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that may seriously affect Canadian interests: and that for the reasons set out in the memorandum hereto annexed, it is desirable that the whole matter should be made the subject of direct discussion and settlement with the Government of the United States.

The minister, therefore, recommends that representatives of this government be delegated and empowered to approach the United States Government through the appropriate channel and to enter into negotiations upon the matter with representatives of that government upon the basis of the annexed memorandum.

The Committee concur in the foregoing recommendation, and submit the same for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

MEMORANDUM.

The St. Lawrence River Power Company, a corporation of the State of New York, has made, under what is conceived to be the authority of the Treaty of January 11, 1909, between the United States and His Majesty the King, an application to the International Joint Commission for the approval of a project to construct a submerged weir in the South Sault Channel of the St. Lawrence River. The South Sault Channel is an international boundary water, and the Government of Canada and the United States having appeared by counsel in the proceeding and the hearing thereon, certain questions have arisen that affect not only the treaty relations between Canada and the United States and the powers of the International Joint Commission, but also the prosecution of the European war. For the reasons hereinafter indicated, it appears desirable that the matter should be made immediately the subject of direct consultation and negotiation between the two Governments.

The position as reported by counsel for the Canadian Government may be here summarized. In September 1917, the St. Lawrence River Power Company applied for and secured permission from the Secretary of War of the United States to undertake certain works in the South Sault Channel, namely, to dredge a channel through what is known as Dodge's Shoal, to construct a moveable ice boom, and to extend to Long Sault Island, by means of a submerged weir, the jetty or deflecting dyke already existing in the South Sault Channel. It was stated that the object in view was, through the effect of these works on the river ice-formations, to secure during the winter season an increased development of hydro-electric power in the company's power plant at Massena, New York, which is dependent for its operation upon a diversion of the waters of the St. Lawrence River. The construction of the submerged weir, was only permitted by the Secretary of War subject to the approval of the International Joint Commission; the other works, however, were approved, without the knowledge of the Canadian Government and without any reference to the Commission, and have in whole or in part been proceeded with.

Although the immediate completion of all these works has been represented as being highly desirable and even urgently necessary, almost a year was allowed to elapse before the St. Lawrence River Power Company took steps to fulfil the condition imposed by the Secretary of War in respect of the proposed submerged weir; it was not until August 9, 1918, that the company's plans and application for approval thereof were filed at the offices of the International Joint Commission at Washington. Thereafter, on August 12, before any notice of the application has been formally served upon the Canadian Government, counsel for the United States Government presented a motion before the International Joint Commission in the course of a hearing upon another matter, praying that the hearing on the application should proceed at that session notwithstanding the Commission's rules of procedure, which require notice and publication of the application and provide for a considerable period for the filing of