

HOUSE VOTES 64-14 BEHIND GOVERNMENT

Act Would Bar Process of Courts Against Hydro Property

"HURRY" IS RAPPED

Liberals Determined to Push Legislation; Opposition Ready to Fight

A division of the House on opening day, and a warm clash between Government and Opposition over introduction of first of the three long-heralded power bills without the required two days' notice, featured the initial bow of the Legislature yesterday. Scarcely had Lieutenant-Governor H. A. Bruce left the Chamber when the House ran into a typical mid-session battle.

Attorney-General Arthur Roebuck's attempt to obtain first reading for an act to amend the Power Commission Act, which seeks to bar any process of the courts from being executed against property of the Ontario Hydro Commission, was vigorously protested by the Opposition, and when Speaker Norman Hipel upheld the Government the House divided on an appeal against this ruling. The ruling was upheld by a vote of 64 to 14.

Rule 37 of the House requires that two days' notice be given of intention to introduce a bill. But there is a proviso that in cases of "emergency necessity" this rule may be waived with the consent of the whole House. It was this consent that the Opposition refused to give unless the Attorney-General first explained the bill.

The two other bills dealing with Hydro legislation will be given first reading on Thursday, Acting Premier H. C. Nixon acceding to the desire of the Opposition that notice of motion be first given. Second reading of the bill introduced yesterday will be sought at today's session.

The "big guns" of the Opposition, House Leader George S. Henry, Leopold Macaulay and Arthur Ellis, directed a hot fire at the Government benches. They insisted that the spirit of Rule 37 be observed and demanded that the Attorney-General make some statement as to why the proposed legislation was considered urgent.

Attempts of W. A. Baird (Cons., High Park) to describe the nature of the bill as "another effort to flout the judgment of the courts," brought an indignant protest from Acting Premier Nixon, who appealed to the Speaker on the ground that no member could debate the principle of the bill at this time.

"What is all the hurry?" demanded Mr. Macaulay. "There is no emergency that requires the bill's introduction unless the Government is deliberately attempting to take away the constituted rights of the highest courts of the land."

"This is an outstanding piece of legislation," declared House Leader George Henry. "It is far-reaching in character and deals not only with matters now before the courts, but with events yet to come. The people of the Province should have this measure before them before it is passed. Therefore, loath as I am to take this course, I must appeal against your ruling, Mr. Speaker."

Explanation Asked.

Mr. Henry, at the outset, said he did not wish to hold up legislation, but he felt that the members were entitled to know why the bill was considered urgent and necessary.

"Under Rule 37, if no notice is given, it can only be presented by unanimous consent of the whole House," said Arthur Ellis (Cons., Ottawa South). "And only if it is a matter of urgent and pressing necessity. The Attorney-General ought to know the rules of the House. He

should explain why the rule should be ignored. All I know is that he intends to move an amendment to the Power Commission Act, and I, frankly, will not consent."

"I am ready to rely on the Speaker," said Mr. Roebuck. "My honorable friend adopts a bellicose attitude. He says he won't waive his rights, if rights they are. My honorable friend can keep the House standing on one foot and then the other if he wishes; it is all right with me. He asks me if there is any urgency and I say there is. The bill gives to the Ontario Hydro Commission the same rights and privileges as to property that are enjoyed by the Crown. It is not an unusual or extraordinary remedy that is being asked. It is somewhat of an anomaly that a distinction should be drawn as between property of the Crown and property of the Hydro Commission. Property of the Hydro Commission is open to seizure—"

"Why not?" demanded Mr. Macaulay.

"The property of the Crown is not open to that type of attack," resumed the Attorney-General. "No one would think of issuing an execution against a Provincial highway."

"What would you do with it if you could?" queried Mr. Macaulay.

Tollgate Suggested.

"Put a tollgate on it and collect revenue," smilingly remarked Mr. Nixon.

"The same rights and immunities should extend to other public services such as the Hydro," continued the Attorney-General. "There is some urgency in that regard."

"Is not the Hydro property owned by the municipalities?" queried Mr. Macaulay.

"My friend is raising the questions of moral and legal rights," went on Mr. Roebuck. "Legally, it is vested in the Ontario Hydro Commission. Morally, one might say equitably, the municipalities certainly have some property rights, using that word in its strict sense. But, as a matter of strict legal right, it is vested in the Commission, which is a public body.

"Its assets have been collected from the people and there is no reason to draw a distinction between a highway to conduct electricity and a highway for automobiles. If the Opposition seeks to obstruct us, that is their responsibility."

"I protest the charge that the Opposition are attempting to block legislation," said Wilfrid Heighington (Cons., St. Davids). "The Government should thank the Opposition for drawing attention to errors which always crop up when legislation is rushed through in a hurry."

"Is not the real object of this legislation to flout the courts more so than in the past?" asked Mr. Baird.

"Order, order," called Mr. Nixon. "My answer is that it is not true," retorted Attorney-General Roebuck.

"Mr. Speaker, I rise to a point of order," said Mr. Nixon. "An attempt to debate the principle of legislation which is not before the House is entirely out of order."

"This legislation is meant to render ineffective any judgment of the courts—" began Mr. Baird once more, but the Acting Premier again rose in protest.

"The Attorney-General, as I understand him, explained to a certain extent the nature of the bill," resumed Mr. Baird. "He said it was to place the Hydro-Electric Power Commission on the same plane as the Crown, and I say the real object is to flout more than ever the judgment of the courts."

Speaker Hipel then ruled that the Government was within its rights in presenting the bill without the required two days' notice,

and once more the Opposition attacked vigorously.

"As a member of the Opposition I want to protest most strongly against introduction of this bill without notice," asserted Mr. Baird.

"I intimated that if the Attorney-General would explain the bill I would not press the rule of the House," said Mr. Henry. "He has not done so."

Mr. Macaulay asked the Attorney-General to "come clean" and tell the House exactly what the bill contained. Last year, the Minister of Municipal Affairs had brought down hastily drawn legislation that had got him "in the soup." Now, said he, the Attorney-General was doing the very same thing.

"Would you like a copy of the bill?" asked Mr. Roebuck.

"Certainly," smiled Mr. Macaulay. "Silk," called the Attorney-General to Eric Silk, Chief Law Clerk, sitting in the wings of the House, "distribute copies of the bill."

Protests "Hurry."

Mr. Macaulay said there was no hurry for the bill's introduction. "If you're right," said he, "thorough dissemination of the information it contains won't hurt you." To hurry it along, before the members had a chance to read it, was to lay the Government open to the accusation that Hydro was but "a plaything of the Campaign Committee of the Liberal Party of Ontario."

"I'm not going to say," declared Mr. Macaulay, "that you are seeking to flout the courts with this bill, but it plainly undoes the justice of the British courts of this Province." There was no emergency that required the bill's introduction, unless the Government, he said, "was deliberately trying to take away the constituted rights of the highest courts of the land. In view of the fact that the proposed legislation was retroactive in its application, it was patent," he suggested, "that it had been drafted for the express purpose of dealing with litigation that was now in the courts."

"We don't accept your explanation of the bill," said Acting Premier Nixon.

"We all know," Mr. Macaulay retorted, "that the honorable the Acting Premier would like to be a long way from the House, too, when the ramifications of this legislation are discussed."

What irreparable loss would be done the Province, asked the former Highways Minister, if the bill should be shelved for a couple of days, until the members had time to study it? "Let's see if there is any justice to it—and I doubt if there is," said he, "or whether it's merely a hogsheadful of words and a thimbleful of nonsense."

Division Forced.

When the Speaker started to put the motion to the House the Opposition raised loud protest and forced a division on the ruling that the motion was in order.

After the taking of the vote, Acting Premier Nixon said there were three pieces of Hydro legislation, and it rested with the Opposition as to whether they would be given first reading at this time, or notice of motion. When the Opposition Leader inquired and was told that it was the Government's intention to proceed with second reading of the first bill the following day, Mr. Henry said it would be better to give notice of motion of the other two.

"We had better extend our reading of the first bill and let the others stand," he remarked.