

right, to arm this tribunal with authority to enforce its decrees. I see by the 14th section of this Bill that my learned friend proposes to transfer the judgments of this Commission to the Exchequer Court, and to make them decrees or orders, or equivalent to decrees or orders, of the Court of Exchequer. I question very much whether we can thus draw, as it were, on the constitutional power of an existing Court—which undoubtedly we had the power to establish—to support the judgments and decisions of this tribunal. I think that would be straining very much the power we possess. Section 101 of the Act under which, I suppose, any authority of this kind may be inferred, is very short and explicit:

“The Parliament of Canada may, notwithstanding anything in this Act, provide from time to time for the constitution and maintenance of a general Court of Appeal for Canada.”

It was under that authority that the Supreme Court was established:

“And for the establishment of any additional Courts for the better administration of the laws of Canada.”

Now, is this tribunal, which my hon. friend proposes to constitute, a Court in the sense of this Act? Is it a Court for the better administration of the laws of Canada, or a Court for the administration of a particular department or a particular class of the laws of Canada? Because it is clear to me that we must provide, by positive enactments, for the subjects upon which it shall adjudicate. To give a case by way of illustration: one of the objects for which it will be appointed will be to deal with questions arising from unfair discrimination between places and individuals in the charges made for freight by railway companies. That is an abuse. That, I should say, speaking off-hand, is against the common law of the land. I do not see on what principle a quasi-public company, performing the duties of a public carrier, can undertake to discriminate between different freighters, and to charge one person a large sum and another person a lesser sum for the same work. It seems to me that, under the principles of the common law that must be objectionable. But if any difficulty occurs in applying the common law in such a case, we should make it—if it is not already made—positive law. We should do as has been done in many cases in the United States, declare what can be and what cannot be done by these railway companies; and if the existing courts cannot deal with the case we can constitute courts for that purpose. But I have very great doubts that the Board of Railway Commissioners proposed by this Bill will come within the spirit and meaning of the authority which is given to us in the 101st section of the B.N.A. Act. I merely point that out as an impression produced on my mind on reading this Bill. But if the Bill is referred, as I have said, to a Select Committee of this House, and if that Committee will make use of the information which has been obtained by members of this House on this matter, and apply that information, first to finding out whether a remedy cannot be provided by enforcing the principles of the common law, and then provide some easy, simple, prompt, cheap machinery by which offenders may be brought under the tribunals of the country, I think that is as far as we can go, and will be found to be a sufficient remedy. If not, we shall come here again, and continue to come, for the purpose of amending defective laws, and applying effective remedies. I trust that my hon. friend will make the selection of a good Committee and let this matter be considered by it. I confess my opinion has greatly changed as to the necessity of some adequate remedy for those abuses which are beginning to show themselves in all parts of the Dominion.

Mr. CURRIER. I agree with those who have spoken in favor of this Bill. I think the time has come when legislation should take place in the direction which the Bill proposes. I think the Commissioners ought to be clothed with power and authority to settle all matters of complaint between individuals and railroads—to regulate passenger fares and freight charges, and all matters concerning railway traffic generally. I hope the Bill will become law this Session. I believe that gentlemen well qualified to fill the position of these Commissioners can be found for a very much less sum than has been indicated by the hon. Minister of Railways. I think, for \$4,000 a year, gentlemen could be found who could administer these matters to the satisfaction of the country. I hope this Bill will become law this Session.

Mr. McCUAIG. Whatever necessities may have arisen in other countries for the establishment of a court of this nature, I have arrived at the conclusion that the conduct of the railway companies of this country do not justify such a law. I have had some forty years experience of railway matters in this country, and I am somewhat familiar with its trade, and I have yet to learn from an authoritative source, that the Grand Trunk Railway, which has given us many advantages, has, in any instance, extorted from the people. I feel, as a Canadian, that we invited years ago foreign capitalists—English capitalists particularly,—to embark their money in this enterprise, and that the Government of the country were, to a certain extent, committed by a prospectus issued when the public were invited to take stock with reasonable probability of a profit arising from their investments; and from that day to this those people who embarked their money in good faith have not received one shilling of dividend. Under such circumstances, I am prepared to admit that they have a right to make a reasonable and sufficient charge to cover all necessary expenses, and to secure them in addition a fair and equitable dividend on the money they have invested. I am not prepared to place the entire railway interests of this country in the hands of any three men, however able they may be. Those interests are too great, and those organizations too powerful, to be submitted to the authority of any three men. I believe we have on the Bench in this country men of undoubted integrity, who are familiar with the laws of the country, and if you wish to give them more power to deal with these questions, I am willing that you should give it to them; but let us avoid establishing any additional courts, especially such a court as this, in which you propose to hand over interests so large to three men. Now, Sir, it has been argued, and properly argued, by the hon. the Minister of Railways that, to secure men of eminent ability, great financial skill, and skill in the management of railways, you would have to pay enormous salaries. It is well known that the banks are paying \$25,000 a year to the managers of these institutions, and it is also well known that the employment of these men of ability and financial skill has proved a large source of profit to the banks; and if you can only secure such men by the payment of large salaries, then I say, by the establishment of this court, you will be adding \$200,000 a year to the expenses of this country, and I am opposed to any additional expense of that kind. My hon. friend opposite spoke about the influence of these large companies upon Parliament. If, Sir, the Parliament of this country, composed of the House of Commons containing 208 members, and the Senate, composed of some eighty members, could be influenced in its action by these large institutions, how much more unsafe would such interests be in the hands of three men. But I do not believe it possible for the railway companies to influence this Parliament. I believe the patriotism for which the hon. members of this House are distinguished, will rise above anything of that kind, and I regard it as an insult to the hon. members of this House, to say that they can be influenced by any influences of that

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