

INTERNATIONAL "JOINTS" COMMISSION

exercise. It kept his mind occupied, as it were. However, be that as it may, the effect on the pilot was disastrous. One could see him getting more and more nervous and excitable. He looked about constantly, and steered wildly. The *Tootles* swung first to the Canadian shore and then to the American. You might put it this way that, instead of following the proper channel she was diverted from her course. Under favourable circumstances it might have been merely "a temporary diversion" (I will not argue the point), but you will understand that the circumstances were not favourable, and so the diversion became "permanent." The case is curiously like that of the St. Mary and Milk Rivers, with which I am somewhat familiar. On the other hand, I cannot see any analogy between these diversions and the so-called temporary diversion of the St. Croix River. (Exhibit R.) There is a question in my mind—

MR. MARSCHALK: I do not wish to interrupt you, Mr. Magrath, but I do not quite get the drift of your remarks. Do I understand you to suggest that if the *Tootles* had been wrecked on the St. Mary or Milk Rivers it would have been a permanent diversion, but in the case of the St. Croix River it would have been only a temporary diversion?

MR. MAGRATH: O, no, you quite misunder-