

MINUTES OF PROCEEDINGS AND EVIDENCE.

HOUSE OF COMMONS,
OTTAWA, June 1, 1917.

The Committee met at eleven o'clock a.m.

On Section 256, Highway crossings.

The CHAIRMAN: Mr. Chrysler was to have some amendments ready to submit this morning.

MR. CHRYSLER, K.C.: I have a word to say with reference to section 256. I have been speaking to Mr. Carvell about it and I will state the point as briefly as possible. The first four lines of that section are all that concern the operation of steam railways on highways, except the last four lines. The first four lines read as follows:—

“The railway of the company, may, if leave therefor is first obtained from the Board as hereinafter authorized, but shall not without such leave be carried upon, along or across any existing highway.”

MR. SINCLAIR: Did we not pass that section?

The CHAIRMAN: No, it is open for discussion.

MR. CHRYSLER, K.C.: That section gives the power, subject to the approval of the Board, to authorize the carrying of the railway, upon, across or along a highway. Then the next four lines do not concern us. They apply to the case of adjacent or abutting land owners, and that provision was inserted because in the Fort William case the Railway Board granted an order, but that order was set aside in the Privy Council, because they said, “you have no power to order compensation to be paid the abutting land owners.” There was no question about there being compensation to the city. I submit that that power is already in the Act. The next seven or eight lines only relate to the carrying of street railways or terminals along that highway, and the last four lines read as follows:—

“Provided that where leave is obtained to carry any railway along a highway the Board may require the company to make such compensation to the municipality as the Board deems proper.”

I stated yesterday—and I believe my statement was supported by the recommendation of the Chairman of the Railway Board as stated by Mr. Blair at a former meeting—that these words are not necessary. At the time the matter was under discussion yesterday I could not meet the objection of Mr. Carvell who said he thought there should be something here providing that the Company should be ordered, in the proper case, to widen the roadway or to provide another roadway. That is all covered by the general section 40, which is intended to apply to all these cases, in which the approval of the Board is necessary. Section 40 says:

Whenever this Act requires or directs that before the doing of any work by the Company the approval of the Board must be first obtained, and whenever any such work has been done before the thirty-first day of December, one thousand nine hundred and nine, without such approval, the Board shall nevertheless have power to approve of the same and to impose any terms and conditions upon such company that may be thought proper in the premises.

MR. JOHNSTON, K.C.: We have amended that section.