

## **II**

***Treaties and international agreements  
filed and recorded  
on 14 August 1947  
No. 43***

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## **II**

***Traités et accords internationaux  
classés et inscrits au répertoire  
le 14 août 1947  
No 43***

**No. 43**

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**UNITED STATES OF AMERICA  
and  
CANADA**

**Exchange of Notes constituting an Agreement relating to the  
waiver of claims arising as a result of collisions between  
vessels of war. Washington, 25 and 26 May 1943**

Came into force on 26 May 1943, by signature.

*English official text communicated by the United States Representative to the  
United Nations. The filing and recording took place on 14 August 1947.*

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**ETATS-UNIS D'AMERIQUE  
et  
CANADA**

**Echange de notes constituant un accord relatif à la renoncia-  
tion à l'exercice de tout recours à la suite d'abordages  
entre navires de guerre. Washington, 25 et 26 mai 1943**

Entré en vigueur le 26 mai 1943, par signature.

*Texte officiel anglais communiqué par le représentant des Etats-Unis auprès de  
l'Organisation des Nations Unies. Le classement et l'inscription au réper-  
toire ont eu lieu le 14 août 1947.*

No. 43. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO THE WAIVER OF CLAIMS ARISING AS A RESULT OF COLLISIONS BETWEEN VESSELS OF WAR. WASHINGTON, 25 AND 26 MAY 1943

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No. 1

*The Secretary of State to the Canadian Minister*

DEPARTMENT OF STATE

Washington, May 25, 1943

Sir:

With reference to recent communications between the Government of the United States of America and the Government of Canada in relation to the making of an agreement between the two Governments providing that each Government shall bear the cost of damages to its own vessels arising from collisions between United States warships and ships of the Royal Canadian Navy, I have the honor to inform you that the Government of the United States of America, with a view to facilitating the conduct of the war, is prepared to give effect to an agreement in the following terms:

*Article I*

The Government of the United States of America and the Government of Canada agree that when a vessel of war of either Government shall collide with a vessel of war of the other Government, resulting in damage to either or both of such vessels, each Government shall bear all the expenses which arise directly or indirectly from the damage to its own vessel, and neither Government shall make any claim against the other Government on account of such damage or expenses.

*Article II*

This Agreement shall apply in respect of claims arising since December 7, 1941, but remaining unsettled on the day this Agreement enters into force, as well as in respect of claims arising on or after such day and during the period in which the Agreement shall remain in force.

*Article III*

This Agreement shall remain in force until the expiration of six months from the day on which either Government shall have given to the other Government notice in writing of an intention to terminate the Agreement.

I have the honor to inform you that if an Agreement in accordance with the foregoing terms is acceptable to the Government of Canada, the agreement shall be considered by the Government of the United States of America to have been concluded and to be in effect as of the date of a corresponding note from you indicating that the Government of Canada is prepared to give effect to the Agreement.

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

Cordell HULL

The Honorable Leighton McCarthy, K.C.  
Minister of Canada

No. 2

*The Canadian Minister to the Secretary of State*  
CANADIAN LEGATION

Washington, May 26, 1943

Sir,

I have the honour to refer to your note of May 25, 1943 proposing an agreement which the Government of the United States is prepared to make with the Government of Canada for the waiver of claims arising as a result of collisions between ships of the Royal Canadian Navy and United States warships.

Under instructions from my Government I have the honour to inform you in reply that the Canadian Government undertakes to give effect to the agreement set forth in your note and understands that the agreement will come into force as of the date of this note; namely, May 26, 1943.

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

Leighton McCARTHY

The Honourable Cordell Hull,  
Secretary of State of the United States,  
Washington, D. C.