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all that will be useful in assisting us to arrive at a conclusion. The amendment which I propose is the amendment which was introduced to the Committee by Mr. D. E. Thompson, K.C., of Toronto, representing the city of Toronto. It was supported by Mr. Kilmer, K.C., representing the Government of the Province of Ontario, by Mr. Lighthall, representing all the municipalities of Canada, and other gentlemen who are here, so that really, it is Canadian-wide in its significance and in its operation. It is not confined to Toronto or Ontario, or any other city or province. I think Mr. Johnston has read the amendment, and if it is found to be correct in language, and not infringing any other part of the Act, it is a correct principle for the committee to adopt. Section 373, as at present drawn, applies to telegraph and telephone companies and companies for the conveyance of light, heat, power or electricity. The idea in this amendment is to take out of section 373 any reference to the light, heat, power or electricity, and to make a separate section dealing with electric power and with the condition that was referred to by the various speakers, which condition has arisen largely because of the Privy Council's decision.

Mr. MACLEAN: What words do you strike out?

Mr. MACDONELL: Strike out the words, "or line for the conveyance of light, heat, power or electricity" where they occur in the 1st, 2nd and 6th subsections of section 373, and to insert after the word "any" in the 7th subsection the words "telegraph or telephone." So that subsection 7 of section 373 will refer in no way to electric companies, they being dealt with in the amendment I have proposed. You will find them at pages 331 and 332 of the proceedings of this committee, No. 16. The amendment also proposes to add a new subsection, 373 A, as follows:—

(a) "Company" means any person or company having legislative authority from the Parliament of Canada to acquire, construct, operate or maintain works, machinery, plant, lines, poles, tunnels, conduits, or other means for receiving, generating, storing, transmitting, distributing or supplying electricity or other power or energy, but does not include a railway company, or a telegraph company or telephone company."

This simply defines the word "company" as a power company and restricts it to that.

Then paragraph (b) defines "municipality." The definition is the same as in other sections of the Act. Subsection 2 declares:—

"Notwithstanding anything contained in any special or other Act or authority of the Parliament of Canada, or of the Legislature of any province, the company shall not, except as in this section provided, acquire, construct, maintain or operate any works, machinery, plant, line, pole, tunnel, conduit or other device upon, along, across or under any highway, square or other public place within the limits of any city, town or village, without the consent of the municipality."

Mr. NESBITT: Why confine the provision to a city, town or village? Are not townships municipalities?

Mr. MACDONELL: Yes, they are.

Mr. NESBITT: Have they not control of their highway?

Mr. MACDONELL: I do not know what the reason is for not including townships also, but these are the usual terms employed. Then, subsection 3:—

"If the Company cannot obtain the consent of the municipality or cannot obtain such consent otherwise than subject to conditions not acceptable to the company, the company may apply to the Board for leave to exercise its powers upon such highway, square or public place; and all the provisions of section 373