

of railways in the Province which, if Mr. Blake's contention had been assented to, would remain under Provincial control. Well now, it is well to remember that this Railway Bill of the Dominion Government was introduced about the closing days of the session of 1883, and that very little of discussion occurred. It had its first reading, and they were attempting to go on with the second reading on the same day, on the 15th of May, 1883. The House closed on the 23rd. There had been discussion before in the Railway Committee on some provisions relating to amendments to the general Railway Act. But there had been nothing to indicate that it was proposed to take away the jurisdiction of the Province over local railways, even to a limited extent. On the 15th of May it had its first reading, as I have said. Mr. Blake asked if the Bill would be referred to the Railway Committee. To this Sir Charles Tupper answered, "No." I will read what Mr. Blake said on this measure, because if I were in the back country and had nothing before me but what the hon. gentlemen have said on this subject I should assume that Mr. Blake thought the course of the Dominion Government was a very good one, on the whole the Bill was not a very bad measure, and that he was willing to concur in what was proposed. Mr. Blake said:—

Well, I am sorry the hon. gentleman takes this course.

That is, refuses to refer the Bill to the Railway Committee.

This is a very important Bill. It contains very numerous provisions, some of them of a startling character, and one of them in particular very startling. It was introduced six days ago, and distributed in English only one or two days ago. It has not yet been distributed in French, and the Government announced that they would be likely to-day to take Government notices of motion and concurrence, and not Bills. I have not excepted to a number of things taken in the ordinary course, and which did not involve discussion, but the hon. gentleman announces now that he proposes to take up this Bill without referring it to the Railway Committee, to which the original Railway Act to which this is an amendment in many important respects, was referred. Under these circumstances I think the hon. gentleman's proceedings are unfair. He is exposing the House to a surprise to read this Bill the second time at this stage without the preliminary steps being taken, which we have a right to rely on according to the rules of the House; and under these circumstances I object, as the Bill is not distributed in French.

Mr. Blake was remonstrated with for his course, Sir Charles Tupper saying that it was a Bill very easily comprehended, to which Mr. Blake replied that it was very comprehensive. After further urging to allow the Bill to be read a second time without the Bill going to the Railway Committee, Mr. Blake said:—

I would be very glad to comply with the wishes of the hon. gentleman, but I would like to know how many members of the House have read this Bill besides the hon. gentleman, and how many comprehended its provisions before the hon. gentleman moved the second reading of it. We are very busily engaged to a late hour every morning in discharging our customary duties. The Government are asked every night—I take pains to ask them—what they are going to do next day; they do not announce that they are going to read this Bill, which is a very important Bill; and we know that according to the forms of the House they could not read it. I have not information on many points which I would like to have, for which I shall have to ask the hon. gentleman at a future stage when the Bill goes on. And there are other things. I think you have brought no list of the railways, which, with one fell swoop, permit me to say, you propose to bring within the legislative jurisdiction of the Parliament of Canada. We have no such legislation which I would notably like to have. If the hon. gentleman had referred the Bill to the Railway Committee I would not have been disposed to take exception, but as it is now proposed to take the Bill through the Committee of the whole House, I feel constrained to say that I do not think the real business will be forwarded by that course.

After recess on the 18th May, the matter was up for debate again. Mr. Blake then said:—

I do not propose at this stage of the Bill to say anything at all upon the various amendments to the Railway Act which have been proposed for the consideration of the House, as it is obvious that any observation which may be made upon that subject had better be made when the Bill is before the committee. Nor do I propose at this stage to make any lengthened remarks with reference to the hon. gentleman's proposals of another description, namely, to declare a vast number of railways—by a vague and unsatisfactory definition—works for the general advantage of Canada. The objectionable character of the Bill—for so I conceive it to be—is no reason why the Bill should not be read a second time, inasmuch as the measure which contains numerous proposals which are to the public advantage, and the sense of the House upon the other proposals may be challenged at a subsequent stage of the measure.

Would Mr. Blake have used such language as that if he thought that by his amendment only 50 miles of railroad would have remained under Provincial jurisdiction? He went on to say:—

I know of no mode by which this Parliament could more effectually dampen the enterprise and check the energies of the different Local Legislatures with reference to improvements of this description than by this measure. As well as I can understand, it practically has an effect

upon every railway, because every railway connects either directly or indirectly with some of the leading lines. You cannot have a side line or a concession line in the country which does not ultimately connect with a great road and lead to some town or other, so that all the railways with which I am most familiar—those in my own Province—are the same with regard to the main lines as it seems to me, though it is not absolutely clear, under the definition of the hon. gentleman. I should like to know what prospects there are, what inducements there are, to build a railway which does not connect with one or the other of those leading lines, and the proposal is for the future to say that all these roads, not merely those at present constructed, but those hereafter to be constructed, shall be taken in charge by this Parliament. Much has been done by the Provinces, very much by the Province of Ontario, and a great deal by some of the Provinces in the way of the creation of local railways.

Is it probable that Mr. Blake would have used the expression, "at one fell swoop," if he intended to propose an amendment which would only retain to the Province jurisdiction over fifty miles of the railroad? Mr. Fraser dealt with the causes which induced the Dominion Government to take up such legislation, at the time remarking, the great railway corporations seeing that the Local House had passed Acts referring to the construction and care of frog switches, and given certain claims against the companies, at all events had enabled the servants of the companies to have a right of action under certain circumstances. All this goes to show that the railway corporations were likely to have exercised what influence they had to bring about a transfer of jurisdiction.

Mr. MEREDITH suggested that the Province might still pass such Acts.

Hon. C. E. FRASER—The Courts have decided the other way—that we have no power or control over a railway chartered by the Dominion Government. Concluding, he said—We may charter railways one after the other, we may give them the original powers of construction, but thereafter we shall be powerless to control or regulate the traffic. I shall be glad to find that we can give right of action against those railway companies. He sat down amid prolonged applause.

Mr. MEREDITH moved his amendment extending to the Volunteers of other Provinces the thanks which by the speech are given to the Volunteers of Ontario. He spoke on the question of the assumption by the Dominion of Provincial railways, contending that under Mr. Blake's amendment all leased lines, such as the Toronto, Grey, & Bruce and those forming part of the old Great Western system, would have passed to the Dominion Government.

It being six o'clock the Speaker left the chair.

AFTER RECESS,

Mr. MEREDITH dealt again with the Government's course on the Boundary and Escheats questions, and endeavoured to show that they had not won a victory in either case.

Hon. O. MOWAT took up Mr. Meredith's references to the Boundary and Escheats cases, showing most conclusively, as he did in his former speech in reply to Mr. Meredith, that Sir John Macdonald had made an attempt to obtain the right of escheat for the Dominion after there were three decisions of the Courts and an agreement against him.

Mr. WHITE addressed the House upon the question of the Indian title, alleging that the Indians had a claim, and through them the Dominion, to the land in the formerly disputed territory. He then made some remarks about the imprisoned Halfbreeds, and moved the following amendment:—"That the following words be added to the proposed amendment:—'And we trust, now that peace has been restored, the supremacy of the law vindicated and maintained, and just punishment inflicted on the principal participants in the rebellion, it may be found consistent with the public interests to extend the merciful consideration of the Crown to the cases of those who are now undergoing imprisonment for offences committed during or arising out of it.'"

Mr. FRASER—I trust my hon. friend will not introduce this amendment at this time, but will wait until it can be more fully considered and dealt with. There are some parts of this resolution that I would have no objection to at all. But I think upon reflection that he will feel that we ought not to intrude too prematurely into matters that more properly should be dealt with by the authorities elsewhere. (Hear, hear.) If any recommendation in favour of clemency that this House can make shall have the effect of bringing about a better condition of affairs, I for one will only be too glad to assist in bringing it about. But he will see, and I think the House will see, that there may be a possibility of bringing into a recommendation of that kind suggestions of matters which, after all, this House should not pronounce upon. It is no part of our duty to say whether justice has been done or not, and I do not think we are called upon to say anything about that.