

ment to pass this Bill is incorrect. This Bill was rejected upon one ground and one ground alone, that is its constitutionality—that it is within the province of the legislature of British Columbia to grant all that is asked for, and that the passage of it by the Dominion parliament would be an infringement of the constitutional rights of the province. It was on a similar ground that a Bill of a somewhat similar character was rejected last year. As the hon. senator from St. John has said, this matter was discussed over and over again in committee for hours. We had the opinion of the Law Clerk of the Senate against it, and the strong opposition of the provinces to the passage of this Bill as an infringement of their rights.

Hon. Mr. BOSTOCK—Hon. gentleman have referred to the opinion of the Law Clerk given before the committee. He will probably remember that I specially asked the Law Clerk if he had considered what bearing the fact of the railway belt belonging to the Dominion government had on his decision, and he said he had not considered it before. That makes a very great difference.

Hon. Mr. LANDRY—Not at all.

Hon. Sir MACKENZIE BOWELL—It was pointed out that the lands which were affected by this Bill had been patented by the Dominion government and that consequently brought them within the question of civil rights and property within the province.

Hon. Mr. BOSTOCK—The lands are within the belt belonging to the Dominion Government.

Hon. Sir MACKENZIE BOWELL—The lands are within the belt which was transferred to the Dominion as one of the considerations given by British Columbia for the construction of the Canadian Pacific Railway through the mountains. Even if there were force in the contention of my hon. friend, that because the lands are within the railway belt therefore it brought this measure within the purview of this parliament, the moment the Dominion government patented that land it became private property and being private property

came under the jurisdiction of the province of British Columbia. The committee considered this question carefully, and I cannot conceive it possible that any further evidence could be procured to change the minds of those who voted upon that question unless the hon. gentleman has been lobbying—that is a very offensive word I know as understood by the people—among the members in order to induce them to change their views or to bring others to the committee who were not present when the vote was taken. That is the only means by which he could accomplish his purpose; but it is very clear if there ever was a Bill brought before parliament for consideration which infringed the rights of the provinces, this is that one. I know some senators take a different view of it, and support the Bill on what they term its merits, on the ground that certain other companies who are operating on that river are trying to prevent the company that seeks this incorporation from doing that which they should have a right to do. I remove that altogether from my consideration and base my objection simply on the ground presented in the report, and that is that it is a direct infringement on the rights of the provinces. If we go on with this kind of legislation, we might just as well abolish the local legislature altogether, and let the federal parliament deal with all local affairs. Every session we have been infringing upon provincial rights, and if it is to go on we might as well petition the Imperial Parliament to change the constitution and abolish the local legislatures and save to the country the expense that they entail. I very much regret that many hon. gentlemen who share my view of this matter are not here to express their opinions on this question. I trust that the House will not adopt the amendment.

Hon. Mr. KERR—I understand that the hon. gentleman objects to this Bill on the ground that the lands in the railway belt are not the lands of the government.

Hon. Sir MACKENZIE BOWELL—The lands which are affected by this Bill I said.

Hon. Mr. KERR—The lands in the railway belt became the property of the Dom-