

British Columbia Public Utilities Commission Abolished.

In the British Columbia Legislature, April 8, a government bill to repeal the act of 1919 providing for the regulation of public utilities and establishing a Public Utilities Commission for the province was read a first time.

1. This act may be cited as the Public Utilities Act Repeal Act.

2. The Public Utilities Act is hereby repealed.

3. Where, because of the enactment or operation of the Public Utilities Act, it is deemed just, necessary, or expedient that any of the powers or duties conferred or imposed on the commission by the said act should be exercised, the Lieutenant-Governor in Council may authorize the commission to so exercise its powers or duties to the extent of such authorization as if the said act had not been repealed, or may appoint any other person for this purpose, and in either case may provide for remuneration for such services, or may himself make any order for the doing of anything provided for under and within the scope of the powers conferred on the commission by the said act, the doing or making of which may so become necessary or expedient, and he may make any order or regulation which may appear necessary or expedient because of the repeal of the said act or because of conditions arising or rights affected as a consequence.

4. The jurisdiction, rights, powers, duties, and authority of every person, city, municipality, minister of the Crown, public official, or public body divested, modified, or affected by the enactment of the act hereby repealed shall revive and be restored as if such act had not been enacted.

5. In the event of the British Columbia Electric Ry. Co. at any time coming under the jurisdiction of the Provincial Legislature or being declared by a court of appellate jurisdiction, whose decision is not overruled, to be under provincial jurisdiction and not a work for the general advantage of Canada, all agreements heretofore existing, statutory or otherwise, between the company and the City of Vancouver, or any other municipality shall become operative and binding according to the tenor thereof as if the Public Utilities Act had never been passed.

6. The moneys collected by the British Columbia Electric Ry. Co. and held as a trust fund under and by virtue of the provisions of subsec. (4) of section 11 of the Public Utilities Act from, on or after April 9, 1919, when the said trust first became operative, to July 7, 1919, shall be divided as follows: One-half to the British Columbia Electric Ry. and the other half to the Vancouver General Hospital; and the railway company shall forthwith pay to the hospital its share of the said money, which payment shall constitute a discharge of the trust as to the money collected between the two aforementioned dates to which the said trust applied.

7. All acts done by the Minister of Railways since the enactment of the Public Utilities Act purporting to be done under the provisions of the Railway Act are hereby declared to be valid as of their date, notwithstanding the provisions of the Public Utilities Act.

8. The Lieutenant Governor in Council may pay to the officials and servants appointed under the Public Utilities Act such amounts, not exceeding as to any official servant three months salary or

wages, as may be deemed proper in consideration of the termination of their employment, which is hereby terminated.

The legislature has voted \$24,360 for the expenses of the commission in winding up its affairs. When this vote was before the house, April 8, the Attorney-General stated that there were certain matters which the Commissioner had to clear up and it was estimated that this would take at least three months.

The Public Utilities Act was assented to Mar. 29, 1919, and shortly thereafter Major Retallack was appointed Commissioner. Practically the first work he took up was the question of increased fares on the B. C. Electric Ry. in Vancouver, which had been the subject of considerable controversy for some months prior to the passing of the act, and which formed the subject of special provisions in sub sec. 4, sec. 11, which provided that the excess of 1c being collected in Vancouver by the B. C. E. Ry. was after April 9, be paid into a special trust fund and retained there until the Commissioner fixed the fare to be charged, after full investigation. After the Commissioner had started the investigation, legislation was passed at Ottawa which placed the whole of the B. C. E. Ry. lines under the Board of Railway Commissioners for Canada, and that board sanctioned the company's fare schedules on the higher rate. The trust fund at the time this took place was approximately \$50,000, and the bill passed by the legislature will divide this equally between the city hospital and the company.

A Vancouver correspondent wrote us April 17 as follows:—The bill repealing the Public Utilities Act of 1919 has been passed by the Legislature, and only requires the signature of the Lieutenant Governor to become law. One of the reasons for the repealing of the act was that the railway lines of the British Columbia Electric Ry. Co. were, by an act of the Dominion Parliament, taken from the control of the province, and placed under the Dominion Board of Railway Commissioners. Then the Telephone Company of British Columbia was placed under Dominion control, which left, in the opinion of the British Columbia government, very little scope for the provincial commission.

The B.C. Legislature has provided in its repealing of the Public Utilities Act for the revival of all agreements binding the B.C. Electric Ry. Co., as if the act had never been passed. Just what effect this will have upon the 6c fare charged in Vancouver, New Westminster and other communities, is somewhat doubtful. The company's franchise provides for a 5c fare. The 6c fare was granted until Apr. 9, 1919, and consequently the British Columbia government, by the Public Utilities Act, extended this privilege until the Public Utilities Commission could investigate the necessity for such a fare. The B.C.E.R. Co. was removed from provincial jurisdiction, its fares were confirmed by the Dominion Board of Railway Commissioners, and it is under this confirmation that the present fares are being charged. If the Dominion Government should cancel its jurisdiction over the company, this would throw it back on original agreements, and it would then be without recourse to either Dominion or B.C. commissions.

Another curious feature of the B.C. repealing act, is a clause which might

be said to confiscate one-half of some \$48,000 held in trust by the B.C.E.R. Co. It was provided in the Public Utilities Act that the 6c fare be continued after April, 1919, and that the additional cent, over the 5c statutory fare, should be paid into a fund, until such time as the provincial commission could investigate the merits of the 6c fare. If it should have been decided that the company was not entitled to this additional cent, the fund was to go to the Vancouver General Hospital. The contributions to the fund up to July 7, 1919 were about \$48,000, when they stopped, owing to the company coming under Dominion Government jurisdiction and having its fares approved. The repeal act contains a clause to the effect that this fund shall be divided equally between the B.C.E.R. Co. and the Vancouver General Hospital, without providing for any investigation. Whether this is a confiscation or not, it is hard to say, but it is quite probable that the cost of giving service from April to July 7, 1919, warranted much more than a 6c fare, in which case the company would be entitled to the whole of the fund.

Responsibility for Fire Damage by Electric Wires.

The Imperial Privy Council gave judgment recently on the Quebec Ry., Light & Power Co.'s appeal against a decision of the Supreme Court of Canada in an action brought against the company by G. A. Vaudry et al to recover damages for fires caused by the company's wires. The five actions were consolidated for the purposes of the appeal, the principal object of which was to settle the true construction of article 1054 of the Civil Code of Lower Canada.

The company generates and distributes electricity in Quebec City. The respondents' houses are on the St. Foye Road, along which the company erected a pole line carrying a primary cable charged with electricity at 2,200 volts and a secondary cable from which electricity was supplied to the houses at 108 volts. During a winter storm a branch from a tree broke the primary cable and the high tension electricity found its way along the secondary cable into the houses, setting them on fire. For the damage caused the owners brought their actions, and obtained a favorable verdict in the first court, which was reversed by the Court of Appeal, and restored by a majority of one by the Supreme Court.

In the Privy Council judgment Lord Sumner held that two questions of law arose upon the case (1) whether the plaintiffs can succeed without proving negligence or fault against the company, and (2) whether even so the defendants would succeed if they proved that they could have prevented the fire. After discussing the law fully and its relation to the facts, their Lordships decided that the appeal should be dismissed with costs.

New Brunswick Electrical Development.—The N.B. Legislature is being asked to appropriate \$1,000,000 to develop water powers in the province and provide for the distribution of electrical energy. It is proposed to do this work in three districts, viz., St. John and vicinity; Fredericton and the upper St. John Valley and the North Shore, through a provincial commission.