

the Government and the people of the United States during the time we were short of coal.

Mr. LEMIEUX: Hear, hear.

Sir ROBERT BORDEN: I made the same statement the other day, but I desire to repeat and emphasize it now in view of what my hon. friend (Mr. Currie) has said in that regard.

Mr. LEMIEUX: Hear, hear.

Sir SAM HUGHES: What is the advantage of surrendering over to this body the authority of the Governor in Council? I must confess that I am not enamoured of the principle of handing over such an authority to commissioners. Suppose anything of an extraordinary character occurred; suppose something went amiss with the commission and it got into trouble; suppose it found itself in such difficulties as would render effective action on its part impossible; the people of the country would undoubtedly demand that the Government should step in and disregard the commission. I certainly think that the Government should retain control in this matter and that the principle of responsible government should be adhered to.

Sir ROBERT BORDEN: If I might say a word or two further, with the permission of the House, I would point out to my hon. friend (Sir Sam Hughes) that the Board of Railway Commissioners exercise at the present time powers of an exceedingly wide and comprehensive nature with regard to the whole question of transportation in Canada. These matters are dealt with by the board independently of any suggestion or action on the part of the Government. There is, however, reserved in the statute which I have mentioned an appeal to the Governor in Council from any judgment or decision of the board. During the course of my experience, extending over nine years, I do not recall an instance in which we have reversed the decision of the Board of Railway Commissioners. We may sometimes have sent back the case for further consideration on the part of the board. These questions have usually arisen in respect of administrative matters as to which the board was equipped with an organization such as was not possessed by the Government, an organization of experts upon whose advice the board would naturally depend. And, therefore, we always took the ground that unless some very clear case was submitted to us, unless it was perfectly

[Sir Robert Borden.]

obvious that the board had overlooked some consideration, or unless the board had omitted to give a hearing to persons who were interested, we ought not to attempt to substitute our judgment for the judgment of the board. I think that principle has worked very well in practice. Parliament was willing sixteen years ago to confer these very wide powers upon the Board of Railway Commissioners, subject to the appeal that I have mentioned, and there seems to be good reason why we should not bring the Governor in Council into the matter at all, but simply leave the statute to its operation; and in that case the Governor in Council will possess the same authority by way of appeal that it already possesses in respect of the powers which were committed to the board in the Act as it was first approved by Parliament.

Sir SAM HUGHES: I understood the Prime Minister to say that the right of appeal had been removed.

Sir ROBERT BORDEN: No, the right of appeal exists in the statute at present. I have explained that in very few cases, if any, was the power of the Government ever exercised by reversing the judgments or decision of the board. At the moment I cannot recall any such case. I said, further, that the House would be safe in committing these powers to the board with the same reservation of the right to appeal to the Governor in Council as that which now exists.

Hon. RODOLPHE LEMIEUX (Maison-neuve): In ordinary circumstances I would certainly agree with my hon. friend from Victoria and Haliburton (Sir Sam Hughes). No one likes to surrender to any outside commissioner the authority that resides in the Government but at the present time, in view of the emergency which exists and which might become more serious as time goes on, I think it is only a proper course to take to see that an independent commission—which after all has given satisfaction to the Canadian people at large since its inception—should be empowered to deal with this situation. I am not afraid that the Government will suffer from any lack of coal during the next few months if we have a general election. I think the Government will have an ample supply of heat in case of an appeal to the people, but I want to keep the home fires burning in the provinces of Quebec and Ontario.