

should be created an international board whose duties would arise only when the waters went below the minimum or above the maximum of such limit, because the interest of the United States in the level of the Lake of the Woods was an interest from the standpoint of navigation and riparian property only.

Mr. MURPHY: Not power?

Mr. MEIGHEN: Not power. The finding seemed to the Dominion satisfactory, but the finding has not yet been accepted by the Government of the United States. A despatch was received, I believe, about November 22 last, in which despatch general concurrence with the commission's report was expressed, but in which reopening of the reference to an extent was suggested for certain purposes. A reply has been despatched to that communication, in which reply it is argued

4 p.m. that there is no need of any variation in the finding of the commission for the purposes that seemed to be desired by the United States Government in the communication.

In the meantime, however, there have been occurrences with respect to the Lake of the Woods. There was, at the outlet of the Lake of the Woods, a dam known as the Norman dam, constructed, I think, by the Keewatin Waterpower Company between the years 1892 and 1895. That dam was constructed, I believe, primarily to develop certain power at that point; but in effect the dam is an instrument for controlling the level of the Lake of the Woods and, as well, is an instrument for controlling the flow of water out of the Lake of the Woods into the Winnipeg river and, consequently, has a certain authority over the White Dog falls farther down in Ontario and cumulatively on the other falls below. The Keewatin Power Company has, I understand, recently become the property of the Backus interest. The Ontario Government, it appears, made an arrangement some years ago with the Keewatin Power Company, whereby the Norman dam could be used under the Ontario Government for the control of the level of the Lake of the Woods. I cannot see how there was any jurisdiction in the Ontario Government to exercise the powers which that agreement contemplated, because the control of the level of the Lake of the Woods was a control incident primarily to navigation, and, as well appertained to international waters, and was consequently, a federal responsibility. That power, however, has

been exercised until recently, and the agreement providing for it contains a clause which puts it into the power of either party, and consequently now into the power of the owners of the Keewatin Power Company, to terminate the agreement on very short notice, I think it is only a month. Therefore, the control that is in the Ontario Government, on whatever constitutional foundation that control may rest, is a very insecure control and probably very temporary in its nature. In order to secure to Canada the intent of the finding of the commission, there was created, after the report of the Commission, by Order in Council, a Lake of the Woods Control Board. It had not any specific statutory foundation. A similar order was passed by the Ontario Government, and that board was constituted of two Dominion officers and two provincial officers, and they have ever since endeavoured to carry out, so far as Canada was concerned, the intent of the finding of the commission. They, however, finding the position they were getting into by reason of the acquirement of this dam, and, I presume, as well by the acquirement of the White Dog falls or some intention to acquire it on the part of the Backus interest, the same interest that has control of the dam, and understanding fully the insecure tenure by which their powers were held, asked that joint legislation be put through by both Legislatures, putting the control board on a secure statutory footing in order to enable it to carry out the intention of the International Joint Commission. The spirit and meaning of the commission's finding provided that the board controlling the outflow of the Lake of the Woods should so control it as to secure what was known as the highest dependable flow, that is to say, the highest minimum flow. That is a principle of water control which, I understand, is adopted in the report of the International Joint Commission. That is the principle which the board already constituted has been endeavouring to carry out. That is the principle which the board proposed to be constituted by this legislation is directed to carry out. The duty of the Board to be established by this legislation and by a similar Bill of the Ontario Legislature would be so to control the outlet of the Lake of the Woods, and so to control the waters of the Winnipeg river as to procure the highest dependable flow, not of the two conjointly, but of each one severally, the highest on the one, and the highest on the other, for