

beyond the competence of the provincial legislature.

Hon. Mr. BEIQUE—It is because I realize that it would not be within the province of the local legislature, or of the municipality, which exercises only delegated power from the legislature, to pass any such by-law, that I suggest we provide for it.

Hon. Mr. LOUGHEED—How are we to provide for it? Does my hon. friend contend we can delegate authority to the provincial legislature?

Hon. Mr. BEIQUE—Surely it cannot be seriously contended that this parliament is encroaching upon municipal rights—because this parliament, I claim, is encroaching on provincial rights when it provides for the doing of such and such things in cities, or in streets or in public places in such cities—when this parliament encroaches upon these municipal rights, is it not open to this parliament to say, 'You shall do so and so respecting a by-law?' You have it in every clause of the Bill. What does this clause say? It shall be done with the consent of the municipality. Is that delegating powers? It is not delegating powers, but it is recognizing the powers of the municipality, and therefore it seems to me that is perfectly within the power of this parliament to say that we recognize by this clause, the powers of all railway companies which are under the jurisdiction of the parliament of Canada to do such and such things—to place poles and wires in streets of cities and towns, but in case any incorporated city find that efficient means have been discovered to place the wires underground, and direct that they shall be placed underground, then it shall not be considered as an infringement of this Act.

Hon. Mr. CLORAN—The hon. gentleman mentioned that telegraphs are under the exclusive jurisdiction of parliament. What about wires which carry electricity for heat and power and other purposes?

Hon. Mr. LOUGHEED—This applies only to lines of railway companies.

Hon. Mr. CLORAN—But the railway companies may have such wires, and consequently we have a mixed question. I am in accord with hon. senators who seek to preserve municipal rights, and municipal rights

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must be respected even at the expense of our dignity in parliament, and that is why I suggested the amendment to apply to lines of all kinds.

Hon. Sir MACKENZIE BOWELL—Who is to be the judge of the efficiency?

Hon. Mr. CLORAN—Common sense and the safety of the public.

Hon. Sir MACKENZIE BOWELL—That is what many do not possess.

Hon. Mr. CLORAN—I think we do not go too far in saying in case efficient means are found, no Act of parliament shall interfere with the municipality or the provincial legislature, requiring a company to adopt such means and abrogating the right given by this section to carry lines on poles, and no such action shall be deemed an infringement. I think you are safeguarding municipal rights. Municipal corporations to-day can force a company to place its poles where they think proper.

Hon. Mr. SULLIVAN—No, they cannot. They put them where they like.

Hon. Mr. CLORAN—They can force the company to regulate the height of poles. If the municipal corporations can regulate all these things, why cannot the municipal corporations be allowed the right to regulate the putting of wires underground? I am in favour of that provision.

Hon. Mr. FERGUSON—It may be considered very great presumption for a layman to give an opinion on a question of this kind, which is really a constitutional question, but I really think, from the examination that we have given the subject, that if we pass this amendment and the parliament of Canada were not to legislate upon it, in the direction indicated, any action by a municipality, or by a province, would not stand, because we must be the supreme judges when this condition of things arises, that is the devising of means for putting lines underground, and supposing we legislated adversely to what the province would do, I am sure, under such circumstances as that, the Act of the province would not prevail.

Hon. Mr. LOUGHEED—I appreciate the necessity of preserving the integrity of the municipality and their being permitted to