

APPENDIX No. 2

The CHAIRMAN: Is it understood that Sections 373, 374 and 375 are carried?

Mr. CHRYSLER, K.C.: I have a suggestion to make, not affecting what you have done but relating to the railways, with respect to section 373.

The CHAIRMAN: Shall section 374 be adopted?

Section adopted.

On Section 375—Provisions governing telegraphs and telephones.

Mr. CHRYSLER, K.C.: The word "leasing" appears in subsection 2, and it also occurs in section 369. The point is this; As it stands there the section provides that:

Notwithstanding anything in any Act heretofore passed, all telegraph and telephone tolls to be charged by the company and all charges for leasing or using the telegraphs or telephones of the Company, shall be subject to the approval of the Board, and may be revised by the Board from time to time.

Now in subsection 2 of section 369, the word also occurs:

No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of such Company except in accordance with section 375 of this Act, and the said Company and its said business and works shall in all respects be subject to the provisions of the said section.

The Telegraph Companies object to "leasing" being included in these two sections, for the reason that the leasing of a line—that is to say, what they call a private wire privilege—is wholly a matter of bargaining. It is not the sending of a message by the public at all, but a wire is leased or it is not leased. The man wants a private wire and is willing to pay for it. If he does pay he gets it, if he does not pay he does not get it, it is a matter of contract.

Hon. Mr. COCHRANE: It is optional with the telegraph Company whether they will lease the wire or not?

Mr. CHRYSLER, K.C.: Yes, or whether they will lease any wires or not.

Hon. Mr. COCHRANE.: If the lessor and the lessee cannot agree there ought to be some tribunal to arrange the matter.

Mr. CHRYSLER, K.C.: I have stated the contention of the Company. This matter has never been under the control of the Board and I do not see how the Board could control it. It is not a matter of public tariff at all.

Mr. MACLEAN: Suppose there is discrimination in the leasing of wires, and one man gets a better rate than another. That is where this Act should apply.

Mr. CHRYSLER, K.C.: How do you know it is discrimination?

Mr. MACLEAN: You say this is a matter of private bargaining. Private bargains are the very things we do not want.

Mr. CHRYSLER, K.C.: Wires are from different places and under different conditions. I suppose in the case of wires from Toronto the same rate is charged to all persons.

Mr. JOHNSTON, K.C.: Take a broker's wire to New York.

Mr. MACLEAN: There are brokers and newspapers in Toronto who have leased wires from public companies. Public companies that lease wires should have their rates subject to regulation, and there should be no discrimination. There would be discrimination if you were to take away the protection afforded in these sections. I do not think, Mr. Chrysler, you should object to that.

Mr. CHRYSLER, K.C.: I do object.