

the people, I believe the Bill was not one which would meet general concurrence. However, at the suggestion of the hon. the Minister of Public Works, I am perfectly willing to withdraw my motion.

Motion withdrawn.

Bill read the second time.

Mr. McCARTHY moved that the Bill be referred to a Select Committee, composed of Messrs. Cameron (Huron), Colby, Daly, Girouard (Jacques Cartier), Houde, Jones, McDougall, McLennan, White (Cardwell), White (Renfrew), Trow, Weldon and the mover. He said: In making this motion, I beg to refer, and I do so very briefly, to some of the criticisms that have been made in the debate which has just taken place on the second reading. Most of the adverse criticisms have been very fully and completely answered and there is very little left for me to say. I regret very much that the hon. the Minister of Railways is not in his place, because, from him a very large portion of the opposition to the measure has proceeded, and it would have afforded me much pleasure to have replied in his own hearing and presence. I understood the hon. the Minister of Railways to object on one ground, which I thought I had explained last Session, and which I can explain in a very few words this Session. One point the hon. Minister made was, that it was impossible for us, in this House, to deal with local railways, and that the measure, therefore, must be, to a certain extent, incomplete. Admitting, for the sake of argument, that is so, and remembering that, out of 8,000 miles of railway in this Dominion, probably two-thirds, or 6,000 miles, are under the control of this Parliament, I fail to see any very great force in the argument that, because we cannot deal with 8,000 miles, we should not deal with 6,000 miles. But I entirely deny that this Parliament is not competent to deal with this matter of railways, notwithstanding that the companies may be chartered by the Local House. I believe the Constitution under which this House sits—as the hon. member for Huron has told us, and he cited American authorities—gives this House the power to deal with all matters affecting trade and commerce—and the matter of traffic is a matter of commerce—and is therefore within the purview of the Parliament of Canada. I think these reasons are sufficient to answer that objection. Then the promoters say—and it has been urged more than once, not merely here, but elsewhere, and not merely on this occasion, but whenever the Bill has been mentioned—that the appointment of a Railway Commission would have the effect of hampering Canadian railways, and give the advantage of through trade to American systems. If the Bill were laying down any cast-iron rule, and saying that Canadian railways should charge so much per mile, or so much per ton for freight carried by them, I could understand the force of that objection; but the very fact that the Commission is to be composed—and the appointments will rest very largely with the hon. the Minister of Railways—of competent men who will understand the interests of the country as well as of the railways, I think, answers the question, as they would not unnecessarily interfere with through traffic so long as it did not interfere with local traffic. But we must remember that the people have, practically, built the railways of this country. In that respect, perhaps, the railway system of Canada differs from that of any other country, at all events nominally one-third, but I believe actually one-half, of the cost has come directly out the pockets of the people; and if the people are going to have their own railways used against them, so that the foreigner may be able to use them against our people, it is an injustice which the representatives of the people should endeavor in some way to prevent. I disclaim all hostility to railways. Believing that honesty is the true policy, not merely for people generally but also for railways, I see no possible objection to railways conduct-

Mr. McCUAIG.

ing business honestly and fairly, and charging fair rates, but not attempting to control the business and rights of our people in the interests of railway managers. I think that it will be found that this frequent conduct of railway managers in discriminating in favor of capitalists and against towns, and endeavoring to crush rival routes, is really of more injury to the railways themselves than of benefit to the particular corporations. The result, at all events, is that they destroy their rivals in business, crush them down effectually, and by-and-bye gain, by amalgamations, that which this system of injustice has first brought about. My hon. friend the member for Halton (Mr. McDougall), seems to doubt whether the law is constitutional or not. I must confess, though I say it with great deference, before a parliamentarian of my hon. friend's experience, that I entertain no such doubt. It seems to me the section of the Act, to which he refers, confers on this Parliament power to constitute a court for this purpose, for the whole country. The words of the law say so, and I see nothing in the language of the Act to lead me to suppose it expresses any other than its apparent meaning. My hon. friend from Victoria (Mr. Cameron), who has criticised the measure on another ground, objects to it because he thinks it practically amounts to nothing. Well, I will not say—perhaps I might say—that if it did not amount to anything, perhaps it would not receive the opposition of my hon. friend. But I think he cannot have read it with very great care when he forms the opinion that there is no provision in the Bill calculated to meet the wants of the country. Clause 24 reads:

The Commissioners, in addition to the powers conferred on the Governor in Council by the Railway Act, respecting the approval and revision of tolls, and which powers and authority are hereby vested in them, shall have power to fix the maximum rates of charges for the conveyance of passengers with a due amount of baggage, and of animals and goods, on the railway; and such rates of charges shall include the tolls and the cost of locomotive power and every other expense connected with the conveyance of passengers and with a due amount of baggage, and of animals and goods, upon the railway.

I want to know whether my hon. friend and the House thinks that it is not important to invest in a judicial body, such as the Railway Commissioners would be, the power to fix a fair toll for the carriage of passengers and freight. Practically there is no such law on the Statute book now, or if there is any such law, it cannot be enforced. I was amazed the other day though not surprised, to find—on a motion made in the Local House of Ontario for a return of the different by-laws of the railway companies that had been submitted to the Lieutenant-Governor, or approved of by Order in Council, by the member for North Huron, I think (Mr. Creighton)—that Mr. Pardee announced to the House that, from 1867 down to the present day, not one of the local railways had ever submitted their by-laws for the imposition of tolls to the Lieutenant-Governor in Council. Consequently, there was not one by-law for the collection of tolls practically legal at the time. The railways had presumed on the ignorance of the people—had assumed that nobody would question their right, and never put them in the position of having their tolls legalized by the Lieutenant-Governor in Council. I venture to assert that if an Order of this House were carried for a return of the tolls imposed by the railways of the country, the same result would be found. I do not believe that any of those railways has submitted its by-laws for the fixing of the tolls and rates for the sanction of the Governor General in Council, which the law of the land requires. There might be a practical injustice done under the Bill sometimes, but there would be the means of a remedy within the hands of everybody. But the Bill does not stop there. If my hon. friend would read the 26th section of the Act, and also the 31st, he would find that, although perhaps it does not go far enough, there is very great power conferred on the Commissioners, and in a direction which, if