and the right to do practically as they pleased with the streets of a large city like Montreal.

Hon. Mr. CLORAN—Do I understand that this clause gives power to override a municipal by-law? I would vote for wires going underground, and I cannot for a moment see that this clause will prevent any municipality from forcing companies to put their wires underground.

Hon. Mr. SULLIVAN—This will not apply to any conditions which at present exist in cities, so far as poles are concerned.

Hon. Mr. CASGRAIN (de Lanaudière)—Yes.

Hon. Mr. SULLIVAN—Would they be bound to remove their poles and wires?

Hon. Mr. SCOTT—If by an Act of the parliament of Canada these poles are required to be moved, then they will have no claim for damages because in former years we gave them that right. We can at any time take it away from them. If a particular case comes up, it will be proper to consider it, but I do not like these leaps in the dark, passing a clause in a general way.

Hon. Mr. POWER—I do not see why we should be so very tender as to the risk of interfering with these railway companies. Under this Bill, 'company' means a railway company. As it is at present, these railway companies have their wires on poles, and in a city or a large town, that is a very objectionable condition of things. It would be much better that the wires should be underground. Now we say here that this company, which has been created by parliament, shall not have a right to sue for damages if the parliament declares that the wires shall be put underground; and I really do not see any reason why we may not go a little further, and say if a local legislature passes a general Act requiring telegraph and telephone wires to be put underground that it shall not give the company ground for bringing a suit for damages. I should be disposed to go that far, to insert after the word 'parliament' 'or by the provincial legislature.'

Hon. Sir MACKENZIE BOWELL—What is the object of having divided authority in a matter of this kind?

Hon. Mr. FERGUSON—These qualifying words would still remain—

In case efficient means are devised for carrying any such lines or wires underground.

We might have this: the parliament of Canada might not think efficient means had been found, and the municipality might determine they had efficient means, and the provincial legislature might come to another decision, and all acting differently: whose law was to prevail?

Hon. Mr. SULLIVAN—Whichever acted first.

Hon. Mr. BEIQUE—Hon. gentlemen will readily understand that it is not likely an Act of this parliament or an Act of the legislature will be passed to govern these things. All that the Act will do will be to authorize municipalities to take action, as was done by the local legislature of the province of Quebec: it was an Act of the province which authorized the city of Montreal to provide means to compel all the companies having poles and wires in the streets, to remove their poles and place their wires underground; but it is not the Act itself which compels, because the Act would be a general Act affecting the whole province. An Act of the Dominion parliament would affect the whole Dominion. We cannot contemplate that an Act of the kind will be passed. What will be done will be a by-law, and really, what is important to provide for is, not for the passing of an Act, but for the passing of a by-law by a city. Exception is taken to my first suggestion, I acknowledge with some reason, that it should not be extended to incorporated villages, or even to towns; I have, therefore, restricted the wording of my amendment to cities. But it seems to me, as thus restricted, that the amendment should be adopted.

Hon. Mr. CLORAN—I would suggest an amendment in case efficient means are devised for carrying the wires underground, no Act of the parliament of Canada shall interfere with municipal or provincial legislation requiring the company to adopt such means.

Hon. Mr. LOUGHEED—In what way would the province pass legislation imposing on a railway company provisions of this kind? Such an Act would certainly be