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VESTED RIGHTS AND VESTED WRONGS.

If there were just a few more members of the Canadian Parliament with the moral courage and prescience of W. F. Maclean, member for South York, the telephone problem of this country would be settled in short order and with substantial justice to all interests. When the question came up in Parliament last month Sir Wilfrid Laurier expressed a sympathetic concern for the disabilities under which municipalities and the public labor by reason of the present state of legislation regarding telephones, and at the same time he evinced an equally tender concern for the "vested rights."

No one should wish to deprive any company of goods it has bought and paid for, but let us examine the sophism, which if Sir Wilfrid Laurier is correctly reported, he has dignified with the name of "rights" in the case of the company in question. Is not the principle of local self-control in matters of local concern a settled principle in the government of this country? If this is so then what right has the Dominion Government to grant to a private corporation privileges which invade the "vested rights" of every municipality in the country. When the Bell Telephone Co. applied for power to enter a city or town, tear up its streets and injure or destroy its property, why was not Parliament a little more solicitous about the "vested rights" of these municipalities? The fact is that the Dominion Parliament gave the Bell Telephone Co. a right to rob, and having given away what never was morally its own to give, the Govern-

ment now holds up the Bell Company as the injured one, when the municipalities wish the depredations stopped.

Sir Wilfrid Laurier has always professed great reverence for British constitutional usages, and the British notion of law and order.

We may point out that the rights claimed by the Bell Telephone Company in regard to the placing of poles on public property, exceed those possessed by any telephone company, or even the Government telephone department in Great Britain or on the Continent of Europe. The British Postal Telegraph Department itself has to obtain the consent of the municipalities to the placing of poles on the public highways, and there are cases on record where circuitous routes have had to be taken in consequence of the refusal of this privilege by the local authorities. We quote these facts in order to demonstrate that British law recognizes the principle which gives the municipalities the same right to control the public roads or streets, which the private owner has over his own property. If the Government of Canada has hitherto ignored this principle, the sooner it remedies the wrongs created by itself the better it will be for the public whose natural rights are over-ridden. Perhaps when the Premier reflects on the ill-liberal and confiscatory tendencies of his own legislation as compared with the respect which British legislators pay to local and private rights of property he will form a new and better conception of whose "rights" were invaded by the various pieces of legislation that have created the Bell Telephone Co.

The "vested rights" of the combined municipalities of the Dominion have an infinitely greater claim for recognition than those of a monopoly which today has the gratuitous use of the ratepayers' property whereby they are enabled to earn an 8 per cent. dividend on stock, a large part of which is water, and nearly 50 per cent. of which is held by a United States corporation for patent rights long since expired and now valueless.

There is another feature of this question which has hitherto been overlooked. We refer to the charters granted by Parliament to other telephone companies to the number of at least sixty, doing one-third of the telephone business of the country. These companies have also "vested rights," yet we do not find them to be the same "spoiled children of fortune" as the Bell monopoly, in regard to the right to defy municipal authority. Indeed, many of these undertakings are seriously handicapped because they have to compete with the "Bell" under unequal conditions. This is not only inconsistent but unjust. The duty of the Government in this matter is clear. They should either amend the law in regard to the Bell Telephone Company, or they should pass a general act giving all telephone companies equal rights in regard to the use of municipal property, and so make competition possible under equal conditions.

The "vested rights" of the Bell Telephone Com-