

cipal franchises'? It seems to be rather an unusual form of words.

Mr. TURRIFF. It is provided in the Bill that they cannot operate in any municipality without first acquiring the franchise from that municipality in order to do business, and it is provided by this section that they cannot acquire a municipal franchise and dispose of the franchise. They cannot sell that franchise.

Mr. R. L. BORDEN. The word 'franchise' is a very inappropriate word to express that which the hon. gentleman has just stated. The word has a certain signification in the law, and it will be so interpreted in this Bill, but the court interpreting the Bill would be forced to discard that interpretation and seek for something else. I hardly understand why the expression should be used, why it should have occurred to any one to use words of that character with an intention of that kind. 'Acquire and use provincial and municipal franchises'—what this expression means, as I understand the hon. gentleman, is to acquire permission from provinces or municipalities to construct and operate telephone lines within their boundaries. If that is what is intended, I would, in the first place, have thought that it was absolutely unnecessary to make a provision of that sort, but if it is desired to do so, it would be very much better to say so instead of using a form of words which has a very much wider signification.

Mr. HYMAN. What does the hon. gentleman (Mr. R. L. Borden) suggest? It might be acceptable to the promoter of the Bill.

Mr. R. L. BORDEN. I have not thought very much about that. My mind has been more directed towards the criticism of the words which are there at the present time.

Mr. HYMAN. Cannot that franchise of which the hon. gentleman speaks be given to the company under this wording?

Mr. R. L. BORDEN. It is not a franchise at all.

Mr. HYMAN. That very question that the hon. gentleman brings up was discussed very fully in the committee, and it was felt that these words practically meant that all rights given by a municipality to the company would be considered to be a franchise.

Mr. R. L. BORDEN. Any one who is familiar with the decision of the Supreme Court of Canada will remember that in a case decided six or seven years ago the late Chief Justice of the Supreme Court gave a very full definition of what the word 'franchise' means at common law. The meaning, as defined by him, at common law—and it cannot be the meaning given to it here to-day—is entirely inappropriate to the intention which has been suggested by the

hon. gentleman who is moving this Bill, and I would suggest some form of expression like this—'acquire and use any privilege granted by any provincial or municipal authority.'

Mr. GALLIHER. From the municipality, the province or from individuals who might hold such privilege from them.

Mr. R. L. BORDEN. I am speaking without much consideration on the spur of the moment, but I would suggest 'acquire and use any privilege granted to the company by any provincial or municipal authority.'

Mr. GALLIHER. To this particular company?

Mr. R. L. BORDEN. Yes, that is what I mean.

Mr. HYMAN. If my hon. friend takes exception to this wording, I would suggest that the rest of the Bill be gone over, that we then rise and that we take it up in committee again.

Mr. R. L. BORDEN. Certainly.

Mr. DEPUTY SPEAKER. Section 10 stands.

On section 11,—amalgamation and pooling prohibited.

Mr. HYMAN. This is the same provision that was put in a Bill last year, except that this is made general. The Bill last year was confined to the Bell Telephone Company.

Mr. R. L. BORDEN. I think this is all right.

Mr. HYMAN. It is simply to prevent amalgamation under another name.

On section 12,—sale to or acquisition of similar company prohibited.

Mr. R. L. BORDEN. I would suggest that this section might be made a little more comprehensive. Will the hon. gentleman have any objection to inserting after the word 'its,' where it occurs the second time in the second line of this section, the further words 'rights, powers, privileges'?

Mr. HYMAN. There is no objection to that.

Mr. GALLIHER. That would make it conform with the other sections.

Mr. R. L. BORDEN moved:

That the section be amended by inserting the words 'rights, powers, privileges' in the second line of section 12 after the word 'its.'

Section, as amended, agreed to.

On section 13,—agreements with other companies; rates and charges; Governor in Council may order inquiry by a judge.