

CANADA
TREATY SERIES, 1941

No. 9

Signed at Washington August 9, 1940

TREATY

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

AMENDING IN THEIR APPLICATION TO CANADA
CERTAIN PROVISIONS OF THE TREATY
FOR THE ADVANCEMENT OF PEACE
BETWEEN HIS MAJESTY
AND THE UNITED STATES OF AMERICA
SIGNED SEPTEMBER 15, 1914

Signed at Washington, September 6, 1940

Ratifications exchanged at Washington
August 13, 1941

IN EFFECT AUGUST 13, 1941



OTTAWA
EDMOND CLOUTIER, B.A., L.Ph., C.M.G.,
KING'S PRINTER AND CONTROLLER OF STATIONERY

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**TREATY BETWEEN CANADA AND THE UNITED STATES OF AMERICA
AMENDING IN THEIR APPLICATION TO CANADA, CERTAIN
PROVISIONS OF THE TREATY FOR THE ADVANCEMENT OF
PEACE BETWEEN HIS MAJESTY AND THE UNITED STATES OF
AMERICA.**

Signed at Washington, September 6, 1940

His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, in respect of Canada, and the President of the United States of America, being desirous, in view of the present constitutional position and international status of Canada, to amend in their application to Canada certain provisions of the Treaty for the Advancement of Peace between His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the Seas, Emperor of India, and the President of the United States of America, signed at Washington, September 15, 1914,* have for that purpose appointed as their plenipotentiaries:

His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, for Canada:

Mr. Loring Cheney Christie, His Majesty's Envoy Extraordinary and Minister Plenipotentiary for Canada in the United States of America; and

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America;

Who, having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Article II of the Treaty for the Advancement of Peace between His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the Seas, Emperor of India, and the President of the United States of America, signed at Washington, September 15, 1914, is hereby superseded in respect of Canada by the following:

Insofar as concerns disputes arising in the relations between Canada and the United States of America, the International Commission shall be composed of five members to be appointed as follows: One member shall be chosen from Canada by the Government thereof; one member shall be chosen from the United States of America by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by agreement between the Government of Canada and the Government of the United States of America, it being understood that he shall be a citizen of some third country of which no other member of the Commission is a citizen. The expression "third country" means a country not under the sovereignty, suzerainty, protection or mandate of His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, nor under the sovereignty or authority of the United States of America. The expenses of the Commission shall be paid by the two Governments in equal proportions.

*See "Treaties and Agreements Affecting Canada in Force between His Majesty and the United States of America, with Subsidiary Documents, 1814-1925", page 463 (King's Printer, Ottawa, 1927).

The International Commission shall be appointed within six months after the exchange of the ratifications of the present Treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE II

The second paragraph of Article III of the said Treaty of September 15, 1914, is hereby abrogated so far as concerns its application to disputes which are mainly those of Canada.

ARTICLE III

Except as provided in Articles I, II and IV of the present Treaty the stipulations of the said Treaty of September 15, 1914, shall be considered as an integral part of the present Treaty and shall be observed and fulfilled by the two Governments as if they were literally herein embodied.

ARTICLE IV

The present Treaty shall be ratified by His Majesty in respect of Canada and by the President of the United States of America by and with the advice and consent of the Senate thereof. It shall take effect on the date of the exchange of the ratifications which shall take place at Washington as soon as possible. It shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the High Contracting Parties has given notice to the other of an intention to terminate it.

On the termination of the present Treaty, in accordance with the provisions of the preceding paragraph, the said Treaty of September 15, 1914, shall in respect of Canada cease to have effect.

In witness whereof, the respective plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done in duplicate at the City of Washington this sixth day of September, one thousand nine hundred and forty.

(Seal) LORING C. CHRISTIE.

(Seal) CORDELL HULL.

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