

company would be deprived of the right which it will have to acquire, in virtue of this clause, even if that subclause is not there. That subclause adds nothing to the rights of the company. If they have obtained the consent of the municipality, they are in possession of that consent, and this clause will have no retroactive effect, and will not deprive the company of the rights which they may have acquired, so I do not see why this subsection is here more than in fifty other places. If there is a reason to put it here, there is a reason to put it in two hundred other clauses of the Bill.

Hon. Mr. LOUGHEED—I recall our going through a clause providing that the general act would prevail notwithstanding anything in the special act, unless it was specially provided for in the special act. I think there is a clause of that character in the Bill and it might possibly be to meet that condition of affairs that this subclause is introduced.

Hon. Sir MACKENZIE BOWELL—It seems to me that there must be some reason for this subsection being included in this clause. There must be a special reason for it; and if there is any company that has rights which has been conferred upon them, either by special act of the parliament of Canada or amendments thereof, surely there can be no objection to the retention of this clause in order to preserve those rights. If there were no danger of the rights being interfered with, this clause would not have been placed here, and if there are any rights existing conferred upon any company, they certainly ought to be preserved. We are not supposed to interfere with what, as I would infer, this clause provides for, the retention of vested rights, and it ought to remain. If the interpretation put upon the general law by the hon. gentleman who has moved the amendment be correct, then the retention of it can do no harm, and if there is no doubt as to the provisions of the whole Bill as to the preservation of vested rights, it ought to be in.

Hon. Mr. WATSON—I understand this matter was discussed freely in the House of Commons, and that the provisions contained in clause 184 are taking away the rights and that the General Railway Act gave power at that time to construct tram-

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ways and so on. They had the power under the General Railway Act and I understand this clause was put in because subclause 1 of clause 184 took away the rights provided for in the Railway Act, and for that reason, after taking them away, they put in subclause three to say that nothing in this section shall deprive the subject who had rights before.

The subclause was adopted.

On clause 193,

193. Whenever any municipality or corporation has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of the company, in such district, and cannot agree with the company with respect thereto, such municipality or corporation may apply to the board for leave therefor, and the board may order the company to provide for such connection or communication upon such terms as to compensation as the board deems just and expedient, and may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

Hon. Mr. BEIQUE—This clause provides for telephone system connections with the stations on such terms as the board may direct. I move that the first line be made to read as follows:

Whenever any municipality, corporation, or incorporated company has authority to construct.

Hon. Mr. SCOTT—There is no objection to that.

Hon. Mr. CLORAN—If a capitalist wanted to establish a telephone company, he would not have the right to do so under this clause.

Hon. Mr. KERR (Toronto)—Any individual who started a company would require to have a telephone station.

The clause was amended and adopted.

On clause 193, subclause (g),

(g) In case efficient means are devised for carrying any such lines or wires underground, no Act of parliament requiring the company to adopt such means, 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, nor shall the company be entitled to damages in respect thereof.

Hon. Mr. DAVID—I move that after the words 'parliament of Canada' the following words be added:—

Or of the local legislature.