

REVIEW OF LAST YEAR'S DEVELOPMENTS ON NIAGARA AND OTHER POWER SITUATIONS.

IMPORTANT REFERENCE TO COAL PROBLEM.*

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WHILE reference will here be made to the Long Sault Rapids, St. Lawrence River; to the Chicago Drainage Canal; to the Lake of the Woods investigation, and to other water problems which, during the past year have been receiving attention from the Commission of Conservation, special attention will be devoted to a review of the power situation at Niagara Falls, because of the acute situation which has there arisen, and because, also, of its great national importance.

Long Sault Rapids, St. Lawrence River.—The charter of the Long Sault Development Co. has been declared to be unconstitutional. The company has been exerting strong efforts to secure a re-establishment of its status with respect to its former charter. The case was presented for argument before the Supreme Court of the United States during the past year.

The burden of the argument turned upon the question of jurisdiction. The main contention of the State of New York was that the Long Sault Development Company Act is unconstitutional. It has been so declared by the highest court of the state, and it was held that the decision of this court in a matter of this kind cannot be reviewed by the Supreme Court of the United States, being outside its jurisdiction. The state also contended that the charter was not a *contract*, as alleged by the company.

The decision of the court was rendered on December 11th, 1916. It states that the court had arrived at the conclusion that the Long Sault Development Company's "Act of 1907 was unconstitutional and void, and therefore it results that this case does not present any questions for decision under the Federal Constitution, and that, for want of jurisdiction, the writ of error must be *dismissed*."

The Long Sault Development Co. wished to proceed with its construction of *dams and other works in the St. Lawrence River*. That this was the object the company had in view, in bringing its action, was clearly evidenced by the words of the counsel for the company, Mr. Henry W. Taft, who, before the Supreme Court, stated:

"Since the passage of the act the company has made, without success, diligent efforts to obtain the consent of congress, and, when the present embargo against the building of dams has been raised, will proceed again to obtain that consent."

Water Diversion by Sanitary District of Chicago.—The illegal diversion of water by the Sanitary of Chicago still continues.

The waters along the international boundary between Canada and the United States are a joint asset in which it has been regarded that each country is entitled to receive equal benefits. Nothing should be done in one country that would violate, or even prejudicially affect, the interests of the other country. *Boundary waters should be kept within their own watersheds.*

In deciding against the Minnesota Canal Power Co.'s proposed division of the Birch Lake waters from the Lake of the Woods watershed to that of the Great Lakes, the

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courts of Minnesota have upheld this principle and rendered signal service to the conservation of boundary waters, by having them retained within their own watersheds.

Although Canada for some years has been suffering on account of the illegal diversion of the waters of the Great Lakes System through the Chicago Drainage Canal into the Mississippi River, yet it is hoped that the proceedings taken by the United States Federal Government in their courts, against the Sanitary District of Chicago, may yet result in restoring to the Great Lakes System the waters which Chicago, at present, is diverting in defiance of authority.

Lake of the Woods Investigation.—In January and February, 1916, the International Joint Commission held final public hearings relating to the Lake of the Woods investigation. These hearings were opened at International Falls by a committee of the commission, for the purpose of obtaining evidence respecting land values.

Immediately following adjournment, the hearings were continued at Winnipeg, before the full commission. These hearings at Winnipeg were called largely for the purpose of permitting those interested in power to make their representations. The data and conclusions presented by the consulting engineers in their preliminary report to the commission were considered, and the question of the relation of the regulation of the levels and outflow of the Lake of the Woods to power development was fully discussed by counsel and engineers representing the power interests.

In April, at Washington, D.C., the commission heard the final arguments of counsel representing the various interests affected by regulation of the Lake of the Woods. An executive meeting was held in September at Ogdensburg, N.Y., and at Ottawa in October.

There is now in preparation for transmission to their respective governments, a report by the commissioners respecting the regulation of the Lake of the Woods waters.

During the summer of 1916, extraordinary flood conditions prevailed on the watershed of the Lake of the Woods. For the six months from November, 1915, to April, 1916, the precipitation, on the whole Lake of the Woods watershed, exceeded that which fell during the same six-month period for the past 44 years,—for which records are available.

The flood conditions of 1916 strikingly emphasized the urgent need for an efficient, co-ordinated system of regulation and control of the waters of the Lake of the Woods watershed.

Niagara Power.—The coal problem, especially in the central portion of Canada, is a serious one. The two fuels which for power generation may be considered as competitors of water are petroleum and coal.

Petroleum, so far as large portions of industrial Canada are concerned, is out of the question. Respecting coal, the prices for this commodity are materially increasing year by year, and doubtless this upward movement will continue.

Representations are repeatedly being made by the United States authorities for the conservation of their own coal. Dr. George Otis Smith, director of the United States Geological Survey, in 1916, publicly stated:—

"Of the two fuels that can be considered as the competitors of water in power generation, petroleum has probably already passed its maximum of production, and the life of this source of power is to be measured by only a few decades. The coal resources of this country, on the other hand, are so