

privilege of taking water from the river on payment of a rental, and of constructing the works necessary for that purpose.

What the Dominion Government should do is to refer the case to the Supreme Court of Canada, as it is able to do under the Supreme Court Act, and be guided by the decision there given. That would relieve it of the responsibility, which it may not like to assume, of deciding the question of its own accord. It is scarcely necessary to add that the sooner we know whether the Ontario Legislature has been going beyond its jurisdiction or not, the better for the important interests concerned.

If, however, the Ontario Government should refuse to agree to a reference of a special case to the Supreme Court, let an action be brought by a ratepayer, say, of Toronto, Galt or London, against the Hydro-Electric Commission, setting forth that its whole proceeding is unconstitutional and illegal for the reason given. The moment such an action was entered the Dominion Government would no doubt disallow or suspend the operation of the Acts pending a final decision. If they were held *intra vires*, the Ontario Legislature could re-enact them. If, on the other hand, it was held by the courts that the Dominion possesses an exclusive jurisdiction over the water in the Niagara and that the Acts are therefore *ultra vires*, then the entire box and dice of Sir James Whitney's legislation would fall to the ground, and the Dominion Government and Parliament enter into control. In that case we may be sure that Sir Wilfrid Laurier would protect vested interests as far as possible, though, of course, for any vexation or loss they might sustain the Ontario Government would be responsible; and also that he would redress the wrongs done to some of those interests and to the complaining municipalities, in so far as means of redress might lie within the constitutional powers of the Federal authority.

THE PRIME QUESTION OF ALL.

After this point as to who controls the water in a navigable and international river is determined, the more important