

order to facilitate the descent of timber down that river;— and if not, whether it is the intention of the Government to fix a manner of paying a toll upon the timber which passes through it, in order to indemnify the proper person for completing these works.

Sir HECTOR LANGEVIN. Mr. Speaker, I have the honor to inform the hon. member that the Government has not yet come to any decision on this subject which it still has under consideration.

COURT OF RAILWAY COMMISSIONERS.

Mr. McCARTHY, in moving the second reading of Bill (No. 3) for constituting a Court of Railway Commissioners for Canada, and to amend the Consolidated Railway Act, 1879, said: In moving the second reading of this Bill, I do not propose to add very much to what I had the honor to address to the House last Session, the Bill now presented being substantially the same as that which was introduced, not only then but the Session before. The most material alteration is that it does away with that which in the opinion of a great number was an objectionable feature, namely, the right of appeal to the Supreme Court from the decision of the Railway Commissioners. As the Bill now stands there is no absolute right of appeal, the decision of the Commissioners being final and conclusive; but the Commissioners may, if they think proper, upon the application of any of the parties to the litigation, or may without any such application, state a case in a matter of law for the opinion of the Supreme Court. That a measure of this kind is necessary is probably the opinion of the great majority of the members of this House, and I think that conclusion is arrived at from a knowledge of the fact that under the law as it at present stands there is practically no means of compelling railways to obey the law or carry out the objects for which they were incorporated. There are, to-day, in this Dominion, over 8,000 miles of railway already constructed. That railway system has cost the country, over and above the amount that may have been contributed by those interested in it and by those who own the roads, about \$100,000,000, and the earnings of the road amount to almost as much as the total amount that is raised from the people of this country annually for the purpose of carrying on the Government of the country. When I state these facts, I think I show that it is a matter of very great importance that there should be some means of forcing the railways to do justice to all their customers, and to carry out the intention of the law, which is that one railway should not be independent of another in the sense of being a carrier, but that they should be aids and adjuncts one to another. This subject has engaged the consideration of the Parliament of Great Britain on very many occasions. Although railways were known only as early as 1832, I find that, in 1840, the House of Commons referred the subject to a Committee; that, in 1844, the matter was again referred to a Committee, and again in 1865; and the result of the report made by these various Committees was that, in 1872, a Railway Commission was constituted for Great Britain, which has existed from that day to this. It has been said by those opposed to legislation in this direction that the Commission in England has not been a success. Well, Sir, I suppose nothing can be more decisive on that point than the interim report which was made by the Select Committee in England to which this matter was referred during the last Session of Parliament. The Committee met early in the year, and sat until the Session was at an end; and the result arrived at was, in the first place, that they thought the matter was so important that the Committee should be reappointed at the Session now going on in England. The Committee further stated that there were a few points connected with the matter submitted to them upon which they found themselves enabled to arrive at

definite conclusions, one of which was that it was necessary to maintain some special tribunal to which should be referred questions arising as to the rights and duties of railway companies in relation to the trade and traffic of the country; that the operations of such tribunal should be simple, cheap and expeditious; that this tribunal should have jurisdiction to enforce the provisions of the special acts of railway companies in any cases of illegal charges; and that a *locus standi* should be given to it in branches of the Chamber of Commerce and other similar associations of trade and agriculture. I think that is a conclusive answer to the statements made that the Railway Commission in England has not been a success. It is true that a great number of cases has not been dealt with by that Commission; but why? Because the decision in one case determines the point not only for the parties then litigating, but for all parties interested in the question involved, and also because there are not many litigants, a railway company being necessarily one party to any case. The result has been that, after eight or ten years experience, a large Committee of the House of Commons universally resolved that the tribunal should be continued, and, if possible, made more efficient, speedy, and cheap in its operation. Now I do not pretend that this Bill ensures all the requirements of this subject; all I hope is that, if the principle of this measure commends itself to the House, some sort of an Act will be passed which will rectify to some extent the grievances the people of this country labor under in connection with railway companies. I would say to my friends who are in favor of what is called the National Policy, that the railways can in a great measure defeat the objects which the National Policy was intended to serve. By a reduction of their rates, they can so enable parties to import into Canada goods, and sell them cheaper than goods can be manufactured in Canada and transmitted from one part of Canada to another, or even from one part of a Province to another part. I have a statement here with regard to a quantity of oil cake which was to be taken from Chicago to the western part of Ontario; and the freight from Chicago to Belleville, where the intending purchaser resided, was absolutely less than from a point in the Province of Ontario itself. The result is that the outside manufacturer may be enabled to defeat the Tariff arrangements which have been made to protect the home manufacturers. In other respects we labor under very great disadvantages. The railway companies, by raising their rates, if there is no competition, and by lowering their rates if there is competition, have power to work great hardships to people living along the line of the road. They may charge more for carrying goods fifty miles than for carrying the same class of goods a hundred miles. In any view, I think I am warranted in introducing this measure. I gather from a speech of Mr. Charles Francis Adams, which was sent to me by a friend, that a Committee of Congress has been appointed to prepare a Bill on this subject; and there is also a Bill on the same subject before the Legislature of the State of New York, where the railway companies have almost absolute control, and where it is difficult to carry any such measures; and for several years past there has been a Railway Commission in existence in the State of Massachusetts. The plan followed in Massachusetts seems to answer there, according to Mr. Adams' statements. I do not know whether it might not act here as well. There the tribunal is not a court. There is a Commission, clothed with executive power—it is true, but a Commission of Enquiry—with power to investigate and report, and it is their duty to report annually to the Legislative body; and, by the public opinion which is thus brought to bear upon offending railway companies, it has been found that much good has been done. Mr. Adams has prepared a short Bill, which he asks Congress to pass, and it is pretty much in the same direction,