

Mr. GEARY.—There is no fixed proportion. It is determined by the Board. In the case of Toronto the cost of the crossings on the bay front has been divided between the city, the railway company, and the government, one-third each. In that case the city of Toronto will have to pay many millions to furnish protection against the danger caused by the railway companies crossing pre-existing highways.

Senator WATSON.—Do you claim that the railway companies should bear all the expense?

Mr. GEARY.—They should. The Committee should have jurisdiction to determine where there should be a separation of grades, but at least in the case where the highway was senior to the railway, and a separation of grades is necessary, there should be no apportionment of any portion of the costs between the railway company and the municipality. There should be no charge against the municipality in any case.

Senator LOUGHEED.—Do you not think the railway has been a great advantage to the district and has improved the properties adjacent to it and given advantageous conditions?

Mr. GEARY.—That has always been what the railways would say, but there are two sides to that question. The railways could not exist without the public, and the public would find it rather difficult to exist without the railways.

Senator WATSON.—Is it fair to bring a railway company into a district and later on impose on them the responsibility of separating the grade?

Mr. GEARY.—I do not see anything unfair in it. If they have enjoyed for many years the crossing of a road it is only fair now that the locality has been built up that the railway should get away from that state of affairs and go to the expense of separating the grade. The Dominion Parliament has recognized that, and by an Act passed in 1909 provided that all railways built after 1909 should separate grades at their own expense. We want to make that provision go further back, and where it has crossed highways the same provision should apply, but it would be fair that the Commission should decide in the first place, leaving the question of expense out of consideration, whether or not there should be a separation of grades at that point. This is very strongly felt in the west.

Senator THOMPSON.—The Railway Commission would be moved to consider the proposition largely on the municipality coming there and saying 'There is danger there' and the result would be that the order would be made on the demand of the municipalities, for purposes that would serve their interests quite as much as the interest of the railway coming to that point.

Mr. GEARY.—It is a matter that cannot be disposed of at first blush. One will have to consider the state of affairs all through the country, and it has become so aggravated in the western provinces, that I think the strongest claim comes from them for this change in legislation. The union of municipalities has asked for it, and the mayor of Windsor has wired me in regard to this saying how important it is to that municipality. We urge with all the force of which we are capable that that should be taken into consideration, and that the cost of the separation of grades should not be in any proportion upon the municipality.

Mr. ARMSTRONG, M.P. (Chairman).—You do not object to the whole clause.

Mr. GEARY.—No, it is perfectly proper there should be provision made for the separation of railway grades, and that the Dominion Railway Board should have charge of that.

Mr. ARMSTRONG (Chairman).—Have you prepared an amendment?

Mr. GEARY.—We have not, because it might seem somewhat gratuitous on our part to do so. If the Committee were to suggest that we should put it in the form of an amendment, we would be only too glad to do so.