



National Archives and Records Administration

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LAKE ONTARIO CLAIMS TRIBUNAL UNITED STATES AND CANADA

In 1874, Canada proposed to construct a dam between Adams Island in Canadian territory and Les Galops Island in United States territory in the St. Lawrence River, in order to improve navigation. The dam was to stop the flow of water through the channel (known as the Gut Channel) which passed between these two islands. In 1902, by an act of Congress, the United state consented to the construction by Canada of Gut Dam across the international boundary in the St. Lawrence River. The dam was intended to improve the navigability of the river. The statute required that all plans and details about the dam receive prior approval of the Secretary of War. Among the provisos of the approval was Canadian agreement to pay for any damages resulting from the construction or operation of the dam.

No substantial property damage claims were made until 1951-52 when storms, floods, and wave action caused serious damage to property on the south shore of Lake Ontario. The injured parties complained to Congress and brought pressure on the Department of State to take diplomatic action, which it did. At the same time, several suits against Canada were brought in U.S. District Court.

Pending the outcome of the legal proceeding, Canada decided to postpone further international negotiations. The suits were eventually dismissed for lack of jurisdiction, a judgment that the U.S. Supreme Court refused to review. In August 1962, Congress passed a law that began the Lake Ontario claims program. The statute authorized the Foreign Claims Settlement Commission "to accept claims of citizens of the United States for damages caused during 1951 and 1952 by the construction and maintenance of Gut Dam." The deadline for filing claims was fixed as October 15, 1963.

The law also provided that if the U.S. and Canada subsequently entered into an agreement providing for the arbitration or adjudication of the claims, the Commission should discontinue its work and transfer all records and documents relating to the claims to the Department of State. In March 1965, the U.S. and Canada signed an agreement to establish the Lake Ontario Claims Tribunal to hear and finally dispose of the claims of U.S. citizens alleged to have arisen out of the construction of Gut Dam. As a result, the Foreign Claims Settlement Commission halted all work and transferred all records to the Department of State where the International Claims Section of the Office of the Legal Adviser handled the matter.

The Tribunal came into formal existence in October 1966, following the exchange of ratification of the agreement. It developed a set of about 20 questions that it submitted to both U.S. and Canadian agents. The Tribunal met on a very few occasions to listen to formal arguments concerning causation and liability. The Tribunal eventually concluded that Gut Dam was responsible for only a portion of the damage that occurred in 1951 and 1952, entitling claimants to only partial compensation from Canada.

Negotiations were undertaken between the U.S. and Canada, and an agreement was reached that Canada would pay to the United States \$350,000 for damage caused by the Gut Dam to American nationals.

Work on this matter was carried out by the International Claims section in the Office of the Legal Adviser in the Department of State and by the U.S. Agency in the U.S. embassy in Ottawa, Canada. The records overlap to a great extent:

INTERNATIONAL CLAIMS SECTION
OFFICE OF THE LEGAL ADVISER
DEPARTMENT OF STATE

P-96. GENERAL RECORDS (LEGAL ADVISER). 1965-68. 5 boxes.

Arranged by subject or type of records.

Correspondence, memorandums, memorandums of conversation, telegrams, notes, transcripts of tribunal hearings and proceedings, engineering reports, briefs, statements, answers, and decisions relating to American claims of flooding and erosion damage caused by the Gut Dam on the St. Lawrence River. Subjects include the background and history of the Gut Dam; drafts of international agreements; and the rules, procedure, and the general operations and activities of the tribunal. This series originated in the International Claims Section of the Office of the Legal Adviser.

P-97. INDIVIDUAL CLAIMS FILES (LEGAL ADVISER). 1965-68. 26 boxes.

Arranged numerically by claim number.

Correspondence; briefs and reply briefs; memorials and replies to memorials; affidavits; claims applications; evidence used to support claims, such as land documents, maps, receipts, and photographs of damaged property; and documentation of the final outcome of a claim. Also included is a roster of claims covering submissions 1 through 542, and a docket book documenting basic information on each claim. This series originated in the International Claims Section of the Office of the Legal Adviser.

U.S. AGENCY
LOCATED IN
U.S. EMBASSY OTTAWA, CANADA

P-98. GENERAL RECORDS (U.S. AGENCY). 1951-68. 4 boxes.

Arranged by subject or type of records.

Briefs, correspondence, statements, decisions, clippings, maps, memorandums of conversations, scientific reports, and minutes and/or transcripts of tribunal hearings. Subjects include final rules of procedure, the general operations and activities of the claims tribunal, rules of procedure, and background and history of the Gut Dam. These records originated in the U.S. Agency of the tribunal located in the U.S. embassy in Ottawa.

P-99. INDIVIDUAL CLAIMS FILES (U.S. AGENCY). 1965-68. 42 boxes.

Arranged by claim number in files numbered 1 through 230.

Correspondence; affidavits; briefs and reply briefs; claim applications; memorials and replies to memorials; and evidence used to support claims (documents, maps, narrative statements, receipts, diagrams, photographs of damaged property, and other supporting documentation). These records originated in the U.S. Agency of the tribunal located in the U.S. embassy in Ottawa.