

negotiations with the United States or make any treaty that will limit the quantity of water which the province of Ontario may draw from the Niagara river without materially injuring the scenic effect. The hon. the Minister of Public Works charged me with disputing the authority of this government over the export of electricity.

Mr. HYMAN. I did not do anything of the sort.

Mr. COCKSHUTT. I certainly had no intention of saying anything of the kind. At the very outset, I desired to compliment the Minister of Justice by expressing my belief that the principle of his Bill was an admirable one. I believe the Bill would be an effective safe-guard, but I pointed out that it was not applicable to the three companies. These companies have already arranged to export a large part of the power they are generating, so that if the government were to prevent the granting of further franchises, we shall be perfectly helpless; and I ask that the government do not enter into any bargain which would restrict us in this respect. The Bill of the Minister of Justice is in my opinion commendable, and I shall be disappointed if he does not push it, but I think the amendment he has moved to his own Bill is very dangerous in this respect that it may raise the question as to the jurisdiction of the province of Ontario to control existing rights on the river.

Mr. W. F. MACLEAN. The hon. member for Welland says that the cost of power may be \$10 per horse-power. I have looked into the statement of one of these power companies and I find that it has been actually put in as part of the cost of acquirement of franchise and construction of works \$6,000,000 of watered stock. In their first annual statement this amount appeared as watered stock, but now it is shown as a part of the \$12,000,000 which represents the cost of the works up to the present day.

Mr. GERMAN. Which company was that?

Mr. W. F. MACLEAN. The company having its headquarters in Toronto. There is another point growing out of this debate. I would ask the government whether the Canadian government at any time has protested in regard to the diversion of the waters of the Chicago drainage canal, as interfering with the navigation of the lower lake system.

Mr. HYMAN. I do not remember, nor does the Prime Minister, remember that any formal protest has been made by this government. My recollection is that authority was given for the Chicago drainage canal before this government came into power.

Mr. COCKSHUTT.

Mr. W. F. MACLEAN. I meant the Canadian government not the present government merely.

Sir WILFRID LAURIER. I am not aware of any.

Mr. FITZPATRICK moved that the committee rise.

Motion agreed to, and committee rose.

RAILWAY ACT, 1903, AMENDMENT.

House went again into committee on Bill (No. 62) to amend the Railway Act, 1903.—Mr. Emmerson.

Hon. H. R. EMMERSON (Minister of Railways and Canals). When this Bill was before the committee on a previous occasion we agreed to all the clauses down to and including clause 21. There is one amendment which I would seek to add, and to be inserted as section 7 (a):

Subsection 1 of section 137 of the said Act is repealed, and the following subsection substituted in lieu thereof:

The company may, for the purpose of constructing, maintaining or operating its railways, or for the construction or taking of any works or measures ordered by the board under any of the provisions of this Act or the Special Act, take possession of, use or occupy any lands belonging to any other railway company, use and enjoy the right of way, tracks, terminals, or station grounds of any other railway company, and have and exercise full right and power to run and operate its trains over and upon any portion or portions of the railway of any other railway company, subject always to the approval of the board first obtained and to any order and direction which the board may make in regard to the exercise, enjoyment or restriction of such powers or privileges.

This is proposed with the express object of authorizing the Board of Railway Commissioners to give running powers to one railway over the tracks of another. When section 137 was first under consideration in this House, the idea was advanced that the section as then drawn gave all these powers; and I think the view has prevailed from that time to the present that the section did contain all that was necessary in order to enable the board to give such powers. However, doubts have arisen with respect to the matter, and I have thought that it was desirable that these doubts should be removed. I know that my experience in the department, particularly with the approval of route maps, especially in British Columbia, is that it is sometimes very difficult to discriminate as between the applications made by several companies. It is impossible, along the banks of certain of the rivers and through certain of the passes, to have more than one railway located. A very serious