

thousand cubic feet per minute, from the channel of the said river opposite the westerly part of lot number 19 in the second concession of the Township of Oliver, through the Townships of Oliver, Paipoonge, Neebing, and McIntyre, and the Towns of Port Arthur and Fort William to Thunder Bay, Lake Superior, by means of a trench, canal, pipes, conduits, channels, reservoirs and raceways, and for the purpose of so doing to make and construct the requisite works across, under and over any railway, tramway, stream, watercourse or highway which it may be necessary to intersect or touch, and through, over, under and across any lands of which he may from time to time be the owner or which he may from time to time acquire from the owners thereof, and through, over, under and across such lands as he may be authorized to take, acquire, hold and use in the manner hereinafter set forth; provided, however, that the provisions of this section shall be deemed to apply only so far as the jurisdiction of the Legislative Assembly of the Province of Ontario extends.

3. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to intercept and divert into the said canal, trench, pipes, conduits, channel, reservoirs and raceways any and all streams and watercourses that may be crossed by the said canal, trench, pipes, conduits, channels, reservoirs and raceways; provided, however, that after so doing he shall at all times permit and allow to flow from the said canal, trench, pipes, conduits, channels, reservoirs and raceways into the present natural channels of such intercepted streams and watercourses an amount of water that shall not be less than their present flow in seasons of low water; provided, however, that in the case of any power on any intercepted stream or water course being interfered with, the owner thereof shall be entitled to compensation to be determined as hereinafter provided.

Authority to divert waters of streams that canal crosses.

4. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered to make and maintain dams and embankments, and to construct and maintain storage ponds and reservoirs and settling basins along the line of the said proposed canal, trench, pipes, conduits, channel and raceways, and to enlarge by widening and deepening the channels of any existing streams along the line of said tail races, and generally to construct, maintain and operate all, the works mentioned in the agreements contained in Schedules A and B to this Act and necessary to carry out and comply with the terms and provisions thereof.

Authority to make dams.

5. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, from time to time, to enter upon, take possession of, acquire, hold and use such lands in the said townships and towns as may be necessary for the reasonable and economical construction, maintenance and operation of the said canal, trench, pipes, conduits, channels, raceways, ponds, reservoirs, basins, and other works whether as a site for the said works or any of them or for the purpose of obtaining therefrom stone, gravel, earth, sand and other materials required for the construction and maintenance of any of the said works; but the said Edward Spencer Jenison shall make full compensation for all lands so taken without the consent of the owners and the dam incidental to the taking thereof; and shall also make full compensation to the owners, occupiers or other persons interested in any lands that may be injuriously affected by the exercise of any of the additional powers conferred by this Act for any damages to said lands or estate or interest therein or rights or easements affecting the same resulting from the exercise of such additional powers.

Authority to expropriate lands.

(2) In determining the amount of the compensation for the lands of the said Jenison now located and occupied as right of way by the Ontario and Rainy River Railway Company (and damages, if any, arising by reason of said railway or the location and running thereof), the same shall be ascertained and fixed on the basis as if this Act had not been passed and shall in no way be affected by the passing of this Act. Provided that the third arbitrator provided for by Section 20 of *The Railway Act* shall in this case be the Official Arbitrator appointed under the provisions of the Act chaptered 227 of the Revised Statutes of Ontario, 1897.

6. The compensation to be paid as aforesaid shall be ascertained and determined in the manner provided by Section 20 of *The Railway Act of Ontario*, all the provisions of which section are hereby incorporated with

Manner of ascertaining compensation.