

(b) A United States passenger vessel on the Great Lakes is one carrying more than 16 passengers, whereas a Canadian passenger vessel is one carrying more than 12 passengers.

(c) Canadian regulation 4, subparagraph (2), defines the freeboard as the distance from the subdivision water line to the margin line and it is presumed that when marked on the ship as provided by regulation 49, subparagraph (2), that proper allowances will be made.

It is the opinion of the competent American authorities that any differences which may arise with reference to the foregoing comments can be adjusted administratively.

It appears from Canadian regulations No. 2 (P.C. 1790) that these regulations apply only to steel vessels, and that in the case of wooden vessels, if any, the breadth will be taken to the outside of the planking.

The Coastwise Load Line Act, 1935, as amended, of the United States, provides in the U.S.C., title 46, sec. 88 d:

"§ 88d. Foreign vessels; application of sub-chapter. Whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under sections 88 to 88i of this title, the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of sections 88 to 88i of this title, except as hereinafter provided: Provided, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under sections 88 to 88i of this title and the regulations made thereunder. (Aug. 27, 1935, c. 747, § 5, 49 Stat. 889)."

The Government of the United States recognizes the Canadian Load Line Regulations, as promulgated in the *Canada Gazette* dated August 12, 1939, respecting subdivision, pumping arrangements, watertight doors, and other appliances of passenger steamers making inland voyages on the Great Lakes between Canada and the United States, to be as effective as comparable United States regulations applicable to passenger vessels engaged in voyages on the Great Lakes between the United States and Canada, provided that the Canadian Government similarly recognizes the Subdivision Load Line Regulations of the United States applicable to passenger vessels engaged in voyages on the Great Lakes.

With further reference to your note No. 217 of October 18, 1939, which stated that an Order-in-Council, P.C. 2669, dated September 14, 1939, was issued, amending two errors which occurred in the Order-in-Council of July 7, 1939, P.C. 1790, I am requested to inform you of the receipt by the Secretary of Commerce of the United States of this information.

Accept, Sir, the renewed assurances of my highest consideration.

JOHN FARR SIMMONS

Chargé d'Affaires a. i.