

then laid down, to govern the uses of boundary waters " and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence :

" (1) uses for domestic and sanitary purposes ;

" (2) uses for navigation, including the service of canals for the purposes of navigation ;

" (3) uses for power and for irrigation purposes "

Uses of boundary waters existing at the date of the Treaty are not affected by the above provisions.

The Commission may suspend the principle of equal diversion in cases of temporary diversions, where local conditions justify such action, and may make its approval conditional upon the construction of remedial or protective works, and the protection and indemnity against injury of interests on either side of the boundary. Where the natural level of waters is raised on either side by the construction or maintenance of remedial or protective works, the Commission must provide for the protection and indemnity of interests injured thereby.

Other clauses of the Treaty provide for the machinery, procedure, legal powers, and decisions of the Commission.

International Arbitration.—Arts. 9 and 10 are peculiarly interesting, the former opening a broad field of usefulness to the Commission in the investigation of vexed questions along the common frontier ; and the latter practically constituting the Commission a miniature Hague Tribunal for the final settlement of any question of difference between Canada and the United States.

Art. 9 is as follows :

ARTICLE 9

The High Contracting Parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the International Joint Commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred.

The International Joint Commission is authorised in each case so