

same way as the hon. gentleman proposes by this Bill, but in an analogous way—with the traffic of railways by the imposition of a tax for State purposes of \$2 per ton on all freight passing over railways, both local and inter-state, which passed through the State of Pennsylvania. It was contended that the State tax was illegal. The Supreme Court of the State held that it was not illegal. The appeal was carried to the Supreme Court of the United States, which held that it was an illegal imposition, because the State had no power or control over traffic of this kind—that traffic meant commerce, and that commerce was a matter within the purview and jurisdiction of the Federal authority. And I believe the same rule will apply here. If freight or traffic be commerce—and according to this authority it is—then I say the Parliament of Canada, and the Parliament of Canada alone, will have power to deal with this subject. I shall give this Bill my most cordial support. I hope it will be referred to a Special Committee, who will have power to deal with it intelligently and carefully, and take sufficient time to submit to Parliament a measure which will commend itself to the public and to those engaged in the trade with which my hon. friend proposes to deal.

Mr. ORTON. I would not be doing my duty to those who sent me to this House if I did not rise to express my warm approval of the object which this Bill has in view. I think, Sir, the feeling is very general in the community—I know in my own constituency it is very intense—in reference to the grasping power of railways, and the disregard they show to the public feelings, the public convenience, and the public welfare. I happen to represent a constituency which, like the county of Elgin, contributed very largely to the Credit Valley Railway for the purpose of obtaining competition with the Great Western, and after a great deal of effort on the part of the people of that county, and the expenditure of a very liberal amount of money by the various municipalities, the road was constructed, and the people have, so far, derived a great deal of benefit by the construction of a competing line. But, like many others in my neighborhood, we find ourselves face to face with the fact that the Great Western have made a proposition for amalgamation which appears to have been favorably received, and, in fact, so far as the public are aware, the amalgamation has occurred. At any rate it is quite evident to those who send traffic over these railways, that there is an understanding between the companies that they shall not look to the convenience of the public, or the general advantage of trade. As the hon. member for South Huron (Mr. Cameron) has stated, the Government and the people of this country have contributed largely to all our Dominion railways, to the Great Western and Grand Trunk Railways more especially; but we find these railways constantly pursuing a policy which is dangerous to the best interests of the people. We find them setting aside local traffic in favor of through traffic. When our people wish to send their grain to a foreign market, not only do they not get as favorable rates of freight as the people of a foreign country, but they do not receive the same consideration in the way of car accommodation, and it is this grievance which they feel the most severely. I hope this Bill will go before the proper Committee and receive the careful attention it deserves.

#### THE STAMP DUTY.

Mr. SPEAKER reported that the Senate had passed Bill (No. 63) to repeal the duty on Promissory Notes, Drafts and Bills of Exchange, with one amendment.

Amendment read the first and second time.

#### ATTEMPT ON THE QUEEN'S LIFE.

Sir JOHN A. MACDONALD said an announcement had just been made in the other House, which it was well he

should make here, and which would afford cause for rejoicing to hon. members at the ill-success of the dastardly attempt to take the life of Her Majesty. He then read the following Message:—

“Her Majesty the Queen has been shot at at Windsor this afternoon but has not been injured.”

It being Six o'clock the Speaker left the Chair.

#### After Recess.

#### COURT OF RAILWAY COMMISSIONERS.

Mr. MACDOUGALL (Halton). Mr. Speaker, I desire, in the first place, to compliment the hon. member for South Huron for the very able and informing speech which he has delivered on this subject. When the subject was before Parliament last Session I had very grave doubts, and expressed them, as to whether the circumstances and necessities of the case required the remedy which my hon. friend from North Simcoe proposed. It seemed to me, Sir, that with the Supreme Court, with the Committee of the Privy Council, and with the other means which were at the disposal of parties who might feel themselves aggrieved, sufficient opportunity was afforded for the redress of any injuries that might be sustained. But further reflection and further observation, and the change which has taken place since then in our railway system, convince me that it is absolutely necessary in the public interest, and in the interest of individuals composing the public, in their dealings with railway companies, that some better remedy should be provided for the redress of evils than those which now exist. The Bill submitted for our consideration seems to me to be open to some very serious objections. At the same time I think it is expedient, and I think we will be discharging our duty to the public—for I believe there is a strong public opinion on this question to-day—by taking such steps as the case requires for considering, and, if need be, amending the Bill. I would very much prefer if my hon. friend would consent that his Bill should be referred to a Select Committee of the House, composed of gentlemen distinguished by their knowledge of the law and of the railway business to consider its various details. I would call my hon. friend's attention to one point which has occurred to me as a constitutional objection to his measure. I question very much whether it is in the power of this Parliament to adopt a measure giving such powers as are proposed to be given to this Railway Commission. This Parliament is a Parliament of limited powers, as much as the Local Legislatures of this Dominion. It has very much larger powers, of course; its range of jurisdiction is very much larger; but, at the same time, it is restrained within constitutional limits, and I do not find in our Constitution any authority given to us to establish a tribunal of this kind, and to give it compulsory powers which it may exercise affecting the rights and privileges and property of the subjects of this Dominion. It must be in the character of a Court if it exercises these powers at all. It is a judicial body if it is anything. It may recommend to Parliament, it may inquire, it may investigate, it may report; but if its judgments or decisions are to have any legal or binding force or effect, they must emanate from a judicial tribunal. It must be a Court—a court of law; and we know what a court of law is, and how it is regulated. Appeals may be made from it to the Privy Council of England. The railway corporations have their ramifications extending very widely; the larger portion of the railways, as has been stated, are owned, or have been contributed to by parties living under a foreign jurisdiction, and it does seem to me that beside the question of the expenses, the investigations, and the decisions of such a tribunal, we must see that we have the power, the constitutional