

to act as counsel for him to collect from the Government whatever the amount might be by reason of the death of two men killed on the Transcontinental railway through what he claims to be the negligence of the railway corporation. Those were poor men, and they have left families. If they had a right to bring their action in the ordinary courts of New Brunswick, there is no doubt they would go on and have speedy justice meted out. If they are driven to the Exchequer Court, they will, in all probability, never bring action. The Government might settle their claims, but we know from past experience that if they do settle, they will not pay what the real damages are. I merely mention that as an illustration of the necessity of permitting those actions to be brought in the ordinary courts of the land. I am satisfied with the amendments proposed by the Minister of Railways; the only question that might be left open to discussion is whether there should be a change so that the railway itself would be subject to penalties in case it refused to carry out the orders of the Railway Board.

Sir WILFRID LAURIER: The tendency of the age is certainly towards government ownership of railways and other public utilities. That is a principle in regard to which I, for my part, have very serious doubt, but there is no doubt that public opinion is verging in that direction, and there is much to commend the principle. I am satisfied that if the government management of railways or other public utilities could be kept free from political partisanship, that evil of our system of government, government ownership might be very desirable.

At all events, it might be very desirable in an old country, but I have my doubts whether a young country like ours can be better served by government railways than by railways that are run by companies. I think in a young country like this, a company railway has more elasticity of management and can better serve the public, than a railway under government ownership. But undoubtedly the younger element of the country—western Canada, for instance—is in favour of government ownership. If we adopt government ownership we must also be prepared to take the consequences of it; as in everything else, we must take the bad with the good. The public should have the same recourse against the management of the government railways as against the management of company railways. The

[Mr. Carvell.]

company railways, under our Railway Act, are subject to the control of the Railway Board, which enacts the penalties and can enforce its decisions. It was not my privilege to be here yesterday evening, but I read this morning the discussion which took place, and I was struck by the objection which was made to subjecting the King to penalties. Of course, there is some anomaly in that, but it is an anomaly more in name than in anything else. If the King becomes a common carrier, he is entitled to all the advantages of that position—he can collect my fare—and he should also accept the responsibilities. We have provided already that he shall accept those responsibilities to a certain extent, but there is still the old doctrine that the King cannot be sued at law—you cannot bring the King against the King. Under our Small Claims Act, however, we have provided that the manager of the government railways can be sued for damages up to \$500. There is no reason why he should not be sued, no matter what the amount of damages a subject may have suffered. What objection can there be to allowing a man to sue for \$600? The public should have the same rights against the government railways as against the company railways, and there is no reason why all the penalties, and all the methods of enforcing the law, in the case of company railways, should not apply in the case of the government railways. I am quite satisfied that the minister is in earnest about this, and if his aim is, as I believe it always has been, to remove the railway from politics, I would commend that suggestion to him.

Mr. COCHRANE: I think they already have that under clause 439 of the Railway Act.

Mr. CARVELL: That is a pretty strong clause.

Sir WILFRID LAURIER: It is a pretty strong clause so far as the companies are concerned, but this Bill does not deal with the companies; it deals with the Government.

Mr. COCHRANE: It is proposed to introduce such a clause in regard to the government railways.

Sir WILFRID LAURIER: The clause goes pretty far, I admit.

Mr. CARVELL: It is a pretty good start.