

Exchanges of notes, June 9, June 10, 1939, and October 30 and November 2, 1940, between the Under-Secretary of State for External Affairs and the United States Minister to Canada, relating to the application and interpretation of the Rush-Bagot agreement.

2. The Rush-Bagot agreement was embodied in an exchange of notes between His Majesty's minister at Washington and the United States Secretary of State, concerning the naval force to be maintained on the great lakes (Washington, 28-29 April 1817). This exchange is to be found in the publication filed in the Department of External Affairs, entitled "Treaties and Agreements Affecting Canada, in force between His Majesty and the United States of America, with subsidiary documents 1814-1925" at pages 12 and 13. This volume is, of course, available to members of this house and to the public generally in all libraries, but for the convenience of the members of the house I shall read into the record a short excerpt from Sir Charles Bagot's note, which sets forth the operative provisions:

His Royal Highness, acting in the name and on the behalf of His Majesty, agrees, that the naval force to be maintained upon the American lakes by His Majesty and the government of the United States shall henceforth be confined to the following vessels on each side—that is:

On Lake Ontario to one vessel not exceeding one hundred tons burthen and armed with one eighteen-pound cannon.

On the upper lakes to two vessels not exceeding like burthen each and armed with like force.

On the waters of lake Champlain to one vessel not exceeding like burthen and armed with like force.

And His Royal Highness agrees, that all other armed vessels, on these lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed.

His Royal Highness further agrees, that if either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

3. In modern terminology it may be said that this was an agreement for quantitative and qualitative naval limitation on the great lakes. It is more than a century old and for a good while both Canada and the United States have mutually recognized that the technical scheme and definitions do not fit the actual present-day conditions, and that in fact they can reasonably and safely be waived without vitiating the underlying political spirit and objective which must be maintained.

4. It is clear from a study of the documents relating to the negotiation of the agreement and its early history that the objective of the negotiators was to provide a solution of an immediate and urgent problem arising out of the war of 1812, and the terms of the agreement themselves support the view