

main shore to main shore of the lakes, rivers and connecting waterways along the international boundary are declared to be forever free and open for the purposes of commerce to the ships of both countries equally.

By Article 2 provision is made regarding waters which cross the boundary:—

"Each of the High Contracting Parties reserves to itself or
 "to the several State Governments on the one side and the Dominion
 "or Provincial Governments on the other, as the case may be,
 "subject to any treaty provisions now existing with respect thereto,
 "the exclusive jurisdiction and control over the use and diversion,
 "whether temporary or permanent, of all waters on its own side
 "of the line which in their natural channels would flow across the
 "boundary or into boundary waters; but it is agreed that any
 "interference with or diversion from their natural channel of such
 "waters on either side of the boundary, resulting in any injury on
 "the other side of the boundary, shall give rise to the same rights
 "and entitle the injured parties to the same legal remedies as if
 "such injury took place in the country where such diversion or
 "interference occurs; but this provision shall not apply to cases
 "already existing or cases expressly covered by special agreement
 "between the parties hereto.

"It is understood, however, that neither of the High Contracting Parties intends by the foregoing provision to surrender
 "any right which it may have to object to any interference with
 "or diversions of waters on the other side of the boundary the
 "effect of which would be productive of material injury to the
 "navigation interests on its own side of the boundary."

Before this Treaty no rule of international law could be invoked which would prevent the diversion within its own territory by any State or Province of such waters even though great injury was done to private interests beyond the boundary line. By it private interests so injuriously effected are fully indemnified. The boundary line is forgotten, and the remedies provided are identically the same for the citizens of one country as for those of the other.

The use and disposal of boundary waters are dealt with by Article 8.

"The High Contracting Parties shall have, each on its own
 "side of the boundary, *equal* and similar rights in the use of the
 "waters hercinbefore defined as boundary waters. The following
 "order of precedence shall be observed among the various uses
 "enumerated hereinafter for these waters, and no use shall be
 "permitted which tends materially to conflict with or restrain any