

Treaty of Washington—Decision as to Interpretation

XLI. The arbitrator shall be requested to deliver, together with his award, an account of all the costs and expenses which he may have been put to in relation to this matter, which shall forthwith be repaid by the two Governments in equal moieties.

XLII. The arbitrator shall be requested to give his award in writing as early as convenient after the whole case on each side shall have been laid before him, and to deliver one copy thereof to each of the said agents.

XLIII. The present Treaty shall be duly ratified by Her Britannic Majesty, and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged either at London or at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, the 8th day of May, in the year of Our Lord, 1871.

(L.S.) DE GREY & RIPON.
(L.S.) STAFFORD H. NORTHCOTE.
(L.S.) EDWD. THORNTON.
(L.S.) JOHN A. MACDONALD.
(L.S.) MOUNTAGUE BERNARD.
(L.S.) HAMILTON FISH.
(L.S.) ROBT. C. SCHENCK.
(L.S.) SAMUEL NELSON.
(L.S.) EBENEZER ROCKWOOD HOAR.
(L.S.) GEO. H. WILLIAMS.

¹AWARD OF THE EMPEROR OF GERMANY ON THE INTERPRETATION OF THE TREATY BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA OF 15TH JUNE, 1846. WATER BOUNDARY BETWEEN VANCOUVER'S ISLAND AND THE MAINLAND (SAN JUAN),—BERLIN, OCTOBER 21, 1872.

(Translation)

We, William, by the Grace of God, German Emperor, King of Prussia, etc.

After examination of the Treaty between the Governments of Her Britannic Majesty and that of the United States of America, dated at Washington, May 6th,² 1871, by virtue of which the above-named Governments have submitted to our Arbitration the question at issue between them, viz., whether the line of boundary which, according to the Treaty dated at Washington, June 15, 1846, after it had been continued westward along the 49th parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, shall be further drawn southerly through the middle of the said channel and of Fuca's Straits to the Pacific Ocean, should run, as claimed by the Government of Her Britannic Majesty, through the Rosario Straits, or through the canal of Haro, as claimed by the Government of the United States, in order that we should decide finally and without appeal which of these claims is most in accordance with the true interpretation of the Treaty of June 15, 1846:—

Have, after taking into consideration the statement of the experts and jurists appointed by us to report upon the contents of the respective cases and counter-cases, with their inclosures, given the following decision:—

The claim of the Government of the United States, viz., that the line of boundary between the dominions of Her Britannic Majesty and the United States should be run through the canal of Haro—is most in accordance with the true interpretation of the Treaty concluded between the Government of Her Britannic Majesty and that of the United States of America, dated at Washington, June 15, 1846.

Given under our hand and seal at Berlin, October 21, 1872.

WILLIAM.

¹ From British & Foreign State Papers, Vol. 62, p. 193.

² Sic in orig. The date of the Treaty is May 8, 1871.