

1873

¹PROTOCOL OF AGREEMENT BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA, DEFINING THE BOUNDARY LINE THROUGH THE CANAL DE HARO, IN ACCORDANCE WITH THE AWARD OF THE EMPEROR OF GERMANY, OF OCTOBER 21, 1872.

SIGNED AT WASHINGTON, MARCH 10, 1873.

Whereas it was provided by Article I of the Treaty between Great Britain and the United States of America, signed at Washington on the 15th of June, 1846, as follows:—

“Article I. From the point on the 49th parallel of north latitude, where the boundary 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 49th 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 Fuca's Straits to the Pacific Ocean; provided, however, that the navigation of the whole of the said channel and straits, south of the 49th parallel of north latitude, remain free and open to both Parties.”

And whereas it was provided by Article XXXIV of the Treaty between Great Britain and the United States of America, signed at Washington on the 8th of May, 1871, as follows:—

“Article XXXIV. Whereas it was stipulated by Article I of the Treaty concluded at Washington on the 15th of June, 1846, between Her Britannic Majesty and the United States, that the line of boundary between the territories of Her Britannic Majesty and those of the United States, from the point on the 49th 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 Fuca 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 of 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.”

And whereas His Majesty the Emperor of Germany has, by his award dated the 21st of October, 1872, decided that “Mit der richtigen Auslegung der zwischen den Regierungen Ihrer Britischen Majestät und der vereinigten Staaten von Amerika geschlossenen Vertrages de dato Washington den 15ten Juni, 1846,

¹ From British & Foreign State Papers, Vol. 63, p. 354.