

section of the country passing over private lands. The waters are to be discharged into a stream known as the Jordan, which flows also through private lands. The Jordan is a small stream which used to be called Twelve Mile Creek. From that it will discharge the waters down into Lake Ontario. I ask any one seriously to say, is it not a farce to call a work of that description, one for the general advantage of Canada? The Senate has not assented to that yet. It is open to the Senate to refuse to pass this Bill, with that clause in it.

Hon. Mr. DAVID—But the declaration is there and the committee accepted that declaration.

Hon. Mr. KERR (Toronto)—Yes, but it is open to the Senate to say that with that clause in the Bill they will not pass it. It is just as open for consideration on the next motion that is to be made as it would be at any time, so that this Senate has not concluded itself at all by the action of the committee. The point that I want to make is, that here is a scheme of private individuals who seek from us an Act of incorporation and ask us to give them power of interfering with streams under the control of the province of Ontario, and out of that property to be enabled to create a power company and to produce power for mercantile purposes entirely for their own gain. That is their whole proposition, and although this declaration that it is a work for the general advantage of Canada is in this clause, we are not bound as yet by that because we have not affirmed it in this House. Although the committee did pass it, I do not think we are in any sense concluded by it. Under these circumstances, what should we do? Confer this power? Oh, yes, the railway companies have it. Sometimes great hardship is experienced by individuals in the exercise of the rights which are conferred upon railways with respect to that power of expropriation. The compensation given for lands taken, it is true, is sometimes high. In other cases everybody knows the people are not at all compensated for the injury which has been done them. It is a question of definite interference with provincial and private rights. What call is there, what necessity is there, for this? Why

Hon. Mr. KERR (Toronto).

should this parliament declare that this company shall have the power to take the land of a farmer in the county of Haldimand or in the county of Welland? Why should they take any part of his land? Why should they cut his farm in two, possibly destroying it altogether? What would you think if it were your own farm that was being dealt with in that way? And yet that is the way you should think of it now. If a case were made out of necessity for this power being given to the company; if a case were made out that while it was going to injure some people it was going to confer a great benefit upon others, and that the community at large were interested in seeing that the power was conferred; then there would be some excuse; but no case of that kind has been made out. It is simply a case of certain persons forming themselves into a company and coming here and asking for incorporation, obtaining powers which as individuals they could not have, and then asking this additional power from you. I say it is wrong. I submit that the fact that it has been done in other cases is no precedent at all. We have done it in some cases and we have refused it in others where the demand has been resisted. Where it has passed through unobserved it has been granted; but it has been refused many times. In 1904 it was refused two or three times.

Hon. Mr. McMULLEN—In what case?

Hon. Mr. KERR (Toronto)—The power company here at Hull for one.

Hon. Mr. POWER—That was a very exceptional case.

Hon. Mr. KERR (Toronto)—If ever there was a case where private rights should give way, it seems to me it was in that case, but notwithstanding the fact that there was a demand for power, that the water-power was not producing all the energy required, and that by introducing such works as were proposed the available power for manufacturing would be increased a great many times; yet in that case it was resisted, and because private rights were going to be interfered with it was refused. So in the case of the Thompson River Company, where those who were erecting booms were