

Corn Exchange. No new powers are asked for by this Bill. I am satisfied that this Parliament will not be disposed to take away powers they have already granted.

Mr. BOWELL. I fancy that the best time to discuss that will be when the Bill comes before the committee. The clause to which the hon. gentleman refers is certainly a most extraordinary one. It gives the Corn Exchange as they exist to-day, full power to control the Customs officials and collectors of some half a dozen different places, not only in Montreal but along the frontier, powers which I think should not be given to anyone outside the Government. I must confess I was surprised in reading that clause. I could not believe that this power was given in any existing law. If it is, it is time, either that the law should be modified, or the power taken away from the Corn Exchange.

Mr. CURRAN. I would refer the Minister of Customs to 26 Victoria, chapter 21, section 8.

Mr. BOWELL. I do not doubt what you say.

Motion agreed to, and Bill read the second time.

CONSOLIDATED RAILWAY ACT, 1879.

House resolved itself into Committee on Bill (No. 8) to amend the Consolidated Railway Act, 1879.—(Mr. McCarthy.)

(In the Committee.)

On section 4,

Mr. MULOCK. I would move that the following clause be inserted:—

The Minister of Railways, as regards any Government railway and every railway company subject to the jurisdiction of the Parliament of Canada, or to which "The Consolidated Railway Act, 1879," applies, shall repay to any ticket-holder the cost of his ticket, if unused, in whole or in part, less the ordinary and regular fare for the distance for which such ticket has been used; and such repayment shall be made at any station or office of the railway or company, between and including the points covered by the ticket; and the sale by any person of the unused portion of any ticket otherwise than by the presentation of the same for redemption as provided for in this section, shall be deemed to be a violation of the provisions of this Act, and shall be punished as hereinbefore provided: Provided always, that the claim for such redemption be made within thirty days from the expiration of the time for which the ticket was issued, in accordance with the conditions thereon.

So far the proposed amendment is simply the section which was adopted in the Act of 1882, and the only change is the following addition:—

And provided further, that any railway company liable to redeem any such ticket and which shall refuse to redeem the same when so presented, shall forfeit to the holder thereof a sum equal to ten times the amount payable for its redemption, and the same shall be recoverable at the suit of the holder against such company in any court of competent jurisdiction.

The committee will remember that the House, I think it was in 1882, but I was not present at the time—had under consideration the question of dealing with what was called ticket-scalping, and there was an arrangement come to here by common consent, I believe, between the railway companies on the one hand and the public on the other, providing for the redemption of unused tickets for through trips or return trips, and that provision was in the words set forth in the section I have read, but it did not provide for any way of compelling the company to repay the money except by the ordinary course of law. Now, the railway companies have not honestly lived up to that section, and instead of redeeming unused tickets they have embarrassed the holders of these tickets in so many ways that that portion of the section which was intended to be a benefit to the public has become a dead letter. You can easily see, Mr. Chairman, that if a small amount only is owing to the passenger, say a dollar, and that dollar is not paid to him in the form and manner required by this section, the party so entitled practically loses that claim. The House in 1882 required the company to repay that

amount at any station, either at the beginning or the end of the journey, or any station between those points. Now, the companies evade that law by refusing to redeem the tickets when presented, and in every way endeavor to embarrass the holders of such tickets. I have had personal knowledge of the fact, so I speak of something of which I know. I have also received communications, since I introduced this Bill, from parties referring to the practices on several of the leading railways of Canada, which show the necessity for some provision of this kind. If the railway company is simply liable to pay a few shillings or dollars, as the case may be, which it should pay to redeem the ticket, only after an action at law, you can easily see that in ninety-nine cases out of a hundred the public would abandon their claim to the unearned money rather than enter into an action with the railway company, and therefore I submit that this section ought to be made part of the railway law.

Mr. POPE. I hope my hon. friend will not push this amendment. My hon. friend from Simcoe (Mr. McCarthy), had two Bills before the House, and he consented to those Bills being withdrawn, for the reason that we promised on the part of the Government that a commission should be appointed to enquire into this whole matter. I would ask my hon. friend to allow this Bill also to go before that commission, and when the whole matter of the Consolidated Railway Act is considered, this amendment will be considered with the others.

Mr. MULOCK. I feel that a request coming from the Minister of Railways is to me, in most cases, a command, and whilst I wish therefore to recognise his authority and display a proper spirit of—shall I say—humility towards him, yet, in this case, I must express my opinion that there is nothing in this little innocent clause to refer to a commission. I admit, with regard to some of the provisions of the Bill I have introduced, that it would be a very proper matter to refer them to the commission he refers to; but if he is prepared to meet me in the same spirit in which I am prepared to meet him, I would suggest that the remaining nine clauses of my Bill be referred to the commission, if he will only allow this one clause to be added to the Bill now before the committee. I think that is a fair offer. I am sure the Minister will see that the assistance of a commission is not required to enable the House to decide how to carry out the law which it enacted in 1882. It is not necessary to refer to a commission to decide what the House should do in regard to the redemption of unearned tickets. The House appointed a committee to sit on this matter, and that committee arrived at a conclusion which became the law of the land. That law is now being defeated every day by the action of the railway companies, and this clause simply provides machinery for carrying out that law. I am willing that the rest of the Bill should go to the commission the hon. gentleman refers to.

Mr. POPE. I do not think my hon. friend is meeting me half way. My hon. friend from North Simcoe (Mr. McCarthy) withdrew two Bills with the view of their being sent to the commission, which will consider the whole question. One very objectionable feature of this amendment is this:

And such repayment shall be made at any station or office of the railway or company, between and including the points covered by the ticket.

You would have no means of knowing whether the party got the money or not, or whether the company had paid it or not.

Mr. MULOCK. That is the present law. I am not changing the present law. The clause only says that in case the company does not comply with the law of 1882, it shall forfeit more than the mere unearned money.