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expense, and to such extent and in such time and manner as the Secretary of War may require, shall remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable capacity of the water-course. No claim shall be made against the United States on account of such removal or alteration."

Mr. Gordon, in his argument before the Commission, stated that if the company does not remove the structure within the time specified by the Secretary of War, it would be liable to a fine of \$5,000 a day. Looking at the matter from any viewpoint, it is clear that the applicant acquires no vested right by virtue of the order of the Commission, and the condition imposed by this order is even more rigorous than that contained in the permit issued by the Secretary of War, for the expiration of the term specified, without any further order of the Commission, compels the applicant to remove the weir.

As a matter of fairness, however, and because the order of the Commission is a mere interim measure, this order reserves to the applicant or any other interested party the right to apply to the Commission, at least one year before the expiration of the period specified, for a further continuance of the submerged weir. It will make this application without having acquired any vested right by reason of the present order, and then the Commission may approve of such continuance on such terms and conditions as it may deem appropriate and equitable for the protection of the rights and interests of the people on both sides of the line in accordance with Article VIII of the Waterways Treaty. It is not easy to see how the rights of the people in both countries could be more carefully safeguarded; and if, on such application, the continuance of the weir is not allowed, the applicant will be obliged to remove it.

An important condition of the order is that whereby, for the purpose of protecting the rights, property and interests on either side of the boundary from any injurious effect resulting from the construction and maintenance of the weir, the Commission, during the term of its approval, retains jurisdiction over the subject matter of the application, and may make such further order in the premises as may be necessary.

A fear has been expressed that some damage may be caused to Canadian interests by reason of the construction of the weir. Should such damage occur, and the opposing interests did not introduce any testimony to show that it is seriously to be apprehended, the commission can be and should be appealed to. Before the making of an application for the continuance of the weir there will be at all events ample time to ascertain whether there has been any detriment to navigation or other interests. And there appears no doubt that the questions which have been discussed before the Commission will then receive from all interests the attention they deserve, and that the Commission will be assisted in the discharge of its duty by full and complete testimony concerning any possible effect of the construction and maintenance of the submerged weir.

With respect to the Statement in Response filed by the State of New York, and its claim that the construction of the weir would be an invasion of the rights of its citizens in and to the navigable waters of the St. Lawrence river, and of its rights of ownership of the bed of the river, it will be sufficient to say that no such rights are in any way affected by the order of approval.

It has not escaped the Commission that there is some vague fear that a powerful company will obtain, under the order of approval, some rights, powers, and privileges which properly belong to the public. It is hoped, however, that a careful examination of the order of approval will convince any unprejudiced critic that the Commission has not sanctioned any real invasion of sovereign or public rights. It was called upon to discharge its duties under circumstances which required it to take full responsibility for the order of approval it has granted. It feels that when all these circumstances