

The Revised Railway Act

By the small majority of four the House of Commons on June 4, after a full day's session in Committee of the whole, amended the Consolidated Railway Bill as it had left the Senate, so as to give back to the municipalities the right to control their own streets, etc., and protect themselves from the inroads of Federal charter exploiters. The vote, which was 56 to 52, not only shows by how narrow a margin the municipalities may retain their autonomy so far as Federal legislation or charters are concerned—that is, provided the Senate eventually accepts the amendment—but how few members voted; less than one-third. This is not as it should be. Every member of the House of Commons is sent to Ottawa primarily to represent the **public** interest of his constituency—some municipality, or just part of a municipality, or perhaps two or three municipalities. Yet fifty-six representatives only realized their duty to those who sent them to Parliament after listening to arguments in favor of the amending clause from the following members: Messrs. H. M. Mowat, who moved the amendment; W. D. Euler, W. F. Cockshutt, Ross, T. Foster, Dr. Sheard, Hocken, Bristol, Nickle, Cahill, F. Pardee, all of Ontario; Mr. Tweedie, of Calgary, and Mr. McQuarrie, of New Westminster, B.C. The members who spoke against the amendment were Messrs. Stevens (Vancouver), McKenzie, Murphy, Boys, Hon. Mr. Carvell, Hon. Dr. Reid, and Hon. Mr. Fielding; both latter members proposing a compromise.

The debate itself was particularly instructive to the lay mind as showing the peculiar attitude of some of our Federal legislators in the matter touching the fundamental principals of responsible government as applied to the community. The sacredness of private interests had evidently become a real thing with one or two of the speakers even at the expense of the rights of the citizens who had sent them to Ottawa; and all the members that spoke against the amendment did so on the assumption—we might almost say presumption—that the spirit of fair dealing with the public was just as safe, if not safer, in the hands of private corporations owning public utilities as the municipal councils. As a matter of fact if it had not been for the clauses in the present Railway Act protecting the municipalities from the action of corporate interests, and which were inserted after many a hard and bitter fight, municipal Canada would to-day be at the mercy of the **goodwill** of every franchise grabber who knew the art of lobbying at Ottawa. What is more, we do not know of a single public utility owned by private interests, but what has at some time during its existence tried, even with the above protective clauses inserted in its charter, to beat the local authorities in some way or other. Where is the spirit of fair dealing? Some typical examples of the spirit of dealing that animates the owners of public utilities were given during the debate under discussion, examples of greed and selfishness, and exploitation of the peoples interests, that should be held as a permanent warning to those who while supposedly guarding the peoples rights are inclined to "sleep at the switch."

The municipality principally interested in the present legislation, is the City of Toronto because of

its dispute with the Toronto and Niagara Power Company. Without the amending clause as passed by the Commons this company would have the right, and which it would undoubtedly take advantage of, to erect poles and string wires anywhere it wished in the City of Toronto without having to seek the permission of the Council. The company would have exactly the same power to do the same in any other municipality in Ontario, or even in Canada. Now Toronto has other views on this subject and therefore has the moral, and should have the legal, right to decide for itself in the matter, without interference from outside, even from the Dominion authorities. The amendment as passed by the Commons has not been accepted by the Senate, a body very jealous of its privileges, which will mean the destroying of municipal rights, for which so many long and arduous fights have been made, unless better counsel prevail. It is hoped that the Senate will see that it has a moral responsibility to the people, as well as to the corporate interests.

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The mover of the amendment (Mr. Mowat, of Parkdale, Ont.), in his speech placed his finger on one of the difficulties of collective municipal opposition to Federal legislation that may affect them adversely when he said:—

"Where definitely the rights of the public, as represented by the municipalities, come into collision with the private, corporate rights of those in a certain business, it must, and always does, follow that the case of the municipalities, being so widely distributed and the interests so general, does not receive the attention which is given to the other side of the case by large corporations who keep a close watch on legislation as a matter of business. The public has little or no machinery by which to use its persuasive powers on members of Parliament or otherwise."

For many years the Union of Canadian Municipalities and this Journal have been preaching the gospel of closer union between the municipalities for common purposes, one of which being self-protection against such discriminate legislation as has just been proved by the Senate, but because of the ever-changing personnel of the Councils this need for close co-operation is too often not seen until too late. There never was such a time as now for every municipal council in Canada to get together for the common interests of all. There is a positive danger of all the work that has been done in the past for municipal Canada being destroyed by the apathy of those who are elected to look after the interests of the citizens. One municipality can do nothing by itself, but the 3,600 municipalities of Canada joined together can amply protect the rights not only of the people as a whole, but of the individual rights of the small municipality. Let us get together.

Mr. T. Linsey Crossley, A.M.E.I.C., who has been associated for a number of years with Dr. J. T. Donald, of Montreal, and who established the Toronto laboratory of J. T. Donald & Company, consulting chemists, has taken over the Toronto office and laboratory of that firm at 43 Scott Street, and will there carry on the business of consulting chemist and chemical engineer.

Mr. Crossley has specialized in municipal chemistry and the technology of pulp and paper manufacture.