

"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 Saint 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 from or change in their natural flow.  
 "and further, to report upon the necessary measures to regulate  
 "such diversion, and to make such recommendations for improve-  
 "ments and regulations as shall best subserve the interests of  
 "navigation in said waters."

It was not until the year 1905 that action was taken by the Canadian Government and a Commission known as the International Waterways Commission was created. The result of the work of that Commission is largely embodied in the Treaty of 1909, which was almost entirely based upon its recommendations.

By the Preliminary Article it is provided:—

"For the purposes of this Treaty boundary waters are defined  
 "as the waters from main shore to main shore of the lakes and rivers  
 "and connecting waterways, or the portions thereof, along which  
 "the international boundary between the United States and the  
 "Dominion of Canada passes, including all bays, arms, and inlets  
 "thereof, but not including tributary waters which in their natural  
 "channels would flow into such lakes, rivers, and waterways, or  
 "waters flowing from such lakes, rivers, and waterways, or the  
 "waters of rivers flowing across the boundary."

Article I contains the following provision:

"The High Contracting Parties agree that the navigation of  
 "all navigable boundary waters shall for ever continue free and  
 "open for the purposes of commerce to the inhabitants and to the  
 "ships, vessels, and boats of both countries equally, subject, how-  
 "ever, to any laws and regulations of either country, within its  
 "own territory, not inconsistent with such privilege of free navi-  
 "gation, and applying equally and without discrimination to the  
 "inhabitants, ships, vessels, and boats of both countries.

"It is further agreed that so long as this Treaty shall remain  
 "in force this same right of navigation shall extend to the waters  
 "of Lake Michigan and to all canals connecting boundary waters  
 "and now existing or which may hereafter be constructed on either  
 "side of the line."

Thus a very wide provision is made whereby *all the waters from*