

On the amendment:

1E. Subsection two of section two hundred and seventy-four of the said Act is repealed and the following is substituted therefor:

(2) Where a municipal by-law of a city or town prohibits such sounding of the whistle or such ringing of the bell in respect of any such crossing or crossings within the limits of such city or town, such by-law shall, if approved by an order of the Board to the extent of such prohibition, relieve the company and its employees from the duty imposed by this section.

Hon. Mr. McSWEENEY: I think that is fair.

Hon. Mr. BOSTOCK: What will be the position if the board does not approve? The board cannot quash a by-law?

Hon. Sir JAMES LOUGHEED: Then, section 274 in its entirety would be in operation. They would have to observe the Act.

Hon. Mr. BOSTOCK: That would override the by-law?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. McSWEENEY: The whistling is a great nuisance in some parts, such as a railway centre like Moncton. Trains whistle at unearthly hours and keep people awake, and I think when that is brought to the attention of the board, if the authorities do not attend to it, they will remedy it. I think it is a very good provision.

The amendment was agreed to.

On the amendment:

1F. Subsection one of section two hundred and seventy-six of the said Act is repealed and the following is substituted therefor:

276. Whenever in any city, town or village, any train not headed by an engine is passing over or along a highway at rail level which is not adequately protected by gates or otherwise, the company shall station on that part of the train, which is then foremost, a person who shall warn persons standing on, or crossing, or about to cross the track of such railway.

Hon. Mr. McSWEENEY: I think that is a good section.

Hon. Mr. WATSON: How shall they warn them?

Hon. Sir JAMES LOUGHEED: They stand on the end of the train as it is moving slowly, and in that way warn them.

Hon. Mr. WATSON: I notice that in some places a man stands ringing a bell.

Hon. Sir MACKENZIE BOWELL: That would be a warning.

Hon. W. B. ROSS: In some cases a man walks ahead of the train. I have seen that done very effectively.

Hon. Mr. McLENNAN: These trains have an air signal as well as a brake on the rear end.

Hon. Mr. WATSON: I suppose the board would have the power to stipulate the kind of warning to be given?

Hon. Sir JAMES LOUGHEED: I should think so.

Hon. Mr. WATSON: What power would the board have to require a company to give a warning on trains backing up?

Hon. Mr. ROBERTSON: I think there is a provision in the present Act covering that.

Hon. Mr. WATSON: Would it be done by an air whistle, by a ring of the bell, or what?

Hon. Mr. ROBERTSON: That is only when the engine is crossing first. I would suggest that when the cars are being shoved ahead of the engine there should be somebody riding ahead of the engine, to warn people who might cross the track without noticing the approach of the train.

Hon. Mr. WATSON: By whistle, by bell, or simply by standing there?

Hon. Mr. ROBERTSON: It would not be possible for him to warn by a whistle in riding in front of a freight car while doing switching, but if he were always in communication with the engineer by signal he could stop the train if he did not attract the attention of the person crossing the track.

Hon. Mr. McSWEENEY: There are automatic bells at a good many places.

Hon. Mr. ROBERTSON: This is intended to apply to places where there are no automatic bells or other means of warning, or watchmen on duty.

Hon. Sir JAMES LOUGHEED: It is in the interest of the railway company to comply with this, because otherwise they might become liable for damages.

Hon. Mr. ROBERTSON: I may say that the railway companies and the employees are agreed on this section as being desirable.

The amendment was agreed to.

On the amendment:

1. Subsection one of section three hundred and six of the said Act is amended by striking out the word "one" in the fifth line thereof, and substituting therefor the word "two."