

ought to be, because it begins with what is a mistake. It says: 'In case efficient means are devised for carrying any such lines or wires underground.' We know that they have been devised, and I would suggest that paragraph (g) remain in the Bill, but in this form:

No Act of parliament requiring the company to adopt efficient means for carrying such wires underground, and abrogating the right given by this section to carry lines on poles shall be deemed an infringement of the privileges granted by this Act.

Hon. Mr. FERGUSON—I cannot agree with the hon. Speaker about that. I think if you retain this clause it will nullify the closing part of the amendment, that is, that the board shall have power to say upon what terms it shall be done, because we are declaring that the company will have to put them underground and have no compensation for it, but under the amendment, which is more equitable, the board will have the power to say upon what terms and conditions.

Hon. Mr. BEIQUE—The Speaker knows better than myself that parliament is known to be supreme and its actions do not give rise to any compensation. The moment parliament prescribes that such a thing shall be done, unless the parliament of Canada says it shall be done at the expense of other parties, then the parties directed to do it have to do it at their own expense. Therefore, it is a clause which is altogether unnecessary, and we have it in the Revised Statutes that the repealing of a statute is within the exercise of the rights of parliament and that it gives rise to no indemnity whatever.

Hon. Mr. POWER—The hon. gentleman was not present in parliament when this particular clause was inserted in the railway law and the object of doing so was explained. I quite admit it is not absolutely necessary, because parliament has power to enact almost anything without notice. The object of putting this paragraph into the law was to give notice to companies that they were to look forward to the probability that some such Act of parliament might be passed, and that they should not have any reason to feel aggrieved if an Act of parliament was passed compelling them to put their wires underground. It was simply intend-

ed as a notice to the company that they should be prepared for that contingency. I think it is right it should be there. What harm does it do?

Hon. Mr. DRUMMOND—I think a company should hesitate a long time before they agree to put wires in any village or municipality on poles, if they may be obliged, on the application of the municipality, by the board which has nothing to do with finding the money, to put the wires underground, multiplying the cost of the original plan. There should be some provision by which the company which put up the telephone service in that village should have the right to withdraw if they did not think the business worth putting the wires underground.

Hon. Mr. BEIQUE—The hon. gentleman seems to be labouring under the impression that telephone companies are affected by this. They are not affected.

Hon. Mr. DRUMMOND—I know it; I am speaking of railway companies.

Hon. Mr. BEIQUE—The hon. gentleman will not deny that this is equitable for all parties concerned. It is open to the railway companies, when they put up poles and wires for the purpose of their business in streets of cities, to do it with the sanction of the municipality. They should do it with the sanction of the municipality and therefore agree upon a term within which they shall not be removed, or that if they should be compelled to move the poles, it shall be done at the expense of the municipality.

Hon. Mr. DRUMMOND—That covers the whole ground if that is the case.

Hon. Mr. BEIQUE—That is the first thing that a railway company should do in approaching the municipality. We provide for cases of this kind, that when the companies cannot get the consent of the municipality to their placing poles and wires in streets of cities, then the board may grant that power. Therefore, we open the door to this condition of things, that the railway company places poles and wires in the city of Montreal or in the city of Toronto, or half a dozen railway companies do the same thing, and in ten years hence the city of Toronto or the city of Montreal may pass a by-law requiring that all wires be placed