

a great many years ago? Have not these settlers some rights? Have they no vested right to fair play in this country? Are the people of the Dominion to come along to them and say: We entered into a solemn obligation with the Canadian Pacific Railway twenty-five years ago that they were to be exempted from taxation in your country, and now the time has come to erect you as provinces, and we are going to dump the load on you. Let us look into the matter from that point of view, and I say that the government cannot justify the discharge of the obligation they owe to the Canadian Pacific Railway by imposing it on these provinces, and I also bring out this view now that here is a confession in this House by the Minister of Justice of the supremacy of parliament to do anything it likes in regard to the creation of new provinces; that we are not bound by the British North America Act. They are asserting the right to impose limitations on the provinces in regard to their municipal taxation, and they are imposing other limitations on the provinces in a way they should not. I was glad to hear the leader of the opposition (Mr. R. L. Borden) endorse what Manitoba is doing. It is within the competence of these new provinces to tax these railways on their income, and they have further power even—they can tax one company more than another. The cure may come in this way, that the two new provinces—and I advise them to do it at the first session—may put a tax on the earnings of the Canadian Pacific Railway unless the Canadian Pacific Railway agree to surrender this advantage that they have. And let us just see what it is. Here is the original clause, which I shall read again in order to emphasize it:

The Canadian Pacific Railway and all stations and station grounds, workshops, buildings, yards, and other property, rolling stock and appurtenances required and used for the construction and working thereof and the capital stock of the company, shall be for ever free from taxation, &c.

Is that fair? Is it fair for the Dominion parliament to put this imposition on the young provinces, that this great corporation, the Canadian Pacific Railway, all its stock, all its stations, its roadbed, shall be for ever free from municipal taxation? Is it fair, is it honourable? The provinces have some vested rights under the British North America Act, and there is a solemn contract with the provinces in that Act. Does the Minister of Justice admit that this is a solemn contract, and are there solemn rights defined in this solemn contract? Surely this contract, the British North America Act, is as sacred as any contract ever made in this country, and if these provinces have rights, and if other people have obligations, and they seek to discharge these obligations by imposing them upon a lesser power and a lesser community, a struggling community, who are our settlers, and who are also to be

the best customers and clients of the Canadian Pacific Railway, to supply them with freight and to build up their road; is it fair to respect the contract contained in the constitution? I put it to the Minister of Justice that there is as good a contract in this British North America Act, as between the Dominion and the provinces, as there is between the Dominion and the Canadian Pacific Railway, and when you come to choose as to which contract has the most sanctity, I say that the original contract between the Dominion and the provinces is the one that has the senior position in that regard, and I say that parliament ought to leave this clause out. There is nothing mandatory even in the contract that we shall reimpose this, or if there is anything mandatory it is that we must respect provincial rights in this case; and if the cure is not effected in one way, it shall be in another. It is all very well to give us lawyers' opinions, as has been done in this House. Let me recall to the people and to this House an instance bearing on this. In Ontario not long ago the attention of the Attorney General was called to the existence of a certain pool-room nuisance in my own constituency. The Attorney General went into the law and said: The law is this, and I am powerless; I can do nothing, but I am obeying the law. He said: That is the law; just as we are told here to-day: This is the law. But a change of government took place, another Attorney General comes in, and he says: This is the law. He enforces the law, and the result is altogether different. What is the difference between these two legal opinions? Lawyers do not always agree, in fact they differ all the time. As I said before, you can get as many opinions as you care to pay out fees; and if that is the case, the people of the province, as their rights are defined in this solemn contract, the British North America Act, ought to be defended to-day from the imposition that is being put upon them; and again I call the attention of the Minister of Justice, when he talks about vested rights, to the fact that the government is to-day putting on the statute-book a statute which enables the Dominion government to evade its obligation and to impose it upon these two small provinces in the west. If that is the case, I say it is not good law; it is not the constitution; it is not respecting sacred rights, and I trust the Prime Minister will give me some credit for, perhaps—although, not being a lawyer, because I do not profess to be one, and I thank God I am not one—but I hope he will give me credit for saying something in the interest of the settlers, and bringing to the notice of parliament a grievance that can be cured in spite of the opinions of lawyers. There is a way to cure these grievances, and they can be cured without doing injustice to anybody.

It is all very fine to cure these grievances by sending them to the courts; but that is