

for Niagara has said that the experience in the Mother Country, where they have had eighteen years experience, of a law like this, has not been satisfactory. The hon. gentleman ought to know quite well that the law in England has only been in existence eight or nine years; that, up to 1854, the Board of Trade dealt with this subject, and so difficult was it to obtain anything like justice from the Board of Trade, or so difficult was it to set the Board of Trade in motion, when any question arose that should come before it, that Parliament interfered in the matter, and took it out of the hands of the Board of Trade, and handed it over to one of the Superior Courts there, the Court of Common Pleas. From 1854 to 1873, dealing with questions of this kind was entirely in the hands of the Court of Common Pleas in England. Anybody who has taken the trouble to examine this question, to read the reports of the various Commissions appointed with the view of enquiring into questions of this kind, knows perfectly well that transferring such questions to the Court of Common Pleas was wholly useless. During the whole period, from 1854 to 1873, I do not think there was a single case that ever came before the Court of Common Pleas, where the difficult problems continually cropping up with respect to traffic, freights, rebates, unequal rates, monopolies and all such embarrassing questions, was ever submitted to the Court of Common Pleas. So satisfied were the representatives of the people in Parliament, that as my hon. friend has stated, a Committee was appointed by Parliament to make enquiries on the whole question. They took evidence and the measure underwent a thorough investigation, and the result was that the Committee reported that the Board of Trade was not a sufficiently judicial body to deal with questions of this kind; that the Court of Common Pleas was not sufficiently informed on such questions, and that a Committee of Parliament was not sufficiently permanent to regulate such matters. Two of these tribunals had been in existence and failed to grapple with the questions, now a third was proposed. That Committee made their report, and as a result a Bill was introduced in 1873, the 36 and 37 Victoria, chapter 48, after which the Bill of the hon. member for North Simecoe, (Mr. McCarthy) is modelled. The hon. member for Niagara (Mr. Plumb) says the law would be a failure here as it is a failure in England. I deny that statement; it has been eminently successful in England. True, for a few years, it was a failure, as all new experiments, especially in the establishment of a new procedure, and the creation of new courts, usually are. Parties generally are reluctant to commit their cases to a newly constituted tribunal. In addition to that, it is well known that such a tribunal would have the whole power of the railway corporations enlisted against them, and for a considerable number of years for these reasons it was practically a failure in England. For a whole year no case came before the Commission, but, as people became acquainted with its beneficial working, cases of difficulty were committed to it, and as time went on the Court became eminently popular. If the hon. member for Niagara referred to the report of the Board of Commissioners issued in 1881, he would have seen ample proof of its satisfactory working in England. If it worked satisfactorily there, I see nothing to prevent its working satisfactorily here. The hon. the Minister of Railways says it does not follow that it will work well in Canada—that we are differently situated. In England railways are isolated from the continental system; we are beside the great Republic with whose railways we have great competition. Apart from the general question as to how we should clothe the Committee with the power of dealing with freights and other matters necessarily arising on our through lines of railway, there are many questions constantly arising on our local roads that should be committed to the proposed Board. Does the hon. gentleman know,

during the last eight or ten years, of a question relating to any of these matters having been brought before the Railway Committee of the Privy Council, or of its dealing with or disposing of it—such as unequal rates, rebates, monopolies, giving a preference to one individual or to one locality over another? I venture to say no such question has ever come before that Committee. And yet these are leading questions, constantly cropping up in the carrying trade of this country. The hon. gentleman says it has been a failure in the United States; that, with their gigantic system of railways only one State has established a Commission. But he ought to know perfectly well that, although they have adopted it in but few States, in almost every State laws have been passed so stringent that it is almost impossible for a railway company to evade them. In Massachusetts and one or two other States, they have laws prohibiting rebates, drawbacks or special rates for any party; and if they are violated in the interest of any individual or locality it is followed with exceedingly heavy penalties. In some cases the offending company would be liable to imprisonment for three years and to a fine of \$20,000. Although in no State have they a Railway Commission, as I have stated, yet their laws are much more stringent in regard to such acts than ours. In addition, the hon. gentleman ought to know that this very question has occupied a very prominent position for the last year or two—in public discussions in the carrying trade of the United States—that in almost every State a Special Commission to make enquiries into the best mode of checking undue preferences and monopolies has been appointed; and that last year a Bill was submitted by an eminent member of Congress to that body to create a Board of Railway Commissioners that might have power and authority over the United States. Now, Sir, it is said, by the hon. member for Victoria, that this Bill does not contain provisions that will meet the difficulties which have been suggested by the hon. gentlemen who are in favor of this Bill. That may be quite true to some extent, but not altogether. I believe that the Bill is an eminently proper one, and I believe that additional provisions can be grafted on it that will make it still more satisfactory to those who are engaged in the trade of the country. The hon. member for Victoria argued that there was no occasion for legislation of this kind. Sir, that strikes me as being an extraordinary argument for any member of Parliament to use who has taken the trouble to enquire into this question. It seems extraordinary that he should argue that there is no necessity for legislation of this kind, that there is no necessity for the creation of a Board of Railway Commissioners, or for some authority having an independent existence, that will be above the control of these huge and gigantic corporations that we have created, are now creating, and will go on creating, I suppose, till the whole Dominion is interlaced with railways. It does appear to me that, if there ever was a time in the history of this country when we ought to deal with that question in a practical manner, now is the time. This Parliament created a gigantic corporation not long ago. We see, by the applications that have been made to the Legislature of Ontario and to this Parliament, that there is now an attempt to extend the power, the influence, and the greatness of these corporations. Why, Sir, one or two railway companies are, practically, gobbling up the whole of the minor railways, and, I venture to say, that, within two or three years, the entire railway system of this Dominion will, practically, be in the hands of two gigantic railway corporations, they will be above Parliament, above the power of the Government; and to say that the farmers of the country, the traders of the country, can get justice from the Railway Committee of the Privy Council, with the power and the influence those railway companies possess over members of Parliament and over the Government—I care not which party is in power—is, in my