

enactment may be passed by the province would be made as against the enactment by the Dominion parliament, even if it is an encroachment upon our rights. I will repeat here what I contended in the committee, that in my opinion the clause should be struck out altogether, and the rights of the provinces should stand; that we should legislate here without making any mention of the rights of the provinces, but that we should be careful not to encroach upon provincial rights and not leave the door open for the provinces to encroach upon our rights here?

Hon. Mr. WILSON—It appears to me that if we want to preserve the just rights of the Dominion, we should adopt the principle of the Bill without this clause. The Dominion has certain rights, and so have the provinces. Then why should the promoter of this Bill make provision for Ontario and Quebec and leave the other provinces out?

Hon. Mr. CASGRAIN—It does not go outside of those two provinces.

Hon. Mr. WILSON—That might or might not be the case.

Hon. Mr. CASGRAIN—It is the case.

Hon. Mr. WILSON—The other provinces also are part and parcel of the Dominion, and why not embrace all the provinces? What is more; we have in Ontario a power company, and possibly by this Act we may interfere, curtail or restrict the rights of the province of Ontario, and very likely the province of Quebec, in the exercise of their full power and control. It would be unfortunate, and I think we should not under circumstances of this kind, pass legislation of such a character. They will have ample control for the object of the Bill without clause 5. There is no necessity for this clause. Legislation of this kind will lead up to litigation and trouble between the Dominion and the provinces. I think the hon. gentleman should consent to have this clause struck out. Of course I am only a layman—not a lawyer—and I can see no necessity for the clause. I appeal to my hon. friend to interpret the law. If you strike out the clause we will leave it in that position.

Hon. Mr. POIRIER.

Hon. Mr. DeBOUCHERVILLE—There is something very extraordinary about this measure. The fifth clause of this Bill reads as follows:

The provisions of any general Act of the legislature of the province of Ontario or of the province of Quebec, now or at any time hereinafter in force, shall in so far as such provisions are not consistent with The Electricity Inspection Act, 1907, the Electricity and Fluid Exportation Act, or any other general Act relating to the transmission and distribution of electricity hereafter passed by the parliament of Canada, apply to the works and operations of the company.

In the French edition—the only one that I have before me—the fifth clause is as follows:

5. The head office of the company shall be at the city of Toronto, in the province of Ontario, or at such other place in Canada as is from time to time determined by by-law.

The SPEAKER—That is the form in which it appears in the Bill as originally printed. The Bill has been reprinted in its amended form, and clause 5 is changed.

Hon. Mr. KERR—It seems to me that the amendments should prevail, for this reason; in legislating on a subject of this kind, we should either legislate completely or not at all. If we are going to legislate at all, we should deal with the works and operations of the company, and that we assume to do by the provisions of this Bill. The clause in question provides that the provisions of any general Act of the legislatures of Ontario or Quebec, now or at any time hereafter in force, shall apply to the works and operations of this company. We are delegating, in other words, to the legislatures of those provinces the right to do something—giving them a blank power of attorney, in respect to the very things we are legislating on here, the works and operations of the company. It appears to me, therefore, that we should not leave open the door to the possibility of the works and operations of the company being so controlled by legislation elsewhere as to render the whole charter ineffective, and useless. It will be observed that if we have exceeded our power in any respect, or if there is any power necessary that we have not given here and which is within the power and jurisdiction of those provinces, nothing in this Bill can affect that. In its own jurisdiction, within its own pow-