

RAILWAY COMMISSIONERS BILL.

A Bill has been introduced into the Dominion Parliament to constitute a Court of Railway Commissioners for Canada and to amend and consolidate the Railway Act of 1879. The preamble of the Act refers to the crossing of roads, alienment, arrangement, disposition and limitation of tracks; as to the compensation payable by railway companies for land taken or occupied by them in which municipalities are interested; by-laws passed by municipalities in aid of railways, and agreements made in relation thereto; to disputes between railway companies as to traffic arrangements and adjustment of rates for passengers and freight, running powers, haulage, use of tracks, use of stations, adjustment of time-tables, transshipment and interchange of freight, and generally to all questions likely to arise between public corporations, railway companies, traders and passengers.

By the Bill all these questions are practically taken out of the hands of railway corporations and placed under the control of three Commissioners. The courts of law, and Parliament itself, are set aside in favour of these Commissioners, whose powers are paramount and decisions final. The Commissioners are to be permitted to fix fees to be taken in connection with proceedings before them, and they may from time to time increase rates, abolish and make new fees; they may also settle and regulate the manner in which and the time when all fees are to be paid, and may require a deposit to be made with the registrar upon the filing of petitions. Clause 19 goes on ingenuously to state that the said deposit, or all fees taken under the Act, are to belong to the Commissioners and to be in lieu of salaries.

Shortly, the principle of the Bill involves the transfer, to a very large extent, of the duties of railway managers, and of the Legislature itself in connection with existing and future railway companies. It transfers to the Commission the authority that is now vested in the Governor-in-Council; and further gives the power to fix maximum rates of charges for the conveyance of passengers, animals, and goods, including the tolls and cost of locomotive power and every other expense connected therewith.

There are two features of grave import in connection with this proposed measure. The first is that it is destructive of the legislation upon which investors have relied for interest upon the capital placed by them in Canadian railway enterprises. Concede the power of making rates—which may vary from time to time to an unlimited extent—and the security for investment is gone.

The second consideration is that the railway property of the country, including that owned by the Dominion itself, is to be handed over to three wholly irresponsible persons, whose appointment from time to time would no doubt be the result of political favour. The idea of a railway commission is of English origin; but its success there was so uncertain that when it became a question of renewing their lapsed powers great differences of opinion existed, and it is now probable—so unpopular have the Commissioners become by exceeding their authority—that a reappointment would at the present time be unlikely.

A case recently arose between the South Eastern Railway of England and the corporation of the town of Hastings as to station accommodation at that place, and the Commissioners ordered new buildings to be erected. Their view of the authority vested in themselves was so extensive as to involve even the doubling of a line of railway, and in short anything which to them might appear requisite. The Lord Chief-Justice at once put an end to these extraordinary pretensions. "Still less," said his Lordship, "can I bring myself to think that legislation could have intended to place such a power of unfettered discretion, involving interests so large, in the hands of three gentlemen, without any appeal from its exercises however serious the effect of their decision affecting the interests of the company." It was pointed out that practically the principle claimed by the Commission involved the cessation of railway dividends, and in the words of an eminent English railway chairman, "If that were the law, I think myself that railway property would be worthless, and I for my part would not leave one single shilling of my money to my children invested in the ordinary stock of any railway."

There is no justification whatever for a Railway Commission in

Canada. Divergent railway interests are not large enough to require any such constituted authority; and a Canadian Railway Commission would be neither ornamental nor useful. It might become the seat of corruption and jobbery; and, based upon the principles of the Act, it would keep capital out of the country, and must remain a monument of unwise legislation. Let the Government be warned in time, and see to it that this Bill, so ominous of disaster, shall not become law.

"BANKING LEGISLATION."

Our Dominion Parliament, refusing instruction, has deliberately stultified itself on the Insolvent Act question by voting for total repeal. Possibly the Senate may again save the country from the development of broils, entanglements, and the spirit of lawless "grab," among our mercantile community which will inevitably ensue. For dishonesty is neither "scotched nor killed" by refusing it a refuge in insolvency. The tortuous wriggings of the serpent will now be only more hidden, and its opportunities to sting, and gorge, and grow, be therefore the more abundant. But the people evidently love to have it so, if we may trust their chosen representatives.

Now comes the still more important question of the currency. Banking legislation will soon be the occupation of the collective wisdom at Ottawa. When that occupation is gone, shall we have any wiser result? Public Discussion is rife at present. It ventilates plans based upon the American bank-note system, seeks a Government guarantee, suggests a National Bank of Issue, contemplates a rigid restriction of our freedom to trade in money, hungers for a National currency, guaranteed if need be, but always National, and even dandles the "rag-baby" before our astonished eyes. Can any wisdom or light evolve itself out of such a chaos?

Experience has not shown here or in any other country, that Governments can best conduct either Trade or Banking. This interference has almost invariably been disastrous to the interests of all. It is simply marvellous how an uplifted faith in the power and purity of Governments continues to outlive so many failures; while the only real government which guides and rules the world—the law and the rule of righteousness, bringing ever good out of our evil—fails of almost any recognition. Men still hope to establish "government from under," disbelieving practically both in the existence and possibility of "government from over." An equal liberty to all—not licence to a few—has a tendency to open the way to government from above, from those principles of equity and justice between man and man which are religion. And this, because the greater the equal liberty permitted, the more prompt, efficacious, and penetrating, become the teaching of experience.

It is not the province of government to form the conduct of the people. Government is most effective when it confines itself to the punishment of crime, and the maintenance of freedom to each and all to exercise every faculty, so long as they do not infringe upon the like liberty in others. For crime is simply an infringement on the liberty of one, or many others. Murder is the complete extinction of all the earthly liberty of another. Theft is an encroachment on the liberty of some other to use of his possessions. The same principle runs through the whole calendar of crime.

These root-principles have a most direct bearing upon Government currency and Government Banking. It is quite possible for Government to commit a crime. It does so whenever it assumes to itself functions inherent in the subject, who, thus deprived of that liberty, cannot fully exercise his individual faculties. Hence when Government arrogates to itself the sole right to issue promises to pay in gold, it deprives others of a right, and restricts liberty. It thus steps out of its true place, to do for the people that which the people can best do for themselves. Its business is to maintain liberty, not to deprive of it; to punish fraud, not to connive at or participate in it. It can and ought to frame laws and regulations, by compliance with which only can currency be issued. It must also, for the good of all, see to it that such laws are carried out. If a thirty per cent. reserve in gold be found needful, amply to secure promises to pay in gold, it may justly enact such a law. But any corporation, or individual, who complies with the enactment ought to be permitted to issue such currency up to a fixed proportion of its known and proven capital. Naturally, only large corporations, with known capital, and a reserve of double liability, will find themselves able to comply with the needed conditions; but no one's liberty is infringed by that fact. All and each of the subjects are at perfect liberty to join these, or to form others, so long as the law is complied with. The trade in money is thus left free to follow the natural law of supply and demand.

As well might Government assume the function of sole trader in hardware, groceries, or lumber, lest the Nation should abuse its liberty in these respects and suffer consequent loss. The Nation has so abused its liberty and has suffered; but has also learned. The freedom of our Banking system has been abused. Individuals, whom we would hardly care correctly to describe, "rushed in" where Bankers of ripe experience "feared to tread," and have not only suffered themselves, but brought suffering upon others who