

did not see any objection to such a provision.

Hon. Mr. SCOTT—Where there are two interests they must necessarily consult both.

Hon. Mr. POWER—What harm would it do to insert the amendment I have suggested?

Hon. Mr. LOUGHEED—If you draw an invidious distinction in this case, the implication will be drawn in other cases that notice need not be given. In clause 194, respecting lines of wires, there is no provision made for bringing one of the parties before the board, but the board would do as any court would do, and bring all the parties before them. If you introduce the amendment here, I think you will have to introduce it in analogous cases elsewhere.

Hon. Mr. BEIQUE—I entirely agree with the hon. gentleman from Calgary, and call attention to this fact, that this board is made, under section 8, a Court of Record, and it is a well-known doctrine, and has been applied in arbitration cases that I know of, that it is necessary for any board of that kind, and more necessary for a court, in order to give jurisdiction that both parties be given an opportunity to be heard. If any judgment or order is passed without their being heard, it is done without jurisdiction, and vitiates the order, and therefore there is no necessity to provide for a notice, and if there was, it should be done in a general way, and not merely with one clause.

The amendment was declared lost.

Hon. Mr. BEIQUE—I proposed, on a former occasion, a third subsection which I understood was carried, and I have just re-drafted it, because I do not see it annexed to the Bill. It is to this effect:

Nothing contained in this section shall be deemed to authorize the company exercising the power therein mentioned for the purpose of selling or distributing light, heat, power or electricity, in cities, towns or villages, without the company having first obtained the consent therefor, by a by-law of the municipality.

Hon. Mr. KERR (Toronto)—Read the first part of the clause.

195. When the company is empowered by the special Act of the parliament of Canada to construct, operate and maintain lines of telegraph, telephone, or for the conveyance of light, heat, power or electricity.

Does not that cover it sufficiently? Does not that require the consent of the municipality?

Hon. Mr. BEIQUE—The first paragraph is general. Therefore, it would be not only for the purpose of the railway company, but they might, in virtue of that wording, constitute themselves as vendors of electric light or power in cities, where the poles and wires are placed, and it is provided by subclause 2, as I have already shown, that in the absence of the consent of the municipality, the board may grant the power, and my proposed subclause is intended to check the action of the board, so that it will limit its power to granting that permission for their own use, and not for the purpose of selling electricity.

Hon. Mr. SCOTT—I think it is a very wise precaution. While they should have the power to do all this for their own use, still it does not seem right they should traffic in it without the consent of the municipality.

Hon. Mr. FERGUSON—We are giving power to the railway companies to erect saw-mills and sell lumber, and that is much more objectionable than to sell electrical power, for this reason: when they build saw-mills, and sell lumber they provide a product which will probably be carried on their own railroad, and they will have an advantage in competition with those who sell lumber as a business; but there is no such advantage given in the sale of electricity? It would be nothing more or less than wholesome competition, and if they have more electricity than they require for their own purposes, why not let them sell it?

Hon. Mr. SCOTT—It only applies to selling in cities, towns and incorporated villages, and they surely should not have that privilege without the consent of the municipality.

Hon. Mr. DRUMMOND—The clause says they must first be authorized by a special