

Hon. Mr. POWER—No, at the present time these companies have the right to erect poles under certain conditions, and the proposed amendment provides that that right may be abrogated on the application of the municipality to the commission. If the commission think it is in the public interest that the right of a company to erect poles and string wires should be abrogated, they have the power to do it; and it is a step in the right direction. It is not as radical nor as drastic as the amendment proposed by the hon. gentleman from de Salaberry. But there is no question about our having the right to make this enactment; and there was some question as to whether we had the right to make the enactment proposed yesterday.

Hon. Mr. DAVID—Although the amendment presented by the hon. gentleman from de Salaberry does not go so far as I wish, and as far as my amendment went, I think that when we cannot have the whole loaf we must accept the half loaf. The present amendment is an improvement on subsection (d). I therefore withdraw my amendment and accept the amendment proposed by the hon. gentleman from de Salaberry. If there had been no acquired rights on behalf of certain companies which had been incorporated by the parliament of Canada years ago, and who enjoyed those rights conferred upon them by parliament, I would not accept the amendment of the hon. gentleman from de Salaberry, but when we have to do with those acquired rights, I think this amendment goes as far as it can go under the present circumstances.

Hon. Sir MACKENZIE BOWELL—As I understand the amendment proposed, there is a material difference; it provides that if a request is made by a municipality the board may do so and so, and upon such conditions as seem proper. The great difference between that and the clause in the Bill is that under the amendment the board might decree that the municipality should pay the whole of the expense or part of the expense attending it.

Hon. Mr. CLORAN—That is it.

Hon. Sir MACKENZIE BOWELL—Under the provisions of the Bill the government

must be the judge as to whether efficient means have been devised for the purpose of placing the wires underground, and then the most important point is that the railway, which is compelled under the clause in the Bill to place their wires underground, would have to pay the expenses and have no claim for damages. There is this difference. The difference to my mind is somewhat important. Railways affected would have to do it at their own expense in one case, and in the other the board might decree that the railways or companies should perform their work at their own expense, or they might decree that the municipality would pay half.

Hon. Mr. ELLIS—To my non-legal mind it would be better not to interfere with this clause. The Act is carefully drawn, and this clause is self-contained. Subsection (g) refers simply to the powers given by the first clause and the section itself, and to travel beyond that would seem to me to be entering upon an unknown field which it is not well for us to explore. Subsection (g) reads as follows :—

(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.

I think it would not be wise to go beyond that. We should confine ourselves to sub-clause (g).

Hon. Mr. CLORAN—I call attention to the declaration made by the hon. leader of the Senate. This amendment is a wild one. It reads 'the whole on such terms and conditions as the board may prescribe.' Today by our municipal law and by our provincial law, municipal corporations can force companies of telephone, telegraph, light, heat, power or any other electric means to put their wires underground without any recourse for damages against that corporation. That is our inherent right under municipal law. The hon. senator comes before this House and asks us to allow this board to dictate terms and conditions to the municipality who will make that demand upon telephone, telegraph and other companies. That board may