

I gave the reasons for this the other day. If these words are not added, the inference will be that an Act passed by the local legislature will be an infringement of the rights granted by this parliament. It will mean the parliament of Canada will have the right to oblige a company to put its wires underground, but the local legislature will not have the same right. The corporation of Montreal has been authorized by the legislature of Quebec to compel the telephone companies in Montreal to put their wires underground. If this subclause is passed as it is, and if the city of Montreal, by virtue of the power granted to it by the provincial legislature, try to compel the telephone companies to put their wires underground, the company would have a right to say no; subsection (g), section 195 of the Railway Act applies to Acts of the parliament of Canada, but not to an Act passed by the local legislature. There is no restriction to the power which we have. You cannot do away with the general power which we have to lay our lines where we like and oblige us to put all wires underground. That requires an Act of the parliament of Canada.

Hon. Mr. SCOTT—I do not think we can very well repeal a statute of the province of Quebec by an Act of the parliament of Canada. Under this Bill no Act of the parliament of Canada would interfere, supposing an order were given to put all telegraph, telephone and electric light and power wires underground. I do not think it would be wise for us to disturb any arrangement between any municipality and the province of Quebec.

Hon. Mr. CLORAN—I quite agree with the hon. Senator that a local Act should have effect on municipal bodies, but this clause does not destroy the power of a local legislature to pass an Act. It simply says that if parliament pass an Act to force the wires underground, there would be no action for damages.

Hon. Mr. BEIQUE—I agree with the suggestion made by the hon. gentleman from Victoria. If it is necessary to make provision for the case of an Act of the parliament of Canada being passed, is it not equally necessary to provide for an Act of

the local legislature? I suggest that this paragraph be made to read as follows:—

No Act of the parliament of Canada or of any of the provinces, or by-law passed by any city, town or incorporated villages requiring the company to adopt such means and abrogating the right, &c.

Hon. Mr. KERR (Toronto)—That is going pretty far, to say that after the people have established their system a by-law may be passed which shall compel them to change it. That is giving a great deal of power to the municipality.

Hon. Mr. LOUGHEED—What is my hon. friend's interpretation of that clause?

Hon. Mr. BEIQUE—Let us take the first paragraph:—

195. When the company is empowered by the special Act of the parliament of Canada to construct, operate and maintain lines of telegraph, telephone, or for the conveyance of light, heat, power or electricity, the company may with the consent of the municipal council or other authority having jurisdiction over any highway, square, or other public place, enter thereon for the purpose of exercising the said powers, and, as often as the company thinks proper, may break up and open any highway, square or other public place, subject, however, to the following provisions:—

Then it provides that the consent of the municipality for the erection of poles and wires shall be obtained.

Hon. Mr. LOUGHEED—But we are discussing subclause (g).

Hon. Mr. BEIQUE—Subclause (g) provides for this, that although this consent has been given by the municipality, if we pass an Act of parliament requiring that the wires be put underground, then it will not be taken as an infringement of this Act and the company will not be entitled to any compensation. If there is any occasion to provide for that in case an Act of parliament is passed, it seems to me there is an equal reason to provide for it in case an Act be passed by a local legislature. Suppose we leave it as it is, will not the inference be, from the fact that it was necessary to provide for the case of an Act of parliament being passed, that if it was not an Act of the parliament of Canada, then it could not be effective, it would be taken as interfering with this Act of the parliament of Canada.

Hon. Mr. LOUGHEED—Under the British North America Act, the building of tele-