

rather than have an unduly large number of men on the Commission.

One of the members of the English Railway and Canal Commission is, I understand, a practical railway man; but they have no railway experts on the U.S. Interstate Commerce Commission, and when asked about the advisability of having such men on the Commission, Chairman Knapp said "No," the work of the Commission being quasi-judicial and strictly administrative,—he had not as yet favored the appointment of experts of any kind; and he asked me whether the crystallized opinion of the country regarding the judiciary was that we should have expert politicians on the bench to try election cases, expert bankers to try banking cases, expert railway men to try railway cases, or expert business men to try cases growing out of business transactions. This is a very brief statement of the views of a keen and able man of wide experience, and as there has been some talk in this country about the need of railway experts on our Commission, it is proper that we should consider the question and see whether there really is such a need. May I ask what you mean by a railway expert—do you mean an expert in railway construction, an expert in the operation of railways, or an expert in traffic and rate-making? The experience and qualifications of these experts are very different, and suppose you could get, even for \$10,000 a year, an available man who has had a broad and thorough training in each of the three great departments of railway work, what about his work on the Commission? Would it be to solve all railway problems and settle all railway questions for the Commission? No commissioner would be allowed to do so on a commission of competent men. He could simply furnish information, give the results of his experience, and express his opinion on the points at issue, that is, do just what is done for our Commission every week, equally well, and at much less expense, by railway experts employed for the purpose—engineers, operating men, and traffic experts—men who devote their whole time and their undivided attention to the special work of their respective departments, and are not distracted, as commissioners are, by all kinds of problems; men, also, whom you can send anywhere, at any time, to make personal examination of railway terminals and railway equipment, or investigation of railway management and the books of railway companies—men, in a word, who can do for the Commission many necessary and important things which a commissioner cannot consistently do. My own opinion—concurring in by Mr. Knapp—is that a man should not be excluded from a railway commission because he happens to be an expert, whether he is a farmer, a fruit grower, a business man, a journalist, a professor, a politician, a lawyer, or a railway man, provided that, above everything else, he is clearly and manifestly a man without bias, resulting either from temperament or from training, a broad-minded man, of ability, education, clear-cut individuality, persistent industry, and undoubted capacity for work, a judicial mind, sound common sense, unflinching courage, and incorruptible integrity—a man who cannot be, directly or indirectly, influenced by personal favors, society connections, or club associations, and can always be counted on to stand firmly and strongly for justice or fair play, without regard to popular favor or personal advantage.

Each member of the Interstate Commerce Commission has constantly at his disposal a first-class stenographer at \$1,200 a year, a private secretary at \$2,000 a year, and a law clerk at \$2,500 a year. The Commission has a staff of something over 300; it spent about \$850,000 last year; and it has applied for an appropriation of \$1,000,000 for the year on which it has just entered. The Commission

has divided the country into as many districts as there are commissioners; and all ordinary railway correspondence and informal complaints from any district go at once to the commissioner who represents that district, to be disposed of by him with or without consultation with the Chairman or other commissioners. All formal complaints filed for hearing are sent to the Secretary, who has them summarized on paper of uniform size, folded and numbered; and on Monday morning of each week, just before the weekly meeting of the Commission, these formal applications are shuffled like a pack of cards by a committee of three; and the first drawn is allotted to Commissioner A, the second to Commissioner B, the third to Commissioner C, and so on to the end of the list; then back to A, and round in a circle till all are distributed. Next week, the committee will commence its distribution at the point where it left off this week; and when an application is allotted to a commissioner, he is responsible for it till it is finally disposed of. In this way there is a fair and complete division of labor; each commissioner is fully occupied all the time; and in case there is undue delay in disposing of an application, it is known who is responsible. Over 50% of the cases formally adjudicated by the Interstate Commerce Commission are, I understand, heard by one commissioner, a considerable number by two, and a much smaller number by three. When a commissioner hears a case, he reports upon it as soon as possible, giving his findings, his conclusions, with his reasons therefor, and an expression of his opinion as to the action which should be taken. This opinion or judgment is at once printed; a copy of it in galley form is sent to each commissioner, and as soon as possible thereafter it is brought to the attention of the Commission at a weekly meeting, when it is carefully considered and freely discussed as to the findings, the law, the conclusions, the form, the composition, and the punctuation; and all such judgments, when finally approved, are promptly printed and distributed in pamphlet form—each case in a separate pamphlet. When two or three commissioners hear a case in the absence of the Chairman, the chair is taken and the case reported upon by the commissioner who is senior in time of appointment. The Interstate Commerce Commission has very little to do with the physical side of railways, that is, with the matter of railway construction and railway operation; it has large powers of investigation; it collects and tabulates statistics regarding railways, railway accidents, etc.; and it is dealing with the method of keeping railway accounts; but it devotes the greater part of its time and attention to the question of rates, discrimination, rebates, overcharges, refunds, etc.; and all its decisions and orders are subject to appeal to the state courts and to the U.S. Supreme Court.

The work of the Canadian Commission is much broader, much heavier, and equally difficult, including railway construction and the operation of railways, as well as the question of railway rates, rate-making, discrimination, etc., not to speak of telephone and express company rates and management. The things requiring constant attention under the heads of railway construction and railway operation are very numerous. We have the location and inspection of new lines of railway; the taking and using of lands of other companies and of private individuals; the construction of branch lines, spurs, or sidings; the crossing of one railway by another; highway crossings; farm crossings; the carrying of telegraph, telephone, electric light, and electric power wires over the right-of-way and tracks of railway companies; the construction of sewers and the laying of water-pipes under railways; the fences, gates and cattle-guards required in railway construction; the location, character, and suitability

of railway stations; especially the widespread and urgent demand for additional crossings over railways in the towns and villages of the west; the everlasting question as to the protection required at highway and street crossings in cities, towns, villages, and rural municipalities throughout the Dominion, and the division of the cost involved in such protection as may be ordered—all this and much more under the head of construction.

Think of all the railways in the Dominion and the hundreds upon hundreds of railway stations in the different provinces, and take into account two or three facts to show the amount of work which our Commission has, over and above what is assigned to the U.S. Interstate Commerce Commission: 1st. No railway company in any part of Canada can construct a branch, spur or siding which will cross or run along any street or highway or touch any property other than that of the railway company, without an order from the Commission. 2nd. No company or individual in any part of Canada can carry a telegraph wire, a telephone wire, an electric light wire, or an electric power wire over the right-of-way and track of a railway company, without an order from the Railway Commission. 3rd. No city, town, village, or rural municipality in any part of Canada can construct a sewer or lay a water pipe of any size or description under a railway, without an order from the Railway Commission. Remember, I have no complaint about this work, because the intention in every case is to protect the travelling public and see that the rights of all parties, of private citizens and railway companies alike, are duly considered and protected. In passing, I may refer to the fact that the Board some time since ordered a change in the method of lighting C.P.R. passenger trains, and directed all Canadian railway companies to equip their passenger trains with fire extinguishers, by putting one in an easily accessible place, at each end of every passenger, express, and baggage car, with a view to prevent as far as possible the destruction of life and property by fires such as frequently occur in connection with railway collisions, run-offs, etc.

Further, I desire to offer a few words of comment under this head. First, I would call your attention to the fact that we have, as intimated above, a constant demand for crossings through long railway yards which divide many of the towns and villages in the Western provinces. The inconvenience and loss of time resulting from the lack of such crossings are so great that the people are very determined and persistent in their appeals for relief; and we are at a loss what to do, because crossings through railway yards are usually dangerous and always interfere more or less with the operation of trains; and the cost of building bridges or constructing subways, unless it is equitably divided among those who are interested and reasonably able to pay, is out of the question. Second, I need not remind you of the loud and frequent complaints from all parts of the older provinces about the lack of proper protection at street and highway crossings. These complaints are constant; and, again, we are at a loss, in very many cases, because of the greatness of the cost involved. These problems demand solution; and it is manifest that the cost of installing and operating gates, building bridges, and constructing subways, in order to secure reasonably necessary crossings through long railway yards, and provide the protection required at street and highway crossings, throughout the Dominion, would be a very oppressive burden upon the strongest of our railway companies and would almost bankrupt the weaker ones; therefore, I think the time has come when Parliament should deal with these questions by special legislation, as has been done in the State of New York and in some other