

CANADA

TREATY SERIES, 1941

No. 20

EXCHANGE OF NOTES

(July 22, August 7, September 5 and October 20, 1941)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

PROVIDING FOR

RECIPROCAL RELAXATION OF THE LOAD LINE  
REGULATIONS FOR SHIPS MAKING  
VOYAGES ON LAKES AND  
RIVERS

IN EFFECT OCTOBER 20, 1941



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EXCHANGE OF NOTES  
No. 20  
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CANADA  
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EXCHANGE OF NOTES (JULY 22, AUGUST 7, SEPTEMBER 5 AND OCTOBER 20, 1941) BETWEEN CANADA AND THE UNITED STATES OF AMERICA PROVIDING FOR RECIPROCAL RELAXATION OF THE LOAD LINE REGULATIONS FOR SHIPS MAKING VOYAGES ON LAKES AND RIVERS.\*

I

*The Canadian Minister at Washington to the Secretary of State of the United States of America*

CANADIAN LEGATION,  
WASHINGTON,  
July 22, 1941.

No. 462

Sir,

I have the honour to inform you that representations have been made to the Canadian Department of Transport that, owing to the scarcity of ships, difficulty is being experienced in transporting ore on the Great Lakes, and it is expected that unless more means of transportation are provided it will be impossible to have a large amount of this ore moved this year.

The Department of Transport is of the opinion that if some relaxations were allowed in the Load Line Rules for ships making Voyages on Lakes or Rivers, approved by Order in Council of August 6, 1937, which would allow of deeper loading of ships, it would help to a great extent in this difficulty. Accordingly the Department of Transport is prepared to recommend certain relaxations.

The Load Line Rules for the Great Lakes in force in Canada have been recognized by the United States Government as being equivalent to their Load Line Rules, and the Government of Canada has likewise recognized the United States Load Line Rules for the Great Lakes.

Accordingly I have been directed to inform you that the Government of Canada is considering relaxing the Load Line Rules for ships making voyages on Lakes or Rivers by allowing lesser freeboards in certain ships. The proposed relaxations will be substantially the same as the relaxations allowed by a recent Regulation made by the Department of Commerce of the United States Government, entitled Part 47, Temporary variance for Sea and Great Lakes Coastwise Voyages, signed by the Acting Secretary of Commerce, and dated July 5, 1941, it being noted that this Regulation does not at present apply to any but vessels engaged in coastwise voyages in the United States and to voyages between ports in the United States on the Great Lakes.

I have, etc.,

LEIGHTON McCARTHY.

\*See Canada Treaty Series 1940, No. 3: Exchange of Notes between Canada and the United States of America (from April 29, 1938, to March 4, 1940) regarding reciprocal recognition of load line regulations for vessels engaged in international voyages on the Great Lakes.



## II

*The Secretary of State of the United States of America to the  
Canadian Minister at Washington*

DEPARTMENT OF STATE,  
WASHINGTON,

August 7, 1941.

Sir,

I have the honour to acknowledge the receipt of your Note No. 462 of July 22, 1941, informing this Government that the Government of Canada is considering relaxing the Load Line Rules for ships making voyages on lakes or rivers by allowing lesser freeboards in certain ships.

This matter has been referred to the appropriate American authority with a recommendation that it endeavour to cooperate with the desires expressed in your note. A further communication will be addressed to you as soon as a reply is received.

Accept, etc.,

*For the Secretary of State:*

G. HOWLAND SHAW.

## III

*The Secretary of State of the United States of America to the  
Canadian Minister at Washington*

DEPARTMENT OF STATE,  
WASHINGTON,

September 5, 1941.

Sir,

I have the honour to refer again to your note no. 462 of July 22, 1941, informing this Government that the Government of Canada is considering relaxing the Load Line Rules for ships making voyages on lakes or rivers by allowing lesser freeboards in certain ships.

I have now been informed by the Department of Commerce that the Department agrees that during the emergency proclaimed by the President of the United States on May 27, 1941, if Canadian vessels entering United States ports are marked with load lines under regulations essentially the same as those contained in Part 47 of the Load Line Regulations of the Department of Commerce, such marks will be authorized as equivalent to the marks placed on American vessels provided the Canadian Government likewise will recognize in Canadian ports the marks placed on United States vessels in accordance with the Department of Commerce regulations referred to. For the use of the Canadian authorities in this connection there are enclosed four copies of Part 47 of the Load Line Regulations of the United States.

Accept, etc.,

*For the Secretary of State:*

BRECKINRIDGE LONG.



(Enclosure)

PART 47.—TEMPORARY VARIANCE FOR SEA AND GREAT LAKES  
COASTWISE VOYAGES

Parag. 47.1 *Establishment of temporary coastwise service regulations.* Load Lines are established by the regulations in this part, as authorized by the Coastwise Load Line Act of 1935, as amended June 20, 1936 (49 Stat. 888, 1543; 46 U.S.C., Supp. 88-88i) and further amended by the Act approved July 3, 1941, during the National emergency proclaimed by the President May 27, 1941, but not after June 30, 1943, to provide for a lesser freeboard and less buoyancy than the load line established by the International Load Line Treaty of 1930, for certain vessels while engaged on coastwise voyages by sea from port to port in the continental United States and for variance of the load line marks on certain vessels on the Great Lakes from those established by said treaty, when engaged in coastwise voyages.\*

\*Parag. 47.1 to 47.8, inclusive, issued under the authority contained in sec. 2,49 Stat. 888,1543; 46 U.S.C., Supp. 88a, and the act of July 3, 1941.

Parag. 47.2 *Vessels eligible.* All steamers, except passenger vessels, engaged in coastwise voyages by sea from port to port in the continental United States or on the Great Lakes from port to port in the United States, and which have been marked with load lines under Parag. 43.01 to 43.67, 43.92 to 43.106, or 45.01 to 45.80 (all inclusive), are eligible to be marked under this part if approved therefor by the Bureau of Marine Inspection and Navigation.\*

Parag. 47.3 *General.* The provisions, where applicable, of Parag. 43.01 to 43.67; 43.92 to 43.106, or 45.01 to 45.80 (all inclusive) shall apply to vessels subject to this part, except as modified herein.\*

Parag. 47.4 *Strength.* The structure of the vessel is to be of sufficient strength for the draft corresponding to the freeboard assigned.\*

Parag. 47.5 *Approval by the Bureau of Marine Inspection and Navigation.* Before a vessel shall be marked and certificated with load lines under this part the findings and recommendations of the assigning authority shall be submitted to the Bureau of Marine Inspection and Navigation for determination as to the amount the summer freeboard ascertained under Part 43 or Part 45, as applicable, may be reduced.\*

Parag. 47.6 *Freeboard.* The summer freeboard for vessels marked under this part may be determined by deducting from the summer freeboard, as determined under Part 43 or Part 45, as applicable, an amount to be approved by the Director of the Bureau of Marine Inspection and Navigation, but not to exceed  $\frac{3}{10}$  inch per foot of summer draft.\*

Parag. 47.7 *Seasonal freeboards.* For coastwise voyages by sea, the determination of seasonal freeboards, other than the summer freeboard determined in Parag. 47.6, are to be as provided in Part 43; the freeboard for all seasons is the seasonal freeboard of the loading port. For voyages on the Great Lakes, no change in the position of the intermediate and winter marks will be made from the position determined by Part 45.\*

Parag. 47.8 *Load line certificates.* Load line certificates issued under this Part for coastwise voyages by sea shall be on the form described in Parag. 44.8, amended as necessary, and shall be distinctly marked: "Valid only for voyages by sea from port to port in the continental United States"; and for Great Lakes



coastwise voyages on the form shown in Parag.45.80, and distinctly marked: "Valid only from port to port in the United States." No certificate issued under this part shall remain in force after June 30, 1943, and all such certificates shall be subject to cancellation at any time before expiration by the Secretary of Commerce.\*

WAYNE C. TAYLOR,  
*Acting Secretary of Commerce.*

(Seal)

July 5, 1941.

IV

*The Canadian Minister at Washington to the Secretary of State of the United States of America*

CANADIAN LEGATION,  
WASHINGTON,  
October 20, 1941.

No. 645

Sir,

I have the honour to refer to your Note of September 5th, and to state that I am instructed by the Secretary of State for External Affairs to inform you that the Government of Canada will grant reciprocity of treatment in the matter of Load Line Rules on the Great Lakes, as suggested in your Note under reference.

I have, etc.,

LEIGHTON McCARTHY.

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