

Case of the Government of Her Britannic Majesty.

HIS Majesty the Emperor of Germany having consented to accept the office of Arbitrator between the Government of the United States of America and the Government of Her Britannic Majesty under the provisions of Article XXXIV of the Treaty concluded at Washington on the 8th May, 1871, between the United States and Her Britannic Majesty, the Government of Her Britannic Majesty submits to the consideration of His Majesty the Emperor of Germany, in pursuance of Article XXXVI of the said Treaty, the following Case:—

The Question for Decision.

The question submitted to the decision of His Imperial Majesty affects so much of the boundary line between Her Britannic Majesty's possessions in North America and the territories of the United States as is comprised between the Continent of America and Vancouver's Island.

The boundary line is described in the Treaty between the United States and Great Britain of June 15, 1846, in the following general terms:—

Treaty of June 15, 1846 (Article I).

"From the point on the forty-ninth parallel of north latitude, where the boundary line laid down in existing Treaties and Conventions between Great Britain and the United States terminates, the line of boundary between the territories of Her Britannic Majesty and those of the United States shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the Channel, which separates the Continent from Vancouver's Island, and thence southerly, through the middle of the said Channel and of Fucca's Straits to the Pacific Ocean; provided, however, that the navigation of the whole of the said Channel and Straits south of the forty-ninth parallel of north latitude remain free and open to both parties."

The question more immediately submitted to the decision of His Imperial Majesty is described in Article XXXIV of the Treaty of 8th May, 1871, in the following terms:—

Treaty of May 8, 1871.

"Whereas it was stipulated by Article I of the Treaty concluded at Washington on the 15th June, 1846, between Her Britannic Majesty and the United States, that the line of boundary between the territories of the United States and those of Her Britannic Majesty from the point on the forty-ninth parallel of north latitude, up to which it had already been ascertained, should be continued westward along the said parallel of north latitude to the middle of the Channel which separates the Continent from Vancouver's Island, and thence southerly through the middle of the said Channel and of Fucca Straits to the Pacific Ocean; and whereas the Commissioners appointed by the two High Contracting Parties to determine that portion of the boundary which runs southerly through the middle of the Channel aforesaid were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should, under the terms of the Treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of Her Britannic Majesty and the Government of the United States shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above-mentioned Article of the said Treaty, shall decide thereupon finally and without appeal which of those claims is most in accordance with the true interpretation of the Treaty of June 15, 1846."

The Question for Decision.

Charis Nos. 3 and 4.

Appendix No. 2.

Treaty of June 15, 1846.

Appendix No. 1.

Treaty of May 8, 1871.