

exercise their rights quite as freely as this parliament, but the question that runs through the whole of our policy is that with respect to railway and telegraph lines; there must be one exclusive governing body and there cannot be more. That principle is found throughout the British North America Act, and it is found in the Bill we are discussing and there is no departure from it. The hon. gentleman from De Salaberry talks about parliament encroaching upon the rights of municipalities. I point out to my hon. friend that a municipality is as sovereign, so to speak, in the exercise of its rights, as this parliament is in the exercise of its rights. Under the British North America Act, power is given to the provinces to legislate with reference to municipalities and nothing that this parliament can do, if it sat from the 1st of January to the 31st of December, could detract one iota from the rights which may be exercised by municipalities as given them by the provinces. My hon. friends talked about our encroaching upon the rights of municipalities. They have not seriously considered the terms which they have used. I say this parliament could not encroach upon the rights of municipalities; they are as sovereign as we are in the rights which pertain to them under the law which has created them, and as far as this section is concerned, it seems to me it would do violence to a well established principle which runs from beginning to end of the Bill, namely, that there must be one governing body with respect to railways, and that body this parliament.

Hon. Mr. BEIQUE—I think the amendment should be more carefully drafted. Power should be given, in my humble opinion, to incorporated cities as suggested, but provided it be not open to them to single out any company, provided the by-law is a general by-law, and if I may be allowed to add just one word, the hon. gentleman from Calgary says that this parliament shall not interfere with the rights of the municipality. I can refer him to the discussion which took place in the other House and to the opinion expressed by the Minister of Justice when he supported the doctrine that this parliament could interfere with the rights of municipalities; but you have it in this very Act. I could point out

several clauses where the rights of municipalities are interfered with. When this parliament authorizes a railway to pass along the streets of a municipality, whether they consent or not, is not this parliament interfering with the rights of the municipality?

Hon. M. LOUGHEED—Because we have the power to do it.

Hon. Mr. BEIQUE—Surely this parliament within its jurisdiction is supreme, and when this parliament legislates within its jurisdiction, whether it is an encroachment on municipal rights or not, the Act takes effect, and it is because these provisions are encroachments upon municipal rights that I suggest municipal rights be protected to a reasonable extent.

Hon. Sir MACKENZIE BOWELL—If there is a railway company existing created by this parliament, why should you have a divided authority as to its management between the local and municipal authorities? If you go on legislating in this style, you will find no person who will invest money in anything of the kind. The Confederation Act places the control of the granting of charters for the erection of telegraph lines under the jurisdiction of this parliament. If I understand the proposition, it is this: that though the authority be in this parliament, it is desired to give certain power and authority, not only to the provincial legislature, but also to the municipalities, to declare what shall be done, which may be in contravention of the provisions of this Act. This clause provides that if it be shown to the government that efficient means have been found to place these wires underground, then they will give the authority to place them underground, and the companies shall have no claim upon the municipalities or any one else for damages which accrue to them. That is what it implies, and it does seem to me that, in dealing with questions of this kind, that authority should be left in the parliament that grants them the power, and not divide it between two or three bodies. This would not interfere with municipal rights. Municipal rights are those which are conferred by the provincial parliaments in their incorporation. There is a general law, I suppose, in Quebec as I know there