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would alter the level on the Canadian side thereof, and therefore the Commission has, under Articles III and VIII of the Treaty of 1909, full jurisdiction and authority to pass upon the said application, and

Whereas, the Commission is of the opinion that in order to arrive at a final decision further evidence should be taken and further argument submitted, especially with regard to the effect of Article VII of the Webster-Ashburton Treaty in so far as it may or may not constitute a bar to the construction of the said weir, and with regard to the question of whether said Article has been superseded by the Treaty of January, 1909, and

Whereas, the war necessities of the allied governments imperatively demand that the production of aluminum at the applicant's plant at Massena be increased as much as possible during the winter months, and

Whereas, if further appears that the construction of the said submerged weir must be immediately commenced and be completed by the 15th day of December next in order that the production of aluminum for the present year may be increased.

Therefore, without at the present time finally deciding the question whether the Commission should approve the construction and permanent maintenance of the said weir, and without prejudice in any way to its right to decide such question hereafter, and in view of the pressing necessity for the immediate increase for war purposes of the available supply of aluminum and at the urgent request of the United States.

It is hereby ordered, as an interim measure, that the construction of the said weir and its maintenance until the expiration of the term of five years from the date hereof, or until the termination of the present war, is hereby approved upon the following conditions:—

(1) That at the expiration of said period of five years, or upon the termination of the present war, whichever shall last occur, said weir shall be removed by the applicant, reserving, however, to the applicant or any other interested party the right to apply to the Commission at least one year before the expiration of the said period for a further continuance of the said weir, and on such application the Commission may approve of such continuance on such terms and conditions as it may deem appropriate and equitable for the protection of the rights and interests of the people on either side of the line in accordance with Article VIII of the Treaty of 1909;

(2) That the said weir shall be constructed and maintained in accordance with the plans mentioned and under all the terms and conditions set forth in the paragraphs number from 1 to 11, both inclusive, in the permit therefor granted by the Secretary of War dated September 10, 1917, so far as same are applicable;

(3) That for the purpose of protecting the rights, property and interest on either side of the boundary from any injurious effect resulting from the construction and maintenance of said weir the Commission will during the terms of its approval herein retain jurisdiction over the subject matter of said application, and may make such further order or orders in the premises as may be necessary.

Provided, That in making the foregoing order the Commission shall not be deemed to have considered nor passed upon any question pertaining to the right of the applicant to divert water from the St. Lawrence River.

Dated at New York, September 14, 1918.

C. A. MAGRATH,
O. GARDNER,
HENRY A. POWELL,
JAMES A. TAWNSY,
P. B. MIGNAULT,
R. B. GLENN.