

said river above the Falls for power purposes, in excess of the amount specified in Article 5 of the Boundary Waters Treaty of January 11, 1909, not to exceed in the aggregate a daily diversion at the rate of five thousand cubic feet of water per second;

- (c) That, upon installation of the works authorized in this Article, the Commission shall proceed immediately to test such works and to report and certify to the Governments the effect of such works under a wide range of conditions and to make recommendations respecting diversions of water from Lake Erie and the Niagara River with particular reference to preserving perpetually the scenic beauty of the Falls and Rapids, to the requirements of navigation in the Great Lakes System and to the equal and equitable diversion and efficient utilization of the waters. On the basis of the Commission's reports and recommendations the High Contracting Parties may by an exchange of notes and concurrent legislation determine the methods by which these purposes may be attained.

ARTICLE X

The High Contracting Parties agree:

- (a) That each Party is hereby released from responsibility for any damage or injury to persons or property in the territory of the other, which may be caused by any action authorized or provided for by this Treaty;
- (b) That each Party will assume the responsibility for and expense involved in the acquisition of any lands or interests in land in its own territory which may be necessary to give effect to the provisions of this Treaty.

ARTICLE XI

This Treaty shall be ratified in accordance with the constitutional methods of the High Contracting Parties. The ratifications shall be exchanged in Washington or in Ottawa as soon as practicable and the Treaty shall come into force on the day of the exchange of ratifications.

In faith whereof the respective plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at....., the.....day
of.....in the year of our Lord.....

(SEAL)

(SEAL)