

The Commercial

WINNIPEG, NOVEMBER 5, 1888.

POSSIBLY A MISTAKEN POLICY.

So far the C. P. R. Co. has been successful in its legal efforts to prevent the crossing of its Pembina branch by the N. P. & M. Co., and it is quite possible that the company may be enabled to delay the completion of the Portage branch until next season. This will give the C. P. R. full control of the traffic of the Portage district and the northwestern country for a few months longer, but it is certain that this privilege can only be held by the company for at the most not longer than the coming winter and spring months. In the end the obstacles placed in the way of opening the Portage branch are bound to be overcome. The question therefore is: Will it pay the C. P. R. Co. to oppose the construction of these independent roads in Manitoba? The C. P. R. people are not merely fighting another railway company, but they are seeking to defeat the popular will of the united people of Manitoba, and in doing so they are incurring an enmity which bodes no good to the company in the future. The company has already gone to great expense in preventing the crossing of its lines. For some time it has had a small army of men employed in preventing the N. P. & M. people and the provincial government from making the crossings, and it is a question if the outlay on the part of the C. P. R. Company has not already been greater than the company will gain from the obstruction of the road for a few months.

The C. P. R. management is certainly acting within its legal rights in the course taken concerning these railway crossings, but there is another and infinitely higher way of looking at the matter, and one which places the C. P. R. management in an unenviable position. When the C. P. R. Co. accepted the guarantee of interest upon the \$15,000,000 loan, the company morally bound itself to offer no further objections to the opening of this province to independent railway construction. Every thinking person all over the Dominion at once concluded that the railway agitation in Manitoba had at last come to an end. Therefore in taking advantage of what may almost be termed certain legal technicalities, to obstruct railway construction in the province, the company has broken through all moral

restraint, and has shown total disregard for obligations of a higher nature than merely legal promises. The people of Manitoba, and all Canada, are therefore justified in looking upon the course of the company with abhorrence, and in Manitoba at least it is evident that the course pursued by the company will be remembered to the disadvantage of the great railway corporation in the future. If the company has occasion to realize its mistake in the future, it will not be difficult to locate the blame upon the doings of its own officials.

The legislature of the province will meet very shortly, and it is said that the advisability of retaliating against the company will be considered by the House. The company enjoys a number of privileges at the hands of the Manitoba Legislature, such for instance as tax-exemption. These privileges, it is hinted, may be withdrawn. Should the Legislature see fit to enter upon a policy of retaliation and obstruction against the C. P. R. Company, it could probably make matters rather uncomfortable for the railway corporation. The advisability of adopting such a course is, however, a matter worthy of the most careful thought. Retaliation is at best a dangerous weapon to handle and one which is liable to cut both ways. Taking a superficial view of the matter, it would seem almost justifiable on the part of the Legislature to seek a means of reprisal upon the company, for the heavy loss and expense it has put upon the province. Great care and due prudence, however, should be given to the consideration of any proposals of retaliation. So far as the people are concerned, it would be decidedly wrong to advise the commitment of any offences against the property of the company. Good sense should prevail in this matter, and good sense rarely prompts recourse to extreme, much less arbitrary measures. We do not believe that the people as private citizens have or will commit any illegal acts against the C. P. R. corporation, notwithstanding rumor to the contrary. In the matter of patronage, our shippers have an opportunity of visiting their displeasure upon the company, in a way which it is perfectly proper for them to do, should they consider that they are warranted in this course, on account of the action of the company in wantonly obstructing the popular will and putting the province to considerable unnecessary expense.

THE INJUNCTION.

The decision of Justice Killam given on Monday morning last, continuing the interim injunction, restraining the Northern Pacific & Manitoba Company from crossing the Canadian Pacific track, was somewhat of a surprise to the great majority of our people. The summary removal of the first interim injunction, by the decision of Chief Justice Taylor, confirmed many in the belief that the second injunction case would meet with even more speedy dissolution, and that so far as the provincial courts were concerned the Government would soon be free to extend the Portage branch of the N. P. & M. system across the C. P. R. track. The decision of Justice Killam in continuing the injunction, however, placed a legal barrier in the way, which it would not have been well to attempt to override by force.

Whatever may be said as to the evident intention of the Provincial Government in ignoring the legal aspect of the case, as it stands before the Supreme Court at Ottawa, it is hardly likely that public opinion would sanction the use of force in overriding the additional legal barrier placed in the way by the granting of the injunction. The local authorities were bound to accept the decision of the Court and make the best of the situation. The opening of the Portage branch will be delayed for a while by the arbitrary action of the C. P. R. authorities, but this is not sufficient reason to induce the people to resort to illegal measures. The exercise of a little patience under the present trying circumstances, will certainly redound to the credit of the people of the province in the long run. Though morally wrong, the C. P. R. people are for the moment legally in the right. They have the law on their side, and they have shown firm determination to defend their legal rights to the utmost extent. An attempt to overcome those rights by force, under the very strained condition of public feeling, would most likely have resulted in bloodshed. The province cannot afford to have anything of the kind occur. Manitobans who believe in the justice of their cause, should have faith in the courts, and should continue to fight out the matter on this line. There is nothing more certain than that Manitoba will triumph in the end, and it would therefore be unwise to resort to outrage or illegal acts, when a legal victory is within reach. The situation is undoubtedly exasperating, and the very feeling that the province is in the