

always keeping within the law. But, as a sample of the way the board is constituted, I would refer to a decision given the other day which shows that the members of the board themselves share the view which I have expressed. My hon. friend from South Simcoe noticed the other day that in Toronto there was a long, quite technical and highly legal argument before the Railway Commissioners as to the authority of the board to deal with the viaduct question in that city. The mayor of Toronto waited upon me and asked me to amend the law so that the board would have that power. Though not knowing much about law myself, I told him that I was assured that this board had the power to do almost anything with railways. A great many people think that we have given them too much power but, if we adopt the amendments which are before the House, the Railway Commission will have power to do almost anything that any person can conceive of with reference to railways. The chairman of the Board of Railway Commissioners, after hearing these legal gentlemen present their argument, pointed out that possibly, if this were a law court, the arguments would carry more weight and that from a strictly technical standpoint it might be that the commission had not the right, but this not being a law court, but being a tribunal established for the settlement of differences, he gave judgment that the Board of Railway Commissioners had the right to deal with the question. It has accomplished what I think it was intended to accomplish, and if it had power to deal with such a question there is no doubt that it has power to deal with almost anything that concerns railways.

Mr. HAGGART. The judgment of the chairman of the Railway Commission may be perfectly right, but the reasons assigned are extraordinary ones if he held that he might not have the strict legal right but that he had a moral right as head of the Railway Commission to do it. I thought that all the rights of the commission were strictly legal and statutory and that they were not moral rights.

Mr. GRAHAM. They are statutory rights, but if he had followed what I call technicalities closely he might have given a decision the other way. He did not do that, but he held that although he might, technically speaking, if it were in a court of law, not have the power—possibly he did not use the language which I have described—the commissioners as a matter of fact had the power.

Mr. HAGGART. The judge never gave such a decision as that. He never laid down the doctrine that he had not the statutory right to deal with that question but that he took the power for the purpose of doing it; there must have been some other

reason than those assigned by the Minister of Railways and Canals.

Mr. LENNOX. The fact is anyway that the judge did decide that he had jurisdiction. It is very fortunate that he had that jurisdiction and if he had not I have no doubt that the minister would have clothed him with authority during the present session. I have not read the decision fully, but I presume that the judge pointed out that as that was essentially the object of the law he had no doubt that they had the legal jurisdiction to deal with the question. Does this item of \$90,000 cover the salaries of the commissioners?

Mr. GRAHAM. No, the salaries are statutory.

Mr. LENNOX. I do not know whether the minister would feel disposed while we are on this item, to indicate the class of men that he proposes to appoint on this commission. It is a very important question and the opposition are quite willing at any time to give him some advice on the question.

Mr. GRAHAM. At the present time I cannot make any other statement than I did when the Bill was before the House. It may not get through the Senate. When we bring down the supplementary estimates for the salaries of the three commissioners the question will be up for discussion. We want to get men who will do the business properly and it does not matter what position they hold now.

Mr. LENNOX. I infer that the minister will not make the appointment in the meantime.

Mr. GRAHAM. Not until the Bill passes.

Mr. LENNOX. I mean before he brings down the supplementary estimates. We can discuss it with the minister and give him some advice as to what we think would be proper appointments.

Mr. GRAHAM. I am always glad to get advice from my hon. friends. No doubt the supplementary estimates will be brought down before these appointments are made.

Mr. SPROULE. I would like to revert to the question of the employment of lawyers in connection with the work before the Railway Commission. If we are to continue to have a Solicitor General who is only an artificial employee and who cannot attend to the legal work, and if we are to continue employing lawyers from time to time for each specific case I would say that we would give the country better service at less cost by appointing a lawyer for the purpose of doing this work year after year. I think every one who looks through the Auditor General's Report and sees what legal expenses have cost us in individual cases will agree that it would be much

Mr. GRAHAM.