

CANADA

TREATY SERIES, 1942

No. 13

EXCHANGE OF NOTES

(March 17 and 18, 1942)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

Recording an Agreement

PROVIDING FOR THE CONSTRUCTION

OF A

MILITARY HIGHWAY TO ALASKA

IN FORCE MARCH 18, 1942



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1944

43 267 862

61630635

CANADA

TREATY SERIES, 1942
No. 13

EXCHANGE OF NOTES
SUMMARY
(March 17 and 18, 1942)

	PAGE
I. Note, dated March 17, 1942, from the United States Minister to Canada to the Secretary of State for External Affairs of Canada	3
II. Note dated March 18, 1942, from the Secretary of State for External Affairs of Canada to the United States Minister to Canada	5

PROVIDING FOR THE CONSTRUCTION
OF A
MILITARY HIGHWAY TO ALASKA

IN FORCE MARCH 18, 1942



OTTAWA
PRINTED BY THE KING'S PRINTER
1942

APR 30 1942
P. 1000

**EXCHANGE OF NOTES BETWEEN CANADA AND THE UNITED STATES
OF AMERICA RECORDING AN AGREEMENT PROVIDING FOR
THE CONSTRUCTION OF A MILITARY HIGHWAY TO ALASKA.**

I

*The United States Minister to Canada to the Secretary of State for
External Affairs*

LEGATION OF THE UNITED STATES OF AMERICA

No. 626

OTTAWA, March 17, 1942.

SIR:

1. As you are aware, on February 26, 1942, the Permanent Joint Board on Defence approved a recommendation as a result of which the two Sections proposed to their respective Governments:—

“the construction of a highway along the route that follows the general line of airports, Fort St. John—Fort Nelson—Watson Lake—Whitehorse—Boundary—Big Delta, the respective termini connecting with existing roads in Canada and Alaska.”

This recommendation based as it was on military considerations and military considerations only, and having the endorsement of the Service Departments of the two countries, has been approved by both Governments.

2. My Government, being convinced of the urgent necessity for the construction of this highway and appreciating the burden of war expenditure already incurred by Canada, in particular on the construction of the air route to Alaska, is prepared to undertake the building and wartime maintenance of the highway. Subject to the provision by Canada of the facilities set forth in paragraph 3 of this Note, the Government of the United States is prepared to:—

(a) Carry out the necessary surveys for which preliminary arrangements have already been made, and construct a Pioneer Road by the use of United States Engineer troops for surveys and initial construction.

(b) Arrange for the highway's completion under contracts made by the United States Public Roads Administration and awarded with a view to insuring the execution of all contracts in the shortest possible time without regard to whether the contractors are Canadian or American.

(c) Maintain the highway until the termination of the present war and for six months thereafter unless the Government of Canada prefers to assume responsibility at an earlier date for the maintenance of so much of it as lies in Canada.

(d) Agree that at the conclusion of the war that part of the highway which lies in Canada shall become in all respects an integral part of the Canadian highway system, subject to the understanding that there shall at no time be imposed any discriminatory conditions in relation to the use of the road as between Canadian and United States civilian traffic.

3. For its part, my Government will ask the Canadian Government to agree:—

(a) To acquire rights of way for the road in Canada (including the settlement of all local claims in this connection), the title to remain in the Crown in the right of Canada or of the Province of British Columbia as appears more convenient;

(b) To waive import duties, transit or similar charges on shipments originating in the United States and to be transported over the highway to Alaska, or originating in Alaska and to be transported over the highway to the United States;

(c) To waive import duties, sales taxes, licence fees or other similar charges on all equipment and supplies to be used in the construction or maintenance of the road by the United States and on personal effects of the construction personnel;

(d) To remit income tax on the income of persons (including corporations) resident in the United States who are employed on the construction or maintenance of the highway;

(e) To take the necessary steps to facilitate the admission into Canada of such United States citizens as may be employed on the construction or maintenance of the highway, it being understood that the United States will undertake to repatriate at its expense any such persons if the contractors fail to do so;

(f) To permit those in charge of the construction of the road to obtain timber, gravel and rock where such occurs on Crown lands in the neighbourhood of the right of way, providing that the timber required shall be cut in accordance with the directions of the appropriate Department of the Government of the Province in which it is located, or, in the case of Dominion lands, in accordance with directions of the appropriate Department of the Canadian Government.

4. If the Government of Canada agrees to this proposal it is suggested that the practical details involved in its execution be arranged directly between the appropriate governmental agencies subject, when desirable, to confirmation by subsequent exchange of notes.

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

PIERREPONT MOFFAT

American Minister.

II

*The Secretary of State for External Affairs to the United States Minister
to Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

No. 29

OTTAWA, March 18, 1942.

SIR,

I have the honour to acknowledge receipt of your Note of March 17, 1942, No. 626, in which you referred to the recommendation approved by the Permanent Joint Board on Defence, as a result of which the two Sections of the Board proposed to their respective Governments:—

“the construction of a highway along the route that follows the general line of airports, Fort St. John—Fort Nelson—Watson Lake—Whitehorse—Boundary—Big Delta, the respective termini connecting with existing roads in Canada and Alaska.”

2. As announced on March 6, 1942, the Canadian Government has approved this recommendation and has accepted the offer of the United States Government to undertake the building and wartime maintenance of the highway which will connect the airports already constructed by Canada.

3. It is understood that the United States Government will

(a) Carry out the necessary surveys for which preliminary arrangements have already been made, and construct a Pioneer Road by the use of United States Engineer troops for surveys and initial construction.

(b) Arrange for the highway's completion under contracts made by the United States Public Roads Administration and awarded with a view to insuring the execution of all contracts in the shortest possible time without regard to whether the contractors are Canadian or American.

(c) Maintain the highway until the termination of the present war and for six months thereafter unless the Government of Canada prefers to assume responsibility at an earlier date for the maintenance of so much of it as lies in Canada.

(d) Agree that at the conclusion of the war that part of the highway which lies in Canada shall become in all respects an integral part of the Canadian highway system, subject to the understanding that there shall at no time be imposed any discriminatory conditions in relation to the use of the road as between Canadian and United States civilian traffic.

4. The Canadian Government agrees

(a) To acquire rights of way for the road in Canada (including the settlement of all local claims in this connection), the title to remain in the Crown in the right of Canada or of the Province of British Columbia as appears more convenient;

(b) To waive import duties, transit or similar charges on shipments originating in the United States and to be transported over the highway to Alaska, or originating in Alaska and to be transported over the highway to the United States;

(c) To waive import duties, sales taxes, licence fees or other similar charges on all equipment and supplies to be used in the construction or maintenance of the road by the United States and on personal effects of the construction personnel;

(d) To remit income tax on the income of persons (including corporations) resident in the United States who are employed on the construction or maintenance of the highway;

(e) To take the necessary steps to facilitate the admission into Canada of such United States citizens as may be employed on the construction or maintenance of the highway, it being understood that the United States will undertake to repatriate at its expense any such persons if the contractors fail to do so;

(f) To permit those in charge of the construction of the road to obtain timber, gravel and rock where such occurs on Crown lands in the neighbourhood of the right of way, providing that the timber required shall be cut in accordance with the directions of the appropriate Department of the Government of the Province in which it is located, or, in the case of Dominion lands, in accordance with the directions of the appropriate Department of the Canadian Government.

5. The Canadian Government agrees to the suggestion that the practical details of the arrangement be worked out by direct contact between the appropriate governmental agencies subject, when desirable, to confirmation by subsequent exchange of notes.

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

W. L. MACKENZIE KING

Secretary of State for External Affairs.

LIBRARY E A / BIBLIOTHÈQUE A E



3 5036 01015767 8