

Railway Act of 1903. Its far-reaching importance is too little understood or appreciated. The passing of this Act was a bold move. Nothing is more difficult than for a Government that has attained power to deliberately divest itself of sources of political influence. We had become so accustomed to the political log-rolling that preceded the hearings and "judicial" decisions of the Railway Committee of the Privy Council that we almost regarded it as an incident of popular government. The new Railway Act not only created new rights that common justice to the shipper and the public demanded, but vested the power of enforcing these and all existing rights in an impartial and independent Commission whose decisions on all questions of fact within its jurisdiction are binding and conclusive upon all companies and persons and in all courts.* It is as free from political influence as any Court of Judges in the land and has the same powers, rights and privileges. Unlike the Interstate Commerce Commission of the United States, our Commission is not hampered by the conflict between State rights and Federal control, and has powers for the enforcement of its orders that the other body does not possess.

Look at the powers of our Railway Commission. Every question that concerns *the construction of a railway* under Dominion control — the location of its lines, its user of the land of public or private owners, the compensation to be paid, its crossings and junctions with other roads, its bridges and viaducts, the rights of municipalities, the protection of its lines in the interest of the public, the right of the farmer to his farm crossing — these are only instances of the matters over which it has jurisdiction. There is scarcely a week that passes in which the Board does not issue orders providing protection for the public at level crossings, or for the construction of overhead bridges or subways, after hearing the report of their own competent engineers who have personally inspected the local conditions.

When a railway is constructed, there is not a detail relating to *the equipment and operation of the road*, from the appliances that are used or the accommodation that is afforded to the public, down to the investigation of the smallest accident that may occur, which does not fall within the purview of its powers. In

*The Railway Act (Section 44) provides for a discretionary right in the Governor in Council to review the decisions of the Railway Commission. While this saving clause might be important in case perverse findings were made by a Commission, it does not take away what is conceived to be the chief merit of the Commission, namely, its independent character in dealing with matters that should not be subject to political influence and negotiation. This discretionary power has not so far been exercised, which is not only a tribute to the character of the decisions of the Commission, but also an evidence of the plain intention of the Government to leave it untrammelled and independent. Under certain important restrictions, an appeal lies to the Supreme Court of Canada on questions of law and jurisdiction.