

affairs and carry out their own discussions in their House, and we attend to our own business here. (Applause).

To return, Sir, to the Doherty easement, beginning, Sir, with an offer of \$275, step by step the agents advanced their offers until the figure of \$1,200 was reached, and the claim is not yet adjusted.

Now, Mr. Speaker, I do not wish to take up more time with this question. I have many sworn declarations along the same line, and they are all much to the same effect. I have shown, Sir, the system that was followed and I am almost disposed to say this, notwithstanding the fact that the Premier seems to treat this matter lightly, that I can scarcely believe that the Premier or the Attorney-General, or the Provincial Treasurer, if any of them were on the ground, would have allowed such conduct by the agents of the Province of Ontario. I am willing to be generous enough to say that, because I don't think any man competent to represent the Province of Ontario in any position whatever would want any citizen to be dealt with as the farmers along the line have been dealt with. (Applause).

Now, Sir, let us consider this question from an even wider point of view.

THE PREMIER—Hear, hear.

HON. MR. MACKAY—The honorable gentleman says hear, hear. I desire to ask the question seriously whether we have been dealing with the question of remuneration to those farmers as we ought to have done. Perhaps, Sir, the difficulty and exasperation and irritation created and the contemptible treatment some of them received, rather resulted from wrong legislation and the wrong view the Government took in working this question out. Take the farmers along the transmission line, Sir, and what position are they in to-day? There is no provision in the statute that allows them any damages for any injury that may be done when the transmission line comes into operation. Not only that, Mr. Speaker, but they cannot bring an action of any kind against this Commission or against the Government or against anybody for any injury that may be done them in connection with the construction of the work or in any other way, except they first receive a fiat from the Attorney-General. It has been pointed out during this debate that similar provisions are in other Acts. I say, Sir, the cases are not analogous. Let us compare this legislation with the Dominion Railway Act or the Ontario Railway Act. Compare this legislation with the provisions of the Dominion Railway Act—and mark you, Mr. Speaker, the railway is of just as much benefit to the farmer as it is to a man in a town or city. I question, however, whether the Hydro-Electric line can be of benefit to any farmer. Its primary object is to give cheap power to towns and cities. But a railway passing through a farm is of just as much benefit to him as to a man in a town or a city. What do you find, then, in the Railway Act? We find Dominion legislation—and I think our legislation ought to be similar here—we find a section in the Dominion Act that says that whenever damage is caused to crops, land, plantation or buildings and their contents destroyed by a fire started by a railway locomotive, the Railway Company making use of such locomotive, whether guilty of negligence or not, shall be liable for such damage in any court of competent jurisdiction. (Applause). In other words, the Railway Company is made insurers of the property along the railway, up to at least the extent of \$5,000. My view is, Sir, that this is fair legislation, and the spirit of this legislation ought to have been adopted in respect to the Hydro-Electric legislation, and the farmers along the line, instead of being prevented from suing, should be able to hold the Commission liable for any damage that might be done their property. (Applause). Suppose your transmission line is working—and I don't care what mechanical appliances you have to guard against accidents, there is always a possibility of accident—if the wire breaks and burns a man's buildings down, he has no rights whatever? Suppose he comes to the Attorney-General and gets a fiat, how is he to prove the negligence—particularly so if the wire breaks during a storm? He might spend the worth of his whole farm in endeavoring to prove negligence by means of electrical expert witnesses. Sir, I believe the Dominion law is right, and that *prima facie* all such public utilities, whether they be railways or transmission lines, ought to be liable to pay for the damage they do to the occupants of the land. That, Sir, is but placing in the statute an old common law principle to the effect that the man who brings a dangerous contrivance of any kind on to your place must be held liable for the damage caused by such dangerous contrivance. (Applause). That, Sir, is the common law of the land, and yet, Sir, the Hydro-Electric Commission are so hedged in by the legislation of this Province that neither common law nor statute law is of any avail. It ought not to