

Roebuck, Henry in Hot Clash; Three Liberals Quit House Before Power Bill Division

Sinclair, McQuibban and Roberts Seen in Apparent Protest; Attorney-General Bows to Speaker's Ruling as Henry Demands With- drawal

Serving notice that Hydro must be protected from "the downright robbery to which she has been subjected in recent years," and that Whitney, in his day, had provided plenty of precedent for the type of legislation with which the Hepburn Administration was now seeking to make its 1935 contracts cancellation stand "constitutionally hole-proof," Attorney-General Roebuck rocked the Legislature yesterday with the charge that had "our friends across the way" not been "tied in some mysterious manner to the financial interests" they could have abandoned party politics for once and assisted the Government in upholding the interests of the common people.

Opposition tempers, which had been slowly fraying under ten minutes of steady condemnation from the Attorney-General, cracked on this accusation, and former Premier Henry, white-faced and angry, was up on his feet amid the din from Liberal applause and desk-banging, protesting almost inaudibly against the remark, and demanding of Speaker Hipel that it be withdrawn.

"Sorry, I can't," Mr. Roebuck shot back.

"It must be withdrawn—I demand it," flared Mr. Henry.

"What was the statement made?" the Speaker asked the Opposition Leader. Mr. Henry repeated it. "If it applies to members on the other side," the Speaker ruled, "it must be withdrawn."

"I didn't apply it to the gentleman who put the cap on," clicked Mr. Roebuck. "I applied it to all of the members."

Mr. Henry shot to his feet again, shouting: "I insist that he withdraw that statement."

"If it applies to any members of the Legislature it must be withdrawn," the Speaker told the Attorney-General. Then, as an afterthought: "If it doesn't apply to the members, it need not be withdrawn."

"I bow to your ruling, Mr. Speaker," Mr. Roebuck said, "as far as it applies to individuals."

"I thought so," gibed some voice from the Tory benches.

Win on Division.

This near-adjournment-hour flare-up climaxed an afternoon devoted entirely to Mr. Roebuck's wind-up of his five-hour address. It came after one division had been recorded, in which the House by a vote of 58 to 13 had supported a Speaker's ruling in effect blocking attempts of Arthur Ellis (Cons., South Ottawa) to have Mr. Roebuck's address held as "out of order." It came after three Liberal members—W. E. N. Sinclair, K.C., Ontario; Dr. George McQuibban, North Wellington, and Dr. A. D. Roberts—in apparent protest against the power legislation under debate, had refused to vote and had walked out of the House. And after hours of slow, methodical reviewing on Mr. Roebuck's part of the present financial status of all Hydro systems, it broke like some freshening storm upon a House and galleries that to all intents had grown a bit fatigued with the constant recital of figures and technically phrased data that had been placed before them.

Asks Protection.

"Hydro cannot be the servant of the people and at the same time the milch cow of the moneyed interests," declared Mr. Roebuck, suddenly switching to the principle of the contentious power measure which under his sponsorship is now before the House for consideration. "She must be protected from the downright robbery to which she has been subjected in recent years. There is only one way to do that, and that is to resist every attack from the enemies of Hydro, whether they are inside this House or outside it. Hydro's present wonderful position is the direct result of the courage, the wisdom and the justice of this Legislature in lopping off the parasites that were fattening upon her. Hydro is worth saving. We, on this side, did not get Hydro into this hole. This is not a mess of our making. This is a baby that was left on our doorstep when we threw the previous Administration out of office. . . ."

"We?" clicked the Tory benches.

"Well, when the people threw the previous Administration out of office," Mr. Roebuck finished.

"That's better," said Hon. Mr. Henry.

"Well, I think every one will agree that we had something to do with it," Mr. Roebuck came back.

Held "Iniquitous."

The act which the House passed in 1935 had the saving of Hydro in view, said Mr. Roebuck. It had declared the "iniquitous Eastern power contracts to be void and unenforceable. When the House had said they were void and unenforceable, it had meant just that.

"And we still mean it," he said, amid applause.

But the Judges, he added, were divided in opinion as to the constitutionality of the legislation. There was nothing else in doubt, he submitted. This opinion, he said, had nothing to do "with the justice of our cause or the wisdom of the action we've taken." The only thing in doubt was the technical correction of the procedure involved.

"So in the bill before you today," the Attorney-General stressed to the House, "we are taking a different procedure. It is the same bill as in 1935, but we are approaching the situation to be dealt with from a better standpoint. If there is any chance of our friends prying into it—if they can find a hole in it—then we will pass another bill. We said in 1935 that we wouldn't pay, and we say the same thing in 1937."

Baird Is Taunted.

W. A. Baird (Cons., High Park), amid Liberal taunts of "Sit down," and "Now, what do you want?" rose to ask the Attorney-General if it were not true that the Chief Justice of the Supreme Court of Ontario had rendered judgment against the Hydro, and ordered it to pay "many thousands of dollars" to certain power companies which were now involved in litigation with the Provincial Power Commission.

"Based on the alleged unconstitutionality of the act," said Mr. Roebuck, who went on to warn the House that, if such interpretation of the act were to be allowed to continue, Hydro would, over a period of years, be forced to pay out \$382,000,000 to the power interests of Quebec.

"If possible," said Mr. Roebuck, "by hiring the best lawyers that they can buy, our friends across the hall are able to find a constitutional hole in this legislation, I, for one, am ready to come back to the

House and pass another act, and keep on passing acts until the thing sticks."

"Will the Honorable Attorney-General," asked Mr. Baird, "tell the House who drafted this bill for him, and from whom he is getting his opinions as to its constitutional correctness? Was it Lewis Duncan? He framed the bill the last time."

"I am not going to tell you," Mr. Roebuck shot back. "I don't think I'm obliged to tell you."

"No honorable member," put in Speaker Hipel, "need answer a question if he doesn't like to."

Chuckles Heard.

The Attorney-General's assertion that there was "nothing extraordinary" in the legislation before the House brought audible chuckles from the Conservative benches. The circumstances under which it had been prepared, admitted Mr. Roebuck, were "amazing" though. He doubted if any other Legislature had had to face such a problem as the bill was destined to solve. It was quite in line with precedent, however.

There had been a lot of talk from the Opposition about Whitney, said he. "It seems to me," he added, "that if Whitney were here today he would read the whole bunch over the way out of his party."

"That's what you think," some Conservative shot back.

"And so, I was extremely glad," Mr. Roebuck went on, "when I learned from them yesterday that they were prepared to give lip service at least to the great Leader."

Cites Whitney.

"The member for South York (Leopold Macaulay) said the other day that the Conservatives were prepared to follow Whitney," said Mr. Roebuck. "I will take them at their word. The Power Commission Act gives the Hydro Commission extraordinary powers. It can enter upon a farmer's land, flood it if it so desires, make use of the water upon it, remove fences and then send in its own valuator, and say how much it should pay the farmer.

"The Opposition talk about high-handed action of this Government," he continued. "Let me quote from a section of the Power Commission Act, which has been in effect for the past twenty-five years:

"No action or proceeding of the Commission under this section shall be restricted . . . by injunction or process, or other proceeding of law."

"How does that upset the British Empire, as these gentlemen across the way talk about our little bill?" asked the Attorney-General. "Follow Whitney? Well, here are some of the things done by the Hydro Commission in the days of that great Leader."

Mr. Roebuck proceeded to quote from Provincial statutes, declaring that arbitrary powers were given to the Hydro Commission of the day. The courts were stood aside and the most sweeping authority given the Commission. Quoting from Chap. 19 of the Statutes of 1909, Mr. Roebuck said that the Hydro Commission of that day found itself in trouble with municipalities over the supply of power.

The Town of Galt had refused to sign a Hydro power contract, and so the Government of Sir James Whitney passed an act which "rammed it down their throats," the Attorney-General declared.

"The poor old town of Galt hadn't signed the contract, but the Government decided it was so good for them that it made them take power whether or not they signed the contract," he continued. "They poked a contract down Galt's throat, and did it by act of Legislature."

"And my honorable friends across the way talk about our high-handed action, the action we are taking to protect a great public service. Talk about interference with the courts. Let me tell the House about the case of two citizens of Galt who took action to set aside the contracts. Mr. Whitney introduced a measure in the Legislature which, he explained in committee, would put an