



Treaty Series No. 12 (1941)

[Reprint of Canadian Treaty Series No. 9 (1940)]

CONVENTION

between His Majesty in respect of the Dominion of Canada
and the President of the United States of America

providing for

EMERGENCY REGULATION OF THE LEVEL
OF RAINY LAKE AND OF THE LEVEL
OF OTHER BOUNDARY WATERS IN
THE RAINY LAKE WATERSHED

Ottawa, September 15, 1938

[Ratifications exchanged at Ottawa on October 3, 1940]

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

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1941

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CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE
DOMINION OF CANADA AND THE PRESIDENT OF THE
UNITED STATES OF AMERICA PROVIDING FOR EMERGENCY
REGULATION OF THE LEVEL OF RAINY LAKE AND OF THE
LEVEL OF OTHER BOUNDARY WATERS IN THE RAINY LAKE
WATERSHED.

Ottawa, September 15, 1938.

[*Ratifications exchanged at Ottawa on October 3, 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,

Desirous of providing for emergency regulation of the level of Rainy Lake and of the level of other boundary waters in the Rainy Lake watershed, in such a way as to protect the interests of the inhabitants of Canada and the United States of America, and,

Accepting as a basis of agreement the following recommendations made by the International Joint Commission in its Final Report dated May 1, 1934, on the Reference concerning Rainy Lake and the boundary waters flowing into and from that lake, and particularly in answer to Question 2 of that Reference, namely,

that it would be wise and in the public interest that the Commission be clothed with power to determine when unusual or extraordinary conditions exist throughout the watershed, whether by reason of high or low water, and that it be empowered to adopt such measures of control as to it may seem proper with respect to existing dams at Kettle Falls and International Falls, as well as any future dams or works, in the event of the Commission determining that such unusual or extraordinary conditions exist,

Have resolved to conclude a convention for that purpose and have accordingly named as their plenipotentiaries :

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

The Right Honourable William Lyon Mackenzie King, Prime Minister, President of the Privy Council and Secretary of State for External Affairs ;

The President of the United States of America :

John Farr Simmons, Chargé d'Affaires *ad interim* of the United States of America at Ottawa ;

Who, after having communicated to each other their full powers, found in good and due form, have agreed as follows :—

ARTICLE 1.

The International Joint Commission, established pursuant to the provisions of the treaty signed at Washington on the 11th day of January, 1909⁽¹⁾, relating to questions arising between Canada and the United States of America, is hereby clothed with power to determine when emergency conditions exist in the Rainy Lake watershed, whether by reason of high or low water, and the Commission is hereby empowered to adopt such measures of control as to it may seem proper with respect to existing dams at Kettle Falls and International Falls, as well as with respect to any existing or future dams or works in boundary waters of the Rainy Lake watershed, in the event the Commission shall determine that such emergency conditions exist.

ARTICLE 2.

This convention shall be ratified in accordance with the constitutional forms of the Contracting Parties and shall take effect immediately upon the exchange of ratifications, which shall take place at Ottawa as soon as possible.

In witness whereof, the undersigned plenipotentiaries have signed the present convention and have hereunto affixed their seals.

Done in duplicate at Ottawa this fifteenth day of September, A.D. 1938.

(L.S.) W. L. MACKENZIE KING.

(L.S.) JOHN FARR SIMMONS.

(1) "Treaty Series No. 23 (1910)," Cd. 5223.

