

"I have had a conference with Mr. Keefer regarding a motion I want to make with his consent—" began Judge Koonce.

"I am willing that the motion be made, but I can't say that I will consent to having it granted," said Mr. Keefer.

Judge Koonce—"The motion is in the case of the St. Lawrence River Power Company and proposes that the rules demanding a thirty days' notice of an application so that a response can be put in, be suspended in this case. I do not appear for the company, but the work to be done will help the output of aluminum at Massena, New York."

#### Using Half of South Channel's Flow

Judge Koonce then explained that the company had cut a canal from the South Sault Channel to the Grass River at Massena, N.Y., in 1896. Their power plant was established in 1902. He stated that 20 per cent. of the flow of the St. Lawrence River is through the south channel and that 27,000 second-feet of this goes through the canal, this amount being equal to half of the flow through the south channel.

"Every year," he said, "the plant has been compelled to reduce its output of aluminum. For some three months of the year the water flow is stopped by ice. To get a full twelve months' operation it is proposed to put in certain works. These are: (1) The construction of a movable ice weir to be used in the winter time only and which would not affect navigation; (2) to dredge the channel 150 feet wide and 50 feet deep—permits have been issued for the latter work by the United States War Department and this work has been completed; (3) to extend the dyke authorized in 1902 by the U.S. department, by building a submerged ice weir to Long Sault Island and thus to get rid of the ice jam. The first two have nothing to do with the Canadian Government, but the last has, and that is the reason why the application is being made.

"The object of this construction is to do away with the ice so that the aluminum plant can run all the year, as this is needed by the government to carry on the war. We must have increased power to get munitions to lick the Germans. The reason why the War Department is interested is because this aluminum enters into the manufacture aeroplanes, motor trucks, and camp supplies of all kinds. There is a shortage and this company supplies 60 per cent. of Great Britain's aluminum, 35 per cent. to France, 75 per cent. to Italy, and all that the U.S.A. needs.

#### "Coal is Scarce"

"There are many things that must be produced by water power, as coal is scarce. The company is willing to pay the cost of constructing, which will be about \$125,000."

Canadian Commissioner Powell—"What effect will that have on navigation if you put the weir in?"

Judge Koonce—"None at all. Since the rafting of timber down there has stopped, it won't do any harm. Occasionally a few pleasure boats or light draft motor boats go through, but they are not to be considered at present."

That the water in the main channel would be raised by only four inches if this work is done, and that Lock 21 would not be injured at all, was another contention of Judge Koonce. "At certain stages it will be a benefit and at no stage will it be injurious," he declared.

Commissioner Powell—"How will it relieve the ice jam?"

Judge Koonce—"I understand that the ice coming down in the winter banks up and grounds in the south channel, making a dam that shuts off the water from the power canal, and we can get no power. By building this submerged weir we form a pond which will be covered with ice, but beneath the water will flow freely at any time.

"The haste in presenting this application now was caused by the fact that the dredging operations and the other work were done in a short time, and it was not intended to do this work till next year. However, the need for aluminum for the government caused the company to want to go ahead now."

Commissioner Tawney—"Some work is already done under a permit from the Secretary of War?"

Judge Koonce—"Yes."

Mr. Keefer—"That part does not need the order of the commission?"

Again Judge Koonce declared it did not.

Canadian Commissioner Magrath—"How long will it take to build the weir?"

Judge Koonce—"Some 60 to 90 days. This application only covers the submerged weir."

#### What Authority for Diversion?

Commissioner Magrath—"What authority have you to divert this water? And what amount can you take?"

Judge Koonce—"An application of the company to the State of New York and to the War Department in 1896 was made to divert this water. It did not affect navigation. They were advised to be careful not to take too much water and so affect navigation."

Commissioner Magrath—"They were not confined to any amount"

Judge Koonce—"Yes."

"What is the dredging for?" asked Commissioner Magrath.

"To prevent the ice jam," said Judge Koonce.

"And to incidentally get more water?"

"No," said Judge Koonce. "They won't take more water; maybe more at times, but not in the aggregate."

Commissioner Tawney to Mr. Keefer—"Will it be possible for you to reach an agreement to have this heard as requested by Judge Koonce?"

Mr. Keefer—"I don't know what I can do. I told Judge Koonce that Canada was vitally interested in winning the war, and that if the application for the weir is at the request of the United States Government, no doubt it would be all right. A permanent dam might affect navigation."

Judge Koonce—"They say they won't need it in the summer time."

Mr. Keefer—"Once that dam is in the river, then navigation there ceases. The point is that an application is being made to close a navigable branch of the river. If the application was from the United States Government I might consider it. Is Judge Koonce appearing for the United States Government and saying that they want this application granted?"

#### Tried Two Years Ago

Judge Koonce—"I am appearing for the War Department to ask that the application be heard now and the thirty-day rule suspended. I am not asking that the application be granted."

Mr. Keefer—"Canadians are timorous in this matter. Two years ago the company tried to get a dam across the river to get power, but that charter was cancelled. It called for this very same plan. This company is taking power at Cedar Rapids, twenty miles down the river. It