

hind the doctrine of 'vested rights' and strengthened by every defence which money can buy and the ingenuity of able corporation lawyers can devise. Long before that time they may, and very probably will, have become a consolidated interest, dictating the terms upon which the citizen can conduct his business or earn his livelihood, and not amenable to the wholesome check of local opinion."

The testimony of President Roosevelt and of Assistant Attorney Wright clearly indicates the apprehension with which the aggressive conduct of the water-power interests is viewed in the United States. While the United States has witnessed the greatest activity of such interests, their efforts have been directed towards Canada also, and the attempt to obtain corporate control of the available power at the Long Sault rapids on the St. Lawrence River is the latest and most flagrant attempt to make the people of Canada pay a toll in the future for both heat and power.

No one can contemplate what has been taking place in connection with the proposed Long Sault development without seeing the same kind of hand against which the citizens of the United States have been forewarned by the chairman of the National Conservation Commission, Mr. Gifford Pinchot, when he says:—

"There could be no better illustration of the eager, rapid, unwearied absorption by capital of the rights which belong to all the people than the water power trusts, not yet formed but in rapid progress of formation. This statement is true, but not unchallenged. We are met at every turn by the indignant denial of the water power interests. They tell us that there is no community of interests among them, and yet they appear year after year at these Congresses by their paid attorneys, asking for your influence to help them remove the few remaining obstacles to their perpetual and complete absorption of the remaining water powers. They tell us it has no significance that the General Electric interests are acquiring great groups of water powers in various parts of the United States, and dominating the power market in the region of each group. And whoever dominates power, dominates all industry. Have you ever seen a few drops of oil scattered on the water spreading until they formed a continuous film, which put an end at once to all agitation of the surface. The time for us to agitate this question is now, before the separate circles of centralized control spread into the uniform, unbroken, nation-wide, covering of a single gigantic trust. There will be little chance for mere agitation after that. No man at all familiar with the situation can doubt that the time for effective protest is very short. If we do not use it to protect ourselves now we may be very sure that the trust will give hereafter small consideration to the welfare of the average citizen when in conflict with its own."

Mr. Pinchot says the "paid attorneys" appear year after year asking that obstacles be removed which prevent their perpetual and complete absorption of the remaining water powers. We may look for such procedure in Canada as well. The Long Sault, Cedar Rapids, or any other of the water-powers on our international waters are prizes any corporation may well covet.

Let the people of Ontario and Canada inform themselves upon what is taking place by way of effort to control or take away their best and largest water powers and realize what all such deprivation may mean in the future. Then if it appear that men like the late Sir James Whitney, Mr. Clifford Sifton, Mr. Adam Beck and others are endeavoring to conserve the water powers and other natural resources for the people, let it become the duty and privilege of every citizen to yield to such men and those associated with them in the efforts above mentioned every support which can be given. If this is not done, we may expect the day to come when, despoiled of our water power assets and facing the exigencies of the future, we will find that the large power interests, to borrow the words of President Roosevelt, will dictate the terms upon which the citizen can conduct his business or earn his

livelihood, and not be amenable to the wholesome check of local opinion. Canadians desire no such conditions.

NOTE:—It appears to be the intention that the boundary waters between Canada and the United States should be equally divided between each country. Thus under Article VIII. of the International Boundary Waters Treaty of 11th January, 1909, (with rider attached by the U.S. Senate March 3rd, 1909), "The high contracting parties shall have, each on its own side of the boundary, equal and similar rights in the use of the waters hereinbefore defined as boundary waters." Where these waters are used for hydro-electric development it might, in certain instances, be fitting that the various power sites be selected in the very best situation, and if sites so selected resulted in the development in one country of more than half the power, the increment over the half might be inalienably safeguarded as a possession of, and provision made for its free entry into the other country.

The laws at present applicable to the exportation of electric power may be well illustrated with reference to power development upon the Niagara River.

On June 29th, 1906, "A Bill for the Control and Regulation of the Waters of Niagara River, for the Preservation of Niagara Falls, and for Other Purposes," and known as the Burton Bill, was passed and received the approval of the President of the United States (Pub. No. 307, 59th Cong. 1st. Sess. Statutes at Large, Chap 3621). The Burton Act would have expired by limitation on June 29th, 1909, but was extended on 3rd March, 1909, by Joint Resolution of Congress, (H. J. Res. No. 262, 60th Cong. 2nd Sess.) until June 29th, 1911, and is still in force.

Under this Act (exclusive of the 10,000 cubic feet per second diverted for the Chicago Drainage Canal) permission is granted to divert 15,600 cubic feet per second from the Niagara River on the U.S. side. Under the I.B.W. Treaty, however, the United States may make a daily diversion not exceeding in the aggregate at a rate of 20,000 cubic feet per second. The corresponding quantity for Canada is 36,000 cubic feet per second.

Under the Burton Act permits may be granted to transmit electrical energy from Canada to the United States to the aggregate amount of 160,000 horse-power. The jurisdiction in this matter is vested with the U.S. Secretary of War, and in his opinion given 18th January, 1907, the order for *fixed* permits was decided as follows: The International Railway Company may export 1,500 h.p.; the Ontario Power Company, 60,000 h.h.; the Canadian Niagara Falls Power Company, 52,500 h.p., and the Electrical Development Company, 46,000 h.p. (See Annual Report, U.S. Secretary of War, 1907, page 34.) Under the Burton Act *revocable* permits for the transmission of additional electrical energy from Canada into the United States may also be granted, although in no case shall the amount included in such permits with the 160,000 h.p. mentioned above, and the amount generated and used in Canada, exceed 350,000 h.p.

In Canada the Dominion Act 6-7 Edward VII., Chap. 16, entitled "An Act to Regulate the Exportation of Electric Power and Certain Liquids and Gases," provides for the export of electricity to the United States under an export duty not to exceed \$10 per horse-power per year. Thus Canada has legislated for the *exportation* of electricity, and the United States has legislated for the *importation* of electricity, but at the second annual meeting of the full Commission of the International Waterways Commission—the Commission that is the executive body dealing with these matters—a fundamental subject laid down for discussion was "The Transmission of Electric Energy Generated in Canada to the United States, and *vice versa*." Canadians should be interested in the *vice versa*.