

law and the decisions which have been rendered upon it by the Judges. I do not intend to take up the time of the House at any greater length further than to refer to the manner of paying this Court. If these Commissioners are to command the respect they must be well paid; if they are to be above suspicion—and they ought to be above suspicion—they should be sufficiently compensated to make them independent of the supposition or the possibility of their being open to receive bribes. It is not for me to suggest how they shall be paid; I have proposed a plan here—it may not be a good one, but as I take it that if this Bill is to become law, it must practically be taken by the Government. They will doubtless be able, in that event, to deal with the question of remuneration. I have provided that the Commissioners shall have power, under the authority of the Governor in Council, to fix a scale of fees, and I may say in passing that this clause has been grossly misrepresented. It has been stated that the Bill provides that the Commissioners shall have power of imposing fees to pay themselves, but this is not the meaning or the intention of the clause. The power which they are given of fixing a scale of fees, is simply the power which is given to the Judges of any other Court; but they are not given the power of assessing upon railway companies or individuals. Any other fees than those which shall be fixed under the authority of the Governor in Council, and these costs they are to distribute according to the justice of cases which may come before them. I admit that the method proposed is not a very satisfactory method, and I doubt if sufficient could be realized from the fees to pay these gentlemen a sufficient sum to compensate them for the duties they will be called upon to discharge. But I venture to throw out a suggestion in the hope that it may meet the favor of the powers that be. When the insurance companies were put under the control of this Parliament by an Act of this House—when they were required to have licenses, and to make returns and so on—the tax which was put on the premiums earned by these companies, was found to be nearly enough to pay for the officer who was appointed to act on behalf of the Government in looking after these companies. It would not take a very large tax on the earnings of railway companies to provide the funds for the payment of the members of this Court. The gross annual earnings of our railway companies is about \$20,000,000, and a tax upon that sum, at the rate of one mill on the dollar, would form a fund more than sufficient to pay the Commission which it is proposed to create by this Bill. But perhaps hon. gentlemen may take a higher ground. If this Court is necessary in the interest of the country at large, it may be decided that its expenses shall be paid, like those of other tribunals, out of the public revenue; that the costs should be funded and the fees paid by stamps, and to such an extent go towards meeting the expenditure. These, however, are matters of detail. If the public think there is a necessity for creating this Court, they are not going to be deterred by any costs that may be involved, from agreeing to its establishment. In conclusion, I may say that I have endeavored to show why I think this Bill should become law, my principal reason being that we really have a law now which we have no power to administer, and that there is no other means, so far as experience has shown, of securing the administration of that law, except by the creation of such a tribunal. I may refer to what is going on in the neighboring country. I believe that Congress at this very Session is engaged with a question of this kind. I believe that three of the State Legislatures—that of Pennsylvania is one, I forget the others—are also dealing with the question. I find from a late number of the *American Law Review* the report of an address by the President of the English Law Society, commenting on the necessity for such legislation. We know

from our own individual experience in our respective localities that something of the kind is necessary in this country.

Mr. CASGRAIN. I would like to ask the hon. gentleman if he has the report of the Select Committee of the Legislature of New York which was quite lately appointed to deal with this subject; and if he has also the Bill which was passed by that Legislature?

Mr. McCARTHY. I have it here.

Mr. CASGRAIN. The Bill is short and it covers the whole ground, I think.

Mr. McCARTHY. I think it has not passed.

Mr. CASGRAIN. The hon. gentleman is mistaken. He will find that it was passed.

Mr. McCARTHY. No. The Committee reported the Bill, which passed through the Lower House, but was lost in the Upper House. It was re-introduced, having been recommended by the Governor in his Message this Session. I think the hon. member for West Durham (Mr. Blake) read a passage from it in his speech in the railway debate.

Mr. BLAKE. I think that perhaps the hon. Minister of Railways will favor us with the views of the Government on this important question.

Sir CHARLES TUPPER. I may say that the Government have not considered this measure, but there is no doubt that the question which has been brought to the notice of the House is one of great importance. The very interesting statement which has been made by my hon. friend shows that he has given very careful and exhaustive consideration to the subject with which he proposes to deal. But I think there are some points of difference between the administration of the railway lines in England and those of this country, which would strike hon. members as placing us in a very difficult and different position in relation to the administration of such laws. The British Islands, of course, are not in any immediate competition with any foreign country in relation to their roads. It is well known that many of the Canadian Railways are placed in a position to encounter the sharpest possible competition with the lines in the adjoining Republic—great lines of railway owned by powerful corporations and wielding an immense amount of influence—and that any measure that would tend to hamper the administration of Canadian railways in competition with those of the United States, may be attended with very great disaster to the trade and business of Canada. That is a feature of the question to which my hon. friend did not seem to address himself, in the remarks which he made to the House, to-night, and I think it is an important feature. Then there is the question raised by my hon. friend from Bothwell (Mr. Mills): I am afraid that there will be found a good deal of difficulty in that direction. The Railway Committee of the Privy Council, as my hon. friend knows, under the present operation of the law, is entirely confined to Dominion railways. We have never exercised, and have not claimed the power to exercise, any control over railways that are not under the control of this Parliament. No railway that is constructed under the authority of this Parliament can be open or operated without the approval of the Railway Committee of the Privy Council. Any number of railways may be constructed in any of the Provinces under the authority of local charters, and we have no voice in their construction or administration. The law that imposes upon the Dominion Government a proper regard for the safety of life and property does not at all apply to the administration of the local railways, and if my hon. friend is right, the law, as at present administered, falls very far short of the powers that ought to be exercised by the Governor in Council as at present understood. I have