

House of Commons. That was in the year 1910, after the construction of the canal, and I can tell you that there was a very loud and long protest on that occasion.

Mr. TAWNEY: That had relation, however, primarily, to the development of power in the Long Sault, that is the North channel of the Long Sault.

Mr. GUTHRIE: Yes, sir, it was charged that one led to the other.

Mr. TAWNEY: I wanted to know whether there was any protest, either through diplomatic channels or otherwise, by either Canada or the British Government with regard to the diversion which the Government of the United States authorized from the South channel at the time that diversion was authorized?

Mr. GUTHRIE: I am not in a position to answer the question more than to say this, that I do not think the matter was ever brought to the attention of the Dominion of Canada. That was before the treaty of 1910. It may be that we did not consider that we had any rights at that time.

Mr. TAWNEY: Well, you certainly had your rights under the Webster-Ashburton Treaty, if this was a navigable water.

Mr. GUTHRIE: But the charter of the company says that they were not to interfere with navigation. I suppose that, seeing that before us, if we did see it, we could rely on it, but the fact that they have taken half the water out of that South channel in breach of the terms of that treaty surely does not give them the right to stop it altogether.

Mr. TAWNEY: Not unless the other party acquiesces.

Mr. GUTHRIE: Well, we do not acquiesce; we protest and we protest against the original construction on the ground that they had no proper authority to make that construction. And as vigorously as I can protest I do protest against that and against any further construction.

Mr. POWELL: That word "free" is a technical term.

Mr. GUTHRIE: I find that the word "free" is about the broadest—

Mr. POWELL: It is at once the broadest and the most constricted.

Mr. GUTHRIE: It has such meaning as unfettered, uncontrolled, unhampered, uninterrupted, without let or hindrance. It is as broad a word as you can use.

Mr. POWELL: Are those dictionary meanings?

Mr. GUTHRIE: Yes, but not all of them by any means.

Mr. POWELL: But what about this legal use? By a process of evolution the original meaning of the word "free" has been departed from until it can be more fairly described by saying that it was very restricted. Take the law in respect to the use of the highway. Every individual in the United States or Canada has a right to the free and uninterrupted use of the highway. They have the free and uninterrupted use of a river. At the same time, a man using the highway can back his cart in against the sidewalk as long as he does not unreasonably interfere with the driving of others. A vessel can anchor in a stream where another vessel may be beating against the wind and have to get out of his way, and that other man has not a free and uninterrupted use.