

May I, in conclusion, say this, Mr. Chairman: that there can be no harm to the public safety by this Bill that I can see. I was very interested in what Mr. Irvine said. We think that public safety—because public safety is the paramount concern—must be taken seriously into consideration; but you have two definite protections if you accept the proposed changes the the Railway Act. I do not want my representations to be made an excuse or even a reason for interfering in any way with the amendments which my honourable friend from West York considers to be a very urgent problem; but I would say that you have two protections if this Bill goes through as it is. First of all, your municipality—take Toronto township or Port Credit municipalities—they won't pass by-laws unless they are satisfied that the safety of the people within those municipalities is properly protected. That is the first thing.

In addition, the by-law, of necessity, has to come before the Board of Transport Commissioners who, following proper inspection with regard to safety devices and other things, will take the necessary steps to protect those crossings. So it seems to me, that passing the bill as it presently stands—and I say again, with much deference to my honourable friend who has done such great work in connection with this matter—no harm can possibly come to the safety of our citizens, with those two special safeguards existing.

I would like to plead with the committee, if I may, on behalf of those two municipalities which are suffering today, that those two municipalities be given the right, if they so decide in their municipal councils, to pass a by-law of some kind, just as if they were technically referred to as towns or cities. It seems to me so foolish and ridiculous that two big municipalities of that kind and incidentally having larger populations than many towns should, by reason of their not being incorporated as towns, should be denied the right to pass a by-law under the Railway Act. For that reason we feel that relief under such a measure as this is overdue and ought to be taken seriously by the committee and by the ministry.

I would add that the only difficulty with the suggestion of the Minister, so far as I see it, and I make this statement in all fairness, inasmuch as the matter has existed for months and years—these municipalities have waited for action and they are calling for action through their members and through other sources in a way which I do not think we can disregard much longer. By the time the Railway Act is later amended or new regulations are put forward, I am afraid that all of these nuisances, and these excessive whistlings will have continued to the detriment of the morale, the health, the comfort, and the contentment of the municipalities that I think are entitled to some relief.

Hon. Mr. CHEVRIER: There can be no disagreement, I think, with the first part of what Mr. Graydon has said. That is quite clear. But, with the second part, I believe there is some disagreement. That is, with reference to that part of his remarks with which I have some doubt. Section, 308, is the section which has been set up by parliament to protect the public against these accidents. It is by virtue of this section that an action is taken by a plaintiff who is hurt, or by his dependents when he is killed, against the railway; and that section has already been cut down in this subsection 2. What this bill seems to do is to cut it down still further by limiting it as Mr. Adamson has explained a moment ago.

Mr. Graydon says that he thinks no harm can be done to anybody; but I would say to the committee that if there is a possibility of harm, because of the extension of this Act, then this committee should be very careful how it extends these powers in taking away from the public a right which they already have.

Mr. Graydon refers to the fact that these towns are not incorporated. It is unfortunate that they are not, because incorporation gives certain rights and obligations. If they were incorporated, they would come clearly under subsection 2 of 308. My suggestion was not to pass these too lightly.