

representatives upon that commission, and during that two and a half years, we spent a great deal of time and energy, and some \$15,000 in money, in research with regard to the possibilities of Niagara, and what it might mean to the province of Ontario as a power proposition.

Before entering upon the value of Niagara as a power proposition, I desire to deal briefly with the position of the question of jurisdiction over the waters of Niagara. It has been presumed up to the present time that the province of Ontario had considerable, if not entire, jurisdiction over the waters of Niagara river so far as that river is a power proposition. But within the last few weeks or months, an agitation has arisen to a certain extent in this country which has endeavoured to place the jurisdiction of those waters to a considerable extent under the Dominion government. Now I am not a constitutional lawyer, as every one knows, and I do not profess to advance any opinion from that standpoint. But I have been consulting some authorities with regard to jurisdiction over the Niagara river, particularly as a boundary water, and I find that so far as these authorities that I have at hand are concerned, they pretty generally recognize that the parties who are resident upon and own the banks of the river are entitled to use that river to a very large extent for their own purposes and also for the purpose of power. The Ontario government is at present in possession of the banks of a considerable part of that river, and under that possession, so far as I am able to read the law, they have the right to regulate what amount of water should be taken from that river to generate power in the province of Ontario for the benefit of its industries, and also for the benefit of such traction companies and railways as might desire hereafter to employ those forces of nature to carry on their business or to draw their trains. Turning aside from the position the province has enjoyed up to the present time in this respect, I find that there is a disposition on the part of some members of the House here, as evidenced in a debate on the 10th of May, to take a certain amount of jurisdiction over these waters into the hands of this government. I will be glad indeed if the Minister of Justice, before the Bill is withdrawn, would tell us exactly what the position of the government is with regard to jurisdiction over these boundary waters. The river Niagara of course is a boundary water between the province of Ontario and the State of New York, and as such it perhaps belongs to a different class from a river that flows entirely through the province and does not border on our adjoining neighbours. But in the case of the Niagara river, it is a boundary water, and is therefore placed under a different law to what a river would be that flowed through the province. I think it would have been interesting and

instructive to the province of Ontario, particularly, if this government had been able to state exactly what their position was with regard to jurisdiction over that river, whether they assert the right to regulate the amount of water that should be taken from that river for power purposes, or whether they propose in the near future to endeavour to regulate the amount of water that may be drawn from the Niagara river for power purposes; because if such is their intention I think the Ontario government, who is just now embarking upon a very interesting and important phase of work with regard to the distribution of electric power to various municipalities adjacent to Niagara, within a distance of 150 miles, which is considered an easy transmission distance for power under present conditions—I say the Ontario government at any rate would be interested to know just what attitude this government takes with regard to jurisdiction over this boundary water of Niagara, and also perhaps over other rivers that are concerned more or less in this power proposition.

Now it may be interesting to notice with regard to our own jurisdiction, whether provincial or Dominion, over that river, that authorities in the United States have claimed that it is neither under the one nor the other, and we might find that neither the Ontario government nor yet the Dominion government have power to regulate what water should be taken from the River Niagara. In the report I hold in my hands, and from which I propose to quote with regard to this question, there is given a very important pronouncement lately delivered in the United States with regard to this particular matter, and this, taken in conjunction with the report of the International Waterways Commission, whose report I also hold in my hand, will form the basis of a few remarks I propose to make upon that feature that deals with the jurisdiction over Niagara Falls as a power proposition, and also with regard to navigation and other matters that may be considered a part of that boundary water. Now the report of the Ontario Power Commission upon the Niagara Falls I will read, because it is very concise, and gives the opinion of an eminent American authority who has recently delivered a decision upon this question.

#### Preservation of the Falls.

A considerable public agitation has recently been manifested in the United States on the question of preserving the natural beauty of Niagara Falls. The object in view is that of preserving scenic effect by limiting the amount of water to be taken from the river above the falls for power purposes and thereby preventing any material diminution in the quantity of water discharged over the falls.

Mr. Griggs (a former attorney general of the American federal government), gave an opinion on 31st January this year to the Merchants' Association of New York on the question of the jurisdiction and power of the United States