

An Agreement of this sort must be tested from various points of view. A contractual arrangement concerning the Great Lakes-St. Lawrence System should satisfy certain tests;

there should be a good prospect of its being carried to completion by the High Contracting Parties;

after completion, there should be a certainty that the High Contracting Parties would live up to its terms.

Assuming that an arrangement was concluded, it would take from four to six years for completion. Progress would depend on continued governmental interest and upon continued annual votes by Parliament and Congress. The only thing that could prevent completion would be abandonment by one or both of the governments or failure on the part of Parliament or Congress or both to vote the necessary money.

From this point of view, there can be no doubt that procedure by legislation would be as satisfactory as procedure by treaty. Indeed, there would be certain advantages as compared with the other procedure. Approval by legislation would commit both the Senate and House of Representatives to the policy of making the annual appropriations which would be needed to complete the work. It would be of some advantage to have had the House of Representatives actively take responsibility for the approval of a measure which would require that House to vote vast sums of money from year to year over a period of from four to six years.

After completion, it is important that the High Contracting Parties should live up to the terms of the arrangement. From this point of view it might be contended that authorities in the United States would be inclined to give more weight to a treaty than to a legislative pact. It should not be overlooked that a treaty could be overridden by inconsistent legislation in the United States just as a legislative pact could be overcome by the repeal of the legislation which invested it with authority. It should also be borne in mind that the precedents, in which this procedure has been used, extend over many generations and that there has been no instance in which an arrangement based upon agreement and legislation has been questioned by any Government in the United States. Bearing in mind these factors, there can be no doubt that the two countries concerned would live up to the terms of an arrangement based upon a legislative pact and it could be safely assumed that such an arrangement would be as permanent as one based upon a treaty.

In considering this problem, it is necessary to go behind the screen of legalism and to examine fundamental aspects of the problem. The strength of a St. Lawrence pact would not lie in legalistic concepts. It would lie in the fact that a state of affairs had been brought about which could only work on the basis of both countries loyally carrying out their undertakings. Upon completion, there would be a dam at Cornwall and one near Iroquois Point. There would be locks at both places on the United States side. In theory, it might be possible to argue that it would be open to the United States to close these locks to Canadian shipping. It would be equally possible to argue that it would be open to Canada to close the locks at Beauharnois, Lachine and the Welland. Navigation would then be impossible to both countries (excepting, of course, the fourteen feet navigation on the Canadian side which would not be affected).

Again, in theory, it would be possible to argue that the United States could blow up the Cornwall dam and thus destroy the power on the Canadian side. The power on the New York side would be destroyed by the same act.

These are theoretical speculations. In reality, a situation would be brought about in which the facts would compel both the governments to carry out