SATURDAY MORNING, FEBRUARY 11, 1882.

THE ONTARIO GOVERNMENT AND THE BAIL We have already endeavored to show what the duty of Ontario's local representatives is, in the matter of railway legis ation now before them. The argument resented may be here briefly recapitulated. Competition by local railways having failed, we must in the public interest try to find some other form of competitionsomething that we can depend upon Under the circumstances the development and the perpetuation of competition between the great through lines seems to be the only course left to us, short of buying up the railways and making them the property of the commonwealth. There are already three great east and west lines, but one of them-the Great Western, stops short at Toronto a circumstance which prevents its competing with the other two as effectively as the public interest requires. Further, this line is attacked now as ofter before by its gigantic rival the Grand Trunk, and by a host of railway promoters and charter-brokers, whose schemes if sanctioned by the local house, may end in forcing it into amalgamation, and so handing over nearly the whole of this Province to the Grand Trunk, unchecked and uncontrolled. From the throwing out of these schemes the

double benefit will result of securing the continuation of such competion as we already have in Western Ontario, and th certainty of soon seeing a new competition opened up to the eastward, all the way through Canadian territory to the Canadian seaboard. If, on the contrary, the local house sanctions such a policy as must end in crippling the Great Western so as to drive it into amalgamation, theu, not only will the competition we now have in the peninsula be destroyed, but all hope of getting additional competition to the east-ward will be forever blotted out. It is for the interest not only of this Province but of the Dominion generally that we should have three great competing lines, but the result of sanctioning some of the schemes now before the local house would almost certainly be to limit us to two only - the Grand Trunk and the Canadian Pacific. The competition of three great lines is immensely better for the public than that of two only; there is what we may call a world of difference between the two cases. With regard to the securing of three great competing lines going through on our own soil to our own seaboard, there are literally "millions in it" for the country. Such is in substance the argument to which we have invited the attention of Ontario's repreentatives in the local house, who will, it

It will not do, however, to stop at this more than the mere individual responsizing this is to miss the essential townships or a county or two only, and a tity and independence of the Great Western (treat Western really strike a little local speech made by the Hon. Mr. Mowat, is something that concerns-not alone the vein of richness when it took over the premier of Ontario, in the debate on the western peninsula-not alone even the whole Brantford and Port Burwell road, on which London Junction Railway Bill (February province—but actually the Dominion. For, it has since spent not less than a quarter 23, 1881); also extracts from a speech as we have endeavored to show, while by of a million of dollars, besides guaranteeing made the present session by Mr. Meredith, the right course of action we may secure bonds to the amount of \$120,000 more? leader of the Local Opposition.

policy in the constitutional sense was not ers in Toronto, show that there is some- municipal money by millions has 'Tam o' Shanter : '

"That night a child might understand Some of the "gentlemen in black" may take this to themselves, if they see ap-

propriate relationship. The Ontario house cannot legislate the Dominion. But it is competent Mr. Mowat's Government to take such ground, and to strike out such a policy, as shall affect materially the future, not only of this Province, but of the Dominion; and all without the slightest danger of provincial "powers" being called in question. This is aurely a case for ministerial policy and ministerial responsibility,

RAILWAY CHARTER INVESTIGATION. is to be hoped, duly consider their responstand in the matter of indiscriminate railway chartering. We do not mean that nothing in this way has been done before, for point. It is necessary to go a step further, last session Mr. Mowat took a very deciand to show that in the present case there | ded stand against the London Junction lies upon the local government a responsi- bill, on the ground that it was an interferbility more immediate and more pressing ence with the rights of property. That by far than the individual responsi-bility of members to their constitu-all his notions of equity, he said. But ents merely. The fact must be realized that this year we have the same old two-andin the matter of railway legislation we sixpence up again before the house, along have reached a crisis involving something with a lot more pieces of similar bad metal, all seeking to pass the government bility of members. The case now on hand test and to be sent out as genuine. This and to be dealt with is, in short, one of con- reviving of old attempts formerly condemn- away," to wait for opportunities, stitutional responsibility on the part of the ed, along with the ominous pressure and provincial government; this and nothing pushing of several new ones, amply susess is what it amounts to. In years past tains what we have elsewhere contended t has been possible to consider this or the for—that things are not as they were, and built, whether they are now running as other railway bill from a municipal point that a new situation has arisen, requiring independent lines, or passed into the hands of view chiefly, and to treat it as something the power and the policy of the government of the large trunk companies. in which the people of the district affected were really the principal parties concerned it may be asked. Well, we do not take it which it is highly necessary that the -the parties having the first and foremost upon ourselves to frame a policy for Mr. public should be correctly informed, could rights in the premises. If they were satis- Mowat; but still the obvious remark may be brought out by a Commission of Infied, the preamble was generally held to be be made that a first step in the matter should quiry, who would report to the Provincial proven, and the bill easily passed. But be to investigate and report upon all railway Executive, and on whose report action circumstances alter cases, and the thing which now is differs very materially from confederation until now. If the house special session, if necessary. No probable the thing which has been, and which until and the public together are to pass judg- subject of provincial legislation can at very recently was. It has to be repeated, ment on the railway charter business genmost emphatically, that things are not as erally, a prime requisite is that they have worthy of a special session than this. they were; and that to fall short of reali- all the facts before them. There are some things in particular which it would very facts should be made is due to the people point in the present situation. On much interest the public to know. For generally, to the municipalities that have former occasions it has been that instance—have we amongst us a member of given their aggregate of millions, and to a railway bill before the local house could irresponsible persons, who have made the Companies who have opened up th be looked at as something concerning a few money, or who expect to make it, by the country with railways built with a far manipulation and bargain and sale of rail- greater aggregate of millions brought here few cases of this character may still keep way charters! In cases where roads built from abroad. It is due also to the legislacoming up. But the times have changed, in great part with money from municipali- ture as a body, and to individual members especially the railway times, if we may ties and the province have failed to run that they should not be called upon, withou coin an expression for the occasion. An themselves, and have been taken over by sufficient knowledge of the facts, to legiavalanche of reilway bills unprecedented other companies or combinations, was there slate upon matters of such importance as in our history, as is being generally re- anything paid as a "consideration;" and, | those which make up the avalanche of marked, has come down upon the house. | most important of all-who got the money? | bills just now brought down upon the The number merely of the schemes proposed might suffice to change into a questant transfer and got an analysis of the schemes proposed might suffice to change into a questant transfer and got an analysis of the proposed might suffice to change into a questant transfer and got an analysis of the schemes proposed might suffice to change into a questant transfer and got an analysis of the proposed might suffice to change into a questant transfer and got an analysis of the schemes proposed might suffice to change into a questant transfer and got an analysis of the schemes proposed might suffice to change into a questant transfer and got an analysis of the schemes proposed might suffice to change into a questant transfer and tra tion of kind what was before one of degree Western, for instance, takes over some local to the wiselves, as well as to the only; but, this consideration aside, the road that has proved unable to run itself, country, to cause this much-needed infor whole situation is so essentially changed the big railway company gets a great mation to be obtained and made public that we are in danger of doing serious bargain, while the municipalities lose their so that their own policy, framed on conmischief should we still go on in the old money. Now, while the latter part of this sideration of the facts, should be accepted way, just as if there had been no change supposition is undoubtedly too true in many by the country "at sight," as the right at all to speak of. Defore, we have had local legislation that affected municipalities; again, we have had it when it was of provincial importance; now, the Ontario the big company, like the lion attacked by credit abroad, we invite attention to exhouse is virtually legislating for the Dom- a gnat in the fable, has been worried and tracts from speeches, one by Hon. Mr. inion. It looks like going a start- harrassed into buying either the local road Mowat and another by Mr. Meredith, ling length to say this; but the or its promoters, or both, for really more which will be found elsewhere. thing is substantially true, nevertheless. than they were worth. Did the Certain innocent-looking little bills, pro- Grand Trunk draw such a desirable PRIVATE RIGHTS AND PUBLIC GOOD FAITH. fessing to be of a local character merely, prize, we wonder, when it took over the Port In connection with our remarks elseare in reality designed to harass the Great | Dover and Lake Huron, the Stratford and | where on the subject of private rights and Western into amalgamation with the Grand Huron, or the Georgian Bay and Welling- public good faith, as affected by legisla-Trunk. But to preserve the separate iden- ton, all non-paying concerns? Or did the tion, we copy below an extract from a

all chance of ever getting the Western company, who were to run it?

About the ownership and running of this substantially true, then, that the Ontario particular road there has never been any ocal house is now asked to legislate, not dispute as far as the public know; there for the province merely, but for the Domi- has never been, as in some other instances, nion? We fail to "take in" the situation any complaint that the municipalities had if we take any narrower view of it than this. The provincial government should from them without their consent. In this not and cannot properly treat the railway ease the municipalities said in effect to the uestion of to-day as an open one, in Great Western company-"We want a road volving only the personal responsibility through our section of country, and we of members. It should be treated as what offer to build it and hand it over to you on t really is-a question upon which the condition that you run, it and keep it overnment requires to have a policy and running." It is kept running accordto carry it out. It will not be statesman ingly, but if current report speak ship in this case to let things drift, and to truly it is not exactly a mine treat the whole matter as of no consequence.

It will not match with the importance of the occasion to say, in effect; "Gentlemen road are there left to-day, representing the -railway-promoters, lawyers, contractors, \$1,100,000 granted by the municipalities embers, and all-here you have the and the \$462,000 from the government, a chamber, the lobbies, and the committee truly "grand" total of over a million and rooms; 'pitch in' your best and fight it a half to one road? One interesting quesout amongst yourselves. It is none of our tion there is, suggested by the fact that business to 'boss' the fight; but we shall the Great Western had to spend \$250,000, certainly have pleasure in affixing the pro- on the Brantford and Port Burwell road. incial seal to the winner's diploma in after taking it over. When these many every instance." No, the railway question and various local roads in Ontario were n Ontario has become of such importance handed over to their then ostensible ownthat it must be met with governmental ers, as roads finished, and "passed" on 26, 1882), Mr. Meredith spoke as follows responsibility and a government policy.

Railway bills coming up in the Ontario house have before been treated as open responsibility and a government policy.

Railway bills coming up in the Ontario house have before been treated as open really the engineer's certificate, were they really good roads up to the terms of the contract? also to a report made by Hon. Mr. Blake, are all the stories untrue about "slumped" as Dominion minister of justice, against an issues, regarding which a government grading work by which contractors have act of the Quebec legislature imposing a waxed so fat as to become themselves bigs tax on insurance policies : looked for by any one. But who railway owners; and of rails so defective requires to be told that Dominion Pacific and of such low grade as to be unsaleable ailway legislation and the accession of the "at home," even for exportation to South Syndicate have changed all that? It can America, picked up by cute Canadian not be too often repeated that things are not what they were; they are not what they were one year ago. The avalanche of stories be true, no wonder that some indiallway bills, the rush and crush of promot- viduals have grown rich, and that thing unusual in the wind. Everybody can where the woodbine twineth;" and all see that there is "something up" more than that without the purchasing companies getcommon: the thunder, and the "boom," ting any great bargains, either. Perhaps and the blow of railway legislation may as interesting a part of the investigation as well recall these two lines from Burns, in any would be directed towards a point which as yet has hardly drawn public attention at all-that of the loss to the purchasing companies as well as to the municipalities. In many cases not the latter of these two parties only, but both, have been heavy losers; who then, have been the gainers? We need have little hesitation in answering—the middle party in the case "the party of the middle part," if the lawyers will permit us to vary one of their expressions a little—the party of promoters, contractors and "operators" generally. The loss to the public is certain and incontrovertible, while the gain even to the great railways is in some cases so problematical as to take the appearance of a loss in-The time has surely arrived when the lic and the companies have lost? Turn on

stead, but still a gain there has been to somebody. Who, then, is this somebody, that has made the money which the pubproposed investigation the point of most interest by far to the public lies in the answer to the question-"Who got the money?" From the investigation proposed the public might learn :

1. What railway bills have passed, and by whom they were promoted. 2. What has been the good resulting the province from them. 3. How many of the charters obtained

have been sold to other railways. 4. How many charters have been used, and how many have been quietly "salted 5. What railways have actually bee built under these charters.

6. Concerning the railways actually

present be named more important and more That an official inquiry bringing out the

the right course of action we may secure not only the competition which we now have in the peninsula, but also the establishment of a new competition right through from Toronto to Canadian scaports, we may on the other hand by taking the wrong course destroy the old-competition in the course destroy to the course destroy the course destroy to the course destroy to the course destroy to the course de

mpensation. The question are solven in a demand at we should sanction the building of this road and thereby sanction the destruction of the project or rights which the Great Western railing a purchased, and that we should not even consider the question of compensation. That shocks all my notions of equity. I hold that it would be a monstrous thing for us to take away a valuable property stipulated for as this has been, without even considering the question of compensation. When this bill was before the railway committee the Great Western railway claimed that they should be relieved from some portions if not all of the lease if the bill became law. But my honorablifted (Mr. Meredith) actually took the objection that as the city was not a legal party to the lease the committee had no right to consider such a claif from the Great Western railway. If that is the position of the matter then I say it is impossible fust to pass the bill. My honorable friend ought equity to have said, 'It is fair to consider the My honorable friend might have said, 'There s' the committee and equity to have said; that in justice and equity the said of t

squity to have said, 'It is fair to consider that My honorable friend might have said, 'There shoe no compensation; that in justice and equit under all the circumstances, every tittle of the stipulations shall remain in force.' But he did no renture to place it upon that basis. He stated the committee had no right to entertain or conside the claim of the Great Western railway. My home bile friend had a legal right to take such a positiout having done so he shut himself out from the regislature passing the bill. He has by the course has taken chosen to make its passage impossibud must take the consequences.

In the course of a speech in the debat on the address the present session (January

Advisedly he declared that no legislature sinc confederation had attempted to enact legislation s mischievous in its character and so opposed to a the proprieties in legislation which ought to be of served, as were the principles involved in the measure. This act was unsound in principle, it was unfair and unjust, and it was not only the righ but it was also the duty of the Dominion government to exercise the pnwer conferrsd by the British North American act and disallow it in the last paragraph of his report Mr. Blak pointed out that legislation which had the effect on interfering with existing contracts, might produc a feeling of insecurity abroad with reference to provincial legislation. And assuming that this measure took away Mr. McLaren's property without compensation, he would ask hon. gentlemen whether any legislation could be passed in this, or in any other house, which would so shake confidence in regard to the security of property, not only in this province but throughout the Dominion, as legislation of this kind. And he maintained that such legislation, in affecting the guaranteed rights of property, was legislation which ought to be objectionable in principle, as was set forth in the report of Mr. Blake.

Hon. gentlemen opposite talked about unconstitutional interference with the rights of this legislature by the Dominion government, but by the constitution and recognized law of every civilized community, the right of property was sacretally no legislature, and especialty no legislature Advisedly he declared that no legislature

constitutional interference with the rights of this legislature by the Dominion government, but by the constitution and recognized law of every civilized community, the right of property was sacred, and no legislature, and especially noe legislature under the British system, sould properly pass any measure which took away the property of any private individual and converted it into public use without adequate compensation. He therefore threw back on hon, gentlemen opposite the argument which they used, and declared that this measure, although this legislature had the power to enact it, was not within its constitutional right. Consequently this measure camps literally and strictly within the very terms of the first rule which had been laid down by Sir John Macdonald. He was not afraid to meet hon, gentlemen opposite on this question before the people of this province. If hon, gentlemen opposite were prepared to go before the agriculturists of this country and say that they held their farms under such circumstances, and by such a weak tenure, that by the vote of a partism majority of this house their properties could be taken away from them and conveyed to others, he was prepared to meet these hon, gentlemen on that issue before the electors. And he was not afraid of the result.

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