

mand the attention of this honourable House.

Hon. Mr. CLORAN—I regret that my hon. friend seems to think I have very poor powers of comprehension. I stated last night that this clause is equal to all purposes. If they had left the clause alone, it would have been perfectly safe for all concerned. With the amendments brought in, I certainly was obliged to find fault. The clause as it stands here printed and ready for our adoption is perfectly safe—guaranteed safety for all concerned. It retains the power of parliament; it does not violate the powers of municipal or provincial bodies, and with this clause I am perfectly satisfied; but with the amendments which have been brought forward, I am prepared to disagree, and I say the amendment submitted by the hon. gentleman cannot commend itself to anybody who has knowledge of municipal administration. The sting is in the tail of this amendment. The whole of the hon. gentleman's amendment subjects the matter to the good-will and consideration of the board, and such terms and conditions as the board may dictate. I want him to know, and I tell him in spite of my lack of power to comprehend, it is not fair to force the municipalities of Canada to be subject to the will, or whim, of any board constituted by this parliament. I should like to see the clause pass as it appears in the Bill. It has been wisely drafted, and the amendments which have been proposed do not meet with my approval; but that is no reason why I have no power of comprehension, and no reason why I am not entitled to say, when an amendment is wild, that it is wild.

The subsection was allowed to stand.

On subsection 2,

2. Provided that where the company cannot obtain such consent from such municipal council or other authority, the company may apply to the board for leave to exercise such powers, and upon such application shall submit to the board a plan of such highway, square, or other public place, showing the proposed location of such lines, wires and poles, and the board may grant such application, in whole or in part, and may change or fix the route of such lines, wires or poles, and may by order impose any terms, conditions or limitations in respect thereof that it deems expedient, having due

regard to all proper interests; and upon such order being made the company may exercise such powers in accordance with such order, and shall in the performance and execution thereof, or in the repairing, renewing or maintaining of such lines, wires or poles, conform to and be subject to the provisions of subsection 1 of this section, as if consent had been obtained from such municipal council or other authority, except in so far as the said provisions are expressly varied by order of the board. 62-63 V., c. 37, s. 1 Am.

Hon. Mr. POWER—Hon. gentlemen will observe that in the first place the municipal council has to decline to grant the application. Then there is an ex parte application made by the company to the board. There is no provision that the board shall give the municipal council any notice to enable them to be heard. Hon. gentlemen must see that that is contrary to our ideas of fair-play, and I propose to move to amend this clause in this way: at line 4 on page 60, to strike out the words 'may grant such application,' and insert the following words instead: 'having given such municipal council, or authority, an opportunity to be heard in opposition to such application may in their discretion grant the same.'

Hon. Mr. SCOTT—I have no objection to the amendment.

Hon. Mr. POWER—I consulted one counsel representing the railway, and he said he thought that was a fair and reasonable proposition.

Hon. Mr. SCOTT—I think the board would in any case consult them.

Hon. Mr. LOUGHEED—There is no provision made in the terms of this Bill, so far as I have looked at it, for giving notice. We presume that the court will make regulations, will establish a procedure, by which all parties concerned will be brought before the board, and if a distinction is made in this particular case, as is suggested, then, by implication, other applications may be treated ex parte.

Hon. Mr. POWER—I can find no provision that notice shall be given in this case.

Hon. Mr. LOUGHEED—Certainly not, nor in any other case.

Hon. Mr. POWER—The legal gentleman whom I consulted about the matter said he