

graph lines is exclusively within the authority of the federal parliament. I understand my hon. friend to say, and, of course, he concedes this parliament can legislate so as to prevent or preclude railway companies from taking advantage of this clause—that is to say, if an Act of this parliament of Canada is hereafter passed, the railway companies must comply with the provisions of that Act.

Hon. Mr. SCOTT—And have no claim for damages.

Hon. Mr. LOUGHEED—I understand my hon. friend to contend that provincial legislatures and municipalities and other smaller bodies should be placed in the same position of being able to legislate railway companies out of whatever right they might have under this Bill as the parliament of Canada would have. That is what it amounts to. My hon. friend can scarcely seriously expect us to subscribe to such a proposition as that.

Hon. Mr. BEIQUE—I do, and I do it advisedly. The reason why I support the hon. gentleman from Mille Isles is this: we cannot contemplate that a matter of this kind will be regulated by an Act of this parliament. It is a thing which will be done by large cities, and not even by Act of the provincial legislature. It is a matter which is being done by large cities. The city of Montreal is actually considering the advisability of passing a by-law adopting a provision by which the wires, which are strung all over the city, shall be placed underground, and if the city of Montreal passes a by-law of that kind, why should not any railway, to which power has been granted by the parliament of Canada to place poles in the streets of the city for the purpose of carrying their wires—why should not these railway companies be reached as well as any other companies which are the creations of the local legislatures or other bodies? It seems to me we should not contemplate that an Act of parliament would be passed for the purpose, but it will be to the advantage of cities which may pass by-laws requiring wires to be placed underground, and what is taking place in Montreal to-day will probably soon take place in the city of Toronto also. It is known that these poles and wires are

Hon. Mr. LOUGHEED.

serious obstacles in the streets of large cities. They become so numerous that they are dangerous to the public safety, and it is important, in the public interest, that they be placed underground. It has been done in the United States in all the large cities; it has been done in London and Paris and other large cities in Europe, and why should we not make a provision that would assist large municipalities to do likewise and protect the streets by requiring companies to place their wires underground? They should not be enabled to single out any individual corporation, but pass a general by-law requiring all such companies to place their wires underground. Railway companies, like other corporate bodies, should be required to submit to any such by-law.

Hon. Mr. SCOTT—As a rule, in recent years, in giving charters to telegraph and telephone companies, we have invariably placed them under the jurisdiction, so far as wires and poles were concerned, of the municipalities. There may, however, be cases—I cannot see any at present—in which this parliament may have to give exclusive powers to a particular company. If we have, it is for this parliament to revoke the privilege that we have given, and this clause makes it apparent that whenever it has been satisfactorily established that the wires can be placed underground, that then this parliament can repeal the privilege heretofore granted them without their having any claim on the municipality for compensation. I think that is as far as we can go; we are treading on dangerous ground if we go any further.

Hon. Mr. LOUGHEED—It is all a matter of contract anyway between the company and the municipalities. The company cannot, even under this clause of the Bill, go into a municipality without entering into a contract, and of course will have to subscribe to any terms the municipality may impose. Consequently, the remedy is easy. The municipality can compel the company to comply with any subsequent Act.

Hon. Mr. DANDURAND—It is not always a matter of contract, because I have known cases where corporations have overridden the municipal power by obtaining from the legislature extraordinary powers