

end to this quibbling. He said the action of the citizens was designed to defeat the will of the people.

"I say, in the words of Whitney, that this bill is for the same purpose," said the Attorney General amid applause from the Liberals. "We are going to set aside certain quibblings that have been going on with regard to the powers of this Legislature."

The Attorney-General had a short but sharp brush with Leopold Macaulay (Cons., South York) and the latter hotly admonished the Minister not "to put words in my mouth." Then almost immediately ensued his argument with former Premier Henry.

DISCUSSION OUT OF ORDER, IS CHALLENGE

Roebuck Speech Deals With
Cases Before Courts,
Claims Conservative

DIVISION IS CALLED

Legislature Supports Attor-
ney-General by 58-
to-13 Vote

A spirited fight by the small Conservative Opposition to halt passage of a Government Hydro measure was crushed by an overwhelming majority of Liberal members in the Legislature yesterday.

The skirmish was brief but fiery and ended with a full dress division which gave the Government a 58 to 13 decision against the Opposition.

Arthur Ellis (Cons., Ottawa South) demanded that the Speaker rule Attorney-General Arthur Roebuck out of order in his discussion of Hydro matters, which, the Conservative charged, dealt specifically with cases still before the Courts.

Quotes Commons Rule.

His sudden attack on the Attorney-General brought the dozing House suddenly awake and empty seats in the Chamber quickly filled for the tilt which followed.

The Ottawa member referred, he said, to the legal action against the Ontario Hydro Commission brought by the Ottawa Valley and Beauharnois Power Companies. No rule of the Legislature could apply to the situation, said Mr. Ellis in his appeal to the Speaker, so the House, he maintained, was forced to accept and adopt rules of the British and Canadian Houses of Commons. These rules declared that no debate could be permitted upon matters still before the Courts, he said.

Asks Written Ruling.

Speaker N. O. Hipel disagreed with him, but only after a hurried consultation with the Clerk of the House on the regulations governing such instances. After both the Speaker and the Clerk had studied the regulations for some minutes, the Speaker rose to declare Mr. Roebuck in order.

Meantime, the Attorney-General's lengthy review of Hydro matters had been halted, and he sent a hurry-up call to bring Acting Premier Harry Nixon back into the Chamber. Mr. Nixon returned, and he, too, clashed with Opposition members, who finally appealed the Speaker's ruling to a decision of the House.

Mr. Ellis first demanded a written ruling from Mr. Hipel, declaring: "I venture to say this legislation will not stand up in the courts."

When he first challenged Mr. Roebuck's right to discuss the Hydro situation, the Attorney-General appealed to the Speaker with the statement: "May I say that I have never mentioned the act."

"Then, Mr. Speaker, if he is not speaking to the bill, this discussion is out of order and irrelevant," retorted Mr. Ellis. (House rules provide that a member must speak to a bill, and Mr. Roebuck, technically, was steering the bill through second reading.)

The bill in question would give Hydro the same power to declare that no legal action could be started without consent as all Crown properties enjoy.

Appeals to Speaker.

"I wish to rise to a point of order, Mr. Speaker," said the Ottawa member. "It is provided in the rules of the Legislature that where nothing is specifically provided to cover a certain case, the rules of the House of Commons of the United Kingdom are adopted. I object to the introduction and discussion of a motion wholly out of order and which is contrary to the rules of the House of Commons of the United Kingdom and the House of Commons of Canada.

"I submit that the matter before the House today consists primarily of two cases—one brought by the Ottawa Power Company against the Government and two actions brought by the Beauharnois Power Company against the Hydro Commission. Both of these cases are still in the process of law and therefore under the rules of the House of Commons, no discussion is possible until the matter has been decided upon by the courts.

"The Attorney-General's discussion relates specifically to these cases. The object of this bill is to nullify any decision of the court. We must follow the rules of the House of Commons and there is a specific rule, Mr. Speaker, which says that such matters must be adjudicated by the courts before discussion can be permitted here. This House is entirely and completely out of order.

"Height of Absurdity."

Mr. Roebuck: "May I say very respectfully, Mr. Speaker, that I have never mentioned the act."

Mr. Ellis: "Mr. Speaker, if he has never mentioned the act, this discussion is entirely out of order and irrelevant."

The Clerk of the House was called into a conference with the Speaker on the rules of the House. They discussed the points raised by Mr. Ellis for five minutes. Meantime Mr. Roebuck had dispatched a page to find the Acting Premier.

Mr. Nixon joined in the fray. "Do I understand that the member for Ottawa South suggests that this House cannot discuss Hydro? It is the height of absurdity," said he.

Mr. Ellis: "The Attorney-General admits he is out of order. He should speak to the bill."

Mr. Nixon: "The bill in no way mentions any action in any court. It is quite in order to discuss Hydro matters of any kind."

The Speaker rose to give his ruling. "In my opinion," said he, "the Attorney-General is quite in order. Surely the Government has the right to bring in a bill amending legislation already on the statute books. Although the rules may forbid debate on a matter before the courts, they don't forbid discussion of an amendment to a statute."

Doubts Ruling's Validity.

Hon. George S. Henry, the Conservative Leader in the House, got to his feet, apparently in an attempt to protest. "Aw, sit down," came shouts from the Liberal side. Mr. Nixon pointed out that the Speaker was still on the floor and that Mr. Henry could not at the same time stand to speak.

The Speaker raised his voice above the clamor. "I have given a ruling that the Attorney-General is quite in order," he declared firmly. "If you insist, I'll bring in a written ruling."

Mr. Ellis: "I request a written ruling. I venture to say this legis-

lation will not stand up in the courts."

The Speaker was still on the floor when Mr. Ellis spoke, and again he raised his voice, this time in censure of the Ottawa member. "Are you aware that a member cannot take part in any conversation while the Speaker is still on the floor?" he demanded.

Mr. Henry: "Mr. Speaker, I realize the circumstances are not debatable, but we certainly must appeal your ruling."

The whips left their seats to round up members in the corridors and five minutes later the House gave its verdict—58 to 13 to sustain the Speaker's ruling. Sam Lawrence (C.C.F., Hamilton East), and Farquhar Oliver (U.F.O., South Grey), voted with the Government.

Mr. Roebuck rose to continue. "I was just stating some facts, which were evidently unpalatable to the gentlemen across the hall. His Majesty's Government, however, must be carried on, notwithstanding the very unlucky thirteen."

"Noble thirteen," called Mr. Henry.

"There is nothing noble about it," retorted the Attorney-General. "I think it is very futile."

POWER BILLS ARE OPPOSED

Conservatives in Legislature
Battle Against Two New
Measures

LONG DEBATE SEEN

Stubbornly contesting every inch of ground, the Conservative Opposition in the Legislature yesterday again attacked the Government's legislation to protect Ontario Hydro-Electric Power Commission from any actions of the Courts.

Hon. T. B. McQuesten, Hydro Commissioner, introduced two new power bills. The first was an amendment to the Privy Council Appeals Act, making it unnecessary for Hydro to post security for appeals to the Privy Council. A feature of this bill, likely to cause protracted debate, is the retroactive clause which provides for the return of the \$127,000 posted in the Ottawa Valley litigation.

The second bill declares no Court action may be brought against Hydro without the consent of the Attorney-General. Both are ancillary to the bill introduced on opening day.

"Surely this does not mean that Hydro is short of funds?" asked Hon. George S. Henry, Conservative House Leader.

"Like most other business concerns we are quite able to use our money for legitimate purposes," smilingly answered Mr. McQuesten.

"Isn't an appeal to the Privy Council a legitimate purpose?" shot back Mr. Henry.

"I would call it a wasteful purpose," replied Mr. McQuesten.

At the request of Mr. Henry, the Minister briefly explained the purposes of the two bills. Difficulties had arisen from what might be described as "inconsistencies of the courts," he said. Judgments in force for many years might suddenly change and the bill merely reiterated what had been the law for twenty years with regard to Hydro.