage of Canada, and would fall under the exclusive jurisdiction of the Dominion parliament or of the board.

Hon. Mr. SCOTT—That will be in lieu of the notice the hon. gentleman has placed on the Order paper?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. LOUGHEED—You would propose bringing the company within the control of the board, so far as the enforcement of penalties is concerned?

Hon. Mr. SCOTT—In reference to all matters pertaining to crossings?

Hon. Mr. LOUGHEED—And traffic?

Hon. Mr. BEIQUE—If the hon. gentleman will notice, to be sure that everything will be covered, I say:

In respect only to such connection or crossing or through traffic thereon, or anything appertaining thereto.

Hon. Sir MACKENZIE BOWELL—How would that affect local traffic?

Hon. Mr. BEIQUE—It would not affect local traffic. Local traffic should remain under the jurisdiction of the local legislature.

Hon. Mr. POIRIER—Does that mean that the whole line will not come under the jurisdiction of this parliament, but simply the restrictions that I understand are mentioned here? It seems hazy to me.

Hon. Mr. McMULLEN—I do not know that it is necessary to extend this discussion very far. In the first place, I largely agree with what the hon. gentleman from Calgary said.

The CHAIRMAN—The discussion is entirely out of order. We were discussing clause 310. Shall that clause stand?

The clause was allowed to stand.

The CHAIRMAN—Shall the committee rise and report progress?

Hon. Sir MACKENZIE BOWELL—I wish to call the attention of the hon. Secretary of State to clause 268, the clause with reference to traffic passing from Canada through another country and entering Canada. This clause provides that the joint tariff must be agreed upon by the different companies, and must be filed with the board. It goes on, under the subsection:

Any goods carried, or being carried from Canada through a foreign country into Canada in violation of this section—

That would be failure to file their joint tariff. It proceeds:

—shall, before being admitted into Canada, be subject to customs duties as if such goods were of foreign production and coming into Canada for the first time—

If this joint tariff had not been agreed upon and filed with the board, the goods would be subject to duty as if they were foreign goods. Then it goes on:

—and in case such goods are of a kind which would not otherwise be subject to any customs