

ways, that is to say, by mutual agreement between the contracting parties, that is, between the parliament of Canada and the Canadian Pacific Railway Company, or by the parliament of Canada exercising its power of eminent domain, and expropriating from the company the privilege which was given to it by parliament. I appeal to my hon. friend on this matter. I do not see that this right of the Canadian parliament would be made any stronger than it is by applying to it a declaration of this kind. It would simply amount to a declaration, and nothing else; it would have no more effect than the passing of the section in silence. It would simply complicate this Bill and put a blemish on it, and the people on whose behalf my hon. friend has spoken with great effect and warmth, would not be benefited in the least. I said on a previous occasion that in this matter we are partners with the new provinces of Alberta and Saskatchewan; we are in the same boat with them. The exemptions from which they suffer this parliament also suffers from; and our interests being common, the people of the Northwest Territories can rely that the Canadian government, in protecting its own interests, must likewise protect those of the new provinces which we are creating. I have only to repeat that in my opinion this is a blemish which has been placed, not only on the people of the new provinces, but on the people of Canada generally, and that the time has come, I am not prepared to say when, when the parliament of Canada must address itself to this question. Therefore I do not see that we can accept this amendment.

Mr. R. L. BORDEN. A two-hours' speech delivered after nearly five month's of debate on this Bill, and followed by a motion that had some effect or meaning might have been excused to the hon. gentleman who has taken up the time of the House this afternoon; but inasmuch as his amendment means absolutely nothing, does not alter to the slightest extent the effect of the clause as it is at present, one can only conclude that this is a very pretty piece of by-play and comedy on the part of the hon. gentleman. Here is the clause he proposes to amend:

The powers hereby granted to the said province shall be exercised subject to the provisions of section 16 of the contract set forth in the schedule to chapter 1 of the statutes of 1881, being an Act respecting the Canadian Pacific Railway Company.

To which the hon. gentleman by his amendment desires to add this:

Provided that the foregoing shall not prejudice the right of the parliament of Canada, by expropriation or otherwise, to obtain the relinquishment by the said company of the company's rights under section 16 of the contract aforesaid.

A more absolutely irrelevant proviso could not be imagined. It is utterly absurd. The words in section 23 do not in the slightest degree affect the power of the parliament of Canada to deal with that question, and there is not any lawyer in the House who would venture for one moment to stake his professional reputation upon the contrary assertion.

The parliament of Canada is giving notice to the new provinces of the contract entered into by the Crown with the Canadian Pacific Railway. It is not withdrawing anything from its own power. It is dealing with the powers of the provincial legislature. It does not purport, in any word or syllable of this section, to be taking away anything from its own power, and it will have, if this section be passed, exactly the same power to do that mentioned in this proviso as it had before the section passed. Therefore, I propose to vote against the amendment. I shall vote against it because it has not any effect or meaning, and I cannot see that it adds anything to or takes anything from the meaning of the section, as now proposed, in the slightest degree.

I do not know what assurance of the First Minister the hon. gentleman referred to this afternoon when he spoke of some assurance of the right hon. gentleman. I only heard some rather vague prophecy as to what parliament might or might not be obliged to do at some time in the remote future. So far as the Canadian Pacific Railway exemption from taxation is concerned, the question remains to be determined whether or not the legislature of the Territories will or will not under this act have full jurisdiction to deal with provincial taxation. In good faith that jurisdiction must be exercised subject to the terms of the contract, just as this parliament, if it saw fit to attempt the expropriation referred to by the hon. gentleman, would be obliged in good faith to have regard to the terms of the contract. As I gave my views in committee, it is not worth while detaining the House by repeating them. I might add that one of the justices of the Supreme Court of Canada, in dealing with this question under exactly similar conditions, said this:

I think Manitoba was granted and received these lands with this special exemption attached and has not attempted to repeal it, if, as was argued, it could repeal this provision, and, in my view, the later taxing statutes of Manitoba do not purport to repeal this provision.

He leaves undecided the question whether Manitoba could repeal that provision or deal with this matter, as far as provincial taxation is concerned, in exactly the same way that the parliament of Canada can deal with it so far as Dominion taxation is concerned.

Furthermore, I pointed out to this House on a previous occasion that Mani-