

This aspect of the legal position was also recognised by all concerned long ago, when they inserted Article 8(d) in the St. Lawrence Deep Waterway Treaty of 1932 as above mentioned.

(Incidentally it may be recalled here that this correct view of the legal position was recognized by Mr. Lyon when, as Chairman of the Ontario Hydro Electric Power Commission, he wrote to the Department of External Affairs on November 16, 1935, regarding the exactly similar Ogoki River project. He transmitted a memorandum by Mr. T.H. Hogg, then Chief Hydraulic Engineer of the Commission, which argued that a formal treaty amendment would be necessary and gave reasons. The Department's reply concurred, and Ontario has never undertaken to refute that conclusion.

It may also be noted incidentally that Mr. Lyon does not get to the real point when (see above) he talks about asking the United States "for their provisional consent by letter to the diversion of the Long Lake water into Lake Superior". As already noted, we do not have to ask the United States for any consent to divert water into Lake Superior. The real point is to make sure before any water is diverted that Canada will have the exclusive

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