

CANADA

TREATY SERIES, 1944

No. 2

EXCHANGE OF NOTES

(June 12, 1943, January 26 and February 21, 1944)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

RENEWING CANADA'S PERMISSION
TO PAN-AMERICAN AIRWAYS INCORPORATED
TO FLY OVER CANADA
BETWEEN JUNEAU (ALASKA)
AND SEATTLE (WASHINGTON)

In Force January 26, 1944



OTTAWA

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KING'S PRINTER AND CONTROLLER OF STATIONERY

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CANADA
TREATY SERIES 1944
No. 2
EXCHANGE OF NOTES
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EXCHANGE OF NOTES (JUNE 12, 1943, JANUARY 26, AND FEBRUARY 21, 1944) BETWEEN CANADA AND THE UNITED STATES OF AMERICA RENEWING CANADA'S PERMISSION TO PAN AMERICAN AIRWAYS INCORPORATED TO FLY OVER CANADA BETWEEN JUNEAU (ALASKA) AND SEATTLE (WASHINGTON) GRANTED BY NOTE OF THE 18th SEPTEMBER, 1940.

I

*The United States Chargé d'Affaires
to the Secretary of State for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

Ottawa, June 12, 1943.

No. 909

Sir:

I have the honour to refer to my confidential note No. 883 of May 3, 1943, regarding the operations of Pan-American Airways, Incorporated, between Seattle, Washington, and Alaska, with intermediate steps at Juneau and Whitehorse, and, under instructions of my Government, to enclose the original of a letter dated May 28, 1943, from Pan-American Airways and addressed to the Department of Transport, Ottawa, requesting that Pan-American Airways System, on its service between Seattle and Juneau, be authorized, under certain terms and conditions, to operate through British Columbia for the duration of the present hostilities. For convenience of reference, there is attached to the above-mentioned letter a copy of the original authorization granted by Canada to Pan-American Airways System in September, 1940, as well as a copy of the extension of this permission dated October 17, 1941.

In transmitting to you this letter of Pan-American Airways to the Department of Transport, I have been directed to request that the authorization be granted for the duration of the present hostilities and to add that such blanket authority, while obviating the necessity for requesting extensions from time to time, would in no way commit the Canadian Government with respect to post-war commercial aviation policy.

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

LEWIS CLARK,
Chargé d'Affaires ad interim.

Enclosure

*The Vice-President of Pan-American Airways
to the Department of Transport of Canada*

Pan-American Airways System
General Office, Chrysler Building, 135 East 42nd Street,
New York, N.Y.

May 28, 1943.

Gentlemen:

Under date of September 18, 1940, your Department authorized Pan-American Airways System service between Seattle and Juneau through British Columbia under certain terms and conditions there set forth. This authority was further extended by letter from your Department signed by Honourable C. P. Edwards, Deputy Minister, under date of October 17, 1941.

As the conditions upon which the original application which were the basis for the temporary authority covered by the above letters still exist, it is respectfully requested that the same temporary authority be extended to Pan-American Airways, Inc., under the same terms and conditions mentioned in the above letters for the duration of the present hostilities.

Respectfully submitted,

JOHN C. COOPER.

Annex 1 to Enclosure

*The Deputy Minister of Transport of Canada
to the Vice-President of Pan-American Airways*

DEPARTMENT OF TRANSPORT

Ottawa, 18th September, 1940.

Dear Mr. Cooper,

Following our interview this morning with reference to an emergency overland route to Alaska over Canada for your operations between Juneau, Alaska, and Seattle, Washington, to run approximately Seattle-Prince George-Dease Lake-Juneau, I beg to advise that the question of routes between the United States and Alaska is being considered by the Joint Defence Committee recently set up by the Canadian and United States Governments. Canadian policy in regard to air routes to the Yukon or Alaska will not be determined until the committee has made its report on the military aspects of these matters.

I would also observe that under our existing arrangements with the United States the inland routes across Canada to Alaska have been specifically excepted from the reciprocal arrangement set out in these arrangements.

Generally speaking, we would prefer to let the question of your application remain in abeyance until these matters have been dealt with, but in view of the temporary nature of the permission asked for, and the fact that it is limited to permission for planes normally operating on a coastal route to deviate from that route when weather conditions render it unsafe, we are prepared, provided the United States authorities have no objection, to authorize your company to fly non-stop (except for emergency landings or refuelling) between Juneau and Seattle via the above-mentioned route when the coastal weather conditions are unsafe. This authority will be for a period of six months from December 1, 1940, subject to cancellation by this department at any time, on sixty days' notice.

In the event of the Pacific Alaska Airline being absorbed by Pan-American Airways Inc., this permission may be exercised by the latter company.

Yours faithfully,

V. I. SMART,
Deputy Minister.

Annex 2 to Enclosure

*The Deputy Minister of Transport of Canada
to the Vice-President of Pan-American Airways*

DEPARTMENT OF TRANSPORT

Ottawa, October 17, 1941.

Dear Mr. Cooper,

Your application, dated October 8, for temporary authority to conduct scheduled flying operations between Seattle and Juneau over the Province of British Columbia by Pan-American Airways, has received careful consideration,

and it has been decided to authorize the continuance, on the present basis, of this service for a further period of six months from December 1st, 1941.

This will be authority, therefore, for Pan-American Airways, Inc., to continue its present service through British Columbia, between Seattle and Juneau, in accordance with the terms of Colonel Smart's letter of September 18, 1940.

Yours faithfully,

C. P. EDWARDS,
Deputy Minister.

II

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

DEPARTMENT OF EXTERNAL AFFAIRS

Ottawa, January 26, 1944.

No. 9

Sir,

I have the honour to refer to your note No. 909 of June 12 requesting the Canadian Government to authorize Pan-American Airways System on its service between Seattle (Washington) and Juneau (Alaska) to operate over British Columbia for the duration of the present hostilities. You add that such authorization would in no way commit the Canadian Government with respect to post-war commercial aviation policy. In the letter of May 28, 1943, which you enclosed from Pan-American Airways to the Department of Transport of Canada, Pan-American Airways stated that they requested permission on the same terms and conditions on which the temporary permission was first granted by Canada in a letter of September 18, 1940, from the Department of Transport to Pan-American Airways. This letter gave permission for the use of "an emergency overland route to Alaska" via Prince George and Dease Lake. The permission, which was renewed on October 17, 1941, was of a "temporary nature", being limited to a period of six months; it was subject to cancellation any time on sixty days' notice and allowed "planes normally operating on a coastal route to deviate from that route when weather conditions render it unsafe". Aircraft using the emergency route over British Columbia were to fly via Prince George and Dease Lake and were not to land en route except in case of emergency or for refuelling.

2. The permission now requested by Pan-American Airways differs in two important respects from the permission requested in 1940 and 1941. Pan-American no longer operates "normally" on the coastal route but operates more frequently on the inland route through British Columbia than on the coastal route. Permission is desired not for a period of six months but for the duration of the present hostilities.

3. In view of the inability of Pan-American Airways to obtain the equipment required for safe operation of the coastal route and as an emergency measure the Canadian Government will be glad to permit Pan-American Airways to operate, for a period of six months from the date of this note, over British Columbia and to stop at Prince George for refuelling while en route between Seattle and Juneau. Should the United States Government desire an extension of this six months' permission, the Canadian Government will be glad to give consideration to their request in the light of circumstances prevailing at the time. It is understood that authorization to fly this route and any renewal thereof in no way commits the Canadian Government with respect to post-war commercial aviation policy.



4. It is the intention of the Canadian Government to approach the United States Government at a future date with a view to establishing a Canadian air service between Whitehorse and Fairbanks and the Canadian Government is confident that the United States Government will give sympathetic consideration to this approach.

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

N. A. ROBERTSON,

For the Secretary of State for External Affairs.

III

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

EMBASSY OF THE UNITED STATES OF AMERICA

Ottawa, February 21, 1944.

No. 99

Sir:

I have the honour to refer to your note No. 9 of January 26, 1944, authorizing Pan-American Airways to operate between Seattle and Juneau over British Columbia for a period of six months from that date and, particularly, to the fourth paragraph of that note indicating the intention of the Canadian Government to approach my Government with a view to the establishment of a Canadian air service between Whitehorse and Fairbanks.

I have now been authorized to inform you that in the event that such an application is received my Government will be glad to take it under consideration.

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

RAY ATHERTON.