

sioner. Whether that is a good opinion of mine or not, I propose to remove that doubt by taking away the exclusive jurisdiction of the chief commissioner. I do not see why his co-commissioners, men of ripe experience as they are said to be, men who have been members of this House, who have taken part in making the laws of the country, should not be competent to discuss a question of law. We have too much law in this country and not sufficient administration. There is too much consideration given to the letter of the law and not enough to the spirit and effect of it. What the public are looking for to-day is not law. They want relief in regard to this telephone question, which I am sorry to say they are not getting in this case, because there is only a question of law raised and the claims of the people are sent to the courts.

The other amendment which I propose deals with the same question: If hon. gentlemen will remember, after a long fight here last session in favour of the public having some relief from the monopoly of the Bell Telephone Company, the then Minister of Railways and Canals introduced a clause which reads as follows:

Whenever any municipality, corporation or incorporated company has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of the company, in such district, and cannot agree with the company with respect thereto, such municipality, corporation or incorporated company may apply to the board for leave therefor, and the board may order the company to provide for such connection or communication upon such terms as to compensation as the board deems just and expedient, and may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

Now, we had a hard battle with the then Minister of Railways and Canals last session on that clause and, after a great deal of hard fighting, he came to the House and assured the House that he had a clause which would afford relief to the people and remove their cause of complaint. He said that if the people in any portion of the country desired to have access to railway premises, and they made out a good case, the board would grant their request. He led me to believe, as he led the whole House and the country to believe, that the compensation would be simply for damages caused by the entrance of a new telephone system into a railway building and the expense of maintaining it there. There was no idea ever conveyed to the House or to the country that the Bell Telephone Company and the railway company were to be in a position to obtain enormous damages for interference with what they claim is a monopoly privilege enjoyed by them. Let me read the decision of the chief commis-

sioner, so that you may see how far-reaching it is:

Our decision, therefore, is to make the order under clause 193, granting leave to the Port Arthur municipality to connect, operate and maintain their telephone systems within the passenger and freight stations of the Canadian Pacific Railway Company at Port Arthur, upon terms as to compensation for any actual pecuniary loss the Bell Company and the Canadian Pacific Railway Company shall satisfy us they, or either of them, will sustain by reason of, or consequent upon the interferences with the existing contractual rights of the parties, and also such charges and expenses as may be occasioned by the construction, operation and maintenance of the connection in the stations at Port Arthur of the telephones of the municipality.

There the chief commissioner lays it down that before the people of any municipality can have telephone connection with a railway station, they must pay such compensation as the Bell Company and the Canadian Pacific Railway Company can establish that they have sustained through their contract, all rights whatever they may be, having been interfered with. The two companies came before the board and they put up an argument that they would sustain hundreds of thousands of dollars of damages, and that the people of Port Arthur and Fort William or any other community, would have to pay compensation for these enormous damages before they could have telephone connection with the railway stations. I do not care to say; or I will not say that I was deceived by the statement made by the Minister of Railways at that time; but I must say that I was not sufficiently alert to the workings of the legal mind. We were certainly led to believe in this House that something was to be done by the government to remove the grievances which existed, and that the people were to be given telephonic access to these railway stations. In order to make the law clear, I propose to amend that clause by putting in these words:—

And such compensation shall be limited to the direct and immediate local damages actually suffered by reason of such construction, operation, and maintenance by the railway company at such station and premises; and not from any cause, matter, or business extending beyond the same.

I think that is a very reasonable amendment, and that it will carry out what was the expectation of parliament at the time this Act was passed. In order to show that this is the view the public take of it, I wish to read from the decision of Mr. Commissioner Mills. I have not the judgment of Mr. Commissioner Bernier, but I gather that it was in the same line as that of Mr. Commissioner Mills. I think hon. gentlemen will do well to pay attention to this statement of Commissioner Mills, who says:—

In all the cases cited one thing is clear, viz., that the fundamental and guiding principle is the