

wise in the interests of the people of that province to agree to all the details of this Treaty, I do not think that there is any reason why we should hesitate to approve. I am therefore very pleased to say that so far as I am concerned, I concur in the ratification of the Treaty.

Hon. J. D. REID: Honourable gentlemen, I should like to say a word or two on this question. Of course I do not raise any objection at all to the development of additional power at Niagara Falls. I saw the Treaty for the first time only a few moments ago and have not had time to study it. But what I am afraid of is that the Treaty as it now stands contains a clause which would give this Board power to say how much water shall go to the United States, for the present, and that we may never be able to get it back. The clause to which I refer is clause 6:

The Board shall have complete supervision and control over the additional waters permitted to be diverted, with power to diminish or suspend such additional diversions.

Though I have had no opportunity of conferring with lawyers who understand such matters, or with others who know more about this question than I do, I am afraid that this clause might be interpreted by the United States Government to mean that if the export of any power is allowed, Parliament by this Treaty transfers to that Board its right over export. My judgment is that the Treaty cannot be construed in that way at all.

We have had treaties pass this House which have been interpreted in a way that we did not intend. The Ashburton Treaty specially mentioned that no obstruction should be placed in either the north or the south channel at the Long Sault Rapids without the consent of both Governments. The time came when a certain power company wanted to dam the South Sault in order to obtain more power. The Dominion Government took issue, claiming that the company had no right whatever to do that without the Government's consent, and I remember a very strong protest was made. The International Joint Waterways Commission, composed of three members from the United States and three from Canada, considered the matter, and one of our Commissioners voted with the three from the United States and thus that work was allowed to proceed.

The United States Government took the position that in 1909, many years after the Ashburton Treaty, a Treaty was made which gave that International Joint Waterways Commission power to examine into matters of that kind. We contended that they could

not act without the consent of the Government or Parliament of Canada. When that Treaty of 1909 was cited, Sir Wilfrid Laurier was asked whether there could possibly be put upon it any interpretation that would give the International Commission power to act; whether Parliament had transferred to that Commission absolute power to decide a question of that kind. I well remember that the position was taken by Sir Wilfrid Laurier himself, and by his Minister of Railways and Canals, who I think was the right honourable member for Eganville (Right Hon. George P. Graham), and others, that there could be no such interpretation of that clause. It seemed that that view was probably right, but the moment this matter came up the United States Government interpreted the Treaty to suit themselves, with the result that the obstruction was placed in the South Sault rapids. The understanding was that it might remain for five years, and should then be removed; but it was not removed at the end of five years, and it never will be. There was the result of a clause of the Treaty not being sufficiently plain, and thus Canada lost a right that it had under the Ashburton Treaty.

The Dominion Government alone has the right to permit the export of power, but private corporations who were developing power in the Province of Ontario—I believe, at this very point on the Niagara River—applied to the Government of the day for permission to export power temporarily, until it could be used in that province. Permits were granted for the exportation of power, but for only one year at a time. After a short period the Province of Ontario was using all the power available, right up to the limit of what was being developed, with the exception of what was being exported. Efforts were made by the Dominion Government then, and have been renewed from that time until this, to exercise control; but notwithstanding the fact that power companies had been allowed to export power only from year to year, a contract for some fifty years was given to a power corporation on the United States side, and they got from our Canadian side between 50,000 and 70,000 horse-power to which we were entitled as the producers of it.

We were entitled, in addition, to a certain proportion of the power on the Niagara River, under a Treaty that had been made, but when we pressed our claim very hard upon the United States Government, one of the Washington officials replied that if we cut off power under that contract, it would be considered