

authorities of the United States closed the outflow, and compelled these companies to maintain the lake at mean level. It is as inevitable as anything can be that this parliament must, some day, grapple with these questions. But these questions are not raised in this Bill. The hon. member for West Algoma (Mr. Boyce) says that this Bill was defeated in this House. That is not the case.

Mr. SPROULE. He said it was defeated in the Senate.

Mr. CONMEE. He said it was defeated in this House too. It passed the Senate two years ago, but did not come to a vote in this House. And the hon. member for East Grey (Mr. Sproule) knows very well the reason why it did not come to a vote—he obstructed it, and so the Bill was not reached. This is a very much improved Bill. I said that I did not propose to discuss the Bill on this occasion. But I am willing to discuss it, and seeing that discussion is forced upon me, I will say a few words concerning it. I would ask hon. members, what is there in this Bill that interferes with provincial rights? I ask the hon. member who has already spoken and others who are yet to speak to answer that question.

Mr. SPROULE. Perhaps I may be permitted to say a word at this point. Suppose that on a certain stream, three hundred miles long, there is navigable water for a distance of fifty miles, and that on the rest of the stream there are many available water-powers. Now, these water-powers are regarded by the province as their asset, and they propose to work them and control them. This Bill interferes with that right.

Mr. CONMEE. The hon. member, (Mr. Sproule) is entirely mistaken. The Bill takes away no rights from the province. The river is not three hundred miles long, but about forty-five miles long, and it is navigable throughout its length except at the several falls. If my recollection is correct, there is a total fall of over three hundred feet on the river, and there are seven or eight points at which about 25,000 horse power can be developed. This Bill asks for but one. Hon. gentlemen must bear in mind that it is not in the nature of a monopoly. It has been so represented, and I fear, notwithstanding the explanation of the fact, it will be still misrepresented. But there are seven or eight other points on the river at which an equal amount of power can be developed, that is, the same volume of water and the same head can be obtained at different points. This Bill asks for one. Now I may ask, does the province own the stream? I am told by very eminent legal men that there is no ownership in water, and that if there is in this case, it

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certainly does not belong to the province. As I stated a moment ago, it is more or less international in character, because it is a feeder of these international waters that divide the two countries; there can be no question about that. The Bill merely gives this company power to go on and construct works. If the province of Ontario own any land, any rights, if they own a water privilege, why, they must be paid for it; it cannot be taken for nothing; they will have to be dealt with and their rights satisfied.

Mr. BOYCE. Is the hon. gentleman not aware that the Ontario government to-day is claiming jurisdiction over this very river, the Nipigon river, under its power law?

Mr. CONMEE. I am aware that the province of Ontario is objecting to all these Bills. They have an agent here and have had for the last four or five years, yet the Bills have gone through just the same.

Mr. BOYCE. Not this one.

Mr. CONMEE. They had an agent here objecting to this Bill.

Mr. BOYCE. But it didn't go through.

Mr. CONMEE. There are good reasons why the Bill did not go through. The hon. gentleman stated that it met defeat in this House. That is not true. It did not meet defeat. The hon. member from the Soo, speaking at first, said the Bill was defeated in this House.

Mr. BOYCE. It did not get through this House.

Mr. CONMEE. The hon. gentleman said it met with defeat here. He is not correct, it was not reached.

Mr. BOYCE. I was correct in saying that it was defeated by the Senate committee, am I not, this same Bill?

Mr. CONMEE. It was defeated by the Senate committee last year. There are several reasons why the promoters of this Bill are within their rights in coming to this parliament to ask for this legislation. In the first place, they say that the legislature of Ontario has no constitutional authority to clothe them with the powers they require. The British North America Act, I think, bears that out. Under section 92, reference is made to the exclusive powers that the legislature can exercise, and one of them is subsection 11 to charter companies for purely local objects, local enterprises confined within the province. Then, section 91 defines what subjects are within the exclusive jurisdiction of the federal parliament. It includes the navigation of navigable waters, railways, telegraphs, and that class of legislation. It includes other things—but I do not want to take up the time of the House by reading them, because