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TWENTY-SECOND ANNUAL REPORT

OF THE

Commissioners for the Queen Victoria Niagara Falls Park

1907

PRINTED BY ORDER OF
THE LEGISLATIVE ASSEMBLY OF ONTARIO



TORONTO:

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TORONTO.

COMMISSIONERS OF THE QUEEN VICTORIA NIAGARA FALLS
PARK.

J. W. LANGMUIR, *Chairman*.
GEO. H. WILKES.
HONORABLE ROBERT JAFFRAY.
P. W. ELLIS.
COLONEL L. CLARKE RAYMOND.
WILLIAM L. DORAN.

Superintendent: JAMES WILSON.
Assistant Superintendent: J. HARRISON PEW.
Chief Gardener: RODERICK CAMERON.



PARLIAMENT BUILDINGS,

TORONTO, February 21st, 1908.

*To the Honorable WM. MORTIMER CLARK, etc., etc., etc.,
Lieutenant-Governor of the Province of Ontario.*

MAY IT PLEASE YOUR HONOR:

I beg to submit herewith the Twenty-second Annual Report of the Commissioners for the Queen Victoria Niagara Falls Park, being for the year ended 31st December, 1907, together with the appendices thereunto attached.

I have the honor to be,

Your Honor's most obedient servant,

W. J. HANNA,
Provincial Secretary.



TORONTO, February 15th, 1908.

*To the Honorable W. J. HANNA, K.C.. M.P.P.
Provincial Secretary, Province of Ontario,
Parliament Buildings, Toronto.*

SIR,—I have the honor to transmit herewith for presentation to the Legislature of Ontario the Twenty-second Annual Report of the Commissioners for the Queen Victoria Niagara Falls Park (being for the year ended 31st December, 1907), together with the appendices thereunto attached.

I have the honor to be, Sir,

Your obedient servant,

J. W. LANGMUIR,

Chairman.



TWENTY-SECOND ANNUAL REPORT OF THE COMMISSIONERS FOR THE QUEEN VICTORIA NIAGARA FALLS PARK.

*To the Honorable SIR W. MORTIMER CLARK, K.C.,
Lieutenant-Governor of the Province of Ontario:*

MAY IT PLEASE YOUR HONOR:

The Commissioners of the Queen Victoria Niagara Falls Park beg to submit their Twenty-second Annual Report (being for the year 1907), together with the usual statement of receipts and expenditures, and the report of the Park Superintendent on the various works which have been carried on during the year in maintaining and improving the extensive territory under the jurisdiction of the Commission. There is also appended the text of memoranda and official documents to which reference is made in the report.

Since the last annual report the Government have appointed by Order-in-Council dated 11th day of October, 1907, Mr. William L. Doran, of Niagara Falls, on the Board of Commissioners, now numbering six members.

During the past year a good deal of work has been done in the direction of restoration and improvement, and a large portion of the Park surface which had been broken up and excavated by the power work operations has now been restored and made ready for planting in the spring.

At the spillway of the Ontario Power Company, the most northerly point in the Park disturbed by the Company's works, all the grading and surfacing has been completed, and the broad promenade which encircles the structure has been finished in permanent material and is now opened to the public. All the unfinished works referred to in last report in connection with the unique Portal building adjoining the Spillway have also been brought to completion, thus finishing the restoration of all the park surface disturbed by this Company.

The Electrical Development Company has also levelled up all the newly made ground above and below its power house, disposed of the waste materials, and all the reclaimed territory north of the building has already been surfaced with soil and made ready for seeding and planting.

The northern portion of the park proper has also been greatly improved by the addition of permanent shelter buildings at Inspiration Point and Rambler's Rest, and the ornamental railing and gateway at the Ferry Street entrance constructed last year has been completed by the addition of the Park arms in granite on either side of the principal gateway.

Another change affected during the year was the removal of the Park offices from the old lodge building near the northern extremity of the Park. Owing to the development of the Park system the needs of the staff had quite outgrown the space available for quarters in that building. Arrangements were therefore made with the lessees by which the portion of the Administration building set apart for the sale of fancy goods was converted into Park offices, and in lieu thereof other space was apportioned in the building for that purpose. Under this new arrangement a very suitable Board room has been provided, with much better and more commodious accommodation for the staff than was before available. A large storage safe has also been added for the preservation of the official papers and plans.

The former office building has been converted into much needed lavatories and police quarters.

The outlying Parks have all been carefully maintained during the year and improved in many ways. At Queenston Heights a large new boulder

stone shelter, of pleasing design, has been constructed a little to the west of Brock's Monument, and a new walk leading thereto has been provided.

At Niagara Glen three new rustic shelters have been constructed in order to provide rest and protection to visitors to this wildly beautiful spot. These have been placed at special points of interest.

At Fort Erie Park, a large open shelter has also been built. This very exposed portion of the Park domain was entirely without protection in case of storm, and as the distance of the Fort grounds from the village is considerable, and the means of communication infrequent, it was necessary that a building should be constructed. It has been located within the area occupied by the fortifications and is inconspicuous from the lake shore front.

Comparatively little progress has been made during the past season in the construction of the broad boulevard along the bank of the upper Niagara between the Park at Niagara Falls and the village of Bridgeburg, to which reference has been made in former reports. The urgent requirements of other parts of the Park system and the insufficiency of funds at the disposal of the Board caused this important work to be deferred for a time. The protection of the shore, however, where erosion was causing much damage was proceeded with during the year. This work, which is essential to the preservation of the lands vested in the Commissioners along the river, is now well advanced, and it is expected that another year will see the entire shore line from the Park to Bridgeburg made secure against erosion. It is also expected that substantial progress will be made with the construction of the boulevard next season.

In their reports for the years 1905 and 1906, the Commissioners referred at considerable length to the widespread interest which had been taken in the development of the waters of the Niagara at the Falls for electrical power purposes on both sides of the river, and to the severely critical character of some of the statements made in this connection by newspaper and magazine writers in the United States. As many of these statements were apparently based on incorrect information the Commissioners considered it desirable, in the public interest, to set forth in their reports the exact facts in order that the action of the Commissioners might be clearly comprehended by all who are interested in the preservation of Niagara Falls as one of the scenic wonders of the world. The explanations given by the Board have apparently satisfied Canadian public opinion, but, notwithstanding the action of the United States authorities in passing and enforcing the restrictions contained in the "Burton Bill," to which reference was made in the report for 1906, the agitation has been continued on the American side, chiefly through the instrumentality of the American Civic Association, an organization which has done good service in promoting the beautifying of American cities, but whose efforts to conserve the surroundings of the Falls of Niagara have not always been based on accurate knowledge.

The Commissioners, therefore, took advantage of an invitation given to the Chairman of the Board to attend the annual general meeting of that Association at Providence, R.I., in November last, when an evening was set apart for the discussion of matters relating to Niagara Falls. At this meeting where the various interests affected were fully represented, the Chairman read a paper giving the salient facts relating to the whole subject of the utilization of the waters of the Niagara River for power purposes, and expressed the views of the Commissioners respecting all the questions affecting the establishment of works on the Canadian side of the river. The text of this address will be found in the Appendix.

Impressed with the vital importance of the subject the Commissioners would again draw attention to the charters which have been granted by the

Parliament of Canada to several corporations to generate power at various points in the Niagara district from water which at present flows through the Niagara River and over the Falls, but which charters have not up to the present time been proceeded with. Without question the works already constructed by the three companies operating on the Canadian side are of sufficient capacity to supply the demand for electricity for lighting and power purposes for Canadian uses for a great many years to come. As the undeveloped charters are all without limitation as to the volume of power which may be developed and without restrictions as to the quantity of water that may be taken for such development, it is essential to the safe guarding of the Falls that immediate steps should be taken to cancel them, or to place a limit on their operations, so that the menace they now present to the preservation of the Falls as a great natural wonder may be removed. In this connection the Commissioners would strongly recommend that the Government of the Province of Ontario, being chiefly interested, should be officially represented at any international conference that may be held, having in view the uses of the waters of Niagara for commercial purposes or for the limitation of such uses in furtherance of the preservation of the Falls.

Early in the season the Commissioners received an application from the Electrical Development Company for permission to construct a short line of underground conduits, so that some of the electricity generated in its power house might be carried to the power house of the Canadian Niagara Power Company for transmission to the United States. The Company represented that it had made tentative contracts to supply customers in Buffalo and had arrived at an understanding with the Canadian Niagara Power Company for the use of its auxiliary transmission line to that city pending the construction of its own system of transmission.

As this application appeared to be outside the scope of the agreements under which the Power Companies operate, the Commissioners referred the application to the Lieutenant-Governor-in-Council for consideration, accompanying the reference with a recommendation that the application should receive favorable consideration.

The Government decided that the application could only be considered upon the understanding that it would be subject to the approval and ratification of the Legislature at its next session. The Commissioners therefore prepared an agreement incorporating this condition which was duly executed and approved by Order-in-Council, when the work of construction was at once begun. As the conduit is underground the finished surface of the Park is not in any wise affected thereby.

The text of this agreement will be found in the Appendix to this report.

Reference was made in the report for 1906 to the system of measurement that should be adopted for ascertaining the sums which become payable by the Power Companies as rental for all power generated and sold or disposed of in excess of the amounts for which a fixed sum is to be paid by each company, viz.: 10,000 electrical horse power by the Canadian Niagara Power Company and Electrical Development Company, and 20,000 horse power by the Ontario Power Company. Acting under the advice of their solicitor, and with the approval of the Government, the Commissioners have rendered accounts to the Canadian Niagara and Electrical Development Companies for all excess power generated above 10,000 horse power upon the "Increasing rental, peak power" system as defined by Dr. Galbraith, whereas the companies claim under their agreements payment should be made only upon the *average* daily load, or what may be called the "Fluctuating rental, average power" system, and payment of excess rentals on this basis has been tendered by one of the power companies.

The two companies which have developed such excess have made an appeal to the Lieutenant-Governor-in-Council for a hearing upon the question, and pending the fixing of a date arrangements have been made whereby the tendered payments have been accepted and applied *pro tempore*, without in any way prejudicing either the rights of the Commissioners or the Companies in the premises. The financial statement appended shows that the Canadian Niagara Power Co. has already paid in by way of excess rental \$16,655.75. As the Ontario Power Company had not generated power in excess of the 20,000 h.p. for which a fixed rental is payable at the date of last return, no claim for excess rental has yet been made against that Company.

There are several important measures in connection with the Park at Niagara Falls which the Commissioners propose undertaking at the earliest possible opportunity. These are: (1) The paving of the main driveway near the Falls with brick or other permanent material.

Owing to the constantly recurring spray it has been found impossible to maintain a satisfactory macadam road at this point, and the heavy teaming connected with the power works has necessitated the deferring of the work from time to time. Now that the power works are practically completed, the Commissioners have decided to proceed with the paving without further delay. (2) The electric lighting of the Park. Reference has been made in previous reports to the desirability of making the Park attractive to visitors at night. The weirdly beautiful effect of the moonlight upon the falls, the rapids and the gorge has long been appreciated, but this could only be enjoyed for a few nights each month by the citizens of Niagara Falls or by those who chanced to visit Niagara at such times, and many desiring to enjoy the Park during warm weather were deterred by the darkness. During the late autumn of the past year an experiment was made in illuminating the falls by powerful searchlights which attracted great crowds to witness the beautiful display. The absolute necessity for lighting the roadways and walks in the Park was clearly demonstrated during the period of the illumination, and the need has been emphasized by the action of the Commissioners of the State Reservation on the American side having quite recently installed an elaborate system for lighting up Prospect Park and the riverway. It is intended to proceed with the work early in the season. (3) The providing of a suitable approach to the Park from the upper steel arch bridge. As this is the principal approach to the Park for visitors the Commissioners have entered into an arrangement whereby the City, the Railway Company and the Park shall join in the work of providing a suitably finished roadway from the bridge to the new gateway. The road will have a hard macadam surface and both road and tracks will be brought to a suitable grade.

On many occasions during the year the Commissioners have been called upon to extend the courtesies of the Park to distinguished visitors to Niagara.

Early in June His Imperial Highness, Prince Fushimi of Japan, and his suite, spent a day at the Falls, and was shown the various features of interest in the Park and the rapids.

On September 8th the Biological section of the International Zoological Congress visited the Falls. Several members of the Board assisted the Commissioners of the New York State Reservation in entertaining these distinguished scientists.

The Government of Ontario having invited the editors of the leading financial journals in England to spend a few weeks examining into the natural resources of the Province, requested the Commissioners to suitably entertain these gentlemen during their stay at Niagara Falls. Sixteen newspapers were represented, as follows: Financial Times, Economist, Statist, Financial News, Financier, Glasgow Herald, Liverpool Post, Pall Mall Gazette, Daily Chronicle, Tribune, Daily News, Daily Mail, The Standard, Morning Post, Daily Telegraph, Globe, and the keenest interest was taken by the visitors in the water power development as well as in all the natural scenic attractions of the Falls.

Another notable occasion was the visit of the Canadian Manufacturers' Association, when the leading manufacturers from all parts of the Dominion and their friends, numbering over 300 were welcomed and shown the many features of interest at Niagara Falls.

The Legislature at its last Session passed an Act (7 Ed. VII. chap. 21) authorizing the Commissioners to acquire, repair and preserve the small plot of ground near the town of Niagara-on-the-Lake, where Colonel John Butler, Colonel Claus, and many others, famous in the early history of the Province lie buried. Upon examination it was found that this God's half-acre had been greatly neglected, the head stones nearly all broken, the vault opened and desecrated and the burial ground an open pasture field. It is the intention of the Commissioners to begin the work of restoration in the spring.

The Commissioners have long had in view the installation of a system of greenhouses, in which may be grown tropical and subtropical plants of all kinds on a scale which would be a credit to the Park, but during the continuance of heavy blasting operations by the Power Companies all this work had to be deferred. It is now proposed to take up this work by instalments and during the coming season to erect a new and commodious conservatory, and to enlarge the present propagating houses, the whole to conform to a general scheme which when fully carried out will greatly enhance the enjoyment of winter visitors to the Park.

Full reference to the various works of maintenance and improvement which have been carried on during the year will be found in the report of the Superintendent of the Park appended hereto.

The statement of Receipts and Expenditures for the year will also be found herewith.

All which is respectfully submitted.

J. W. LANGMUIR,

Chairman.

ROBERT JAFFRAY.

GEORGE H. WILKES.

P. W. ELLIS.

L. CLARK RAYMOND.

WILLIAM L. DORAN.

FINANCIAL REPORT, 1907.

RECEIPTS.

Ontario Power Company, rental	\$30,000 00	
Canadian Niagara Power Company, rental	15,000 00	
“ “ “ acct. excess rental ...	16,655 75	
Electrical Development Company, rental	15,000 00	
International Railway Company, rental	10,000 00	
Zybach & Company, rental	9,000 00	
Brock's Monument tolls	996 65	
Wharf privileges	501 00	
Sundries	399 28	
		<hr/>
		\$97,552 68
Overdraft in Imperial Bank, December 31, 1907,		\$24,212 12
		<hr/>
		\$121,764 80

Note:—The special deposit to credit of Commissioners made in 1903, for maintaining water levels at intakes of Canadian Niagara Power Company and International Railway Company now amounts to \$26, 642.34.

EXPENDITURES.

Paid Imperial Bank overdraft, January 1st, 1907	\$26,883 23
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Capital Account:—

Paid wages, permanent works	\$ 4,544 66	
“ materials, “	5,672 03	
“ contracts	26,554 34	
“ land purchases	90 33	
“ legal expenses	380 39	
		<hr/>
		37,241 75

Maintenance Account:

Paid salaries, office and Clerical Staff	\$5,256 00	
“ “ constables and gardener	7,907 34	
“ wages, laborers and teamsters	11,989 71	
“ for materials	5,670 28	
“ for office expenses	272 56	
“ Commissioners' expenses	757 32	
“ miscellaneous	623 83	
		<hr/>
		32,477 04
Paid interest on bonds, including bank charges		25,162 78
		<hr/>
		\$121,764 80

APPENDIX A.

REPORT OF THE PARK SUPERINTENDENT.

To the Commissioners of the Queen Victoria Niagara Falls Park.

GENTLEMEN,—I beg to make the following report upon the works which have been carried out during the year 1907 in the several portions of the Queen Victoria Niagara Falls Park system.

The past year may be characterized as one of marked progress in all departments of park work. In addition to the customary maintenance of the principal park areas at Niagara Falls, Queenston Heights, Niagara Glen, and Fort Erie, all of which have been kept in a high degree of excellence throughout the season, there have been many important improvements of a substantial and permanent character provided at these several points, which have greatly increased the facilities for the comfort and enjoyment of visitors. Some of these improvements have long been contemplated but for various causes could not be carried out until the present season.

At the principal or northern entrance to the Niagara Falls Park, the handsome granite gateway has been completed by the addition of the Park Arms, carved out of solid granite, as a finial for each of the two main pillars; those are of a very substantial character and give a suitable and dignified finish to the gateway.

As the two open shelter buildings at Rambler's Rest and Inspiration Point were of cedar work construction, and had been in service for about twenty years, they had become unsafe and had to be taken down. It was decided to replace these simple rustic shelters by ornately designed open structures of boulder stone work, with cut stone columns and relieving courses, and roofs of stained shingle work. These new and enlarged shelters not only afford excellent protection in case of storm but make a delightful resting place for pedestrians and have been very much appreciated by the visitors.

Since the establishment of the Park the scope of the work has been greatly extended and the need for enlarged quarters for the Commissioners and staff has long been felt. It was, therefore, decided to remove the general offices to the Administration Building and to transform the old lodge building which for so many years has been utilized for office purposes into a general lavatory; reserving a small portion for police headquarters.

The Commissioners therefore made arrangements with the lessee of photo and refreshment privileges in the Park to vacate the large room upon the main floor of the Administration building which had been used as a store for the display of fancy goods, and made the alterations necessary by dividing up the space into offices, arrangements being made whereby the lessee should occupy during the currency of his lease the public waiting room in the front of the building. The new offices comprise a board room, offices for the Superintendent, Assistant Superintendent and Clerks, and a fire proof vault for the preservation of the plans and official documents pertaining to the Park. All the offices are roomy, and well lighted, and the location is more central than before. The former office building was re-arranged and a suitable women's rest room with very convenient lavatory accommodation was provided in the front of the building; the rear was utilized for men's lavatories. Police headquarters were also established at this point, as the space originally reserved for this purpose in the basement of the Administration Building proved to be altogether too damp for occupancy.

By thus providing ample lavatory facilities near the front entrance it was found possible to dispense with the rustic closet building on the edge of the cliff, near Inspiration Point, which could not be properly maintained in hot weather owing to the inadequacy of the Spring water supply.

As the shelter accommodation for the constables in the southern portion of the park was of a temporary character, and not in keeping with the improved standard adopted for the Park buildings, it was decided to build two new ones; one a little south of the railway power house and the other located at the southern entrance to the grounds. These shelters are built of boulder stone work lined with brick and with steep cottage roofs. When covered with vines these will be inconspicuous and well adapted to their location in the Park.

At the southerly end of Dufferin Islands permanent bridges were required to carry the driveway over the channels separating the islands, and also to carry the outer pathway over the same channels at the controlling gates. These were all constructed of armored concrete. The foundations in each case are on bed rock and the character of the work throughout is exceptionally good; simple pipe panel railings set in concrete parapet piers afford ample protection in each case. These bridges are all of plain but appropriate design, and should require but little attention for many years to come.

The old wooden toll house at the south entrance to the Park was cut in two and removed to the swimming pool where the sections were fitted up separately and made to do service as dressing rooms for bathers, the small summer house which had been transformed into a dressing room proving wholly inadequate for the demands upon it.

A new cement pavement was laid alongside the parapet wall constructed last season, from north of Table Rock House to the edge of the Horse Shoe Falls, as owing to the frequency with which the spray deluges this very attractive and much frequented portion of the park it was found impossible to maintain a cinder and gravel walk at this point in a satisfactory condition. The new pavement is a decided improvement and has been very much appreciated by visitors.

Apart from the new works constructed by the Commissioners much has been done by the Power Companies towards completing their important undertakings. At the Spillway of the Ontario Power Company the broad elevated promenade which surrounds the overflow building on three sides has been laid in armored concrete finished off with cement, and the space at the rear of the building has been graded up to the same level and sodded. The slopes surrounding the base of the structure have also all been terraced in accordance with the approved plans by the Company.

The grounds in front and rear of the handsome portal building were also graded to the approved levels and a new semi-circular macadam driveway approach with suitable cement walks provided leading from the Park driveway to the front entrance.

Upon the completion of these works by the Company, the Park took possession and prepared the soil for planting, and in the fall the whole of the slopes and terraces were set out with carefully selected herbaceous plants, shrubs and vines, which will in a very short time make this one of the most delightful features of the Park.

At the Canadian Niagara works the Company have graded and drained the roadways to the north and west of their power house, and completed the surfacing of the grounds with good soil. The macadamizing of the roadways will be done in the spring.

This company have also removed all the contractors' buildings to which reference was made in last report, and cleaned up all the grounds surrounding their power house. The temporary office building near the International Railway tracks is still needed pending the completion of the southerly half of the power station.

The electric motor ice boat of this Company did excellent service in maintaining open water in the Forebay during the winter months. Some work was done by the Company to its outer ice guards, one or two of the piers having become unstable through the heavy surging of the river against the steel fender. These were made secure and all of the piers securely bolted to the bed rock to prevent a recurrence of the trouble.

The Electrical Development Company has made great progress in cleaning up about its power house during the year. All the cribbing, puddling, etc., of the main and subsidiary diverting dams has been removed from the river, and the great quantities of materials used in these temporary works have been disposed of or destroyed; the bed of the river leading to the forebay was also cleaned out and all obstructions to the free flow of water or floating ice into this outer forebay removed. The newly made ground above and below the power house has all been graded to the approved levels and all that portion north of the building has been covered over with good soil. The area occupied by this Company for the tunnel shaft, near the intake of the International Railway Company has also been levelled, covered over with good soil and is ready for planting in the spring.

In constructing the conduit through which the electricity generated in the power house is taken through the park to the transformer station it was necessary, in order to cross the pipe lines of the Ontario Power Company to raise a part of the conduit above the ordinary surface level of the Park; where this has been done the Company have been required to mound over the raised portion, and advantage was taken of the great quantities of waste material removed from the diverting dams to form a broad embankment with easy slopes on either side, this embankment can be made to form a good feature in the lay-out of this part of the grounds. Late in the season the Company were given permission to construct a connection from this main conduit at a point immediately in rear of the Company's temporary office building to the south end of the Canadian Niagara power house. This connecting conduit being wholly underground does not interfere in any way with the permanent improvement of the surface.

A very important work undertaken by this Company for which approval was obtained, was the re-location of the tracks of the International Railway in front of their power house, the object being to adjust the alignment and grades of road and railway to harmonize with the lines and levels of the building as constructed. The change involved a large amount of excavation, and the reconstruction of a double track railway from the Dufferin Islands to the Canadian Niagara intake, a distance of nearly half a mile. This work has all been completed by the Company and has greatly improved the appearance of this part of the Park.

In the outlying portions of the system many permanent improvements have been made during the year. The iron pipe railing which protects the edge of the cliff overlooking the river in front of the City from the Park as far as the railway arch bridge, has been extended northwards for over 1,200 feet, and is to be continued as far as the Whirlpool. As this portion of the City is being rapidly built up and a great many visitors are taken to view the rapids and the Whirlpool from the numerous points of vantage at the very

edge of the precipice over the whole distance, the need for protection was urgent.

At Whirlpool Point the roof of the rustic shelter, which was originally of elm bark, required renewal. Tongued and grooved boards were substituted as being more weatherproof. The temporary wooden structures built by the lessees of privileges at this point are not at all in keeping with the dignity of the Park and should be replaced as soon as possible by a permanent building of a character in harmony with the standard adopted by the Board for the Niagara Falls Park.

The great number of excursionists who now visit Queenston Heights every summer have on several occasions suffered much inconvenience from inadequate shelter accommodation; a new building was therefore erected for this purpose, the site selected being to the west of the Monument where a commanding view of the Niagara River and surrounding district may be enjoyed. The walls of the new shelter are of boulder stone construction to a height of three feet above the floor level where they finish in a broad cut stone sill course, the upper part being supported on posts. The roof is covered with stained shingles and the ceiling is of oil finished, matched pine. The cement floor has been smooth finished for dancing. As the outside dimensions of the building are 60 x 30 feet, it will afford shelter in case of storm to a large number of visitors. A new path has been constructed to the building from the main driveway and another short path leads from the building to a small pavilion where clear cold water from Brock's spring may be had in abundance.

Half way down the eastern escarpment of the heights is the site of the half moon battery which played such an important part in the engagement of 13th October, 1812. It was on reaching this point that General Sir Isaac Brock first became aware of the occupancy of the Heights by the invading forces, and at this point Lieut.-Col. Macdonell, his A.D.C., was mortally wounded. The Lundy's Lane Historical Society, having received permission to place a memorial at the spot, took advantage of the visit of the 41st Regiment of Brockville, a city named in honor of Sir Isaac Brock, on the 6th July last to erect a bronze commemorative tablet on the spot. An interesting military ceremonial was observed, a large number of spectators being present from both sides of the river. The inscription on the tablet, which is secured to a cairn of granite boulders, is as follows:—

Site of

REDAN BATTERY.

Near this spot Lieut.-Col. John Macdonell, Attorney-General of Upper Canada, was mortally wounded, 13th October, 1812.

At Niagara Glen a new rustic summer house has been erected near Fisherman's Eddy and two others at interesting points on the bank of the river in order to afford shelter in case of storm. The principal stairway leading down the face of the cliff will require renewal in the spring.

On the upper Niagara River nothing was done towards widening the roadway or protecting the river bank until late in the season, when the destructive effects of the storm water necessitated the going on with the stone protection work. It was found that at one point no less than six feet of the bank had been cut away by the effect of one storm, and in some instances

trees of substantial growth were torn away, the high water softening the ground about the roots and the wind completing the mischief. It was found that at none of the points where stone protection has heretofore been placed was any damage done to the bank, and it is most desirable that the remaining portion of the shore where erosion is threatened or is in progress should be given protection at the earliest possible moment. Severe storms usually occur late in the fall or early in winter, as after ice forms along the shore the banks are in a great measure protected until the spring floods, when the moving out of the ice is apt to cause much damage.

The worst storm we have experienced in this section for many years occurred on the 21st of January, 1907, when the wind attained a steady velocity of over 60 miles an hour on Lake Erie, and gusts of 90 miles an hour were reported from the observing station at Buffalo. This unusually severe storm overturned the steel flag staff at Fort Erie Park, which had been anchored to masses of concrete. As much of the metal in the overturned staff was twisted a new one had to be provided. This has been made 70 feet in place of 100, and the legs have been very firmly secured.

As no protection had been provided in this much exposed park for visitors, a new open shelter building has been erected at a convenient point within the lines of the fortifications. It is 12-sided, 37 feet in diameter, and has pedimented porch entrances on four sides. The posts are all supported on concrete piers, the high pointed roof is shingled, the ceiling of narrow-width pine finished in oil, and the floor of concrete surfaced with cement.

The trees and shrubs planted out on the grounds about the old fortifications have already greatly improved this southern terminal of the Park system, and a few years' growth on the trees will greatly enhance the improvement. Unfortunately the foreshore in front of the reservation is not under the jurisdiction of the Park authorities, and the lake shore road, which is the only means of communication available excepting for a short time in midsummer, when the ferry railway is running, is always in a very bad state of repair. As the Board have control of practically all the shore of the Niagara from the village of Fort Erie to Niagara-on-the-Lake, it would appear desirable that this short reach between the village and the fort should also be placed under their jurisdiction and the proposed boulevard along the river shore from Niagara Falls have a fitting terminal at the Old Fort Park.

The uneven gravel bottom of the swimming pool at the Dufferin Islands was gone over and the whole space given a good covering of sand; suitable approaches from the level of the bank were also made. During the hot weather large numbers of boys and girls enjoyed the bathing, one of the Constables being always in charge. It was found that the area of the pool was too small and many of the boys complained that the depth was insufficient for diving. Both the size and depth should be increased before the next hot season.

Attention must again be drawn to the very meagre greenhouse equipment which has heretofore been provided for the Park. As the heavy construction work in connection with the Electrical Development and Ontario Power Companies is now practically over for the present, the time would appear to be opportune for the commencement of a comprehensive series of houses worthy of the Park and Province. The Chief Gardener has already secured a large number of rare and valuable plants, which even now make a very attractive showing, but the available space for their display is so crowded that none of the specimens can be developed to perfection, and it is quite out of the question to increase the collection until more is provided.

The propagating houses are also rather small, as greater demands will in future be made upon them to furnish stock for brightening up about the new power house buildings.

The number of visitors to the Park during the year was in excess of former years. Owing to the cold, wet, backward spring (we had frost in the Park up to the night of the 21st May), the season for excursion travel opened late, but in July and August very many church and society picnics were held. As usual the combined picnic of the Hamilton and Brantford grocers, which was held in the 17th July, drew the largest crowds, it being estimated that over 10,000 were in attendance on that occasion. Unfortunately, two very heavy thunder storms came up during the day which marred the pleasure of the visitors, but owing to the extensive shelter accommodation which has been provided, in which the new buildings at Rambler's Rest and Inspiration Point, although not fully completed at the time, greatly aided, comparatively few suffered much inconvenience.

An interesting experiment was made during the late autumn in respect to keeping down the dust on the Park driveways. As the result of many experiments made for this purpose in Europe good effects have been obtained from using Westrumite, a preparation of liquid asphalt, named after the inventor. Two applications were given the roads, which sufficed to entirely lay the dust for a period of nearly six weeks, during which time no sprinkling with water was required. As the experiment was made too late in the season to test its efficiency in very hot weather it is proposed to repeat the trial of this method next year.

As the Administration building containing the new general park offices is far removed from the city water mains and without sufficient fire protection, arrangements have been made with the Ontario Power Company whereby a sufficiently large high pressure supply will be available for this building for fire purposes.

All the usual works of maintenance have been carried on in the several divisions of the Park throughout the year, much attention having been given to keeping the lawns and grassy spaces properly mowed, and the roads and paths well trimmed and surfaced. The lawn tennis grounds have been much used and at least two additional courts, preferably of hard clay, should be provided. The cricket crease has also been of great service, while the ball field has been kept continually in use throughout the year, frequently several matches being played in one day; as there is no space available for another ball field north of the Falls, one should be made near the old gravel pit as soon as the grounds at that point have been fully graded and restored.

All of which is respectfully submitted,

JAMES WILSON.

Superintendent

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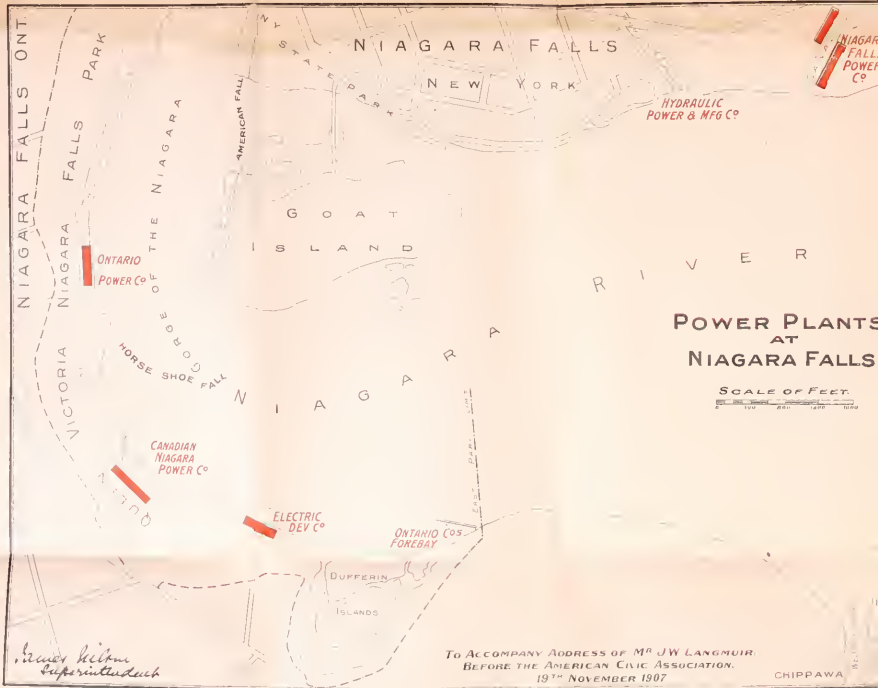
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APPENDIX B.

ADDRESS GIVEN BY MR. J. W. LANGMUIR, CHAIRMAN, COMMISSIONERS QUEEN VICTORIA NIAGARA FALLS PARK, BEFORE THE AMERICAN CIVIC ASSOCIATION AT ITS ANNUAL GENERAL MEETING HELD IN PROVIDENCE, RHODE ISLAND, 19TH NOVEMBER, 1907.

Mr. Chairman, Ladies and Gentlemen:

I had the honor of addressing the American Park and Outdoor Art Association, the distinguished parent of the American Civic Association, on the occasion of their visit to the Queen Victoria Niagara Falls Park on the 8th July, 1903, when I had the privilege of presenting a brief resumé of the circumstances which led up to the establishment of the Park on the Canadian side of Niagara Falls. It is perhaps unnecessary to repeat what has passed into history that to Lord Dufferin, Governor-General of Canada, and Governor Robinson of the State of New York, is due the honor of suggesting, in 1876, the advisability of setting aside the lands on both sides of the Falls for National Parks.

The suggestion was at once acted upon by the Legislature of the State of New York, which, with commendable zeal and generosity, purchased the lands selected for expropriation, and since then has continued to make liberal grants for maintenance and improvement, thus entirely relieving the Commissioners of the Reservation from all anxiety in respect to the raising of funds for the establishment and maintenance of the Park.

On the Canadian side, however, several years elapsed before definite action was taken, and it was not until 1885 that the Legislature of Ontario passed an Act "For the Preservation of the Natural Scenery of Niagara Falls."

This Act provided for the appointment of three Commissioners charged with the duty of selecting lands in the vicinity of Niagara Falls suitable for Park purposes. The Commission reported the result of its labors early in 1887, when a further Act was passed by the Legislature creating a permanent Board of Commissioners, approving of the lands selected and empowering the Commission to acquire the same and to issue debentures in payment thereof. It was, however, left to the Commission to devise plans not only to meet the large annual outlay for interest on the debentures, but to provide the means for maintaining and improving the property. When to this the further condition was attached that the Park was to be free to the public and that it was not in any way to form a charge upon the public funds of the Province, it will be seen that the task imposed on the Commissioners was not only one of considerable magnitude, but that it also involved the solution of many problems of a rather intricate character, which are rarely, if ever, associated with the establishment or maintenance of a public Park. The fact that the problems to be dealt with were complex, and the surrounding difficulties serious, should perhaps furnish the Commissioners with a plea for generous consideration on the part of their critics or at any rate an opportunity of being fairly heard before being adjudged unmindful of the responsibilities connected with the important public trust placed upon them.

With this short preface, I shall now briefly review the work which has been accomplished by the Commission, first outlining the location and extent of the properties now included in the Queen Victoria Niagara Falls Park domain.

First what may be described as the Park proper, which embraces all the territory on the Canadian side of the Falls, extending from the Clifton

House one mile north of Table Rock to the head of the upper rapids, a distance along the river of about two and a half miles, and embracing all the land between the top of the high bluff which forms a distinctive natural boundary on the west and south, down to the water's edge. This territory comprises about 200 acres and includes all the chief points from which a near view of the Falls, the river immediately below and the rapids above the Falls can be obtained, and also contains the beautiful group of islands at the head of the rapids now known as the Dufferin Islands. Of these lands the northerly portion, comprising about 100 acres, has been restored and brought to a highly finished condition. The southerly portion of the original Park, however, owing to the extensive works for the utilization of the water power, is still in process of development and will require a year or two more before it can be brought to a state bordering on completion.

Had the energies of the Commissioners been confined to the original Park much more might have been accomplished in the twenty years which have elapsed since the acquirement of the property. Only a few years, however, had passed after the organization of the Commission when the Government, recognizing the desirability of making the Park system at Niagara Falls as complete as possible greatly enlarged its area by transferring to the Commissioners some of the unpatented lands of the Crown belonging to the Province lying along the course of the Niagara River. The Dominion Government also granted to the Board leaseholds of all the military lands held by it at Queenston Heights and Fort Erie, and some lands at points of special interest were acquired by purchase, so that at the present time the Park has an aggregate area of nearly eight hundred acres. This ideal territory practically commands the Canadian shore of the Niagara River from Lake Erie to Lake Ontario, a distance of some thirty-three miles, with a series of improved parks at old Fort Erie, Niagara Falls, Niagara Glen and Queenston Heights, at each of which points much has been accomplished in improving the landscape views, and in providing facilities for the comfort and convenience of visitors.

Notwithstanding this greatly enlarged Park area and the increased financial burdens thereby placed upon the Board for its development and care, no assistance whatever has been granted by the Legislature of the Province, and the entire cost of developing, improving and maintaining it has of necessity fallen upon the Commission which has in so doing incurred and made provision for an expenditure of practically \$1,000,000, without increasing the original bond issue of \$600,000. This statement naturally leads up to the question, how were the funds raised by the Commissioners to enable these expenditures to be made? which question I shall answer as briefly as possible.

When the original Park was opened it was found that the chief railway station was over two miles distant from the Falls with no adequate means for the conveyance of visitors to the Park, nor was there any transport connection with the steamers crossing the lake from Toronto, except by a train service which landed excursionists on the American side remote from the park. Owing to the great length of the territory it was therefore considered essential that a convenient and economical means of reaching the park and of viewing all points of interest along the Niagara River (every portion of which is full of historic interest and scenic grandeur) between the navigable waters of the upper River at Chippewa, and steamer connections with Toronto at Queenston should be provided. This requirement led to the granting of a franchise for an electric railway through the park and extending in either direction to the points named, to accomplish which the Commissioners provided the right of way as well as the use of sufficient water from the

river to furnish power to run the railway. For this franchise the Commissioners receive an annual rental.

The second privilege granted was for taking visitors behind the Sheet of Water, which has been an established privilege on both sides of the river for many years; to this was added the providing of refreshments for visitors, from which a revenue also is obtained.

The third franchise sought was for the use of a small portion of the water power of the Falls for generating electricity for commercial purposes. As works for the production of this comparatively new form of energy were then being carried out on a very large scale on the American side of the river, the Government decided that it would be in the public interest to grant the application, and the Commissioners accordingly entered into an agreement with the Canadian Niagara Power Company for the construction of works, but under the most stringent regulations governing their location and character and for the payment of substantial rentals. For various reasons, financial and otherwise, the work was delayed, and it was not until the development on the American side had sufficiently advanced to demonstrate the possibility of transmitting electric power on a commercial basis to points remote from the Falls that operations were begun on the Canadian side.

The successful operation of the American works and the great advancement made in the development and transmission of electricity created a lively interest in hydro-electric work generally, and strong demands were made on the Commissioners and the Government by a second group of capitalists for a similar franchise to be exercised in competition with that granted to the Canadian Niagara Power Company. After due consideration the Government decided to grant this application and the Commissioners executed an agreement with the Ontario Power Company subject to all the restrictions and regulations contained in the agreement made with the Canadian Niagara Company. The works of these two Companies were only well under way when a third application was made for water power privileges—this time by a Canadian Company which claimed that as the rights previously granted were being exercised chiefly by United States capitalists it would be unjust to Canadian enterprise if it was debarred from the benefits which were expected to flow from the carrying out of these large electrical projects. Acting on instructions from the Government, the Commissioners called in experts to examine and advise as to the physical changes which would be likely to follow should this additional franchise be granted. As the experts reported that the flow of the river would not, in their opinion, be materially reduced by the abstraction from the river, at the location proposed, of the stipulated quantity of water desired, the Government decided to grant the application and the Commissioners entered into an agreement similar to those before referred to, with the Electrical Development Company, and work thereon was immediately begun.

It is chiefly in respect of the granting and carrying into operation of these franchises that it is alleged by some that the Commissioners have laid themselves open to adverse criticism. It may at once be admitted that, owing to the magnitude of the works, and the enormous quantities of material and machinery exposed to view during the period of construction, the æsthetic features of Niagara and its surroundings may at times have appeared to be in jeopardy, but in this connection I may be permitted to quote the ancient Scotch proverb, "Gouks and bairns should ne'er see things half done."

There are doubtless some present on this occasion who will recall the somewhat strong ground I felt compelled to take when I addressed the members of your Association in 1903 in refutation of all charges of desecration.

I then ventured to predict that when the various works in progress were completed it would be found that not only would no violence be done to the scenic beauty of the great Cataract, but that its immediate surroundings, as well as the great extent of territory which has from time to time been placed under the control of the Commissioners, embracing the westerly bank of the River from Lake Erie to Lake Ontario, would be restored and converted into one continuous and unrivalled series of parks and resorts for the recreation and enjoyment of the people.

Four years have gone by since that statement was made and I think it may fairly be claimed by your Association and the public at large that the Park Commission should justify or at least offer a fair explanation of their acts, so far as they affect the scenic beauty of the Falls and its surroundings. I will, therefore, ask your attention to a brief comparison of the conditions which existed at that time with those which obtain to-day.

On the occasion of your visit in 1903 the greater part of the surface of the Park proper south of what was then known as the Museum was torn up by the excavations connected with the gigantic operations of the three power development companies and was also being used for the storage of great quantities of materials and machinery required for the works and buildings. Now all of these works, which have occasioned an outlay of nearly twenty millions of dollars, have been practically completed; the debris has been removed and the greater part of the disturbed surface has been graded, covered with soil and seeded down, while extensive areas have already been planted with trees, vines and shrubbery. Advantage was taken of the surplus material removed from the underground excavations to carry on works of restoration and improvement which otherwise might have had to be deferred for years, such as the filling in of low swampy places and the reclamation of shallow portions of the river bed, thereby not only increasing the park area but providing new vantage points for viewing the Gorge and the Falls. In carrying out this work the westerly margin of the Horse Shoe Fall, which, owing to the falling away of large masses of rock in the centre of the fall, had become permanently unwatered, exposing the rock formation and unsightly boulders which had long been part of the river bed, has been entirely reclaimed and brought to the general Park level. The new territory has been protected by a very substantial revetment wall finished with an ornamental stone and iron panelled parapet, and new walks and drives have also been constructed.

At the Dufferin Islands a large portion of the original water-way had shallowed to such an extent that it was deemed best to entirely change the physical features of that portion of the Park by forming several new Islands. There has also been constructed around the great bend of the river at the Dufferin Islands a substantial driveway which affords a splendid view of the waterscape and of the charmingly wooded bank surrounding the Island.

These surface changes and additions to the Park have all been accomplished through the granting of franchises to the Power Companies in the operation of which enormous quantities of excavated material were placed at the disposal of the Commissioners and used in the manner indicated.

The buildings erected by the several Power Companies for their power stations are considered by competent authorities to be models of artistic design and fitness for the positions they occupy in the Park, and although these structures have not been completed to the full length designed, still the foundations in each case are finished, and when the superstructures are extended very little disturbance of the Park surface will take place.

The only other constructions of the Power Companies in the Park are the Screen and Gate House of the Ontario Power Company at the Dufferin

Islands, and the Overflow and Entrance buildings of the same company near the Administration buildings. In two instances advantage has been taken of these structures to secure elevated promenades from which the public may obtain most excellent views of the Falls and Upper Rapids.

It gives me much pleasure to publicly state that in the construction of all these buildings the Power Companies have promptly responded, irrespective of cost, to the architectural demands of the Commission in order that as little violence as possible should be done to scenic features of the Park.

During the past four years the Commissioners have also erected appropriate and much needed Park structures. The old Museum building, which was formerly used as a restaurant, has been taken down and a commodious Administration building and Refectory has been constructed of native boulders and of unique design. Permanent shelters of the same material and design have been erected at Inspiration Point and Ramblers' Rest, and a new ornamental gateway and railing have been provided for the entrance of the Park at the Clifton House. At all the outlying Parks permanent improvements have been carried out and a great deal of work done in order to afford every convenience to the numerous visitors.

The long reach of the river bank between the villages of Chippawa and Fort Erie has been in a large measure protected against erosion by stone rip-rap and a beginning has been made towards forming a broad and well made Boulevard along this magnificent stretch of water.

At old Fort Erie a handsome Monument has been erected to the brave men who fell in defence of that important post in the War of 1812-14, and the territory about the old Fort, which was in a very neglected condition, has been brought into the Park and is now well cared for.

Coming now to a consideration of that phase of the subject involving the withdrawal of water from the river for commercial purposes, and the probable effect such withdrawals may have on the grandeur and scenic beauty of the Falls, it is most important that the facts should be clearly stated and the probable changes carefully analyzed.

The flow of the Niagara River was accurately determined by the United States Engineer Corps in 1900 to be at mean or average level of Lake Erie about 222,400 cubic feet per second, all of which with the exception of a small quantity taken by the Schoellkopf Company passed over the American and Horse Shoe Falls. Since the survey was made the Chicago Drainage Commission has, up to this time, permanently diverted to the Mississippi River system over two and a quarter per cent. of the entire volume and the power works on the Welland Canal have diverted about a quarter of one per cent., so that the mean water now entering the river at Buffalo may be assumed to be not over 216,800 cubic second feet. This amount, however, must be further reduced by the drafts made by the Niagara Falls Power Company and the Hydraulic Power and Manufacturing Company on the American side, making the entire flow of the river at the head of Goat Island 202,000 cubic feet per second.

Of this quantity it is estimated that about 20,000 feet per second passes into the channel to the north of Goat Island and on to the American Fall, and 182,000 feet enters the main or Canadian channel where further drafts are made for the Canadian Power plants, reducing the present flow over the crest of the Horse Shoe Fall to 175,000 cubic second feet. It is in respect to this present flow over the two Falls that all comparisons of the probable physical changes which may result from the further withdrawals of water for power purposes should be made. In this connection it may be well to point out that the works on the Canadian side, being located below the parting of the waters at the head of Goat Island, cannot in any way affect the

flow into the American channel, while the further withdrawals of water by the works on the American side will draw upon the whole river—but as the Canadian channel is deep and the current strong, while the American one is quite shallow in comparison, any substantial reduction in the level of the river will necessarily affect the flow in the American channel to a much greater degree than in the Canadian. In making comparisons and estimates I have assumed this to be the case beyond all reasonable doubt.

Of the two companies on the American side taking water for power purposes, one has completed its installation and presumably will not require water in excess of what is now being taken; the other is rapidly enlarging its plant and will probably within another twelve months or so complete its undertaking and withdraw its full permissible quota of water.

On the Canadian side none of the Companies have completed their authorized installations, and some years will probably elapse before the whole quantity of water required for their operations is taken.

I am not fully informed respecting the further diversion of water by the Chicago Drainage Canal, but I understand that its ultimate requirement will be 800,000 cubic feet per minute or over 13,000 cubic second feet, which, if all withdrawn, will make a permanent reduction of about four per cent. in the present outflow of Lake Erie.

Should the maximum amount of water required to operate these various power works to the full extent authorized be used a carefully prepared estimate would appear to show that there would be a reduction in the flow over the American Falls of fourteen per cent. and over the Horse Shoe Fall of nineteen per cent. This reduction in the flow, however, will probably extend over a period of ten or twelve years approximately as follows:—

Year.	American Fall.	Horse Shoe Fall.
1907	20,000	175,000
1908	19,300	170,000
1910	17,200	160,000
1920	17,200	142,000

It is of course largely a matter of opinion how the further withdrawal of fourteen per cent. from the present flow over the American Fall and nineteen per cent. from the Horse Shoe will affect the present scenic grandeur of the two cataracts. As has been pointed out the channel on the American side of Goat Island delivers all the water entering it to the American Fall, none being abstracted in the channel itself for power purposes, and the lessened flow which will be distributed evenly over the whole length of the Fall, will not in my opinion be very noticeable at ordinary mean stages of lake and river level.

In the Canadian channel the conditions are somewhat different as water in large quantities will be taken at four distinct points along the shore. From an examination of the map which I shall submit and a knowledge of the currents it will, I think, be obvious that in addition to a general diminution of the volume taken above the head of the channel the water taken at the upper or Ontario Power Company's intake only will affect the flow towards the American side of the Canadian channel. The other intakes being near or below the apex of the Horse Shoe and the strike of the current naturally tending strongly towards the Canadian shore the water taken by these works will not affect the flow to the American side of the channel to any appreciable extent.

The chief effect to be apprehended, therefore, will be in relation to the body of water flowing close to the Canadian shore, where the water at the present time is deep and swift all the way from above the head of the rapids to the Cataract with the exception of the approach to the crest of the Fall where it becomes shallow near the shore line for a short distance. While it is difficult to foresee the precise change which will result, I am of the opinion that in all probability the water at the western extremity of the Horse Shoe will be appreciably lowered so that the density of the curtain of falling water may approximate to that of the American Fall instead of flowing full and strong as at present, and that towards the centre of the Horse Shoe, where the volume of water is now greatest the change will gradually become less observable until shallow water at the eastern end of the Fall is met with where probably a slight diminution of the flow will be noticed.

So far I have only dealt with the abstraction of water by the Chicago Drainage Canal and the five companies which are now engaged in developing electrical power at Niagara Falls. There are, however, at least six other companies that have received charters to take water either from the Niagara River or from Lake Erie, three of these being on each side of the International Boundary Line, but none of the companies have seriously commenced construction operations. As none of these inchoate companies are restricted in the quantity of water which may be taken for their purposes it is quite impossible to foretell what the effect upon the Falls would be should any or all of these franchises be actively exercised. Should their operations be carried on upon such a scale as to take in the aggregate as much water as will ultimately be needed to provide for the full requirement of the works now in active operation the flow over the American Fall, owing to the shallowness of the channel mouth, would undoubtedly be reduced to a very small proportion of its present volume and the Horse Shoe Fall would probably be lessened one-half. If, therefore, these charters are all permitted to become operative the scenic effect of the American Falls will be almost entirely destroyed and the force and grandeur of the Canadian Falls most seriously impaired.

It should be borne in mind that the works now under construction provide for an ultimate output of nearly 700,000 electrical horse power and should this enormous supply in time prove insufficient to meet the public requirements it is quite feasible to satisfy further demands without materially injuring the Falls by granting privileges in the lower river where, both above and below the Whirlpool, advantage may be taken of the physical characteristics of the Gorge to generate power upon a very large scale and under very favorable conditions.

In closing I have only to add that it is of vital importance that no further grants of water for commercial purposes should be made until it is definitely ascertained, from actual observation, what effect the full authorized withdrawals by Power Companies now in active operation will have on both American and Canadian Falls. And, if the Falls of Niagara are to be saved and passed down from generation to generation as a sacred heritage it is imperative that the franchises granted on both sides of the River, but in respect of which no construction work whatever has been commenced, should either be cancelled, or, failing that, restricted to the use of such volume of water as will not impair the beauty and grandeur of either Fall. I sincerely trust that this Association will exercise its great influence in bringing public opinion to bear in securing these most desirable results.

APPENDIX C.

TEXT OF AGREEMENT MADE WITH THE ELECTRICAL DEVELOPMENT COMPANY OF ONTARIO, FOR CONSTRUCTION OF CONDUIT, 30TH AUGUST, 1907.

This agreement made this thirtieth day of August, 1907, between the Commissioners for the Queen Victoria Niagara Falls Park, acting herein on their own behalf and with the approval of the Government of the Province of Ontario and hereinafter called "The Commissioners" of the first part, and the Electrical Development Company of Ontario, Limited, hereinafter called the "Company" of the second part.

Whereas the Company have applied to the Commissioners for permission to transmit electric power generated by the Company at their works within the Park to the Power House of the Canadian Niagara Power Company within the Park for a period of three years to begin from the first day of November next as hereinafter specified, the transmission of such power to be by means of a conduit to be constructed within the Park as hereinafter specified.

And whereas the Commissioners have laid the application of the Company before the Government of Ontario and have obtained the approval of the Government to proceed with negotiations in the premises subject to the approval and ratification of an agreement for transmission of electric power as aforesaid by the Legislature of Ontario as hereinafter specified, and of such amendment as to the terms and conditions of said agreement as the Legislature may require or impose.

Now therefore this agreement witnesseth; reference being made to the map or plan marked "Q" attached to and made part of this agreement and identified under the common seals of the parties respectively:

That the Company, subject to the conditions, stipulations and provisoes hereinafter contained, may proceed forthwith to construct the following works, namely:

- (a) To construct an underground conduit or line of tile ducts surrounded by concrete from the existing manhole of the Electrical Development Company at or near point "A" on plan to the existing manhole of the Canadian Niagara Power Company at point "E" on plan.
- (b) To construct concrete manholes on chambers at the points "B" "C" and "D" on plan, such manholes to be wholly underground but with access thereto through trap doors covered with heavy cast iron plates placed even with the surface of the ground.
- (c) To construct a tile drain underneath the line of conduit with a suitable and proper outlet.
- (d) To lay lead covered cables within the ducts for the purpose of transmitting electric power from "A" to "E" on plan.
- (e) All the works aforesaid to be done under the supervision of and to the satisfaction of the Superintendent of the Park.
- (f) The Company to the satisfaction of the Commissioners to level off and re-surface the grounds disturbed by the construction operations, and grade and resurface the same with good top soil for a space of twenty feet on either side of the centre line of the conduit.

- (g) The works of construction to be begun forthwith and the whole to be completed on or before the first day of November next (1907), in respect of which completion time shall be of the essence of this contract.

The Company undertakes to furnish to the Commissioners half yearly on the first days of May and November in each year, the first whereof being the first day of May, 1908, a verified statement of the electrical horse power transmitted by the Company through the conduit or conduits hereinbefore described during the preceding half year.

And it is also stipulated that the Commissioners may instruct their Superintendent to view at any time the instruments of measurement of the Company for measuring the electric power transmissible under this agreement, and if any question or dispute arises in respect of such return or of any statement delivered at any time by the Company to the Commissioners in respect hereof the High Court of Justice shall have jurisdiction to hear and determine the same and to enforce the giving of the information required.

In respect of all the rights and authorities which the Commissioners by this agreement have conferred or agreed to confer upon the Company to exercise in and about the execution of the works to be constructed and operating or working the same, and of all other matters herein agreed upon, the Company will indemnify the Commissioners in respect of the exercise of the said rights by the Company and will hold them safe from any liability to any persons whomsoever.

Provided also that these presents are not to be construed as expressing or implying any covenants by the Commissioners for title or quiet possessions.

And in the event of any claims or demands aforesaid being referred before or in any tribunal whether in a Court of Law or by proceedings of arbitration against the Commissioners or for the Commissioners or in their name, the Company undertake and agree to intervene on behalf of the Commissioners and defend the same or take such action in the premises at the cost and charges of the Company; the Commissioners hereby conferring upon the Company all such rights and powers to act in their name and in their behalf in the premises or to confer such other and further rights and powers as may be required by the Company and necessary.

The parties hereto shall use their best endeavors to procure and either party hereto may apply to the Legislature of Ontario at its next Session for an Act of the Legislature to ratify and approve this Agreement and that the action of the Commissioners in pursuance of the terms of this agreement is on behalf of His Majesty.

Nevertheless this agreement shall be void if no Act be obtained in the premises in the next Session of the Legislature of Ontario to the effect aforesaid and the Company thenceforward to cease using or operating the said works and the transmission of electric power thereby and remove the said works and grade and restore the grounds as hereinafter specified.

In the event of no Act being obtained at the next Session of the Legislature of Ontario in relation to this agreement as hereinbefore mentioned, or at the termination of the term of three years hereby created by effluxion of time, or other cause, the works constructed in pursuance of this agreement shall be upon one month's notice in writing given by the Lieutenant-Governor-in-Council or by the Commissioners to the Company removed and taken up by the Company and the ground levelled and graded to the satisfaction of the Commissioners and resurfaced with good top soil for a space of twenty feet on either side of the centre line of the conduit, and if the said works

constructed in pursuance of this agreement be not removed and the grounds levelled and resurfaced in compliance with the said notice, then the said works shall be removed and grounds levelled and resurfaced by the Commissioners, the cost and expense whereof shall be borne by the Company and may be recovered by the Commissioners in an action or actions at law.

It is agreed by and between the parties hereto that neither the execution of this agreement nor any operation thereunder nor its approval and ratification by the Legislature of Ontario or as the same may be thereby varied shall be construed as in any way constituting a waiver or suspension of any right of the Power Company or any right of the Commissioners under the Statutory Agreement dated 29th January, 1903, and hereinbefore mentioned, or as in any way affecting the terms and conditions of the said Statutory Agreements made between the Commissioners and the Power Company.

The Company undertake covenant and agree that they will not during the currency of this agreement, or of any extension hereof, do or suffer, any act by which the jurisdiction or control of the Legislature of Ontario in respect of their undertaking shall be excluded, ousted, lessened or impaired, and in particular that they will not seek for powers from or place themselves under the jurisdiction or control of any Parliament or Legislature other than the Legislature of Ontario, and that they will not after the expiration of this agreement, or any such extension, use this agreement, or anything contained in, done under or in consequence of said agreement, or of such extension, in or towards excluding or ousting, or lessening, or impairing the control of the said Legislature in respect of the Company's undertaking or for the purpose of seeking for powers from or placing themselves under the jurisdiction or the control of any Parliament or Legislature other than the Legislature of Ontario.

In witness whereof the Corporate Seal of the Commissioners hath been hereunto affixed in certification of due execution hereof by the Commissioners and the Electrical Development Company hath affixed its Corporate Seal—the execution in both cases being on the day and year first aforesaid.

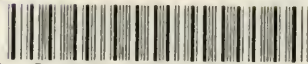
THE COMMISSIONERS OF THE QUEEN VICTORIA NIAGARA FALLS PARK,
(Sgd.) GEORGE H. WILKES, *Acting Chairman*.
(Seal).

THE ELECTRICAL DEVELOPMENT COMPANY, LIMITED,
(Sgd.) HENRY M. PELLATT, *President*,
H. H. MACREA, *Secretary*.
(Seal).

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