

urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the St. Lawrence, Welland, and other canals in the Dominion on terms of equality with its inhabitants; and the United States engaged to permit British subjects to use the St. Clair Flats Canals on terms of equality with the inhabitants of the United States, and also to urge upon the State Governments to secure to British subjects in the same manner the use of the several canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary.

In the Treaty of 1871, and in Article XXVI navigation is especially referred to in this way: "Navigation of the River St. Lawrence, ascending and descending, from the 45 parallel of north latitude, where it ceases to form the boundary between the two countries from, to and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain or the Dominion of Canada, not inconsistent with such privilege of free navigation."

The River and Harbour Act, passed by the United States Congress and approved June 13th, 1902, contained the following provision, viz.:

"The President of the United States is hereby requested to invite the Government of Great Britain to join in the formation of an International Commission, to be composed of three members from the United States, and three who shall represent the interests of the Dominion of Canada, whose duty it shall be to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, including all of the waters of the lakes and rivers whose natural outlet is by the River St. Lawrence to the Atlantic Ocean, also upon the maintenance and regulation of suitable levels, and also upon the effect upon the shores of these waters and the structures thereon, and upon the interests of navigation by reason of the diversion of these waters or changes in their natural flow; and, further, to report upon the necessary measures to regulate such diversion, and to make such recommendations for improvements and regulations as shall best subserve the interest of navigation in said waters. The said commissioners shall report upon the advisability of locating a dam at the outlet of Lake Erie, with a view to determining whether such dam will benefit navigation, and if such structure is deemed advisable, shall make recommendations to their respective governments looking to an agreement or treaty which shall provide for the construction of the same, and they shall make an estimate of the probable cost thereof. The President, in selecting the three members of said Commission who shall represent the United States, is authorized to appoint one officer of the Corps of Engineers of the United States Army, one civil engineer well versed in the hydraulics