

(Jenison's Counsel at hearing before Sub-committee, April 12, 1904.)

Mr. Dewart, on behalf of Mr. Jenison, takes the position that under the Act of 1897 the Arbitrator has awarded the sum that in his judgment was payable to Kakabeka Falls Company upon the basis of their being the owner of the water power at the Falls, and that sum having been paid by Mr. Jenison, he has acquired all the rights of the Kakabeka Falls Company in respect of any power or water privilege at the Falls. THE SAME ARBITRATOR, UPON THE EVIDENCE OF EXPERTS, FIXED THE FLOW OVER THE FALLS AT 4,000 CUBIC FEET PER MINUTE, AND THERE WAS, THEREFORE, NO REASON FOR A NEW REFEREE TO DETERMINE THE AMOUNT OF WATER PASSING OVER THE FALLS.

Mr. Riddell's reference to the minimum flow of 32,000 cubic feet per minute relates, as his report clearly shows, only to the flow in a particular year, 1898, and is in no sense intended or to be understood as being a criterion of either the average flow of water, or the minimum flow, or the average minimum.

(Counsel for Fort William before Sub-committee, April 12, 1904, said:)

MR. DRAYTON: The desire of the Town of Fort William is that power should be developed at the earliest possible moment, they are indifferent by whom. The Legislature of 1902 thought development possible both at Ecarte Rapids and Kakabeka Falls, the preliminary work done by the Town and the estimates obtained show that this is commercially impossible. The whole of the water in order to arrive at any useful result must be utilized at one point, and it was to enable this being done that during the past year an assignment was made by the Town to the Kakabeka Falls Company of all their rights under the legislation of 1902. The Town hopes that the legislation of this year will be final and that flotation may not be delayed by reference or arbitration but that the Committee will now finally deal with the matter and deal with it in such a way as to render the flotation feasible by whatever Company the Committee chooses to entrust the privilege to. With this end in view it is important that there should be no large fixed capital charges on the undertaking resulting in the necessary increase of cost of power to the people of the district.