

principle of this Bill. Last session my hon. friend endeavoured to secure the passage of the principle of the Bill under this name and the preceding session under another name, but in each case he has met with a reverse, either in the Senate or in this House. The first Bill was defeated in this House, while the second was thrown out in the Senate committee after a somewhat lengthy debate. The objections to this Bill are serious, and I do not want to have it thought I am endeavouring captiously to take up time. By the Bill certain private rights are sought on two rivers flowing into Lake Superior, the Pigeon and Nipigon rivers. It is sought to acquire the use of the water-power on these rivers, accompanied by the right to acquire such lands, privileges, &c., as are necessary to carry out the operation of those water-powers. The Ontario government has laid out with considerable care a power policy for the development and control of power and the regulation of rates in that province. That power policy has been twice approved by the people of Ontario. It involves the very principles of control over water-powers of which this Bill endeavours to rob the province. Therefore, if this Bill were objectionable in nothing more than its invasion and violation of the principles of provincial rights, it should not be allowed to receive its second reading. I would point out in this connection the provisions of section 14, which are as follows:

"In case of any dispute or difference as to the price to be charged for power or electrical or other energy, for any of the purposes in this Act mentioned, in use or to be provided for use upon the Canadian side of the international boundary, or as to the methods of distribution thereof, or as to the time within which or as to the quantity to be furnished, or the conditions upon which they shall be furnished for use, or as to the value of any lands, timber or other material, or the exercise of any of the provisions of this Act, such dispute or difference shall, notwithstanding the provisions of section 17 of *The Railway Act*, be settled by the Board of Railway Commissioners for Canada on the application of any user of or applicant for power, electrical or other energy produced by the Company, or upon the application of the Company.

One of the chief provisions of the Ontario Power Act is the control with regard to the user of the power and the regulation of rights which this section 14 would take away from the province. I do not want to discuss the Bill clause by clause; I am merely pointing out objections to its principle. The Senate committee was very emphatic in its condemnation of the Bill owing to its invasion of the rights of the province, counsel for the province being present and objecting to it. I hope, therefore, the House will not allow the Bill to receive its second reading.

Mr. BOYCE.

Hon. GEO. P. GRAHAM (Minister of Railways and Canals). I would not for a moment take the ground my hon. friend does that it would be wise to negative the motion for the second reading. For my own information I would ask if these streams are boundary waters?

Mr. CONMEE. The Pigeon river is an international water and the Nipigon is a navigable water, and in my opinion also international in character because it forms a source of the lakes and connecting channels which are international. A case arose which makes that point quite clear in connection with the Rainy river. A company developing a power at Duluth undertook to divert a portion of the waters from the watershed of the Rainy river to the St. Louis river. The Canadian section of the Waterways Commission objected to that proceeding. There is a report upon that subject, the result of which was the Duluth Company were prevented from diverting portions of the water from flowing into Rainy lake, the source of Rainy river. The same conditions exist at Nipigon. Certain of the waters flowing into the Nipigon can be diverted very easily—I am speaking from personal knowledge of the ground—to the Albany river. There are very few points at the head of most of the large rivers on the north shore where that cannot be done, and there is a question as to where the line should be drawn as to what is international and what is not. These streams certainly form the international waters of the great lakes, and if we read correctly in the press, the recent treaty provides that the jurisdiction of the commission shall extend not only to the basin of the lakes but to the area of drainage. It is quite apparent that there must be a regulating power somewhere. In some respects the question of international waters are just as much an issue in the one stream as in the other.

Mr. BOYCE. Does the hon. member base his claim in reference to the Nipigon river on its being an international water?

Mr. CONMEE. Not at all, that is only incidental; it is a navigable water.

Mr. BOYCE. For what distance?

Mr. CONMEE. No dam or bridge can be constructed across any navigable stream without the consent of the federal authority. There is a case in point. A Bill has been passed by this House relating to the development of water-power at Fort Frances by the Ontario and Minnesota Power Company.

Mr. BOYCE. That is an international water.

Mr. CONMEE. Certainly, so is the Nipigon river, to a certain extent at least, in my opinion.