

evil in the country, it is so admitted by every hon. gentleman in this House and it is so admitted by every senator who passed upon the Bill last session. The matter has been dealt with by this parliament at every session since the last general election. In the year 1905 a Bill was introduced dealing with the remedy that is sought to be accomplished by this Bill now before the House. The Bill was not in the same language as the one now before the House but the subject matter dealt with was the same although a remedy of a somewhat different kind was proposed. It was discussed here and it went to the Railway Committee of this House. It was dealt with day after day at that session by the Railway Committee, thoroughly discussed, arguments heard pro and con, all that the railways could say against the Bill when they were opposing it vigorously was said and at last the House concluded, the suggestion following of the then Minister of Justice, the present Chief Justice of the Dominion of Canada in the Supreme Court, that the remedy that was proposed by me at that time was not the proper remedy although the evil was well known to every member of the House to exist. That Bill proposed that every level crossing in every thickly peopled portion of the cities, towns and villages of this country should be protected by a watchman to warn people of approaching trains. It was said that that was not the proper protection, that there might be other protection that might be equally good and gates as well as watchmen were substituted. At the next session of parliament I again brought in a Bill and to show that I was trying to meet the views of those who differed from me I re-drew the section so as to provide that they should be protected by watchmen or gates. That Bill went to the Railway Committee, it was dealt with again, one might almost say ad nauseam to such an extent was the opposition made by the railways and so much time, in my humble opinion, did they take unnecessarily in trying to make black appear white and in endeavouring to convince the representatives of the people of this country that there was no harm in them converting, as some of the newspapers say, level crossings, in some parts of the country, into a mere shambles. That Bill was drafted, it was discussed in the Railway Committee, it was brought back to this House and upon a motion to go into committee, the Railway Committee having reported against it, it was contended by some hon. gentlemen that I should leave the question of protection open, that some protection other than that provided for by the Bill would probably answer and that all we should do was to enunciate the principle that some protection was required and then leave it to the Railway Commission to say what that protection should be.

Again, having respect for the hon. gentleman in this House, and believing that in

Mr. LANCASTER.

the multitude there is wisdom, I withdrew the Bill. Although we may not all agree upon party political questions, I believe we are all interested in doing what we can for the welfare of the country, and having respect for the opinions, the prejudices if you like, of the hon. gentlemen who had voted against the Bill at a previous session, I again introduced it in 1906 without the provision that there should be a watchman at the gates, but asking the House to assist me in saying who should devise what proper protection should be. The then Minister of Railways (Mr. Emmerson) realized, as he always did, that the Bill was designed to remedy an existing evil and he had it referred to a special committee composed of Hon. Mr. Lemieux, Hon. Mr. Aylesworth, Hon. Mr. Emmerson, Mr. Macdonald of Picton, Mr. Lennox, the late lamented Dr. Stockton, and myself. The railways were heard at great length before that committee and the evidence of engineers and railway experts was taken. The Bill I had introduced was not recommended by the committee, but on the suggestion of the Minister of Railways a Bill was reported to the House which, if passed, would result in remedying the evil. The Bill which I now have the temerity to present, notwithstanding what the Senate said last session, is in the same form as that suggested by the Hon. Mr. Emmerson. I have accepted it as being a well intended disposition of the matter. In the session of 1906 the special committee reported that Bill to the House, it was adopted unanimously by the House, it went to the Senate and the Senate thought in the dying hours of the session they should not pass it. Then last session, the House knowing the history of the Bill during previous sessions, considered it duly and again passed it. Let me point out to hon. gentlemen that the law as it stands to-day is absolutely nugatory; the clause in the Railway Act which by this Bill I am seeking to replace is absolutely of no effect. The present Chief Justice of the Supreme Court when Minister of Justice admitted that the section is a mere dead letter, and no doubt that fact had its influence on the Hon. Mr. Emmerson in suggesting the amendment he did. The clause at present reads:—

No train shall pass in or through any thickly peopled portion of any city, town or village, at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the board.

The board may limit such speed in any case to any rate which it deems expedient.

Now, that means that trains are allowed to pass through these thickly peopled localities at a speed exceeding ten miles an hour so long as they comply with the other provision of the Railway Act, but it so happens that there are no other sections of the