

no doubt that we have no power to deal with any portion of the railway system of this country except such portion as is under the control of this Parliament, otherwise it would place us in a very anomalous position in carrying out such extreme powers as are here alluded to. Then there is the question of expense. It is not the most important question, perhaps, but still it is important. The hon. gentleman has stated that these powers cannot be delegated to any of the existing Courts, that it is necessary to create a new Court under his Bill. I quite agree with the hon. gentleman that any person who takes the trouble, as he has taken trouble, to investigate the action of the Railway Commission in England, would arrive at his conclusion that it would impose upon the Railway Committee of the Privy Council duties so onerous that I am afraid they would hesitate to assume them. It is just a question whether considerable additional power might not be delegated to that body to be used in the way they use their present power. But if you are to have a new Court to whom these powers are to be delegated, if you are to select three men whose knowledge of railway management and business is sufficient to give them a standing and character, it would be necessary, in order that their decisions might carry confidence with the great railway corporations and the public, to provide very large salaries for these Judges. When we consider that railway managers in this country have enjoyed salaries of \$20,000 or \$25,000 per annum for their services, and that the knowledge and information that would be demanded of the Judges of this Court ought to be equal to those of the best railway administrators in this country, I think my hon. friend will come to the conclusion that to obtain the services of such men very large salaries would require to be provided, especially as they would be required to discharge these duties more efficiently than the ablest Judges we now have in the country could discharge them. I am quite satisfied that he would have to abandon the idea of levying such fees as would enable the expenses of this Court to be properly met, because it would become so onerous as to bring an amount of odium upon an attempt to arrive at a solution in that way which, I am afraid, would be greater than it could bear. I do not propose, however, to go into any lengthy discussion on this matter. It is one of the greatest possible moments, and I think the principle of having some such tribunal recognized, may be conceived by the House without any difficulty, and the question itself remitted to the Committee on Railways and Canals, after hon. gentlemen present have expressed their opinions upon the Bill at this stage. When the Bill is sent to the Committee it can undergo a much closer investigation, and we will have an opportunity of calling to our aid the experience of the ablest men in the country who have been charged with the duty of managing railways. I do not rise for the purpose of opposing the second reading of this Bill or of committing the Government in any way to its support, but I see no objection to the measure receiving its second reading and being then sent to the Railway Committee.

Mr. McCUAIG. I have arrived at the conclusion that we have already in this country a sufficient number of Courts to do justice to all parties who appeal to them for redress of grievances. I find that we have 49 Judges in Quebec, 61 in Ontario, and 138 in the whole Dominion, making, with the six Supreme Court Judges, 144 altogether. We have in Ontario a Division Court, a County Court, a Court of Common Pleas, a Court of Queen's Bench, a Chancery Court, an Appeal Court and a Supreme Court besides.

Mr. RYKERT. And a Maritime Court.

Mr. McCARTHY. And a Court of Appeal from assessments.

Mr. McCUAIG. It does appear to me, as a commercial man, we have Courts enough, and I am opposed to the
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creation of a new Court and new Judges to try these cases. If there is any deficiency in the law, if it is discovered that these Courts have not sufficient jurisdiction, or that there is ambiguity of language in the framing of these laws, they may be properly amended by this Bill. But I am opposed to this Bill altogether. I find in Mr. Mousseau's speech, last night, and there is no better authority, that though the Province of Ontario is smaller than the Province of Quebec, it has 61 Judges, while Quebec has only 49. The whole cost of the judiciary in Ontario in round numbers is \$200,000, while in Quebec it is \$153,000. If the increase of salary is granted which is asked for by the Ontario County Court Judges, it will necessitate an increase of \$66,000 per annum. I have noticed that when men are engaged in trade or in any branch of the public service, however meritorious their conduct may have been, and though their services may have extended over a period of many years, no provision is made for them in the event of their being disabled from performing their duties, or in the event of their services being dispensed with. Many years ago, when the country was not so far advanced in civilization as it is now, and when the Crown interfered with the course of justice, it was thought proper to surround the Judges with certain safeguards against interference by the Crown. We learn from history that in the past the Crown did interfere in England with the course of justice, by intimidating or bribing men who occupied high judicial positions. But at the present day we have nothing to fear from that. I believe the Judges of this country, as a class, are not more respectable in their private character or their general intelligence than men occupying positions who are considered inferior socially; and when it comes from the mouth of the gentleman who introduces this Bill that this country is afraid to give power to two Judges because they may be bribed, I think that is one of the strongest arguments which can be used against the Bill. I think we are much safer in the hands of about 128 Judges than we should be in the hands of two. Now, I find that in a recent action brought by the South Eastern Railway Company against the Railway Commissioners who had endeavored to force the Company to erect new station buildings at Hastings, the Lord Chief Justice of England, in giving judgment in favor of the Company, remarked as follows:—

"Still less 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."

That is the opinion of the highest tribunal in England against the establishment of such an arbitrary court as this. The Grand Trunk Railway, instead of extorting extravagant rates for freight, are carrying freight to-day, owing to competition with the lake navigation, at rates that do not pay expenses. I can speak authoritatively on that point, and I challenge contradiction. We know that the capital sunk in railway companies in this country has been almost entirely lost, and that although they have received large bonuses from the Government, they have not paid working expenses, and I have failed to learn that any railway company in Canada has yet paid a dividend on its capital stock. And yet this Bill asks you to appoint two men to regulate this great interest. It is perfectly preposterous. Many municipalities have voted large sums of money for investment in the bonds of railway companies; they have invariably lost money. The Province of Quebec is laboring under a similar difficulty to-day. So great has the evil been in Ontario, that Mr. Mowat has been obliged to bring in a Bill to prevent any grants being made by municipalities to railway companies unless they are carried by a majority of the voters. The gentlemen who are so anxious about the freights which will be charged by the Canadian Pacific Railway Syndicate, have only to look at the map and they