

Railway Act dealing with thickly peopled portions of cities, towns or villages. As Sir Charles Fitzpatrick, when Minister of Justice admitted, the clause as it stands is nonsense. It is futile, it is misleading, it gives people to think that there is protection at these dangerous places when as a matter of fact there is not, a point which has been settled in the case of Mackay and the Grand Trunk in the Supreme Court of Canada. The amendment which I have the honour to propose to-day is word for word the same as that recommended by the Hon. Mr. Emmerson, when Minister of Railways, except of course that the date at which it is to come into operation is necessarily changed. It was always thought that the railways should have a year's notice in order that they might make arrangements to comply with the provisions, and hence in this Bill I purpose giving them a year's notice in advance. Now, this is the clause which the House has unanimously for two sessions agreed to:—

Section 275 of The Railway Act is repealed, and the following is substituted therefor:—

275. No train shall pass over any highway crossing at rail-level in any thickly-peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is properly protected, or unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council and of the board in force with respect thereto. The board may limit such speed in any case to any rate that it deems expedient.

2. The company shall have until the first day of January, one thousand nine hundred and nine, to comply with the provisions of this section.

All sorts of ridiculous arguments prevailed on the Senate to throw out the Bill, but I am asking the House to again send the Bill to the Senate, which branch of the legislature will, I hope, now come to the conclusion that the 214 members of this House know what they are doing when they pass a Bill of this kind after four years mature consideration. There were two objections made in the Senate last year, one of which was that the legislation was hasty, that it was sprung upon the country, and that the members of the House of Commons had not taken due care in passing it. I do not know what the hon. gentlemen of the Senate would say was not hasty legislation. During the seven years I have been in the House I do not know of any Bill that has had one-tenth of the consideration and attention that this measure has had. In the year 1905 the Bill was read a first and second time, it was referred to the Railway Committee which is composed of about two-thirds of the members of the House, and counsel for the railway companies had an opportunity of being heard *ad libitum*. It was then reported

to the House, discussed fully upon the floor of the House, but it was not passed because it was suggested that a different remedy might be devised in the following session. The second year it went through the same routine; it was referred to the Railway Committee and again dealt with in the House. The third year it was sent to a special committee on the theory that seven or eight members could give special attention to it, and that special committee consisted of three cabinet ministers; a member from the government side; two able gentlemen from the opposition side, in addition to your humble servant who is perhaps not entitled to be so described.

That committee, irrespective of their party affiliations, had in view the united object of dealing with this question in a manner most in the interest of the whole people of Canada. After careful and impartial consideration a report was presented by that committee, drawn by the then Minister of Railways; that report was adopted by the 214 members of this House and is the basis of the legislation which I have now placed before the House. I ask the House to consider the statement of the Senate that this legislation was hasty, as the most preposterous joke that that body, which is very fond of joking, has got off on the members of this House in many years. It shows what a lobby of railway counsel will accomplish. Before the special committee in 1906, one of the objections of the railways to the proposed Bill was that there were a lot of orders by the Railway Committee of the Privy Council, a body which was superseded by the present Railway Commission, dealing with these crossings; there had been a great deal of litigation to establish the meaning of these orders and the railways contended that they should not be put to the expense of obtaining duplicate orders from the Railway Commission. Mr. Emmerson, the then Minister of Railways, thought there was some foundation for this claim and inserted in my Bill, which he re-drew and which is the Bill now before the House, a provision that orders made by the Railway Committee of the Privy Council should stand, and be subject only to new orders by the Railway Commission; that is, if nothing was done in regard to them the orders would stand. With this provision the railways would no longer have the right to complain of unnecessary expense. This legislation was unanimously adopted by this House and again adopted last year; it went to the Senate, and, repeating what they were told in the lobbies by the railway counsel, we find the senators objecting that we in this Chamber did not know what we were doing, because we had used the words 'Railway Committee of the Privy Council' a body which had been abolished. They might as well have said that a decision of the old Court of Queen's Bench or the old Court of Chancery is no longer good because