

APPENDIX No. 2

called Empire Avenue. The city never closed the street, the railroad company came down the street without the city closing it as a public highway, and the Railway Board said they had no jurisdiction over the city to close it as a public highway. The street was destroyed as a public highway practically. The Board would not even order them to put the railway in such a condition as to enable vehicle traffic to travel over the whole length of the street. The Grand Trunk Pacific built lines of wire, for instance, for protection purposes, and erected their block system along one side on concrete pillars, four feet high, across land that I own, and which cost me \$40,000, which shut me off from access to this land. What protection have property owners under this Act?

The CHAIRMAN: They are protected in the first part of this Bill. It is amended to cover your case.

Mr. MACLEAN: That is only the rights of the municipalities.

Mr. PELTIER: The municipality has sewers and waterworks and other works of construction under the streets, and they spend a lot of money on those and should be protected.

Mr. NESBITT: Did not the municipality give the railway company the right to go down that street?

Mr. PELTIER: They did, but they did not close it up as a highway.

Mr. NESBITT: But the municipality gave them the right to go down the street?

Mr. PELTIER: Yes.

Mr. NESBITT: Then the municipality should, at that time, have arranged with the company for what they wanted them to do. Now the first part of this section gives the municipalities protection.

The CHAIRMAN: What is the proposal of the Committee with regard to this section?

Mr. CHRYSLER, K.C.: I ask that the four lines at the end be struck out.

Mr. SINCLAIR: If it is necessary for the municipality to get a new road to take the place of the one that was taken by the railway the railway should pay for it, but it does not seem to me that is provided for.

Mr. JOHNSTON, K.C.: The municipality may have to go to considerable expense itself, either to widen the street or in other ways to protect its citizens. If the railway is to go down or along a street why should not the railway pay compensation for it?

Mr. CARVELL: I think the section should be amended in some way to make it positive that the railway company must furnish a new highway equally as good as the one they take away.

Mr. MACLEAN: Is it not the better principle to leave the protection of the public to the Railway Board?

Mr. CARVELL: I have not read this section as closely as I should like to, but I think there is not sufficient in the section to compel the railway company to provide a new highway wherever necessary.

Hon. Mr. COCHRANE: I think we will leave it to the good judgment of the Board.

Mr. NESBITT: I would rather have Mr. Johnston and Mr. Chrysler meet and see if they cannot come to some agreement.

Mr. CARVELL: I would like to strike out the words "providing for compensation to the municipality" because the railway companies have to make compensation to the landowners, and to provide another highway, that is all the railway company should be asked to do. I am not sure whether there is ample provision made in the Act for a new highway; I presume there must be; we all want that.

The CHAIRMAN: I think it is here in section 164.

Clause allowed to stand for conference between counsel.

Committee adjourned.