ENCLOSURE IN No. 74

From the United States Secretary of State to His Majesty's Chargé d'Affaires at Washington

DEPARTMENT OF STATE,
WASHINGTON, July 2, 1924.

SIR,—This Government has considered the recommendations for instructions to be given by the United States and Canada to the enlarged Joint Board of Engineers appointed for the further investigation of the proposed St. Lawrence Waterway, formulated by the technical officers designated for the purpose by the two Governments and signed by those officers at Montreal on June 20, 1924.

By Section 6 (a) of the recommendations submitted by the technical officers, the Board of Engineers would be charged with reporting on the effect of the diversion of 5,000 cubic feet and 10,000 cubic feet of water per second from Lake Michigan on the quantity of water available for power in the St. Lawrence River as well as on the water levels of the Lakes and the St. Lawrence River. The investigation which would be directed by Section 6 (b) into the effect of the discharge of water from Lake Erie relates only to the effect of an increase in the discharge of 1,000 cubic feet of water per second on water levels. It is the view of this Government that if the effect of the diversion from Lake Michigan be given consideration by the Board of Engineers the inquiry and report of the Board should embrace not only the effect of further diversions from Lake Erie on water levels, but also the extent to which the unequal diversions from Lake Erie and the Niagara River for power compensate for loss of power attributable to diversions from Lake Michigan. This Government proposes, therefore, that instead of Section 6 (b) of the recommendations made by the technical officers the following be substituted:—

> "(b) To what extent and in what manner would the natural water levels in the lakes and interconnecting channels be affected by an increase in discharge of 1,000 cubic feet per second of water from Lake Erie and to what extent will the unequal diversions of water from Lake Erie and the Niagara River for power balance power lost, due to diversions from Lake Michigan?"

In all other respects the recommendations made by the technical officers are acceptable to this Government. This Government would be grateful to be informed at the earliest convenience of the Canadian Government of its views with respect to the recommendations made by the technical officers and whether the foregoing substitute for Section 6 (b) of their recommendations is acceptable to the Canadian Government. If the Canadian Government is prepared to accept the recommendations made by the technical officers, Section 6 (b) being amended as set forth above, this Government upon being informed to that effect and that the Canadian Government is prepared to give the recommendations so amended as instructions to its members of the Joint Board of Engineers, will promptly take steps to issue similar instructions to its members of the Board.

Accept, etc.,

CHARLES E. HUGHES.

The Honourable H. W. BROOKS,
Chargé d'Affaires ad interim of Great Britain.

No. 75.

From His Majesty's Chargé d'Affaires at Washington to the Governor General

No. 267.

BRITISH EMBASSY,
MANCHESTER, MASS., July 8, 1924.

MY LORD,—With reference to Sir Esme Howard's despatch No. 241 of the 13th ultimo,[1] and to previous correspondence, regarding the diversion of water from Lake Michigan, I have the honour to transmit to Your Excellency herewith a copy of the reply received from the United States Government to the representations based on Your Excellency's telegram No. 82A.[2]

I would explain that the reference to Mr. Hughes' note "in regard to the instructions to be given to the engineers" in the penultimate paragraph is to the enclosure in my despatch No. 263 of the 7th instant.[3] The permission given by Mr. Hughes to publish his note of April 2nd was communicated to Your Excellency in the first paragraph of Sir Esme Howard's despatch No. 143 of April 12th.

Your Excellency will observe that the Supreme Court will deal with this question early in its next session, thus presumably anticipating any Congressional action since Congress will not meet again till December, and that till the Court gives its decision the United States Government feel they cannot make any comprehensive statement of their views. On the other hand, they suggest that this question should be considered, without prejudice, by the Joint Board of Engineers appointed in connection with the St. Lawrence Waterway question.

I have, etc.,

(H.M. Chargé d'Affaires)

H. W. BROOKS.

His Excellency
The LORD BYNG OF VIMY, G.C.B.,
etc., etc., etc.,
Governor General of Canada,
Ottawa.

1 No. 72.
2 No. 71.
3 No. 74.

ENCLOSURE IN No. 75

From the United States Secretary of State to His Majesty's Ambassador at Washington

DEPARTMENT OF STATE,
WASHINGTON, June 28, 1924.

EXCELLENCY,—I have the honour to acknowledge the receipt of your note No. 533 of June 13, 1924, in further reference to the diversion of water from Lake Michigan at Chicago.

In previous correspondence in regard to this matter reference was made to the suit brought by this Government to restrain the Sanitary District of Chicago from diverting a larger quantity of water from Lake Michigan than is authorized by the permit issued to the Sanitary District by the Secretary of War and to bills introduced in Congress during the past session with reference to the construction of the proposed waterway from Lake Michigan to the Mississippi River and the sewage disposal system of Chicago.