EXCHANGE OF NOTES

(July 28, 1938)

RECORDING AN AGREEMENT

BETWEEN

CANADA AND THE UNITED STATES OF AMERICA

RELATING TO

AIR NAVIGATION



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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From the United States Secretary of State to the Canadian Minister to the United States

July 28, 1938.

SIR:

I have the honour to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal air navigation arrangement.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:—

ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO AIR NAVIGATION

ARTICLE I

(a) The present arrangement between the United States of America and Canada relates to the operation in either country of civil aircraft duly registered in territory of the other country in accordance with its requirements as to

(b) The term "civil aircraft" shall for the purposes of this arrangement be understood to mean all aircraft other than military, naval, customs and police

ARTICLE II

The present arrangement shall apply to continental United States of America, including Alaska, and to Canada, including their territorial waters.

ARTICLE III

(a) Each of the Parties to the present arrangement shall grant, in time of beace, liberty of passage above its territory to aircraft of the other Party duly registered in the territory of such other Party, provided that the conditions set forth in the present arrangement are observed.

(b) It is, however, agreed that the establishment and operation by an enterprise of one of the Parties of a regular air route or service to, over or away from the the territory of the other Party, with or without a stop, shall be subject to the consent of such other Party.

(c) Any air transport enterprise of either Party applying for permission to operate such a route or service shall be required to submit its application through diplomatic channels.

ARTICLE IV

(a) The aircraft of each of the Parties, passengers and goods carried thereon and (a) The aircraft of each of the Farties, passengers that or over the territory of the personnel employed on the aircraft, shall while within or over the territory including of the other Party, be subject to the laws in force in that territory, including all regulations relating to air traffic applicable to foreign aircraft, the transport of passengers and goods, and public safety and order, as well as any regulation concerning entry and clearance, immigration, passports, quarantine and custom⁵

(b) Subject to the provisions of the preceding paragraph and to the law and regulations therein specified, the carriage of passengers and the import of export of any goods which may lawfully be imported or exported will be permitted in aircraft of either Party into or out of territory of the other Party and (subject to the same proviso) such aircraft, passengers and goods carried thereon and personnel employed on the aircraft shall enjoy in the territory mentioned the same privileges as aircraft of such other Party and shall not merely by reason of the nationality of the aircraft, be subjected to any other or higher duties or charges than those which are or may be imposed on aircraft of the territory referred to or the aircraft of the most favoured country, engage in international commerce, or on their passengers, goods and personnel.

ARTICLE V

The regulations (together with any subsequent alterations therein) relative to air traffic in force in territory of either Party shall be communicated to the other party.

ARTICLE VI

The fuel and lubricating oils retained on board aircraft of either Party arriving in or leaving territory of the other Party shall be exempt from custom duty, even though the fuel and lubricating oils so retained are used by the aircraft on a flight in that territory.

ARTICLE VII

Aerodromes open to public air traffic in territory of either Party shall, so far as they are under its control, be open to aircraft of the other Party, which (subject to the same proviso) will also be entitled to the assistance of the meteorological radio, lighting and day and night signalling services at such aerodromes Subject again to the same proviso, the scale of charges at such aerodromes for landing and accommodation shall be the same for aircraft of each of the Parties

ARTICLE VIII

(a) The term "air commerce" as used in the succeeding paragraph of the article means: Navigation of aircraft in territory of either Party in the conductor furtherance of a business; and the commercial transport of passengers goods between any two points in the territory of either Party.

(b) Air commerce may, in the territory of either Party, be reserved exclusively to its own aircraft. With the reservation of the stipulations contained in Article III concerning regular air routes or services for which special consent is necessary, the aircraft of either Party may, nevertheless, proceed from an aerodrome open to public air traffic in territory of the other Party to any other such aerodrome for the purpose of taking on board or landing the whole or part of their goods or passengers, provided that such goods are covered by through bills of lading and such passengers hold through tickets, issued respectively for journey the starting place and end of which are not both points between which air commerce has been reserved; and such aircraft while so proceeding from one aerodrome to another shall, notwithstanding that both such aerodromes are points between which air commerce has been reserved, be entitled to the treatment set out in this arrangement.

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ARTICLE IX

(a) Air traffic may be prohibited over specified areas in the territories to which this arrangement applies, it being understood that no distinction in this matter will be made by either Party between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. Lists of the areas above which air traffic is thus prohibited in territory of either Party, as well as any subsequent alterations therein, will be communicated as soon as possible to the other Party.

(b) In exceptional circumstances air traffic above the whole or any part of the territories to which this arrangement applies may temporarily, and with immediate effect, be limited or prohibited, but no distinction in this respect will be made by either Party between the aircraft of the other Party and

the aircraft of any other foreign country.

(c) In the event of any aircraft finding itself over a prohibited area it must, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory in which the prohibited area is situated, and a landing must be effected as soon as practicable at an aerodrome in that territory, outside but as near as possible to the prohibited area. The obligation to land applies also in respect to flights over prohibited areas by aircraft to which the special signal intended to draw their attention shall have been given.

ARTICLE X

(a) All aircraft of either Party flying in or over the territory of the other Party must carry clear and visible nationality and registration marks whereby they may be recognized during flight.

(b) Such aircraft must also be provided with certificates of registration and airworthiness and with all the other documents prescribed for air traffic

in the territory in which they are registered. (c) The persons employed on such aircraft who perform duties for which a certificate of competency or licence is required in the territory in which the aircraft is registered, must carry such documents as are prescribed by the regulations in force in that territory.

(d) The other persons employed on board must carry documents showing

their duties in the aircraft, their profession, identity and nationality.

(e) Each of the Parties reserves the right to require lists of the passengers and persons employed on board as well as a manifest of the goods carried on the aircraft.

(f) The certificate of airworthiness, certificates of competency or licences issued or rendered valid by the competent authorities of either country in respect of its aircraft or of the crew of such aircraft shall be recognized as having the same validity in the territory of the other country as the corresponding documents issued or rendered valid by the competent authorities of such other country; provided that with respect to certificates of competency or licences issued or rendered valid by either country in favour of nationals of the other country, such recognition may be refused by the latter country.

ARTICLE XI

(a) Aircraft of either Party may, in or over the territory of the other Party, carry radio apparatus only if a licence to install and work such apparatus, which licence must be carried in the aircraft, has been issued by the competent authorities of the territory in which the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject assued by the competent authorities of the territory flown over.

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are eat (b) Such apparatus may be used only by the personnel employed of board who are provided with a special licence for the purpose, issued by the competent authorities of the territory in which the aircraft is registered.

(c) For reasons of safety each of the Parties to this arrangement reserves the right to issue regulations relative to the obligatory equipment of aircraft with radio apparatus when in or over its territory.

ARTICLE XII

(a) No explosives, arms of war or munitions of war may be carried by aircraft of either Party in or above the territory of the other Party, or by the personnel employed on board or passengers, except by permission of the competent authorities of that territory.

(b) However, the carriage of accessories necessary to the operation and navigation of the aircraft such as rockets, flares, and similar devices is not

(c) Each of the Parties reserves the right to require that the carriage by aircraft of photographic apparatus be prohibited or regulated by the com-

petent authorities of the territory flown over.

(d) Each of the Parties reserves the right, for reasons of public order and safety, to limit or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a) of this article, provided that no distinction is made in this respect between its national aircraft employed in international traffic and the in international traffic and the aircraft of the other Party so employed.

ARTICLE XIII

The competent authorities of each of the Parties shall have the right to search aircraft of the other Party on landing or departure and to inspect the certificates and other documents prescribed in the preceding articles.

ARTICLE XIV

(a) Aircraft of either Party entering or leaving territory of the other Party shall make a first landing at and depart from only an aerodrome open to public air traffic and designated and depart from only an aerodrome open to public air traffic and designated as an airport of entry where facilities exist for the enforcement of customs, passport, quarantine and immigration regulations and the entry and clearence of interest of customs and immigration regulations and the entry and clearence of interest of the customs and interest of the customs and interest of the customs and the entry and clearence of the customs and the entry and clearence of the customs and the customs are customs. lations and the entry and clearance of aircraft; and no intermediate landing other than a forced landing may be effected before arriving at such an airport on entry into the territory concerned on entry into the territory concerned or after leaving such an airport of departure from that territory. In special contents are leaving such an airport of the special contents are such as airport of the special contents. departure from that territory. In special cases, and subject to the same provisions as to intermediate landing the sions as to intermediate landing, the competent authorities may allow a first landing at or a departure from landing at or a departure from another aerodrome where the above-mentioned

(b) Each of the Parties reserves the right to require that aircraft entering its territory shall make its first landing at the airport of entry nearest to point where the aircraft has crossed the frontier, with the understanding however, that in this event, permission may be granted for the aircraft wo make its first landing at an airport of entry other than the one nearest

(c) In the event of a forced landing or of a landing as provided in para graph (c) of Article IX, not at an airport of the class mentioned in the preceding paragraph, the personnel carried the class mentioned in the preceding paragraph. ceding paragraph, the personnel employed on board and passengers must conform to the entry and elegrance contents of the class mentioned in the personnel employed on board and passengers must be conformationed in the personnel employed on board and passengers must be conformationed in the personnel employed on board and passengers are conformationed in the personnel employed on board and passengers are conformationed in the personnel employed on board and passengers are conformationed in the personnel employed on board and passengers are conformationed in the personnel employed on board and passengers are conformationed in the personnel employed on board and passengers are conformationed in the personnel employed on board and passengers are conformationed in the personnel employed on board and passengers are conformationed in the personnel employed on board and passengers are conformationed in the personnel employed on board and passengers are conformationed in the personnel employed on board and passengers are conformationed in the personnel employed on the personnel conform to the entry and clearance, customs, passport, quarantine and immigration regulations in faces in the termination passengers gration regulations in force in the territory in which the landing occurs.

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(d) Lists of aerodromes in territory of either Party which are designated as airports of entry for the purposes of this article will be communicated as soon as possible to the other Party. Any subsequent alterations in these will also be communicated to such other Party.

ARTICLE XV

The competent authorities of either Party may require that on entering or leaving its territory the aircraft of the other Party shall do so between specified points. Any requirements of either Party in this respect and any subsequent alterations therein shall be communicated to the other Party. Subject to any such requirement and to the provisions of this arrangement, aircraft of each Party may choose their own route of entry or departure in entering or leaving territory of the other Party.

ARTICLE XVI

No article or substance, other than ballast, may be unloaded or otherwise discharged from aircraft of either Party in the course of flight in or over the territory of the other Party unless special permission to that effect is given by the competent authorities of the territory in which the unloading or discharge occurs. For the purposes of this article ballast means fine sand or water only.

ARTICLE XVII

either Government at any time upon sixty days' notice given in writing to the Other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licences to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929, and October 22, 1929, will be supplanted with the exception of the provisions of the latter arrangement which set forth the conditions governing the issuance of pilots' licences and the acceptance of certificates of airworthiness for aircraft imported as merchandise.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on August 1, 1938. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective on that date.

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

CORDELL HULL

From the Canadian Minister to the United States to the Secretary of State of the United States

No. 175.

July 28, 1938.

SIR,—I have the honour to acknowledge the receipt of your note of July 1938 in which you companied to the receipt of your note of July 1938. 28th, 1938, in which you communicated to me the terms of a reciprocal air navigation arrangement between the communicated to me the terms of a reciprocal air navigation. gation arrangement between Canada and the United States of America, as under stood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of American

The terms of this arrangement which you have communicated to me are as follows:

ARRANGEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA RELATING TO AIR NAVIGATION

ARTICLE I

(a) The present arrangement between the United States of America and ada relates to the operation in the Canada relates to the operation in either country of civil aircraft duly registered in territory of the other country of civil aircraft duly registered in territory of the other country in accordance with its requirements as

(b) The term "civil aircraft" shall for the purposes of this arrangement be purposed to many all aircraft. understood to mean all aircraft other than military, naval, customs and police aircraft.

ARTICLE II

The present arrangement shall apply to continental United States of Americal including Alaska, and to Canada, including their territorial waters.

ARTICLE III

(a) Each of the Parties to the present arrangement shall grant, in time of the present arrangement shall grant in the present arrangement arrangement shall grant arrangement arra peace, liberty of passage above its territory to aircraft of the other Party during registered in the territory of such all property of registered in the territory of such other Party, provided that the conditions forth in the present area of such other Party, provided that the conditions forth in the present arrangement are observed.

(b) It is, however, agreed that the establishment and operation by enterprise of one of the Parties of a regular air route or service to, over or away from the territory of the other Party, with or without a stop, shall be subject to the consent of such other Party, with or without a stop, shall be subject.

to the consent of such other Party.

(c) Any air transport enterprise of either Party applying for permission perate such a route or service shall be received about the permission of the permis to operate such a route or service shall be required to submit its application

ARTICLE IV

(a) The aircraft of each of the Parties, passengers and goods carried thereof personnel employed on the aircraft of the personnel employed on the personnel employed and personnel employed on the aircraft, shall while within or over the territory of the other Party, be subject to the laws in force in that territory, including regulations relating to air traffic applicable to the territory, including regulations relating to air traffic applicable to foreign aircraft, the transport of passengers and goods, and public sefective to foreign aircraft, the transport of passengers and goods, and public safety and order, as well as any regulation concerning entry and clearance, immigration, passports, quarantine and custom

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9 (b) Subject to the provisions of the preceding paragraph and to the laws regulations the provisions of the preceding paragraph and the import or and regulations therein specified, the carriage of passengers and the import or export of any conditions therein specified, the carriage of passengers are exported will be permitted any conditions therein specified, the carriage of passengers and the imported or exported will be imported or exported will be imported or exported with other Party; export of any goods which may lawfully be imported or exported will be permitted in aircraft. permitted in aircraft of either Party into or out of territory of the other Party; there is and sound in the carriage of permitted in aircraft of either Party into or out of territory of the other Party; there is an aircraft passengers and goods carried there is a permitted in the territory. and (subject to the same proviso) such aircraft, passengers and goods carried thereon and person and person same proviso) such aircraft, passengers and goods carried thereon and person same proviso) such aircraft, passengers and goods carried thereon and person same proviso) such aircraft, passengers and goods carried thereon and person same proviso. thereon and personnel employed on the aircraft shall enjoy in the territory mentioned the same proviso) such aircraft shall enjoy in the territory mentioned the same proviso on the aircraft shall enjoy and shall not, mentioned the same provisor of such other Party and shall not, mentioned the same proviso) such aircraft shall enjoy in the term of the same proviso) such aircraft shall enjoy in the term of the mentioned the same privileges as aircraft of such other Party and shall not, higher by reason of the privileges as aircraft of such other privileges as aircraft of the subjected to any other or merely by reason of the nationality of the aircraft, be subjected to any other or the duties or the nationality of the aircraft, be subjected to any other or the total duties or the nationality of the aircraft, be subjected to any other or the total duties or the nationality of the aircraft of the total duties or the nationality of the aircraft of the total duties or the nationality of the aircraft of the nationality of the aircraft of the nationality of the aircraft of the nationality of the nationali higher duties or charges than those which are or may be imposed on aircraft of the territory referred to the most favoured country, engaged in interior referred to the most favoured country. the territory referred to or the aircraft of the most favoured country, engaged in international country or the aircraft of the most favoured country. in international commerce, or on their passengers, goods and personnel.

The regulations (together with any subsequent alterations therein) relative in traffic in for to air traffic in force in territory of either Party shall be communicated to the Party.

The fuel and lubricating oils retained on board aircraft of either Party arriving in or leaving territory of the other Party shall be exempt from customs aircraft though the aircraft of either the aircr duty, even though the fuel and lubricating oils retained on board the exempt from the sircraft on a flight. aircraft on a flight in that territory.

ARTICLE VII

Article VII

As they are under the public air traffic in territory of either Party, which far as they are under its control, be open to aircraft of the other Party, which subject to the control, be open to aircraft of the assistance of the metal to the assistance at such (subject to the same proviso) will also be entitled to the assistance of the agency are under its control, be open to aircraft of the assistance of the meteorological redictions will also be entitled to the assistance at such aerod. meteorological, radio, lighting and day and night signalling services at such aerodromes. Subject to the assistance of the distance of the same proviso) will also be entitled to the assistance of the assistance of the distance of the services at such aerodromes. Subject to the scale of charges at such aerodromes. Subject to the scale of charges at such aerodromes. aerodromes. Subject again to the same proviso, the scale of charges at such each ones for local again to the same proviso, the same for aircraft of aerodromes. Subject again to the same proviso, the scale of charges at each of the Particular and accommodation shall be the same for aircraft of each of the Parties.

ARTICLE VIII

(a) The term "air commerce" as used in the succeeding paragraph of this le means. At air commerce as used in the succeeding paragraph of this article means:—Navigation of aircraft in territory of either Party in the conduct paragraph.

Navigation of aircraft in territory of either Party in the conduct passengers or sould the passengers or passengers. or furtherance of a business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business; and the commercial transport of passengers or goods between any business. goods between any two points in the territory of either Party, is. (b) A:

sively to its own aircraft. With the reservation of the stipulations contained hecessely III concerns. in Article III concerning regular air routes or services for which special consent is necessary, the size of the size of the services for which special consent is necessary, the size of hecessary, the aircraft of either Party may, nevertheless, proceed from any aero-drome open to public of either Party may, afthe other Party to any other such aerod. drome open to public air traffic in territory of the other Party to any other such their one for the contract of the contract aerodrome for the purpose of taking on board or landing the whole or part of their goods or board or taking on board are covered by through bills of la goods or board or landing the whole or part of their goods or board or landing the whole or part of the goods or board or landing the whole or part of the goods or board or landing the whole or part of the goods or board or landing the whole or part of the goods or board or landing the goods or landing the their goods or passengers, provided that such goods are covered by through bills lading and of lading and such passengers hold through tickets, issued respectively for a journey the start. lourney the starting place and end of which are not both points between which are commerce hand such passengers hold through tickets, issued respectively the starting place and end of which are not both points between which are commerce hand place and end of which are not both points between which are not both air commerce has been reserved; and such aircraft while so proceeding from one boint to a such aircraft while so proceeding from one boint to are the treatment aerodrome to another shall, notwithstanding that both such aerodromes are set set weep another shall, notwithstanding that both such aerodromes are set set weep another shall, notwithstanding that both such aerodromes are set set weep another shall, notwithstanding that both such aerodromes are set set weep another shall, notwithstanding that both such aerodromes are set set weep. points between which air commerce has been reserved, be entitled to the treatment out in this set out in this arrangement.

ARTICLE IX

(a) Air traffic may be prohibited over specified areas in the territories to which this arrangement applies, it being understood that no distinction in this matter will be made by either Party between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. Lists of the areas above which air traffic is thus prohibited in territory of either Party, as well as any subsequent alterations therein, will be communicated as soon as

(b) In exceptional circumstances air traffic above the whole or any part of territories to which this arrange air traffic above the whole or any part of the territories to which this arrangement applies may temporarily, and with immediate effect, be limited or prohibited, but no distinction in this respect will be made by either Party between the circumstance of the control of the control of the circumstance of be made by either Party between the aircraft of the other Party and the aircraft

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(c) In the event of any aircraft finding itself over a prohibited area it must, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the tariity the signal of distress prescribed in the Rules of the Air in force in the territory in which the prohibited area is situated, and a landing must be effected and a landing must be effected as soon as practicable at an aerodrome in that territory outside but as pear as a practicable at an aerodrome in that territory, outside but as near as possible to the prohibited area. The obligation to land applies also in respect to flights over prohibited area. The obligation the special signal intended to describe the special signal signal intended to describe the special signal sig the special signal intended to draw their attention shall have been given.

ARTICLE X

(a) All aircraft of either Party flying in or over the territory of the other works are carry clear and visible the state of the other hareby Party must carry clear and visible nationality and registration marks whereby they may be recognized during flight.

(b) Such aircraft must also be provided with certificates of registration airworthiness and with all the effective fields. and airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

(c) The persons employed on such aircraft who perform duties for which a certificate of competency or licence is required in the territory in which the aircraft is registered, must carry such documents as are prescribed by the regulations in force in that torritory

(d) The other persons employed on board must carry documents showing duties in the aircraft their profession in the discrete the discrete the discrete their profession in the discrete their profession in the discrete their profession in the discrete the disc

their duties in the aircraft, their profession, identity and nationality.

(e) Each of the Parties reserves the right to require lists of the passengers persons employed on board as well as right to require lists of the passengers. and persons employed on board as well as a manifest of the goods carried on the

(f) The certificate of airworthiness, certificates of competency or licences d or rendered valid by the competence of licences of competency or licences. issued or rendered valid by the competent authorities of either country in respect of its aircraft or of the craw of such circumstances. of its aircraft or of the crew of such aircraft shall be recognized as having the same validity in the territory of the other country in respectively. same validity in the territory of the other country as the corresponding documents issued or rendered valid by the issued or rendered valid by the competent authorities of such other country, provided that with respect to competent authorities of such other country, provided that with respect to certificates of competency or licences issued of rendered valid by either country in favor of competency or licences issued or competency or licences issued of competency or licences issued of competency or licences issued or competency or licences is the competency or licence is the competency or comp rendered valid by either country in favour of nationals of the other country, such recognition may be refused by the later of nationals of the other country, such recognition may be refused by the latter country.

ARTICLE XI

(a) Aircraft of either Party may, in or over the territory of the other Party radio apparatus only if a licence to install carry radio apparatus only if a licence to install and work such apparatus, which licence must be carried in the aircraft, has been in the aircraft. licence must be carried in the aircraft, has been issued by the competent authorities of the territory in which the aircraft is result is sued by the competent authorities of the territory in which the aircraft is result is sued by the competent authorities of the territory in which the aircraft is result is sued by the competent authorities of the territory in which the aircraft is required by the competent authorities of the territory in which the aircraft is required by the competent authorities of the territory in which the aircraft is required by the competent authorities of the territory in which the aircraft is required by the competent authorities of the territory in which the aircraft is required by the competent authorities of the territory in which the aircraft is required by the competent authorities of the territory in which the aircraft is required by the competent authorities of the territory in which the aircraft is required by the competent authorities are the competent authorities at the competent authorities are the compe ties of the territory in which the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the copy petent authorities of the territory flown over.

(b) Such apparatus may be used only by the personnel employed on board are not apparatus may be used only by the competent who are provided with a special licence for the purpose, issued by the competent authorities and the competent is registered. authorities of the territory in which the aircraft is registered.

(c) For reasons of safety each of the Parties to this arrangement reserves the right to issue regulations relative to the obligatory equipment of aircraft with radio with radio apparatus when in or over its territory.

ARTICLE XII

(a) No explosives, arms of war or munitions of war may be carried by aircraft of either Party in or above the territory of the other Party, or by the personnel employed on board or passengers, except by permission of the competent authorities of that territory.

(b) However, the carriage of accessories necessary to the operation and similar devices is not navigation of the aircraft, such as rockets, flares, and similar devices is not

(c) Each of the Parties reserves the right to require that the carriage by aircraft of photographic apparatus be prohibited or regulated by the competent

authorities of the territory flown over. (d) Each of the territory flown over.

ty, to limit safety, to limit or prohibit the carriage in or above its territory of articles other than those control of this article, provided that no distant than those enumerated in paragraph (a) of this article, provided that no distinction is made in paragraph (a) of this article, provided in international tracks in this respect between its national aircraft employed in international traffic and the aircraft of the other Party so employed.

ARTICLE XIII

The competent authorities of each of the Parties shall have the right to search aircraft of the other Party on landing or departure and to inspect the certificates and of the other Party on landing or departure and to inspect the certificates and other documents prescribed in the preceding articles.

ARTICLE XIV

(a) Aircraft of either Party entering or leaving territory of the other Party shall make a first landing at and depart from only an aerodrome open to public traffic and depart from only where facilities exist for the air traffic and designated as an airport of entry where facilities exist for the enforcement of customs, passport, quarantine and immigration regulations and forcement of customs, passport, quarantine and immigration other than a the entry and clearance of aircraft; and no intermediate landing other than a the landing clearance of aircraft; and no intermediate landing other than a the landing clearance of aircraft; and no intermediate landing the landing clearance of aircraft; and no intermediate landing the landing clearance of aircraft; and no intermediate landing the landing forced landing may be effected before arriving at such an airport on departure from that the territory concerned or after leaving such an airport on departure from that territory. In some after leaving such an airport on departure from that land or after leaving such an airport on departure from that land or after leaving such an airport on departure territory concerned or after leaving such an airport on departure leaving such an airport on departure landing. In special cases, and subject to the same provisions as to intermediate from g, the case and subject to the same provisions as to intermediate from g, the case and subject to the same provisions as to intermediate from g, the case and subject to the same provisions as to intermediate from g, the case and subject to the same provisions as to intermediate from g, the case and subject to the same provisions as to intermediate from g, the case and subject to the same provisions as to intermediate from g, the case and subject to the same provisions as to intermediate from g, the case and subject to the same provisions as to intermediate from g, the case and subject to the same provisions as to intermediate from g, the case and g, the case are also and g, the case and g, the case are also and g, the case and g, the case are also are also and g, the case are also a case are also and g, the case are also landing, the special cases, and subject to the same provisions as to internal anding, the competent authorities may allow a first landing at or a departure another another authorities may allow a first landing at or a departure above-mentioned facilities have been from another aerodrome where the above-mentioned facilities have been

(b) Each of the Parties reserves the right to require that aircraft entering its territory shall make its first landing at the airport of entry nearest to the point where the make its first landing at the airport of entry nearest to the even where the make its frontier, with the understanding, however, where the make its point where the aircraft has crossed the frontier, with the understanding however, that in the ever, that in this event, permission may be granted for the aircraft to make its landing at landing first landing at an airport of entry other than the one nearest to the frontier.

(c) In the event of a forced landing or of a landing as provided in paragraph (c) In the event of a forced landing or of a landing as provided in paragraph (c) of Article IX, not at an airport of the class mentioned in the preceding the graph, the class mentioned in the preceding to the graph, the class mentioned in the preceding the graph. paragraph, the personnel employed on board and passengers must conform to the entry and of a forced landing of the class mentioned in the present the entry and of the personnel employed on board and passengers must conform to the entry and of the class mentioned in the present the entry and of the class mentioned in the present the paragraph. the entry and clearance, customs, passport, quarantine and immigration regulations in force in the tions in force in the territory in which the landing occurs.

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(d) Lists of aerodromes in territory of either Party which are designated as irrorts of entry for the purposes of either Party which are designated as airports of entry for the purposes of this article will be communicated as soon as possible to the other Party. soon as possible to the other Party. Any subsequent alterations in these lists will also be communicated to such all will also be communicated to such other Party.

ARTICLE XV The competent authorities of either Party may require that on entering eaving its territory the gircroft of the party may require that on entering or leaving its territory the aircraft of the other Party shall do so between specified points. Any requirements of either Party in this respect and any subsequent alterations therein shall be communicated to the other Party aircraft of each Party may choose their own route of entry or departure in entering or leaving territory of the other Party.

ARTICLE XVI

No article or substance, other than ballast, may be unloaded or otherwise harged from aircraft of either Posts in the discharged from aircraft of either Party in the course of flight in or over the territory of the other Party unless special. territory of the other Party unless special permission to that effect is given by the competent authorities of the territory in which the unloading or discharge occurs. For the purposes of this article by the unloading or discharge only. occurs. For the purposes of this article ballast means fine sand or water only

ARTICLE XVII

(a) The present arrangement or any part thereof may be terminated by Government at any time upon into part thereof may be terminated by either Government at any time upon sixty days' notice given in writing to

(b) On the date that the present arrangement becomes effective, the procedure arrangement between the Little arrangement becomes effective, the procedure arrangement becomes effective, the procedure arrangement becomes effective. reciprocal arrangement between the United States of America and Canada the admission of civil aircraft the United States of America and Canada Canada the United States of America and Canada the United State the admission of civil aircraft, the issuance by each country of pilots' licences to nationals of the other country and the to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of certificates of airworthiness for aircraft imported as the reciprocal acceptance of the reciprocal accep of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29 1929 and Octab and Section 2018 of notes dated August 29, 1929, and October 22, 1929, will be supplanted with conditions governing the issuance of pilots. conditions governing the issuance of pilots' licences and the acceptance certificates of airworthiness for aircraft imported as merchandise.

I am instructed to state that the terms of the arrangement as communicated are agreed to by my Government to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in suggestion that the arrangement has you that my Government concurs and your suggestion that the arrangement become effective on August 1, 1938, and will accordingly regard it as becoming of will accordingly regard it as becoming effective on that date.

I have the honour to be, with the highest consideration, Sir,

Your most obedient humble servant,

HERBERT M. MARLER

