

Transport Committee, the draft of the proposed International Convention with regard to aerial navigation and the draft of a bill for the regulation of aerial navigation referred to in these reports.¹ The subject was referred to the Minister of Justice for his opinion. I concur in the view which is expressed in his letter.

Yours etc.

[R. L. BORDEN]

[ENCLOSURE]

Minister of Justice to Prime Minister

Dear Sir Robert,

London, January 7, 1919

In relation to the reports of the Civil Aerial Transport Committee, the draft of the proposed International Convention with regard to Aerial Navigation and the draft of a Bill for the regulation of Aerial Navigation referred to in these reports, I desire to submit the following observations bearing upon the position of the Dominions generally, and of Canada in particular, as it may be affected by the Convention of the proposed legislation.

I. The Convention by its terms does not apply as of right, except to the mother countries of the contracting States. The second paragraph of Article 48 provides the method whereby it may be put into force in colonies, possessions or protectorates of any such State. I would suggest that in so far as the self-governing Dominions are concerned, their becoming bound by it should be made dependent on their adherence to it. For this manner of dealing with an analogous case, a precedent is found in the Treaty of 1911 with Japan. (Article XXVI).² In view of the present national status of the Dominions, this seems a more fitting way of dealing with the matter. It puts the Dominions as towards the States, with whom the Convention may be entered into in their true position as nations within the Commonwealth.

II. Section 23 of the draft Bill makes applicable to all aircraft, including such as may be owned by Canadians resident or domiciled in Canada, whenever they happen to be elsewhere than in or over the territory of the Dominion, all the provisions of the proposed Act, except so far as these provisions are expressly limited to the British Islands and the territorial waters adjacent thereto. It further subjects to the provisions relating to the registration of aircraft, and those contained in collision regulations, aircraft

¹Report and draft bill not printed.

²See Vol. 1, Documents 875 and 876, pp. 748-749.