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TREATIES AND AGREEMENTS

IN FORCE BETWEEN

HIS MAJESTY AND THE UNITED STATES

RELATING TO THE

BOUNDARIES BETWEEN CANADA
AND THE UNITED STATES

AND TO THE

WATERS CONTIGUOUS TO SUCH BOUNDARIES

TOGETHER WITH VARIOUS SUBSIDIARY DOCUMENTS

1814-1910

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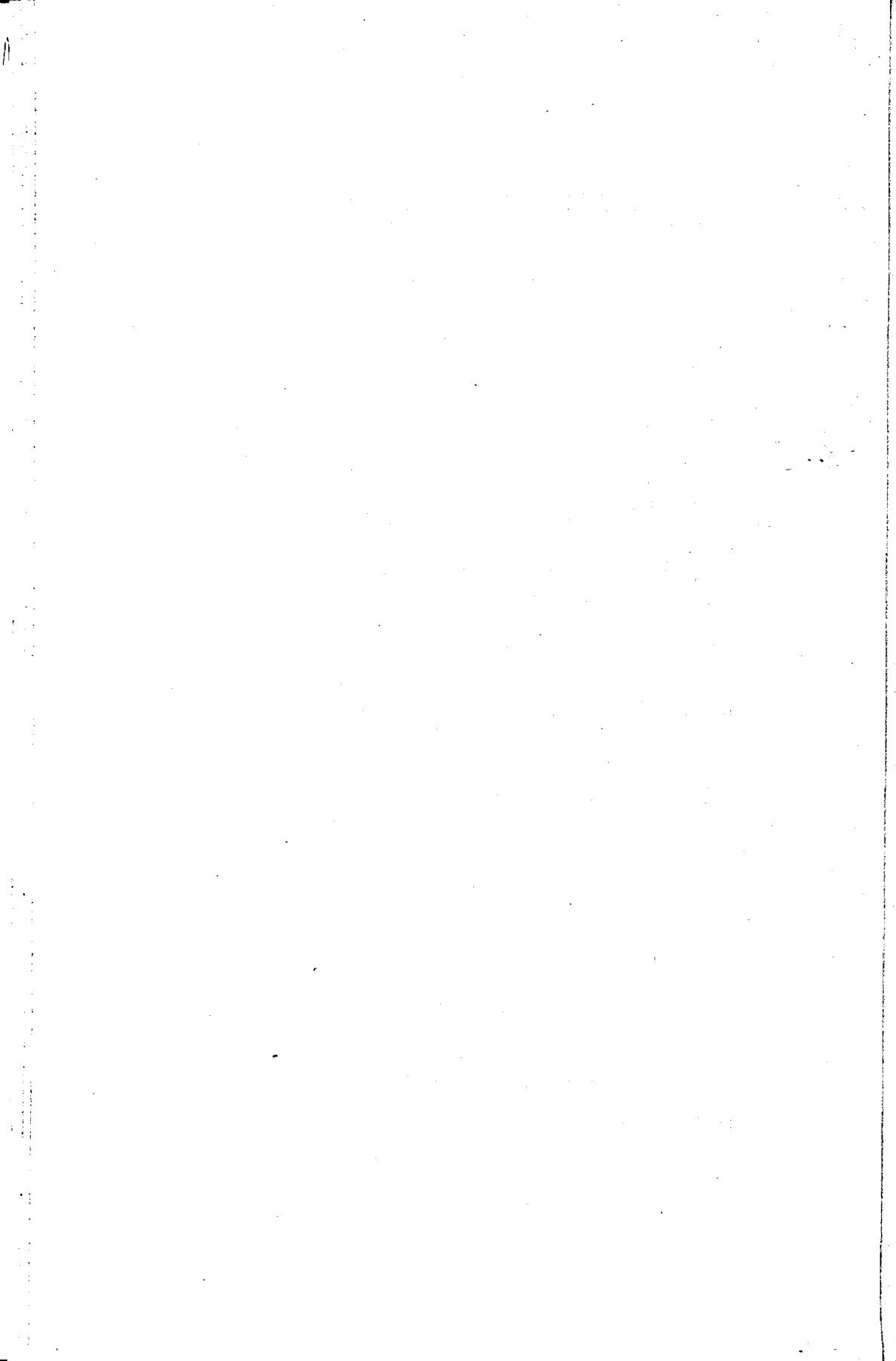
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1814-1910

OTTAWA
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1814

TREATY OF PEACE AND AMITY, BETWEEN HIS BRITANNIC
MAJESTY AND THE UNITED STATES OF AMERICA.

SIGNED AT GHENT, THE 24TH DECEMBER, 1814.

(Ratifications exchanged 17 February, 1815.)

His Britannic Majesty and The United States of America, desirous of terminating the War which has unhappily subsisted between the two Countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding between them, have for that purpose appointed their respective Plenipotentiaries, that is to say:

His Britannic Majesty, on his part, has appointed the Right Hon. James Lord Gambier, late Admiral of the White, now Admiral of the Red Squadron of His Majesty's fleet; Henry Goulburn, Esquire, a member of the Imperial Parliament, and Under Secretary of State; and William Adams, Esquire, Doctor of Civil Laws;

And the President of the United States, by and with the advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States;

Who, after a reciprocal communication of their respective Full Powers, have agreed upon the following Articles:

Article I. There shall be a firm and universal Peace between His Britannic Majesty and the United States, and between their respective Countries, Territories, Cities, Towns and People of every degree, without exception of Places or Persons. All hostilities, both by sea and land, shall cease as soon as this Treaty shall have been ratified by both parties, as hereinafter mentioned. All Territory, Places and Possessions whatsoever taken by either party from the other during the War, or which may be taken after the signing of this Treaty, excepting only the Islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the Artillery or other public property originally captured in the said Forts or Places, and which shall remain therein upon

the exchange of the Ratifications of this Treaty, or any Slaves or other private property. And all Archives, Records, Deeds and Papers, either of a public nature, or belonging to private Persons, which, in the course of the War, may have fallen into the hands of the Officers of either Party, shall be, as far as may be practicable, forthwith restored and delivered to the proper Authorities and Persons to whom they respectively belong. Such of the islands in the Bay of Passamaquoddy as are claimed by both Parties, shall remain in the possession of the Party in whose occupation they may be at the time of the exchange of the Ratifications of this Treaty, until the decision respecting the title to the said Islands, shall have been made in conformity with the IVth Article of this Treaty. No disposition made by this Treaty, as to such possession of the Islands and Territories claimed by both Parties, shall, in any manner whatever, be construed to affect the right of either.

II. Immediately after the Ratifications of this Treaty by both Parties, as hereinafter mentioned, orders shall be sent to the Armies, Squadrons, Officers, Subjects, and Citizens of the two Powers, to cease from all hostilities. And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said Ratifications of this Treaty, it is reciprocally agreed, that all Vessels and effects which may be taken after the space of 12 days from the said Ratifications, upon all parts of the coast of North America, from the latitude of 23 degrees North, to the latitude of 50 degrees North, and as far eastward in the Atlantic Ocean as the 36th degree of West longitude from the meridian of Greenwich, shall be restored on each side; that the time shall be 30 days in all other parts of the Atlantic Ocean, North of the Equinoxial line or equator, and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies; 40 days for the North Seas, for the Baltic, and for all parts of the Mediterranean; 60 days for the Atlantic Ocean, South of the Equator, as far as the latitude of the Cape of Good Hope; 90 days for every other part of the World, south of the Equator; and 120 days for all other parts of the World, without exception.

III. All Prisoners of War taken on either side, as well by land as by sea, shall be restored as soon as practicable after the Ratifications of this Treaty, as hereinafter mentioned, on their

paying the debts which they may have contracted during their captivity. The two Contracting Parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such Prisoners.

IV. Whereas it was stipulated by the IIInd Article in the Treaty of Peace, of 1783,* between His Britannic Majesty and the United States of America, that the boundary of The United States should comprehend all Islands within 20 leagues of any part of the shores of The United States, and lying between Lines to be drawn due East from the points where the aforesaid Boundaries, between Nova Scotia, on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy, and the Atlantic Ocean, excepting such Islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Manan in the said Bay of Fundy, are claimed by the United States, as being comprehended within their aforesaid Boundaries, which said Islands are claimed as belonging to His Britannic Majesty, as having been at the time of, and previous to the aforesaid Treaty of 1783, within the limits of the Province of Nova Scotia.

* (EXTRACT).—*Definitive Treaty of Peace between Great Britain and the United States.*—Paris, 3rd September, 1783.

Article II. And that all disputes which might arise in future on the Subject of the Boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz., from the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north, from the source of St. Croix river to the highlands, along the said highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north westernmost head of Connecticut river; thence down along the middle of that river to the 45th degree of north latitude; from thence by a line due west on said latitude, until it strikes the River Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario; through the middle of said lake, until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie; through the middle of said lake, until it arrives at the water-communication between that lake and Lake Huron; thence along the middle of said water-communication into the Lake Huron; thence through the middle of said lake to the water-communication between that lake and Lake Superior; thence through Lake Superior, northward of the Isles Royal and Phelipeaux, to the Long lake; thence through the middle of said Long lake, and the water-communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the River Mississippi; thence by a line to be drawn along the middle of the said River Mississippi; until it shall intersect the northernmost part of

In order, therefore, finally to decide upon these Claims it is agreed that they shall be referred to two Commissioners, to be appointed in the following manner, viz: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners so appointed, shall be sworn impartially to examine and decide upon the said Claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively.

The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other Place or Places as they shall think fit. The said Commissioners shall, by a Declaration or Report under their hands and seals, decide to which of the two Contracting Parties, the several Islands aforesaid do respectively belong, in conformity with the true intent of the said Treaty of Peace of 1783; and if the said Commissioners shall agree in their decision, both Parties shall consider such decision as final and conclusive.

It is further agreed, that in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing, or declining, or wilfully omitting to act as such, they shall make jointly or separately, a Report or Reports, as well to the Government of His Britannic Majesty as to that of the United States stating, in detail, the points on which they differ and the grounds upon which their respective opinions have been formed, or the grounds upon which they or either of them, have so refused, declined, or omitted to act.

the 31st degree of north latitude:—South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator, to the middle of the River Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence strait to the head of St. Marys river, and thence down along the middle of St. Marys river to the Atlantic Ocean:—East, by line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source; and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence; comprehending all islands within 20 leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy, and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly Sovereign or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said Report or Reports, or upon the Report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined, or omitted to act, as the case may be.

And if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such Friendly Sovereign or State, together with the Report of such other Commissioner, then such Sovereign or State shall decide, *ex parte*, upon the said Report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of such Friendly Sovereign or State to be final and conclusive on all the matters so referred.

V. Whereas neither that point of the Highlands lying due North from the source of the River St. Croix, and designated in the former Treaty of Peace* between the two Powers, as the Northwest Angle of Nova Scotia, nor the North-Westernmost head of the Connecticut River, has yet been ascertained: and whereas that part of the Boundary Line between the Dominions of the two Powers, which extends from the source of the River St. Croix, directly North to the above-mentioned Northwest Angle of Nova Scotia, thence along the said Highlands which divide those Rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the North-Westernmost head of Connecticut River, thence down along the middle of that River to the 45th degree of North Latitude, thence by a line due West on said Latitude, until it strikes the River Iroquois or Cataraguay, has not yet been surveyed; it is agreed, that for these several purposes two Commissioners shall be appointed, sworn and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding Article unless otherwise specified in the present Article.

The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other Place or Places, as they shall think fit. The said

* See extract, page 7.

Commissioners shall have power to ascertain and determine the points above-mentioned, in conformity with the provisions of the said Treaty of Peace of 1783, and shall cause the boundary aforesaid, from the source of the River St. Croix to the River Iroquois or Cataraguy, to be surveyed and marked, according to the said provisions. The said Commissioners shall make a Map of the said Boundary, and annex to it a declaration, under their Hands and Seals, certifying it to be the true Map of the said Boundary, and particularizing the Latitude and Longitude of the Northwest Angle of Nova Scotia, of the North-Westernmost head of Connecticut River, and of such other points of the said Boundary, as they may deem proper.

And both Parties agree to consider such Map and Declaration as finally and conclusively fixing the said Boundary. And in the event of the said two Commissioners differing, or both, or either of them refusing, declining, or wilfully omitting to act, such Reports, Declarations, or Statements, shall be made by them, or either of them, and such reference to a Friendly Sovereign or State shall be made, in all respects, as in the latter part of the IVth Article is contained, and in as full a manner as if the same was herein repeated.

VI. Whereas, by the former Treaty of Peace, that portion of the Boundary of the United States, from the point where the 45th degree of North Latitude strikes the River Iroquois or Cataraguy to the Lake Superior, was declared to be "along the middle of the said River into Lake Ontario, through the middle of said Lake, until it strikes the communication by water between that Lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said Lake, until it arrives at the Water-communication into the Lake Huron; thence through the middle of said Lake to the Water-communication between that Lake and Lake Superior." And whereas doubts have arisen what was the middle of the said River, Lakes and Water-communications, and whether certain Islands lying in the same were within the Dominions of His Britannic Majesty, or of the United States. In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed, with respect to those mentioned in the next preceding Article, unless otherwise specified in this present Article.

The said Commissioners shall meet, in the first instance, at Albany, in the State of New York, and shall have power to

adjourn to such other Place or Places as they shall think fit; the said Commissioners shall, by a Report or Declaration, under their Hands and Seals, designate the Boundary through the said River, Lakes, and Water-communications, and decide to which of the two Contracting Parties the several Islands lying within the said River, Lakes, and Water-communications, do respectively belong, in conformity with the true intent of the said Treaty of 1783.* And both Parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both, or either of them refusing, declining, or wilfully omitting to act, such Reports, Declarations, or Statements, shall be made by them, or either of them, and such reference to a Friendly Sovereign or State, shall be made in all respects as in the latter part of the IVth Article is contained, and in as full a manner as if the same was herein repeated.

VII. It is further agreed that the said two last-mentioned Commissioners, after they shall have executed the duties assigned to them in the preceding Article, shall be, and they are hereby authorized, upon their Oaths, impartially to fix and determine, according to the true intent of the said Treaty of Peace of 1783, that part of the Boundary between the Dominions of the two Powers, which extends from the Water-communication between Lake Huron and Lake Superior, to the most North-western point of the Lake of the Woods, to decide to which of the two Parties the several Islands lying in the Lakes, Water-communications and Rivers forming the said Boundary, do respectively belong, in conformity with the true intent of the said Treaty of Peace of 1783; and to cause such parts of the said Boundary, as require it, to be surveyed and marked.

The said Commissioners shall, by a Report or Declaration, under their Hands and Seals, designate the Boundary aforesaid, state their decision on the points thus referred to them, and particularize the Latitude and Longitude of the most North-western point of the Lake of the Woods, and of such other parts of the said Boundary as they may deem proper. And both Parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both, or either of them refusing, declining, or wilfully omitting to act, such Reports, Declarations, or Statements shall be made by them, or either of them, and such reference to a Friendly Sovereign or State, shall be made in all

* See extract, page 7.

respects as in the latter part of the IVth Article is contained, and in as full a manner as if the same was herein repeated.

VIII. The several Boards of two Commissioners, mentioned in the four preceding Articles, shall respectively have power to appoint a Secretary, and to employ such Surveyors, or other Persons, as they shall judge necessary. Duplicates of all their respective Reports, Declarations, Statements, and Decisions, and of their Accounts, and of the Journal of their Proceedings, shall be delivered by them to the Agents of His Britannic Majesty, and to the Agents of The United States, who may be respectively appointed and authorized to manage the business on behalf of their respective Governments.

The said Commissioners shall be respectively paid in such manner as shall be agreed between the two Contracting Parties, such agreement being to be settled at the time of the exchange of the Ratifications of this Treaty. And all other expenses attending the said Commissioners, shall be defrayed equally by the two Parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such Commissioner respectively, shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioner shall take the same Oath or Affirmation, and do the same duties.

It is further agreed, between the two Contracting Parties, that in case any of the Islands, mentioned in any of the preceding Articles, which were in the possession of one of the Parties, prior to the commencement of the present War between the two Countries, should, by the decision of any of the Boards of Commissioners aforesaid, or of the Sovereign or State so referred to, as in the four next preceding Articles contained, fall within the Dominions of the other Party, all grants of land made previous to the commencement of the War, by the Party having had such possession, shall be as valid as if such Island or Islands had by such decision or decisions, been adjudged to be within the Dominions of the Party having had such possession.

IX. The United States of America engage to put an end, immediately after the Ratification of the present Treaty, to hostilities with all the Tribes or Nations of Indians, with whom they may be at War at the time of such Ratification; and forthwith to restore to such Tribes or Nations respectively, all the Possessions, Rights, and Privileges, which they may have

enjoyed, or been entitled to in 1811, previous to such hostilities: Provided always, that such Tribes or Nations shall agree to desist from all hostilities against The United States of America, their Citizens and Subjects, upon the Ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly.

And His Britannic Majesty engages, on his part, to put an end, immediately after the Ratification of the present Treaty to hostilities with all the Tribes or Nations of Indians with whom he may be at War at the time of such Ratification; and forthwith to restore to such Tribes or Nations, respectively, all the Possessions, Rights and Privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities: Provided always, that such Tribes or Nations shall agree to desist from all hostilities against His Britannic Majesty, and his Subjects, upon the Ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly.

X. Whereas the Traffic in Slaves is irreconcilable with the principles of humanity and justice; And whereas, both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition; it is hereby agreed that both the Contracting Parties shall use their best endeavours to accomplish so desirable an object.

XI. This Treaty, when the same shall have been ratified on both sides, without alteration by either of the Contracting Parties, and the Ratifications mutually exchanged, shall be binding on both Parties, and the Ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner if practicable.

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

Done, in Triplicate, at Ghent, the 24th day of December, 1814.

(L.S.) GAMBIER,
(L.S.) HENRY GOULBURN,
(L.S.) WILLIAM ADAMS.

(L.S.) JOHN QUINCY ADAMS,
(L.S.) J. A. BAYARD,
(L.S.) H. CLAY,
(L.S.) JONA. RUSSELL,
(L.S.) ALBERT GALLATIN.

Declaration of the Commissioners under the IVth Article of the Treaty of Ghent.

NEW YORK, 24th November, 1817.

SIR.—The Undersigned Commissioners, appointed by virtue of the IVth Article of the Treaty of Ghent, have attended to the duties assigned them, and have decided that Moose Island Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do each of them belong to the United States of America, and that all the other islands in the Bay of Passamaquoddy, and the Island of Grand Menan in the Bay of Fundy, do each of them belong to His Britannic Majesty, in conformity with the true intent of the IIIrd Article of the Treaty of Peace of 1783.

The Commissioners have the honour to enclose herewith their decision.

In making this decision, it became necessary that each of the Commissioners should yield a part of his individual opinion; several reasons induced them to adopt this measure, one of which was the impression and belief that the navigable waters of the Bay of Passamaquoddy, which, by the Treaty of Ghent, is said to be part of the Bay of Fundy, are common to both parties for the purpose of all lawful and direct communication with their own Territories and Foreign Ports.

The Undersigned have the honour to be, &c.,

The Hon. J. Q. ADAMS.

JOHN HOLMES.
THOMAS BARCLAY.

Decision of the Commissioners under the IVth Article of the Treaty of Ghent.—24th November, 1817.

By Thomas Barclay and John Holmes, Esquires, Commissioners appointed by virtue of the IVth Article of the Treaty of Peace and Amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the 24th day of December, 1814, to decide to which of the two Contracting Parties to the said Treaty, the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do respectively belong, in conformity with the true intent of the

IIInd Article of the Treaty of Peace of 1783, between His Said Britannic Majesty and the aforesaid United States of America: We, the said Thomas Barclay and John Holmes, Commissioners as aforesaid, having been duly sworn, impartially to examine and decide upon the said Claims, according to such evidence as should be laid before us, on the part of His Britannic Majesty and the United States, respectively, have decided and do decide, that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do, and each of them does belong, to the United States of America; and we have also decided, and do decide, that all the other Islands and each and every of them in the said Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do belong to His said Britannic Majesty in conformity with the true intent of the said IIInd Article of the said Treaty of 1783.

In faith and testimony whereof, we have set our hands and affixed our seals, at the city of New York, in the State of New York, in the United States of America, this 24th day of November, in the year of our Lord, 1817.

(L.S.) THOMAS BARCLAY.
(L.S.) JOHN HOLMES.

Witness, James T. Austin,
(Agent of the United States.)
Anthony Barclay.

Commission under Article V.—Boundary from the source of the St. Croix River to the Saint Lawrence River.

The Commission met September 23, 1816, and having disagreed held their last meeting April 13, 1822. By the convention of 1827 the dispute was left to the decision of the King of the Netherlands, who delivered his award January 10, 1831, which was not accepted by either Government and the boundary was finally agreed upon in the Ashburton treaty of 1842.

Declaration and Decision of the Commissioners of Great Britain and the United States, under the VIth Article of the Treaty of Ghent of 1814, respecting Boundaries,—Signed at Utica; 18th June, 1822.

The Undersigned, Commissioners, appointed, sworn, and authorized, in virtue of the VIth Article of the Treaty of Peace and Amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the 24th December, 1814, impartially to examine, and, by a Report or Declaration, under their Hands and Seals, to designate "that portion of the Boundary of the United States, from the point where the 45th degree of North Latitude strikes the River Iroquois, or Cataragui, along the middle of said River into Lake Ontario, through the middle of said Lake until it strikes the communication, by water, between that Lake and Lake Erie; thence along the middle of said communication into Lake Erie through the middle of said Lake, until it arrives at the water communication into Lake Huron; thence through the middle of said water communication into Lake Huron; thence, through the middle of said Lake to the water communication between that Lake and Lake Superior," and to "decide to which of the two Contracting Parties the several Islands, lying within the said Rivers, Lakes, and Water communications, do respectively belong, in conformity with the true intent of the Treaty of 1783", do decide and declare, that the following described Line, (which is more clearly indicated in a series of Maps accompanying this Report, exhibiting correct surveys and delineations of all the Rivers, Lakes, Water Communications and Islands embraced by the VIth Article of the Treaty of Ghent, by a black line, shaded on the British side with red, and on the American side with blue; and each sheet of which series of Maps is identified by a Certificate, subscribed by the Commissioners, and by the two principal Surveyors employed by them) is the true Boundary intended by the two before mentioned Treaties; that is to say:

Beginning at a Stone Monument, erected by Andrew Ellicott, Esq., in the year 1817, on the South Bank, or Shore, of the said River Iroquois, or Cataragui, (now called the St. Lawrence) which Monument bears South 74 degrees 45 minutes West, and 1,840 yards distant from the stone Church in the Indian village of St. Regis, and indicates the point at which the 45th parallel of North Latitude strikes the said River; thence, running north 35 degrees 45 seconds west into the

River, on a line at right angles with the Southern shore, to a point 100 yards South of the opposite Island, called Cornwall Island; thence, turning Westerly, and passing around the Southern and Western sides of said Island, keeping 100 yards distant therefrom, and following the curvatures of its shores, to a point opposite to the North-west corner, or angle of said Island; thence, to and along the middle of the main River, until it approaches the Eastern extremity of Barnhart's Island; thence, Northerly, along the Channel which divides the last mentioned Island from the Canada shore, keeping 100 yards distant from the Island, until it approaches Sheik's Island; thence, along the middle of the strait which divides Barnhart's and Sheik's Islands, to the channel called the Long Sault, which separates the two last mentioned Islands from the lower Long Sault Island; thence, Westerly, (crossing the centre of the last mentioned Channel) until it approaches within 100 yards of the north shore of the Lower Sault Island; thence, up the north branch of the River, keeping to the North of, and near, the Lower Sault Island, and also North of, and near, the Upper Sault (sometimes called Baxter's) Island, and south of the two small Islands, marked on the Map A and B, to the Western extremity of the Upper Sault, or Baxter's Island; thence, passing between the two Islands called the Cats, to the middle of the River above; thence, along the middle of the River, keeping to the North of the small Islands marked C and D; and north also of Chrystler's Island, and of the small Island next above it, marked E, until it approaches the North-east angle of Goose Neck Island; thence, along the passage which divides the last mentioned island from the Canada shore keeping one hundred yards from the island to the upper end of the same; thence, South of, and near, the Two small Islands called the Nut Islands; thence, North of, and near, the Island marked F, and also of the Island called Dry or Smugglers' Island; thence, passing between the Islands marked G and H, to the north of the Island called Isle au Rapid Plat; thence, along the North side of the last mentioned Island, keeping 100 yards from the shore, to the upper end thereof; thence, along the middle of the River, keeping to the South of, and near, the Islands called Cousson (or Tussin) and Presque Isle; thence, up the River, keeping North of, and near, the several Gallop Isles, numbered on the map 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, and also of Tick, Tibbet's, and Chimney Islands; and South of,

and near the Gallop Isles, numbered 11, 12 and 13, and also of Duck, Drummond, and Sheep Islands; thence, along the middle of the river, passing North of Island No. 14, South of 15 and 16, North of 17; South of 18, 19, 20, 21, 22, 23, 24, 25 and 28, and North of 26 and 27; thence, along the middle of the River, North of Gull Island and of the Islands No. 29, 32, 33, 34, 35, Bluff Island, and No. 39, 44 and 45, and to the South of No. 30, 31, 36, Grenadier Island, and No. 37, 38, 40, 41, 42, 43, 46, 47 and 48 until it approaches the East end of Well's Island; thence to the North of Well's Island, and along the strait which divides it from Rowe's Island, keeping to the North of the small Islands No. 51, 52, 54, 58, 59, and 61, and to the south of the small islands numbered and marked 49, 50, 53, 55, 57, 60 and X, until it approaches the northeast point of Grindstone Island; thence, to the north of Grindstone Island; and keeping to the north also of the small islands No. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the south of No. 62, 64, 66 69 and 71, until it approaches the southern point of Hickory Island; thence, passing to the south of Hickory Island, and of the two small islands lying near its southern extremity, numbered 79 and 80; thence, to the south of Grand or Long Island, keeping near its southern shore, and passing to the north of Carlton Island, until it arrives opposite to the southwestern point of said Grand Island in Lake Ontario; thence, passing to the north of Grenadier, Fox, Stony, and the Gallop Islands, in Lake Ontario, and to the south of, and near, the islands called the Ducks, to the middle of the said lake; thence, westerly, along the middle of said lake, to a point opposite the mouth of the Niagara River; thence, to and up the middle of the said river, to the Great Falls; thence up the Falls, through the point of the Horse Shoe, keeping to the west of Iris or Goat Island, and of the group of small islands at its head, and following the bends of the river so as to enter the strait between Navy and Grand Islands; thence, along the middle of said strait, to the head of Navy Island; thence, to the west and south of, and near to, Grand and Beaver Islands, and to the west of Strawberry, Squaw, and Bird Islands, to Lake Erie; thence, southerly and westerly, along the middle of Lake Erie, in a direction to enter the passage immediately south of Middle Island, being one of the most easternmost of the group of islands lying in the western part of said lake; thence, along the said passage,

proceeding to the north of Cunningham's Island, and of the three Bass Islands, and of the Western Sister, and to the south of the islands called the Hen and Chickens, and of the Eastern and Middle Sisters; thence, to the middle of the mouth of the Detroit River, in a direction to enter the channel which divides Bois-Blanc and Sugar Islands; thence, up the said channel to the west of Bois-Blanc Island, and to the east of Sugar, Fox, and Stony Islands, until it approaches Fighting, or Great Turkey Island, thence, along the western side and near the shore of said last mentioned island, to the middle of the river above the same; thence, along the middle of said river, keeping to the southeast of, and near Hog Island, to the northwest of, and near the island called Isle à la Pêche, to Lake St. Clair; thence, through the middle of said lake, in a direction to enter that mouth or channel of the River St. Clair which is usually denominated the Old Ship Channel; thence, along the middle of said channel, between Squirrel Island on the southeast and Hersons Island on the northwest, to the upper end of last mentioned island, which is nearly opposite Point aux Chênes, on the American shore; thence, along the middle of the River St. Clair, keeping to the west of, and near the islands called Belle Rivière Isle, and Isle aux Cerfs, to Lake Huron; thence, through the middle of Lake Huron, in a direction to enter the strait or passage between Drummond's Island on the west, and the little Manitou Island on the east; thence, through the middle of the passage which divides the two last mentioned islands; thence, turning northerly and westerly, around the eastern and northern shores of Drummond's Island, and proceeding in a direction to enter the passage between the Island of St. Joseph's and the American shore, passing to the north of the intermediate islands No. 61, 11, 10, 12, 9, 6, 4, and 2, and to the south of those numbered 15, 13, 5, and 1; thence up the said last mentioned passage keeping near to the Island St. Joseph's and passing to the north and east of Isle à la Crosse, and of the small islands numbered 16, 17, 18, 19, and 20, and to the south and west of those numbered 21, 22 and 23, until it strikes a line (drawn on the map with black ink, and shaded on one side of the point of intersection with blue, and on the other side with red) passing across the river at the head of St. Joseph's Island, and at the foot of the Neebish Rapids,

which line denotes the termination of the boundary directed to be run by the VIth Article of the Treaty of Ghent.

And the said Commissioners do further decide and declare, that all the islands lying in the rivers, lakes and water communications, between the before described boundary line and the adjacent shores of Upper Canada do, and each of them does, belong to His Britannic Majesty, and that all the islands lying in the rivers, lakes, and water communications, between the said boundary line and the adjacent shores of the United States, or their territories, do, and each of them does, belong to the United States of America, in conformity with the true intent of the IIId Article of the said Treaty of 1783, and of the VIth Article of the Treaty of Ghent.

In faith whereof, we, the Commissioners aforesaid, have signed this Declaration, and thereunto affixed our Seals.

Done in quadruplicate, at Utica, in the State of New York, in the United States of America, this 18th day of June, in the year of our Lord 1822.

(L.S.) ANTH. BARCLAY.

(L.S.) PETER B. PORTER

Commission under Article VII.—Boundary from Lake Huron to the Lake of the Woods.

The Commission met June 22, 1822, and, having disagreed, held their final meeting December 24, 1827. The boundary was agreed to by the Ashburton Treaty of 1842.

1817.

EXCHANGE OF NOTES BETWEEN GREAT BRITAIN AND THE UNITED STATES OF AMERICA CONCERNING THE NAVAL FORCE TO BE MAINTAINED ON THE GREAT LAKES, WASHINGTON, 28-29 APRIL, 1817.

From His Majesty's Minister at Washington to the United States Secretary of State.

WASHINGTON, April 28, 1817.

The Undersigned, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to

acquaint Mr. Rush that having laid before His Majesty's Government the correspondence which passed last year between the Secretary of the Department of State and the Undersigned upon the subject of a proposal to reduce the Naval Force of the respective countries upon the American lakes he has received the commands of His Royal Highness the Prince Regent to acquaint the Government of the United States, that His Royal Highness is willing to accede to the proposition made to the Undersigned by the Secretary of the Department of State in his note of the 2nd of August last.

His Royal Highness, acting in the name and on the behalf of His Majesty, agrees, that the Naval Force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side—that is:

On Lake Ontario to one vessel not exceeding one hundred tons burthen and armed with one eighteen-pound cannon.

On the Upper Lakes to two vessels not exceeding like burthen each and armed with like force.

On the waters of Lake Champlain to one vessel not exceeding like burthen and armed with like force.

And His Royal Highness agrees, that all other armed vessels, on these lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed.

His Royal Highness further agrees, that if either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The Undersigned has it in command from His Royal Highness the Prince Regent to acquaint the American Government, that His Royal Highness has issued orders to His Majesty's Officers on the lakes directing, that the Naval Force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The Undersigned has the honour to renew to Mr. Rush the assurances of his highest consideration.

CHARLES BAGOT.

*From the United States Secretary of State to His Majesty's
Minister at Washington.*

DEPARTMENT OF STATE,
April 29, 1817.

The Undersigned, acting Secretary of State, has the honour to acknowledge the receipt of Mr. Bagot's note of the 28th of this month, informing him that, having laid before the Government of His Britannic Majesty, the correspondence which passed last year between the Secretary of State and himself upon the subject of a proposal to reduce the naval force of the two countries upon the American lakes, he had received the commands of His Royal Highness the Prince Regent to inform this Government that His Royal Highness was willing to accede to the proposition made by the Secretary of State in his note of the second of August last.

The Undersigned has the honour to express to Mr. Bagot the satisfaction which the President feels at His Royal Highness the Prince Regent's having acceded to the proposition of this Government as contained in the note alluded to. And in further answer to Mr. Bagot's note, the Undersigned, by direction of the President, has the honour to state, that this Government, cherishing the same sentiments expressed in the note of the second of August, agrees, that the naval force to be maintained upon the lakes by the United States and Great Britain shall, henceforth, be confined to the following vessels on each side, that is:

On Lake Ontario to one vessel not exceeding one hundred tons burden, and armed with one eighteen-pound cannon. On the Upper Lakes to two vessels not exceeding the like burden each, and armed with like force, and on the waters of Lake Champlain to one vessel not exceeding like burden and armed with like force.

And it agrees, that all other armed vessels on these lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed. And it further agrees, that if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The Undersigned is also directed by the President to state, that proper orders will be forthwith issued by this Gov-

ernment to restrict the naval force thus limited to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The Undersigned eagerly avails himself of this opportunity to tender to Mr. Bagot the assurances of his distinguished consideration and respect.

RICHARD RUSH.

PROCLAMATION OF THE PRESIDENT OF THE UNITED STATES, PUBLISHING THE ARRANGEMENT CONCLUDED WITH GREAT BRITAIN, IN APRIL, 1817, RELATIVE TO THE NAVAL FORCE TO BE MAINTAINED BY THE TWO POWERS UPON THE AMERICAN LAKES.—WASHINGTON, 28TH APRIL, 1818.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

WHEREAS an Arrangement was entered into at the City of Washington, in the month of April, in the year of Our Lord, 1817, between Richard Rush, Esq., at that time acting as Secretary for the Department of State of The United States, for and in behalf of the Government of the United States, and the Right Honourable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of His Britannic Majesty which Arrangement is in the words following, to wit:

'The Naval Force to be maintained upon the American Lakes, by His Majesty and the Government of The United States, shall henceforth be confined to the following Vessels on each side; that is:

'On Lake Ontario, to one vessel not exceeding one hundred tons burden, and armed with one eighteen-pound cannon.

'On the upper Lakes, to two Vessels, not exceeding like burden each, and armed with like force.

'On the waters of Lake Champlain, to one Vessel not exceeding like burden, and armed with like force.

'All other armed Vessels on these Lakes shall be forthwith dismantled, and no other Vessels of war shall be there built or armed.

'If either Party should hereafter be desirous of annulling this Stipulation, and should give notice to that effect to the other Party, it shall cease to be binding after the expiration of six months from the date of such notice.

'The Naval Force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the Armed Vessels of the other Party.'

And whereas, the Senate of The United States have approved of the said Arrangement, and recommended that it should be carried into effect; the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty:

Now, therefore, I, James Monroe, President of The United States, do, by this my Proclamation, make known and declare that the Arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the City of Washington, this 28th day of April, in the year of Our Lord 1818, and of the Independence of the United States the 42nd.

By the President:

JAMES MONROE.

JOHN QUINCY ADAMS,

Secretary of State.

1818.

**CONVENTION OF COMMERCE BETWEEN GREAT BRITAIN
AND THE UNITED STATES OF AMERICA.—SIGNED AT
LONDON, 20TH OCTOBER, 1818.**

Ratifications exchanged 30th January, 1819.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of America, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective plenipotentiaries—that is to say:—

His Majesty, on his part, has appointed the Right Honourable Frederick John Robinson, Treasurer of His Majesty's Navy, and President of the Committee of Privy Council for

Trade and Plantations; and Henry Goulburn, Esquire, one of His Majesty's Under Secretaries of State:

And the President of the United States has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to the Court of France; and Richard Rush, their Envoy Extraordinary and Minister Plenipotentiary to the Court of His Britannic Majesty.

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles:—

Art. I. Whereas differences have arisen respecting the liberty claimed by the United States, for the Inhabitants thereof, to take, dry, and cure fish, on certain Coasts, Bays, Harbours, and Creeks, of His Britannic Majesty's Dominions, in America; it is agreed between the High Contracting Parties, that the Inhabitants of the said United States shall have, for ever, in common with the Subjects of His Britannic Majesty, the liberty to take fish of every kind, on that part of the southern Coast of Newfoundland, which extends from Cape Ray to the Rameau Islands, on the western and northern Coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the Coasts, Bays, Harbours and Creeks, from Mount Joly, on the southern Coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the Coast; without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty, for ever, to dry and cure fish in any of the unsettled Bays, Harbours, and Creeks, of the southern part of the Coast of Newfoundland hereabove described, and of the Coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said Fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose, with the Inhabitants, Proprietors or Possessors of the ground. And the United States hereby renounce for ever, any liberty heretofore enjoyed or claimed by the Inhabitants thereof, to take, dry, or cure fish, on or within three marine miles of any of the Coasts, Bays, Creeks, or Harbours, of His Britannic Majesty's Dominions in America, not included within the above-mentioned limits: provided, however, that the American Fishermen shall be admitted to enter such Bays or Harbours, for the purpose of shelter and of

repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

II. It is agreed that a line drawn from the most north-western point of the Lake of the Woods, along the 49th parallel of north latitude, or, if the said point shall not be in the 49th parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarcation between the Territories of His Britannic Majesty and those of the United States, and that the said line shall form the southern boundary of the said Territories of His Britannic Majesty, and the northern boundary of the Territories of the United States, from the Lake of the Woods to the Stony Mountains.

III. It is agreed, than any Country that may be claimed by either Party on the north-west coast of America, westward of the Stony Mountains, shall, together with its Harbours, Bays and Creeks, and the navigation of all rivers within the same, be free and open for the term of 10 years from the date of the signature of the Present Convention, to the Vessels, Citizens and Subjects of the 2 powers: it being well understood, that this Agreement is not to be construed to the prejudice of any claim which either of the 2 High Contracting Parties may have to any part of the said Country, nor shall it be taken to affect the claims of any other Power or State to any part of the said Country, the only object of the High Contracting Parties, in that respect, being to prevent disputes and differences amongst themselves.

IV. All the provisions of the Convention "to regulate the commerce between the Territories of His Britannic Majesty and of The United States," concluded at London, on the 3rd day of July, in the year of our Lord, 1815, with the exception of the Clause which limited its duration to 4 years; and excepting also, so far as the same was affected by the Declaration of His Majesty respecting the Island of St. Helena,

are hereby extended and continued in force for the term of 10 years, from the date of the signature of the present Convention, in the same manner as if all the provisions of the said Convention were herein specially recited.

V. Whereas it was agreed by the 1st Article of the Treaty of Ghent, that "All Territory, Places and Possessions whatsoever taken by either Party from the other during the war, or which may be taken after the signing of this Treaty, excepting only the Islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the Artillery or other public property originally captured in the said Forts or Places, which, shall remain therein upon the exchange of the Ratifications of this Treaty, or any Slaves or other private property;"—and whereas, under the aforesaid Article, The United States claim for their Citizens, and as their private property, the restitution of, or full compensation for, all Slaves who, at the date of the exchange of the Ratifications of the said Treaty, were, in any Territory, Places or Possessions whatsoever, directed by the said Treaty, to be restored to The United States, but then still occupied by the British Forces, whether such Slaves were, at the date aforesaid, on shore, or on board any British Vessel, lying in waters within the territory or jurisdiction of The United States; and whereas differences have arisen, whether, by the true intent and meaning of the aforesaid Article of the Treaty of Ghent, The United States are entitled to the restitution of, or full compensation for, all or any Slaves, as above described; the High Contracting Parties hereby agree to refer the said differences to some friendly Sovereign or State, to be named for that purpose; and the High Contracting Parties further engage to consider the decision of such friendly Sovereign or States to be final and conclusive on all the matters referred.

VI. This Convention, when the same shall have been duly ratified by His Britannic Majesty and the President of The United States, by and with the advice and consent of their Senate, and the respective Ratifications mutually exchanged, shall be binding and obligatory on His Majesty and on the said United States; and the Ratifications shall be exchanged in 6 months from this date, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the Seal of their Arms.

Done at London, this 20th day of October, in the year of our Lord, 1818.

(L.S.) FREDERICK JOHN ROBINSON.

(L.S.) HENRY GOULBURN.

(L.S.) ALBERT GALLATEN.

(L.S.) RICHARD RUSH.

1842.

TREATY BETWEEN GREAT BRITAIN AND THE UNITED STATES, TO SETTLE AND DEFINE THE BOUNDARIES BETWEEN THE POSSESSIONS OF HER BRITANNIC MAJESTY IN NORTH AMERICA, AND THE TERRITORIES OF THE UNITED STATES; FOR THE FINAL SUPPRESSION OF THE AFRICAN SLAVE TRADE; AND FOR THE GIVING UP OF CRIMINALS, FUGITIVE FROM JUSTICE, IN CERTAIN CASES.—SIGNED AT WASHINGTON, AUGUST 9, 1842.

(Ratifications exchanged at London, October 13, 1842.)

Whereas certain portions of the line of boundary between the British dominions in North America and the United States of America, described in the IInd Article of the Treaty of Peace of 1783, have not yet been ascertained and determined, notwithstanding the repeated attempts which have been heretofore made for that purpose; and whereas it is now thought to be for the interest of both parties that, avoiding further discussion of their respective rights, arising in this respect under the said Treaty, they should agree on a Conventional line in said portions of the said Boundary, such as may be convenient to both parties, with such equivalents and compensations as are deemed just and reasonable:—And whereas, by the Treaty concluded at Ghent on the 24th day of December, 1814, between His Britannic Majesty and the United States, an Article was agreed to and inserted, of the following tenor, viz: “Article X. Whereas

the traffic in slaves is irreconcilable with the principles of humanity and justice; and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition; it is hereby agreed, that both the Contracting Parties shall use their best endeavours to accomplish so desirable an object," and whereas, notwithstanding the laws which have at various times been passed by the two Governments, and the efforts made to suppress it, that criminal traffic is still prosecuted and carried on; and whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, are determined that, so far as may be in their power, it shall be effectually abolished: And whereas it is found expedient for the better administration of justice, and the prevention of crime within the territories and jurisdiction of the two Parties, respectively, that persons committing the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up:—Her Britannic Majesty, and the United States of America, having resolved to treat on these several subjects, have for that purpose appointed their respective Plenipotentiaries to negotiate and conclude a Treaty that is to say: Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honourable Alexander Lord Ashburton, a Peer of the said United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, and Her Majesty's Minister Plenipotentiary on a Special Mission to the United States; and the President of the United States has, on his part, furnished with Full Powers Daniel Webster, Secretary of State of the United States; who, after a reciprocal communication of their respective full powers, have agreed to and signed the following Articles:

Art. I. It is hereby agreed and declared, that the line of boundary shall be as follows.—Beginning at the monument at the source of the River St. Croix, as designated and agreed to by the Commissioners under the Vth Article of the Treaty of 1794, between the governments of Great Britain and the United States, thence north, following the exploring line run and marked by the surveyors of the two Governments in the years 1817 and 1818, under the Vth Article of the Treaty of Ghent, to its intersection with the River St. John, and to the middle of the channel thereof; thence up the middle of the main channel

of the said River St. John to the mouth of the River St. Francis, thence up the middle of the channel of the said River St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence south-westerly, in a straight line, to a point on the north-west branch of the River St. John, which point shall be 10 miles distant from the main branch of the St. John, in a straight line and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the River St. Lawrence from those which fall into the River St. John, then the said point shall be made to recede down the north-west branch of the River St. John, to a point seven miles in a straight line from the said summit or crest; thence in a straight line, in a course about south, 8 degrees west, to the point where the parallel of latitude of $46^{\circ} 25'$ north, intersects the south-west branch of the St. John's; thence southerly by the said branch, to the source thereof in the highlands at the Metjar-mette Portage; thence down along the said highlands which divide the waters which empty themselves into the River St. Lawrence, from those which fall into the Atlantic ocean, to the head of Hall's stream; thence down the middle of said stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins previously to the year 1774 as the 45th degree of north latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont on one side, and the British Province of Canada on the other; and from said point of intersection west along the said dividing line, as heretofore known and understood, to the Iroquois, or St. Lawrence river.

II. It is moreover agreed, that from the place where the joint Commissioners terminated their labours under the VIth Article of the Treaty of Ghent, to wit, at a point in the Neebish Channel, near Muddy Lake, the line shall run into and along the ship channel between St. Joseph's and St. Tammany Islands, to the division of the channel at or near the head of St. Joseph's Island; thence, turning eastwardly and northwardly around the lower end of St. George's or Sugar Island, and following the middle of the channel which divides St. George's from St. Joseph's Island; thence, up the east

Neebish Channel nearest to St. George's Island, through the middle of Lake George; thence west of Jonas' Island into St. Mary's River, to a point in the middle of that river about 1 mile above St. George's or Sugar Island, so as to appropriate and assign the said island to The United States; thence, adopting the line traced on the maps by the Commissioners, through the River St. Mary and Lake Superior to a point north of Ile Royale in said lake, 100 yards to the north and east of Ile Chapeau, which last-mentioned island lies near the north-eastern point of Ile Royale, where the line marked by the Commissioners terminates; and from the last-mentioned point south-westerly through the middle of the sound between Ile Royale and the north-western mainland, to the mouth of Pigeon River, and up the said river to and through the north and south Fowl Lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence, along the water-communication to Lake Saisaginaga and through that lake; thence, to and through Cypress Lake, Lac du Bois-Blanc, Lac la Croix, Little Vermillion Lake, and Lake Namecan, and through the several smaller lakes, straits, or streams connecting the lakes here mentioned, to that point in Lac la Pluie, or Rainy Lake, at the Chaudière Falls, from which the Commissioners traced the line to the most north-western point of the Lake of the Woods; thence, along the said line to the said north-western point, being in latitude 49 degrees 23 minutes 55 seconds north, and in longitude 95 degrees 14 minutes 38 seconds west, from the observatory at Greenwich; thence according to existing Treaties, due south to its intersection with the 49th parallel of north latitude, and along that parallel to the Rocky Mountains. It being understood that all the water-communications, and all the usual portages along the line from Lake Superior to the Lake of the Woods, and also Grand Portage from the shore of Lake Superior to the Pigeon River, as now actually used, shall be free and open to the use of the subjects and citizens of both countries.

III. In order to promote the interests and encourage the industry of all the inhabitants of the countries watered by the River St. John and its tributaries, whether living within the Province of New Brunswick, or the State of Maine, it is agreed, that where by the provisions of the present Treaty, the River St. John is declared to be the line of boundary, the navigation of the said river shall be free and open to both

parties, and shall in no way be obstructed by either; that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture, not being manufactured, grown on any of those parts of the State of Maine watered by the River St. John or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries having their source within the State of Maine, to and from the sea-port at the mouth of the said River St. John's, and to and round the falls of the said river, either by boats, rafts, or other conveyance; that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province; that in like manner the inhabitants of the territory of the upper St. John, determined by this Treaty to belong to Her Britannic Majesty, shall have free access to and through the river for their produce, in those parts where the said river runs wholly through the State of Maine:—provided always that this agreement shall give no right to either party to interfere with any regulations not inconsistent with the terms of this Treaty, which the Governments, respectively, of New Brunswick or of Maine may make respecting the navigation of the said river, where both banks thereof shall belong to the same party.

1V. All grants of lands heretofore made by either party within the limits of the territory which by this Treaty falls within the dominions of the other party, shall be held valid, ratified, and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this Treaty fallen within the dominions of the party by whom such grants were made; and all equitable possessory claims, arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this Treaty, shall in like manner be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land, so described as best to include the improvements made thereon; and in all other respects the two Contracting Parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them respectively, which has heretofore been in dispute between them.

V. Whereas, in the course of the controversy respecting the disputed territory on the north-eastern boundary, some monies have been received by the authorities of Her Britannic Majesty's province of New Brunswick, with the intention of preventing depredations on the forests of the said territory, which monies were to be carried to a fund called the "Disputed Territory Fund," the proceeds whereof it was agreed should be hereafter paid over to the parties interested, in the proportions to be determined by a final settlement of boundaries; it is hereby agreed that a correct account of all receipts and payments on the said fund shall be delivered to the Government of the United States within six months after the ratification of this treaty, and the proportion of the amount due thereon to the States of Maine and Massachusetts, and any bonds or securities appertaining thereto, shall be paid and delivered over to the Government of the United States; and the Government of the United States agrees to receive for the use of, and pay over to the States of Maine and Massachusetts their respective portions of said fund; and further, to pay and satisfy said States, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed territory, and making a survey thereof in 1838; the Government of the United States agreeing with the States of Maine and Massachusetts to pay them the further sum of 300,000 dollars, in equal moieties, on account of their assent to the line of boundary described in this treaty, and in consideration of the conditions and equivalents received therefor from the Government of Her Britannic Majesty.

VI. It is furthermore understood and agreed, that for the purpose of running and tracing those parts of the line between the source of the St. Croix and the St. Lawrence river, which will require to be run and ascertained, and for marking the residue of said line by proper monuments on the land, two Commissioners shall be appointed, one by Her Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said Commissioners shall meet at Bangor, in the State of Maine, on the 1st day of May next, or as soon thereafter as may be, and shall proceed to mark the line above described from the source of the St. Croix to the River St. John, and shall trace on proper maps the dividing line along said river, and along the River St. Francis to the outlet of the Lake Pohenagamook;

and from the outlet of the said lake they shall ascertain, fix, and mark by proper and durable monuments on the land, the line described in the 1st Article of this treaty; and the said Commissioners shall make to each of their respective governments a joint report or declaration, under their hands and seals, designating such line of boundary, and shall accompany such report or declaration with maps, certified by them to be true maps of the new boundary.

VII. It is further agreed, that the channels in the River St. Lawrence on both sides of the Long Sault Islands and of Barnhart Island, the channels in the River Detroit, on both sides of the Island Bois Blanc, and between that island and both the Canadian and American shores, and all the several channels and passages between the various islands lying near the junction of the River St. Clair with the lake of that name, shall be equally free and open to the ships, vessels, and boats of both parties.

VIII. The parties mutually stipulate that each shall prepare, equip, and maintain in service on the coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than 80 guns, to enforce, separately and respectively, the laws, rights, and obligations of each of the two countries for the suppression of the Slave Trade; the said squadrons to be independent of each other, but the two Governments stipulating nevertheless to give such orders to the officers commanding their respective forces, as shall enable them most effectually to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this Article; copies of all such orders to be communicated by each government to the other respectively.

IX. Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the Slave Trade, the facilities for carrying on that traffic, and avoiding the vigilance of cruisers, by the fraudulent use of flags and other means, are so great, and the temptations for pursuing it, while a market can be found for slaves, so strong, as that the desired result may be long delayed, unless all markets be shut against the purchase of African Negroes;—the parties to this Treaty agree that they will unite in all becoming representations and

remonstrances with any and all the Powers within whose dominions such markets are allowed to exist; and that they will urge upon all such Powers the propriety and duty of closing such markets effectually, at once and for ever.

*X. It is agreed that Her Britannic Majesty and the United States shall, upon mutual requisitions by them or their Ministers, Officers, or Authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum, or shall be found within the territories of the other; provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective Judges and other Magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other Magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining Judge or Magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

XI. The VIIIth Article of this Treaty shall be in force for 5 years from the date of the exchange of the ratifications, and afterwards, until one or the other party shall signify a wish to terminate it. The Xth Article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

XII. The present Treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in London within 6 months from the date hereof, or earlier if possible.

* See Explanatory Note page 36.

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

Done in duplicate at Washington, the 9th day of August, 1842.

(L.S.) ASHBURTON. (L.S.) DANL. WEBSTER.

EXPLANATORY NOTE.

Lord Ashburton to Mr. Webster.

WASHINGTON, August 9, 1842.

Sir,—By the IIIrd (?10th) Article of the Convention which I have this day signed with you, there is an agreement for the reciprocal delivery, in certain cases, of criminals fugitive from justice, but it becomes necessary that I should apprise you that this Article can have no legal effect within the Dominions of Great Britain until confirmed by Act of Parliament. It is possible that Parliament may not be in session before the exchange of the ratifications of the Convention, but its sanction shall be asked at the earliest possible period, and no doubt can be entertained that it will be given. In Her Majesty's territories in Canada, where cases for acting under this Convention are likely to be of more frequent occurrence, the Governor General has sufficient power under the authority of local legislation, and the Convention will there be acted upon so soon as its ratification shall be known; but it becomes my duty to inform you of the short delay which may possibly intervene in giving full effect to it, where the confirmation by Parliament becomes necessary for its execution.

I beg, etc.,

ASHBURTON.

The Hon. DANIEL WEBSTER.

1846.

TREATY BETWEEN GREAT BRITAIN AND THE
UNITED STATES OF AMERICA, FOR THE
SETTLEMENT OF THE OREGON BOUNDARY.

SIGNED AT WASHINGTON, JUNE 15, 1846.

(Ratifications exchanged at London, July 17, 1846.)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, deeming it to be desirable for the future welfare of both countries, that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the Northwest Coast of America, lying westward of the Rocky or Stony Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named Plenipotentiaries to treat and agree concerning the terms of such settlement, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honourable Richard Pakenham, a member of Her Majesty's Most Honourable Privy Council, and Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States and the President of the United States of America has, on his part, furnished with full powers, James Buchanan, Secretary of State of the United States; who, after having communicated to each other their respective full powers found in good and due form, have agreed upon and concluded the following Articles:—

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, through

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.

II. From the point at which the 49th parallel of north latitude shall be found to intersect the great northern branch of the Columbia river, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers; it being understood, that all the usual portages along the line thus described, shall in like manner be free and open.

In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood, that nothing in this Article shall be construed as preventing, or intended to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers, not inconsistent with the present Treaty.

III. In the future appropriation of the territory south of the 49th parallel of north latitude, as provided in the 1st Article of this Treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

IV. The farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia river, shall be confirmed to the said Company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States' Government should signify a desire to obtain possession of the whole or of any part thereof, the property so required shall be transferred to the said government at a proper valuation, to be agreed upon between the Parties.

V. The present Treaty shall be ratified by Her Britannic Majesty, and by the President of the United States, by and with the advice and consent of the Senate thereof; and the rati-

fications shall be exchanged at London at the expiration of six months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington, the 15th day of June, in the year of our Lord, 1846.

[L.S.] RICHARD PAKENHAM.

[L.S.] JAMES BUCHANAN.

DECLARATION BETWEEN GREAT BRITAIN AND THE UNITED STATES, APPROVING THE BOUNDARY MAPS, PREPARED BY THE JOINT COMMISSIONERS APPOINTED UNDER ARTICLE I. OF THE TREATY OF 15TH JUNE, 1846 (OREGON TERRITORY).—SIGNED AT WASHINGTON, FEBRUARY 24, 1870.

The Undersigned, Edward Thornton, Esquire, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, and Hamilton Fish, Secretary of State of the United States, duly authorized by their respective Governments, having met together;

The set of maps, 7 in number, which have been prepared by the Commissioners appointed by the two Powers to survey and mark out the boundary between their respective territories under the first Article of the Treaty concluded between them at Washington, on the 15th of June, 1846, having been produced;

And it appearing that they do correctly indicate the said boundary from the point where the boundary laid down in Treaties and Conventions prior to June 15, 1846, terminates westward on the 49th parallel of north latitude to the eastern shore of the Gulf of Georgia, which boundary has been defined by the Commissioners by marks upon the ground;

The Undersigned, without prejudice to the rights of their respective Governments as to the settlement and the determination of the remainder of the said Boundary, hereby declare that the said maps certified and authenticated under the signatures of Colonel John Summerfield Hawkins, Her Britannic Majes-

ty's Commissioner, and of Archibald Campbell, Esquire, the Commissioner of the United States, and of which duplicate copies similarly certified and authenticated are in the possession of the Government of Her Britannic Majesty, have been duly examined and considered, and, as well as the marks by which the boundary to the eastern shore of the Gulf of Georgia has been defined upon the ground, are approved, agreed to, and adopted by both Governments.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington, the 24th day of February, in the year of Our Lord, 1870.

[L.S.] EDWARD THORNTON.

[L.S.] HAMILTON FISH.

1850.

PROTOCOL OF CONFERENCE BETWEEN GREAT BRITAIN AND THE UNITED STATES, RELATIVE TO THE CESSION BY GREAT BRITAIN TO THE UNITED STATES OF HORSESHOE REEF, ON LAKE ERIE, FOR THE PURPOSE OF ERECTING A LIGHTHOUSE.—LONDON, DECEMBER 9, 1850.

Abbott Lawrence, Esquire, the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the Court of Her Britannic Majesty, and Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, having met together at the Foreign Office:

Mr. Lawrence stated that he was instructed by his Government to call the attention of the British Government to the dangers to which the important commerce of the great lakes of the interior of America, and more particularly that concentrating at the town of Buffalo, near the entrance of the Niagara River from Lake Erie, and that passing through the Welland Canal, is exposed from the want of a lighthouse near the outlet of Lake Erie. Mr. Lawrence stated that the current of the Niagara River is at that spot very strong, and increases in rapidity as the river approaches the falls; and as that part of the river is necessarily used for the purpose of a harbour, the Congress of the United States, in order to guard against the

danger arising from the rapidity of the current, and from other local causes, made an appropriation for the construction of a lighthouse at the outlet of the lake, but, on a local survey being made, it was found that the most eligible site for the erection of the lighthouse was a reef known by the name of the "Horseshoe Reef," which is within the dominion of Her Britannic Majesty; and Mr. Lawrence was therefore instructed by the Government of the United States to ask whether the Government of Her Britannic Majesty will cede to the United States the Horseshoe Reef, or such part thereof as may be necessary for the purpose of erecting a lighthouse, and, if not, whether the British Government will itself erect and maintain a lighthouse on the said reef.

Viscount Palmerston stated to Mr. Lawrence in reply that Her Majesty's Government concurs in opinion with the Government of the United States, that the proposed lighthouse would be of great advantage to all vessels navigating the lakes; and that Her Majesty's Government is prepared to advise Her Majesty to cede to the United States such portion of the Horseshoe Reef as may be found requisite for the intended lighthouse, provided the Government of the United States will engage to erect such lighthouse, and to maintain a light therein; and provided no fortification be erected on the said reef.

Mr. Lawrence and Viscount Palmerston, on the part of their respective Governments, accordingly agreed that the British Crown should make this cession, and that the United States should accept it, on the above-mentioned conditions.

ABBOTT LAWRENCE.

PALMERSTON.

1871.

TREATY BETWEEN GREAT BRITAIN AND THE UNITED STATES OF AMERICA, FOR THE AMICABLE SETTLEMENT OF ALL CAUSES OF DIFFERENCE BETWEEN THE TWO COUNTRIES ("ALABAMA" CLAIMS; FISHERIES; CLAIMS OF CORPORATIONS, COMPANIES OR PRIVATE INDIVIDUALS; NAVIGATION OF RIVERS AND LAKES; SAN JUAN WATER BOUNDARY; AND RULES DEFINING DUTIES OF A NEUTRAL GOVERNMENT DURING WAR).—SIGNED AT WASHINGTON, MAY 8, 1871.

(Ratifications exchanged at London, June 17, 1871.)

Her Britannic Majesty and the United States of America being desirous to provide for an amicable settlement of all causes of difference between the two countries, have for that purpose appointed their respective plenipotentiaries, that is to say:

Her Britannic Majesty on Her part has appointed as Her High Commissioners and Plenipotentiaries, the Right Honourable George Frederick Samuel, Earl de Grey and Earl of Ripon, Viscount Goderich, Baron Grantham, a Baronet, a Peer of the United Kingdom, Lord President of Her Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, &c.; the Right Honourable Sir Stafford Henry Northcote, Baronet, one of Her Majesty's Most Honourable Privy Council, a Member of Parliament, a Companion of the Most Honourable Order of the Bath, &c.; Sir Edward Thornton, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; Sir John Alexander Macdonald, Knight Commander of the Most Honourable Order of the Bath, a Member of Her Majesty's Privy Council for Canada, and Minister of Justice and Attorney General of Her Majesty's Dominion of Canada; and Montague Bernard, Esquire, Chichele Professor of International Law in the University of Oxford:

And the President of the United States has appointed on the part of the United States, as Commissioners in a Joint

High Commission and Plenipotentiaries, Hamilton Fish, Secretary of State; Robert Cumming Schenck, Envoy Extraordinary and Minister Plenipotentiary to Great Britain; Samuel Nelson, an associate justice of the Supreme Court of the United States; Ebenezer Rockwood Hoar, of Massachusetts; and George Henry, Williams, of Oregon.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

Article I. Whereas differences have arisen between the Government of the United States and the Government of Her Britannic Majesty, and still exist, growing out of the Acts committed by the several vessels which have given rise to the claims generically known as the *Alabama* Claims:

And whereas Her Britannic Majesty has authorized her High Commissioners and Plenipotentiaries to express in a friendly spirit, the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the *Alabama* and other vessels from British ports, and for the depredations committed by those vessels;

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's Government, the High Contracting Parties agree that all the said claims, growing out of Acts committed by the aforesaid vessels, and generically known as the *Alabama* Claims, shall be referred to a tribunal of arbitration to be composed of five arbitrators to be appointed in the following manner, that is to say: one shall be named by Her Britannic Majesty; one shall be named by the President of the United States; His Majesty the King of Italy shall be requested to name one; the President of the Swiss Confederation shall be requested to name one; and His Majesty the Emperor of Brazil shall be requested to name one.

In case of the death, absence, or incapacity to serve of any or either of the said Arbitrators, or in the event of either of the said Arbitrators omitting or declining or ceasing to act as such, Her Britannic Majesty, or the President of the United States, or His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, as the case may be, may forthwith name another per-

son to act as Arbitrator in the place and stead of the Arbitrator originally named by such head of a State.

And, in the event of the refusal or omission for two months after the receipt of the request from either of the High Contracting Parties, of His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil to name an Arbitrator either to fill the original appointment or in the place of one who may have died, be absent, or incapacitated, or who may omit, decline, or from any cause cease to act as such Arbitrator, His Majesty the King of Sweden and Norway shall be requested to name one or more persons, as the case may be, to act, as such Arbitrator or Arbitrators.

II. The Arbitrators shall meet at Geneva, in Switzerland, at the earliest convenient day after they shall have been named, and shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the Governments of Her Britannic Majesty and the United States respectively. All questions considered by the Tribunal, including the final award, shall be decided by a majority of all the Arbitrators.

Each of the High Contracting Parties shall also name one person to attend the Tribunal as its Agent to represent it generally in all matters connected with the Arbitration.

III. The written or printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the Agent of the other Party as soon as may be after the organization of the Tribunal, but within a period not exceeding 6 months from the date of the exchange of the ratifications of this Treaty.

IV. Within four months after the delivery on both sides of the written or printed case, either Party may, in like manner, deliver in duplicate to each of the said Arbitrators, and to the Agent of the other Party, a Counter-Case and additional documents, correspondence and evidence, in reply to the case, documents, correspondence, and evidence, so presented, by the other Party.

The Arbitrators may, however, extend the time for delivering such Counter-Case, documents, correspondence, and evid-

ence, when in their judgment, it becomes necessary, in consequence of the distance of the place from which the evidence to be presented is to be procured.

If in the case submitted to the Arbitrators, either Party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrators may require.

V. It shall be the duty of the Agent of each Party, within two months after the expiration of the time limited for the delivery of the Counter-Case on both sides, to deliver in duplicate to each of the said Arbitrators and to the Agent of the other Party a written or printed argument showing the points and referring to the evidence upon which his Government relies; and the arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument or oral argument by counsel upon it; but in such case the other Party shall be entitled to reply either orally, or in writing, as the case may be.

VI. In deciding the matters submitted to the Arbitrators they shall be governed by the following three rules, which are agreed upon by the High Contracting Parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to have been applicable to the case.

RULES.

A neutral Government is bound—

First.—To use due diligence to prevent the fitting out, arming or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such

vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly.—Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly.—To exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

Her Britannic Majesty has commanded Her High Commissioners and Plenipotentiaries to declare that Her Majesty's Government cannot assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in Article I arose, but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that, in deciding the questions between the two countries arising out of those claims, the Arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules.

And the High Contracting Parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime Powers and to invite them to accede to them.

VII. The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

The said Tribunal shall first determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfil any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the Tribunal find that Great Britain has failed to fulfil any duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the Government of Great Britain to the Gov-

ernment of the United States at Washington within twelve months after the date of the award.

The award shall be in duplicate, one copy whereof shall be delivered to the Agent of Great Britain for his Government, and the other copy shall be delivered to the Agent of the United States for his Government.

VIII. Each Government shall pay its own Agent and provide for the proper remuneration of the counsel employed by it, and of the Arbitrator appointed by it, and for the expense of preparing and submitting its case to the Tribunal. All other expenses connected with the arbitration shall be detracted by the two Governments in equal moieties.

IX. The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

X. In case the Tribunal finds that Great Britain has failed to fulfil any duty or duties as aforesaid, and does not award a sum in gross, the High Contracting Parties agree that a Board of Assessors shall be appointed to ascertain and determine what claims are valid, and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure as to each vessel, according to the extent of such liability as decided by the Arbitrators.

The Board of Assessors shall be constituted as follows: One member thereof shall be named by Her Britannic Majesty; one member thereof shall be named by the President of the United States, and one member thereof shall be named by the Representative at Washington of His Majesty the King of Italy, and in case of a vacancy happening from any cause, it shall be filled in the same manner in which the original appointment was made.

As soon as possible after such nominations the Board of Assessors shall be organized in Washington, with power to hold their sittings there, or in New York, or in Boston. The members thereof shall severally subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to justice and equity, all matters submitted to them, and shall forthwith proceed, under such rules and regulations as they may prescribe, to the investigation of the claims which shall be presented to

them by the Government of the United States, and shall examine and decide upon them in such order and manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the Governments of Great Britain and of the United States respectively. They shall be bound to hear on each separate claim, if required, one person on behalf of each Government as Counsel or Agent. A majority of the Assessors in each case shall be sufficient for a decision.

The decision of the Assessors shall be given upon each claim in writing, and shall be signed by them respectively, and dated.

Every claim shall be presented to the Assessors within six months from the day of their first meeting; but they may, for good cause shown, extend the time for the presentation of any claim to a further period not exceeding three months.

The Assessors shall report to each Government at or before the expiration of one year from the date of their first meeting, the amount of claims decided by them up to the date of such report; if further claims then remain undecided, they shall make a further report at or before the expiration of two years from the date of such first meeting; and in case any claims remain undetermined at that time, they shall make a final report within a further period of six months.

The report or reports shall be made in duplicate, and one copy thereof shall be delivered to the Representative of Her Britannic Majesty at Washington, and one copy thereof to the Secretary of State of the United States.

All sums of money which may be awarded under this Article shall be payable at Washington, in coin, within twelve months after the delivery of each report.

The Board of Assessors may employ such clerks as they shall think necessary.

The expenses of the Board of Assessors shall be borne equally by the two Governments, and paid from time to time, as may be found expedient, on the production of accounts certified by the Board. The remuneration of the Assessors shall also be paid by the two Governments in equal moieties in a similar manner.

XI. The High Contracting Parties engage to consider the result of the proceedings of the Tribunal of Arbitration and of the Board of Assessors, should such Board be appointed, as a full, perfect, and final settlement of all claims hereinbefore referred to; and further engage that every such claim, whether

the same may or may not have been presented to the notice of, made, preferred, or laid before the Tribunal or Board, shall, from and after the conclusion of the proceedings of the Tribunal or Board, be considered and treated as finally settled, barred, and thenceforth inadmissible.

XII. The High Contracting Parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the 13th of April, 1861, and the 9th of April, 1865, inclusive, not being claims growing out of the acts of the vessels referred to in Article I of this Treaty; and all claims, with the like exception, on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the same period, which may have been presented to either Government for its interposition with the other, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article XIV of this Treaty, shall be referred to three Commissioners, to be appointed in the following manner, that is to say: One Commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date of the exchange of the ratifications of this Treaty, then the third Commissioner shall be named by the Representative at Washington, of His Majesty the King of Spain. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet at Washington at the earliest convenient period after they have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judg-

ment, and according to justice and equity, all such claims as shall be laid before them on the part of the Governments of Her Britannic Majesty and of the United States respectively; and such declaration shall be entered on the record of their proceedings.

XIII. The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to them. They shall investigate and decide such claims in such order and such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of their respective Governments in support of, or in answer to, any claim; and to hear, if required, one person on each side, on behalf of each Government as counsel or agent for such Government, on each and every separate claim. A majority of the Commissioners shall be sufficient for an award in each case. The award shall be given upon each claim in writing, and shall be signed by the Commissioners assenting to it. It shall be competent for each Government to name one person to attend the Commissioners as its agent to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The High Contracting Parties hereby engage to consider the decision of the Commissioners as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

XIV. Every claim shall be presented to the Commissioners within 6 months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners; and then, and in any such case, the period for presenting the claim may be extended by them to any time not exceeding 3 months longer.

The Commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting. It shall be competent for the Commissioners to decide in each case whether any claim has or has not been duly

made, preferred, and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this Treaty.

XV. All sums of money which may be awarded by the Commissioners on account of any claim shall be paid by the one Government to the other, as the case may be, within 12 months after the date of the final award, without interest, and without any deduction save as specified in Article XVI of this Treaty.

XVI. The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary, and any other necessary officer or officers, to assist them in the transaction of the business which may come before them.

Each Government shall pay its own Commissioner and Agent or counsel. All other expenses shall be defrayed by the two Governments in equal moieties.

The whole expenses of the Commission, including contingent expenses, shall be defrayed by a rateable deduction on the amount of the sums awarded by the Commissioners; provided always that such deduction shall not exceed the rate of 5 per cent on the sum so awarded.

XVII. The High Contracting Parties engage to consider the result of the proceedings of this Commission as a full, perfect, and final settlement of all such claims as are mentioned in Article XII of this Treaty upon either Government; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred or laid before the said Commission, shall, from and after the conclusion of the proceedings of the said Commission, be considered as treated as finally settled, barred, and thenceforth inadmissible.

*XVIII. It is agreed by the High Contracting Parties, that, in addition to the liberty secured to the United States' fishermen by the Convention between Great Britain and the United States, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with

the subjects of Her Britannic Majesty, the liberty, for the term of years, mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks of the Provinces of Quebec, Nova Scotia and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto adjacent without being restricted to any distance from the shore, with permission to land upon the said coasts, and shores, and islands, and also upon the Magdalen Islands, for the purpose of drying their nets, and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers are hereby reserved exclusively for British fishermen.

*XIX. It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the 39th parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea-coasts and shores of the United States and of the said islands without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers are hereby reserved exclusively for fishermen of the United States.

*XX. It is agreed that the places designated by the Commissioners appointed under Article I of the Treaty between Great Britain and the United States, concluded at Washington

on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common right of fishing under that Treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding Articles. In case any question should arise between the Governments of Her Britannic Majesty and of the United States as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under the said Article I of the Treaty of the 5th of June, 1854.

*XXI. It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, fish-oil and fish of all kinds (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the Dominion of Canada, or of Prince Edward's Island, or of the United States, shall be admitted into each country respectively, free of duty.

*XXII. Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this Treaty are of greater value than those accorded by Articles XIX and XXI of this Treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States; it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this Treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this Treaty; and that any sum of money which the Commissioners may so award shall be paid by the United States' Government, in a gross sum, within twelve months after such award shall have been given.

*XXIII. The Commissioners referred to in the preceding Article shall be appointed in the following manner, that is to say: One Commissioner shall be named by Her Britannic

Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this Article shall take effect, then the third Commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its Agent, to represent it generally in all matters connected with the Commission.

*XXIV. The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this Treaty shall determine. They shall be bound to receive such oral or written testimony as either Government may present. If either party shall offer oral testimony, the other Party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If, in the Case submitted to the Commissioners, either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof; and either Party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission,

and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this Treaty.

*XXV. The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and Agent or Counsel; all other expenses shall be defrayed by the two Governments in equal moieties.

XXVI. The navigation of the River St. Lawrence, ascending and descending from the 45th parallel of north latitude; where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to ^{the} citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

The navigation of the Rivers Yukon, Porcupine, and Stikine, ascending and descending from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

XXVII. The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the High Contracting Parties on terms of equality with the inhabitants of the United States.

*XXVIII. The navigation of Lake Michigan shall also, for the term of years mentioned in Article XXXIII of this Treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States, or of the States bordering thereon, not inconsistent with such privilege of free navigation.

*XXIX. It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may from time to time be, specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper Custom House and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at the proper Custom House, and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations and conditions for the protection of the revenue, as the Governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

*XXX. It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Law-

rence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid; provided, that a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may for the like period carry in United States' vessels, without payment of duty, goods, wares, or merchandise from one port or place within the possessions of Her Britannic Majesty in North America, to another port or place within the said possessions; provided, that a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this Article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the legislatures of the other Colonies not to impose any export duties on goods, wares, or merchandise carried under this Article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this Article in favour of the subjects of Her Britannic Majesty.

The Government of the United States may suspend the right of carrying granted in favour of the subjects of Her Britannic Majesty under this Article, in case the Dominion of Canada should, at any time, deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

XXXI. The Government of Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislature of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State

of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick. And, in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of this Treaty, it is agreed that the Government of the United States may suspend the right of carrying hereinbefore granted under Article XXX of this Treaty for such period as such export or other duty may be levied.

XXXII. It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing Articles into effect, then this Article shall be of no effect; but the omission to make provision by law to give it effect, by either of the Legislative bodies aforesaid, shall not in any way impair any other Articles of this Treaty.

XXXIII. The foregoing Articles XVIII to XXV inclusive, and Article XXX of this Treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island, on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said Articles shall remain in force for the period of ten years from the date at which they may come into operation, and further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

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.

XXXV. The award of His Majesty the Emperor of Germany shall be considered as absolutely final and conclusive; and full effect shall be given to such award without any objection, evasion, or delay whatsoever. Such decision shall be given in writing and dated; it shall be in whatsoever form His Majesty may choose to adopt; it shall be delivered to the representatives or other public agents of Great Britain and of the United States respectively, who may be actually at Berlin, and shall be considered as operative from the day of the date of the delivery thereof.

XXXVI. The written or printed case of each of the two parties, accompanied by the evidence offered in support of the same, shall be laid before His Majesty the Emperor of Germany within six months from the date of the exchange of the ratifications of this Treaty, and a copy of such case and evidence shall be communicated by each party to the other, through their respective representatives at Berlin.

The High Contracting Parties may include, in the evidence to be considered by the Arbitrator, such documents, official correspondence, and other official or public statements bearing on the subject of the reference as they may consider necessary to the support of their respective cases.

After the written or printed case shall have been communicated by each Party to the other, each Party shall have the power of drawing up and laying before the arbitrator a second and definitive statement, if it think fit to do so, in reply to the case of the other Party so communicated, which definitive statement shall be so laid before the arbitrator, and also be mutually communicated in the same manner as aforesaid, by each Party to the other, within six months from the date of laying the first statement of the case before the arbitrator.

XXXVII. If, in the case submitted to the arbitrator, either Party shall specify or allude to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other through the arbitrator, to produce the originals or certified copies of any papers adduced as evidence giving in each instance such reasonable notice as the arbitrator may require. And if the arbitrator should desire further elucidation or evidence with regard to any point contained in the statements laid before him, he shall be at liberty to require it from either Party, and he shall be at liberty to hear one counsel or agent for each Party, in relation to any matter and at such time, and in such manner, as he may think fit.

XXXVIII. The representatives or other public agents of Great Britain and of the United States at Berlin respectively, shall be considered as the agents of their respective Governments to conduct their cases before the arbitrator, who shall be requested to address all his communications, and give all his notices, to such Representatives or other public agents, who shall represent their respective Governments generally in all matters connected with the arbitration.

XXXIX. It shall be competent to the arbitrator to proceed in the said arbitration, and all matters relating thereto, as when he shall see fit, either in person, or by a person or persons named by him for that purpose, either in the presence or absence of either or both agents, and either orally or by written discussion, or otherwise.

XL. The arbitrator may, if he think fit, appoint a secretary or clerk, for the purposes of the proposed arbitration, at such rate of remuneration as he shall think proper. This, and all

other expenses of and connected with the said arbitration, shall be provided for as hereinafter stipulated.

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.) MONTAGUE BERNARD.
 (L.S.) HAMILTON FISH.
 (L.S.) ROBT. C. SCHENCK.
 (L.S.) SAMUEL NELSON.
 (L.S.) EBENEZER ROCKWOOD HOAR.
 (L.S.) GEO. H. WILLIAMS.

* Terminated as from 2nd July, 1835, by notice given by the United States Government, 2nd July, 1833.

AWARD OF THE EMPEROR OF GERMANY ON THE INTERPRETATION OF THE TREATY BETWEEN GREAT BRITAIN AND THE UNITED STATES 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* 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.

* Sic. in orig. Query, May 8?

1873.

PROTOCOL BETWEEN GREAT BRITAIN AND THE UNITED STATES, 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 Majestat und der vereinigten Staaten von Amerika geschlossenen Vertrages de dato Washington den 15ten Juni, 1846, steht der Anspruch der Regierung der vereinigten Staaten am meissen im Einklange, dass die Grenzlinie zwischen den Gebieten Ihrer Britischen Majestat und den vereinigten Staaten durch den Haro Kanal gezogen werde."

The Undersigned, the Right Honourable Sir Edward Thornton, one of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and Rear-Admiral James Charles Prevost, Commissioner of Her Britannic Majesty in respect of the boundary aforesaid, and Hamilton Fish, Secretary of State of the United States, duly authorized by their respective Governments to trace out and mark on charts prepared for that purpose the line of boundary in conformity with the award of His Majesty the Emperor of Germany, and to complete the determination of so much of the boundary line between the possessions of Great Britain and the territory of the United States, as was left uncompleted by the Commissioners heretofore appointed to carry into effect Article I of the Treaty of 15th June, 1846, have met together at Washington, and have traced out and marked the said boundary line on four charts, severally entitled "North America, West Coast, Strait of Juan de Fuca, and the channels between the Continent and Vancouver Island, showing the Boundary line between British

and American Possessions, from the Admiralty Surveys by Captains H. Kellett, R.N., 1847, and G. H. Richards, R.N., 1858-1862;" and having on examination agreed that the lines so traced and marked on the respective charts are identical, they have severally signed the said charts on behalf of their respective Governments, two copies thereof to be retained by the Government of Her Britannic Majesty, and two copies thereof to be retained by the Government of the United States, to serve with the "Definition of the Boundary Line" attached hereto, showing the general bearings of the line of boundary as laid down on the charts, as a perpetual record of agreement between the two Governments in the matter of the line of Boundary between their respective dominions, under Article I of the Treaty concluded at Washington on the 15th of June, 1846.

In witness whereof the Undersigned have signed this Protocol, and have hereunto affixed their seals.

Done in duplicate at Washington, this 10th day of March, in the year 1873.

[L.S.] EDWD. THORNTON.

[L.S.] JAMES C. PREVOST.

[L.S.] HAMILTON FISH.

Definition of the Boundary Line.

The chart upon which the boundary line between the British and United States' possessions is laid down is entitled "North America, West Coast, Strait of Juan de Fuca, and the Channels between the Continent and Vancouver Island, showing the boundary line between British and American possessions, from the Admiralty Surveys by Captains H. Kellett, R.N., 1847, and G. H. Richards, R.N., 1858-1862."

The boundary line thus laid down on the chart is a black one shaded red on the side of the British Possessions, and blue on the side of the Possessions of the United States.

The boundary line thus defined commences at the point on the 49th parallel of north latitude on the west side of Point Robarts which is marked by a stone monument, and the line is continued along the same parallel to the middle of the channel which separates the Continent from Vancouver Island, that is to say, to a point in longitude $123^{\circ} 19' 15''$ west, as shown in the said chart.

It then proceeds in a direction about south 50° east (true) for about 15 geographical miles, when it curves to the southward passing equidistant between the west point of Patos Island and the east point of Saturna Island until the point midway on a line drawn between Turn Point on Stewart Island and Fairfax Point on Moresby Island bears south 68° west (true), distant 10 miles, then on a course south 68° west (true) 10 miles to the said point midway between Turn Point on Stewart Island and Fairfax Point on Moresby Island, thence on a course about south $12^{\circ} 30'$ east (true) for about $8\frac{3}{4}$ miles to a point due east 1 mile from the northernmost kelp reef, which reef, on the said chart, is laid down as in latitude $48^{\circ} 33'$ north and in longitude $123^{\circ} 15'$ west; then its direction continues about south $20^{\circ} 15'$ east (true) $6\frac{1}{8}$ miles to a point midway between Sea Bird Point on Discovery Island and Pile Point on San Juan Island, thence in a straight line south 45° east (true) until it touches the north end of the middle bank in between 13 and 18 fathoms of water; from this point the line takes a general south $28^{\circ} 30'$ west direction (true) for about 10 miles, when it reaches the centre of the fairway of the Strait of Juan de Fuca, which by the chart is in the latitude of $48^{\circ} 17'$ north and longitude $123^{\circ} 14' 40''$ west.

Thence the line runs in a direction south 73° west (true) for 12 miles to a point on a straight line drawn from the lighthouse on Race Island to Angelos Point, midway between the same.

Thence the line runs through the centre of the Strait of Juan de Fuca, first, in a direction north $80^{\circ} 30'$ west, about $5\frac{3}{4}$ miles to a point equidistant on a straight line between Beechy Head on Vancouver Island and Tongue Point on the shore of Washington Territory; second, in a direction north 76° west about $13\frac{1}{2}$ miles to a point equidistant in a straight line between Sherringham Point on Vancouver Island and Pillar Point, on the shore of Washington territory; third, in a direction north 68° west about $30\frac{3}{4}$ miles to the Pacific Ocean, at a point equidistant between Bonilla Point on Vancouver Island and Tatooch Island lighthouse on the American shore, the line between the points being nearly due north and south (true).

The courses and distances as given in the foregoing description are not assumed to be perfectly accurate, but are as nearly so as is supposed to be necessary to a practical defini-

tion of the line laid down on the chart and intended to be the boundary line.

(L.S.) EDWD. THORNTON.
 (L.S.) JAMES C. PREVOST.
 (L.S.) HAMILTON FISH.

1892.

CONVENTION BETWEEN GREAT BRITAIN AND THE UNITED STATES OF AMERICA, RESPECTING THE BOUNDARY BETWEEN THE DOMINION OF CANADA AND THE UNITED STATES (ALASKA AND PASSAMAQUODDY BAY).— SIGNED AT WASHINGTON, JULY 22, 1892.

(Ratifications exchanged at Washington, August 23, 1892.)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, being equally desirous to provide for the removal of all possible cause of difference between their respective Governments hereafter in regard to the delimitation of the existing boundary between Her Majesty's possessions in North America and the United States in respect to such portions of said boundary as may not in fact have been permanently marked in virtue of Treaties heretofore concluded, have resolved to conclude a Convention in furtherance of these ends, and for that purpose, have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable Michael H. Herbert, Chargé d'Affaires *ad interim* of Great Britain; and

The President of the United States, John W. Foster, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

ARTICLE 1.

The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the

boundary line of the Dominion of Canada and the United States of America dividing the province of British Columbia and the northwest territory of Canada from the Territory of Alaska, from the latitude of $54^{\circ} 40'$ north to the point where the said boundary line encounters the 141st degree of longitude westward from the meridian of Greenwich, by Commissions to be appointed severally by the High Contracting Parties with a view to the ascertainment of the facts and data necessary to the Permanent delimitation of said boundary line in accordance with the spirit and intent of the existing Treaties in regard to it between Great Britain and Russia, and between the United States and Russia.

Application will be made without delay to the respective legislative Bodies for the appropriations necessary for the prosecution of the survey, and the Commissions to be appointed by the two Governments shall meet at Ottawa within two months after said appropriation shall have been made, and shall proceed as soon as practicable thereafter to the active discharge of their duties.

The respective Commissions shall complete the survey and submit their final Reports thereof within two years from the date of their first meeting.

The Commission shall, so far as they may be able to agree, make a joint Report to each of the two Governments, and they shall also report, either jointly or severally to each Government on any points upon which they may be unable to agree.

Each Government shall pay the expenses of the Commission appointed by it.

Each Government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commissions, may be conducted within its territory by the Commission of the other.

The High Contracting Parties agree that, as soon as practicable after the report or reports of the Commissions shall have been received, they will proceed to consider and establish the boundary line in question.

ARTICLE II.

The High Contracting Parties agree that the Governments of Her Britannic Majesty in behalf of the Dominion of Canada, and of the United States shall, with as little delay as possible, appoint two Commissioners, one to be named by each party to

determine upon a method of more accurately marking the boundary line between the two countries in the waters of

Passamaquoddy Bay in front of and adjacent to Eastport, in the State of Maine, and to place buoys or fix such other boundary marks as they may determine to be necessary.

Each Government shall pay the expenses of its own Commissioner, and cost of marking the boundary in such manner as shall be determined upon shall be defrayed by the High Contracting Parties in equal moieties.

ARTICLE III.

The present Convention 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 at Washington within twelve months from the date hereof, or earlier if possible.

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

Done in duplicate at Washington, the 22nd day of July, one thousand eight hundred and ninety-two.

(Signed) (L.S.) MICHAEL H. HERBERT.
(Signed) (L.S.) JOHN W. FOSTER.

1894.

CONVENTION BETWEEN GREAT BRITAIN AND THE UNITED STATES SUPPLEMENTARY TO THE CONVENTION OF JULY 22, 1892, RESPECTING BOUNDARIES.—ALASKA AND PASSAMAQUODDY BAY.

SIGNED AT WASHINGTON, FEBRUARY 3, 1894.

(Ratifications exchanged at Washington, March 28, 1894)

The Governments of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and of the United States of America, being credibly advised that the labours of the Commission organized pursuant to the Convention which was concluded between the High Contracting Parties at Washington, July 22, 1892, providing for the delimitation of the existing boundary between Her Majesty's possessions in

North America and the United States, in respect to such portions of said boundary line as may not, in fact, have been permanently marked in virtue of Treaties heretofore concluded, cannot be accomplished within the period of two years from the first meeting of the Commission as fixed by that Convention, have deemed it expedient to conclude a supplementary Convention extending the term for a further period, and for this purpose have named as their respective Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Excellency Sir Julian Pauncefote, G.C.B., G.C.M.G., Ambassador Extraordinary and Plenipotentiary of Great Britain; and

The President of the United States, Walter Q. Gresham, Secretary of State of the United States;

Who, after having communicated to each other their respective Full Powers, which were found to be in due and proper form, have agreed upon the following Articles:—

ARTICLE I.

The third paragraph of Article I of the Convention of July 22, 1892, states that the respective Commissions shall complete the survey and submit their final reports thereof within two years from the date of their first meeting. The Joint Commissioners held their first meeting November 28, 1892; hence the time allowed by that Convention expires November 28, 1894. Believing it impossible to complete the required work within the specified period, the two Governments hereby mutually agree to extend the time to December 31, 1895.

ARTICLE II.

The present Convention 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 at Washington at the earliest practicable date.

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

Done in duplicate at Washington, the third day of February, 1894.

(L.S.) JULIAN PAUNCEFOTE,

(L.S.) W. Q. GRESHAM:

1903.

CONVENTION BETWEEN GREAT BRITAIN AND
THE UNITED STATES OF AMERICA, FOR THE
ADJUSTMENT OF THE BOUNDARY BETWEEN
THE DOMINION OF CANADA AND THE TERRI-
TORY OF ALASKA.—SIGNED AT WASHINGTON,
JANUARY 24, 1903.

(Ratifications exchanged at Washington, March 3, 1903.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, equally desirous for the friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the Convention between Great Britain and Russia, signed under date of the 16th (28th February), A.D. 1825, which clauses relate to the delimitation of the boundary line between the territory of Alaska, now in possession of the United States, and the British possessions in North America, have resolved to provide for the submission of the questions as hereinafter stated to a Tribunal and to that end have appointed their respective Plenipotentiaries, as follows:—

His Britannic Majesty, the Right Honourable Sir Michael H. Herbert, K.C.M.G., C.B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary; and

The President of the United States of America, John Hay, Secretary of State of the United States;

Who, after an exchange of their full powers, which were found to be in good and due form, have agreed upon the following Articles:

Article I. A Tribunal shall be immediately appointed to consider and decide the questions set forth in Article IV of this Convention. The Tribunal shall consist of six impartial jurists of repute, who shall consider judicially the questions submitted to them, each of whom shall first subscribe an oath that he will impartially consider the arguments and evidence presented to the Tribunal, and will decide thereupon according to his true judgment. Three members of the Tribunal shall be appointed by His Britannic Majesty and three by the President of the United States. All questions considered by the Tribunal,

including the final award, shall be decided by a majority of all the members thereof.

In case of the refusal to act, or of the death, incapacity, or abstention from service of any of the persons so appointed, another impartial jurist of repute shall be forthwith appointed in his place by the same authority which appointed his predecessor.

The Tribunal may appoint a Secretary and a Bailiff to perform such duties as they may prescribe, and may employ scientific experts if found to be necessary, and may fix a reasonable compensation for such officers. The Tribunal shall keep an accurate record of all its proceedings.

Each of the High Contracting Parties shall make compensation for the services of the members of the Tribunal of its own appointment and of any agent, counsel, or other person employed in its behalf, and shall pay all costs incurred in the preparation of its Case. All expenses reasonably incurred by the Tribunal in the performance of its duties shall be paid by the respective Governments in equal moieties.

The Tribunal may, subject to the provisions of this Convention, establish all proper rules for the regulation of its proceedings.

Article II. Each of the High Contracting Parties shall also name one person to attend the Tribunal as its Agent.

The written or printed case of each of the two parties, accompanied by the documents, the official correspondence, and all other evidence in writing or print on which each Party relies, shall be delivered in duplicate to each member of the Tribunal and to the Agent of the other Party as soon as may be after the organization of the Tribunal but within a period not exceeding two months from the date of the exchange of ratifications of this Convention.

Within two months after the delivery on both sides of the written or printed Case, either Party may, in like manner, deliver in duplicate to each member of the Tribunal, and to the Agent of the other Party, a Counter-Case, and additional documents, correspondence and evidence, in reply to the Case, documents, correspondence and evidence so presented by the other Party. The Tribunal may, however, extend this last mentioned period when in their judgment it becomes necessary, by reason of special difficulties which may arise in the procuring of such additional papers and evidence.

If in the Case submitted to the Tribunal either Party shall have specified or referred to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party shall demand it, within thirty days after the delivery of the Case, to furnish to the Party applying for it a duly certified copy thereof: and either Party may call upon the other, through the Tribunal, to produce the original or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Tribunal may require; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice.

Each Party may present to the Tribunal all pertinent evidence, documentary, historical, geographical, or topographical, including maps and charts, in its possession or control and applicable to the rightful decision of the questions submitted; and if it appears to the Tribunal that there is evidence pertinent to the case in the possession of either Party, and which has not been produced, the Tribunal may in its discretion order the production of the same by the Party having control thereof.

It shall be the duty of each Party, through its Agent, or Counsel, within two months from the expiration of the time limited for the delivery of the Counter-Case on both sides, to deliver in duplicate to each member of the said Tribunal and to the Agent of the other Party a written or printed argument showing the points and referring to the evidence upon which his Government relies, and either Party may also support the same before the Tribunal by oral argument of Counsel. The Tribunal may, if they shall deem further elucidation with regard to any point necessary, require from either Party a written, printed, or oral statement or argument upon the point; but in such case the other Party shall have the right to reply thereto.

Article III. It is agreed by the High Contracting Parties that the Tribunal shall consider in the settlement of the questions submitted to its decisions the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of the 28th (16th) February, A.D. 1825, and between the United States of America and the Emperor of All the Russias, concluded under date of the 18th (30th) March, A.D. 1867, and particularly the Articles III, IV and V of the first-mentioned Treaty, which in the original text are, word for word, as follows:—

“ III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du Continent et les Iles de l’Amérique Nord-ouest, sera tracée ainsi qu’il suit:—

“ À partir du point le plus méridional de l’île dite *Prince of Wales*, lequel point se trouve sous la parallèle du $54^{\circ} 40'$ de latitude nord, et entre le 131^e et le 133^e degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite *Portland Channel*, jusqu’au point de la terre ferme où elle atteint le 56^e degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu’au point d’intersection du 141^e degré de longitude ouest (même méridien); et, finalement, du dit point d’intersection, la même ligne méridienne du 141^e degré formera, dans son prolongement jusqu’à la mer glaciale, la limite entre les possessions Russes et Britanniques sur le Continent de l’Amérique Nord-ouest.

“ IV. Il est entendu par rapport à la ligne de démarcation déterminée dans l’Article précédent:—

“ 1. Que l’île dite *Prince of Wales* appartiendra tout entière à la Russie.

“ 2. Que partout où la crête des montagnes qui s’étendent dans une direction parallèle à la côte depuis le 56^e degré de latitude nord au point d’intersection du 141^e degré de longitude ouest se trouverait à la distance de plus de dix lieues marines de l’Océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de dix lieues marines.

“ V. Il est convenu, en outre, que nul établissement ne sera formé par l’une des deux Parties dans les limites que les deux Articles précédents assignent aux possessions de l’autre. En conséquence, les sujets britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu’elles sont désignées dans les deux articles précédents; et, de même, nul établissement ne sera formé par des sujets Russes au delà des dites limites.”

The Tribunal shall also take into consideration any action of the several Governments or of their respective Representatives preliminary or subsequent to the conclusion of said

Treaties, so far as the same tends to show the original and effective understanding of the Parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said Treaties.

Article IV. Referring to Articles III, IV, and V of the said Treaty of 1825, the said Tribunal shall answer and decide the following questions:—

1. What is intended as the point of commencement of the line?

2. What channel is the Portland channel?

3. What course should the line take from the point of commencement to the entrance to Portland Channel?

4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the ocean then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière* which was to belong to Russia be measured (1) from the mainland coast of the Ocean,

strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (a) from the line of the general direction of the mainland coast or; (b) from the line separating the waters of the Ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within ten marine leagues from the coast, are declared to form the eastern boundary?

Article V. The Tribunal shall assemble for their first meeting at London as soon as practicable after receiving their commissions, and shall themselves fix the times and places of all subsequent meetings.

The decision of the Tribunal shall be made so soon as possible after the conclusion of the arguments in the Case, and within three months thereafter, unless His Britannic Majesty and the President of the United States shall by common accord extend the time therefor. The decision shall be made in writing and dated, and shall be signed by the members of the Tribunal assenting to the same. It shall be signed in duplicate; one copy whereof shall be given to the Agent of His Britannic Majesty for his Government, and the other to the Agent of the United States of America for his Government.

Article VI. When the High Contracting Parties shall have received the decision of the Tribunal upon the questions submitted as provided in the foregoing Articles, which decision shall be final and binding upon all Parties, they will at once appoint, each on its own behalf, one or more scientific experts, who shall with all convenient speed, proceed together to lay down the boundary-line in conformity with such decision.

Should there be, unfortunately, a failure by a majority of the Tribunal to agree upon any of the points submitted for their decision, it shall be their duty to so report in writing to the respective Governments through their respective Agents. Should there be an agreement by a majority upon a part of the questions submitted, it shall be their duty to sign and report their decision upon the points of such agreement in the manner hereinbefore prescribed.

Article VII. The present Convention shall be ratified by His Britannic Majesty, and by the President of the United States, by and with the advice and consent of the Senate, and the ratifications shall be exchanged in London or in Washington so soon as the same may be effected.

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

Done at Washington, in duplicate, this 24th day of January, A.D. 1903.

(L.S.) MICHAEL H. HERBERT.
(L.S.) JOHN HAY.

AWARD OF THE ALASKA BOUNDARY TRIBUNAL
(QUESTION BETWEEN THE GOVERNMENTS OF
GREAT BRITAIN AND THE UNITED STATES).—
OCTOBER 20, 1903.

Whereas by a Convention signed at Washington on the 24th day of January, 1903, by Plenipotentiaries of and on behalf of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and of and on behalf of the United States of America, it was agreed that a Tribunal should be appointed to consider and decide the questions hereinafter set forth, such Tribunal to consist of six impartial Jurists of repute, who should consider judicially the questions submitted to them, each of whom should first subscribe an oath that he would impartially consider the arguments and evidence presented to the said Tribunal, and would decide thereupon according to his true judgment, and that three members of the said Tribunal should be appointed by His Britannic Majesty and three by the President of the United States;

And whereas it was further agreed by the said Convention that the said Tribunal should consider, in the settlement of the said questions submitted to its decision, the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias, under date of the 28th (16th) February, A.D. 1825, and between the United States of America and the Emperor of All the Russias, concluded under date of the 18th (30th) March, A.D. 1867, and particularly the Articles III, IV, and V of the first-mentioned Treaty, and should also

take into consideration any action of the several Governments or of their respective representatives, preliminary or subsequent to the conclusion of the said Treaties, so far as the same tended to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of the said Treaties ;

And whereas it was further agreed by the said Convention, referring to Articles III, IV, and V of the said Treaty of 1825, that the said Tribunal should answer and decide the following questions:—

1. What is intended as the point of commencement of the line ?

2. What channel is the Portland Channel ?

3. What course should the line take from the point of commencement to the entrance to Portland Channel ?

4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points ?

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the conditions that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of the said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich ?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière*, which was to belong to Russia, be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the

intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary?

And whereas His Britannic Majesty duly appointed Richard Everard, Baron Alverstone, G.C.M.G., Lord Chief Justice of England, Sir Louis Amable Jetté, K.C.M.G., Lieutenant-Governor of the Province of Quebec, and Allen Bristol Aylesworth, one of His Majesty's Counsel; and the President of the United States of America duly appointed the Honourable Elihu Root, Secretary of War of the United States, the Honourable Henry Cabot Lodge, Senator of the United States from the State of Massachusetts, and the Honourable George Turner, of the State of Washington, to be members of the said Tribunal:

Now, therefore, we, the Undersigned, having each of us first subscribed an oath, as provided by the said Convention, and having taken into consideration the matters directed by the said Convention to be considered by us, and having judicially considered the said questions submitted to us, do hereby make Answer and Award as follows:—

In answer to the 1st question—

The Tribunal unanimously agrees that the point of commencement of the line is Cape Muzon.

In answer to the 2nd question—

The Tribunal unanimously agrees that the Portland Channel is the channel which runs from about 55° 56' north latitude, and passes to the north of Pearse and Wales Islands.

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the Portland Channel, after passing to the north of Wales Island, is the channel between Wales Island and Sitklan Island, called Tongass Channel. The Portland Channel above mentioned is marked throughout its length by a dotted red line from the point B to the point marked C on the map signed in duplicate

by the members of the Tribunal at the time of signing their decision.

In answer to the 3rd question—

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the course of the line from the point of commencement to the entrance to Portland Channel is the line marked A B in red on the aforesaid map.

In answer to the 4th question—

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the point to which the line is to be drawn from the head of the Portland Channel is the point on the 56th parallel of latitude marked D on the aforesaid map, and the course which the line should follow is drawn from C to D on the aforesaid map.

In answer to the 5th question—

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the answer to the above question is in the affirmative.

Question 5 having been answered in the affirmative, question 6 requires no answer.

In answer to the 7th question—

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the mountains marked S on the aforesaid map are the mountains referred to as situated parallel to the coast on that part of the coast where such mountains marked S are situated, and that between the points marked P (mountain marked S, 8,000) on the north, and the point marked T (mountain marked S, 7,950) in the absence of further survey, the evidence is not sufficient to enable the Tribunal to say which are the mountains parallel to the coast within the meaning of the Treaty.

In witness whereof we have signed the above-written decision upon the questions submitted to us.

Signed in duplicate this 20th day of October, 1903.

ALVERSTONE.
ELIHU ROOT.
HENRY CABOT LODGE.
GEORGE TURNER.

Witness:

REGINALD TOWER, Secretary.

1905.

EXCHANGE OF NOTES BETWEEN THE BRITISH AND UNITED STATES GOVERNMENTS, RELATIVE TO THE ACCEPTANCE OF THE REPORT OF THE COMMISSIONERS TO COMPLETE THE AWARD* UNDER THE CONVENTION OF JANUARY 24, 1903, RESPECTING THE BOUNDARY LINE BETWEEN ALASKA AND THE BRITISH NORTH AMERICAN POSSESSIONS.—WASHINGTON, MARCH 25, 1905.

*United States Acting Secretary of State to H. M. Ambassador
at Washington.*

DEPARTMENT OF STATE, WASHINGTON,
March 25, 1905.

EXCELLENCY,

Referring to your note of the 1st October, and Mr. Hay's reply of the 2nd of December, 1904, in regard to the report by Messrs. O. H. Tittmann and W. F. King, the Commissioners appointed to carry out the delimitation of the Alaska boundary so far as it was left undefined by the Award of the London Tribunal, and concerning the character of an Agreement between the United States and Great Britain for the formal acceptance of the recommendations of the Commissioners by an exchange of notes, I have the honour to state, by direction of the President, that the Government of the United States agrees with the Government of His Britannic Majesty that the part of the boundary between Alaska and Canada lying between the points P and T mentioned in the Award of the Tribunal of 1903 shall be defined, in accordance with the general principles laid down by said Tribunal, by the summits whose geographical co-ordinates are given with sufficient approximation for identification in the attached Table, provided that the Commissioners are hereby empowered, after they have secured sufficient data, to select additional and intermediate peaks between the points 7 and 8 and 8 and T where the distances between the peaks given in the Table exceed the probable limit of inter-visibility: Provided also that no such additional and intermediate peak shall be more than 2,500 metres from the straight

* October 20, 1903, see page 77.

line joining peaks 7 and 8 or 8 and T of the attached Table, as follows:—

TABLE SHOWING THE POSITIONS AND DISTANCES OF PEAKS.

The latitudes and longitudes are taken from, and refer to, the maps Nos. 10 and 12 of the surveys made by the British Commission under the Convention of 1892. The successive peaks are designated by consecutive numbers, counting southward from point P.

Points.	Latitude.	Longitude.	From. To.		Approximate Distances.
	° ' "	° ' "			Metres.
Sheet 12—					
1.....	58 36 29	133 41 55	P	1	15,840
2.....	58 31 01	133 33 14	1	2	12,800
3.....	58 24 40	133 26 09	2	3	13,680
4.....	58 22 35	133 27 09	3	4	4,000
5.....	58 16 10	133 21 08	4	5	13,200
6.....	58 13 24	133 16 48	5	6	6,960
7.....	58 09 07	133 11 10	6	7	9,700
Sheet 10.....			7	8	81,440
8.....	57 29 47	132 32 52	8	T	36,800

Your acknowledgement of this communication, with a similar statement on behalf of the Government of His Majesty, will complete the agreed exchange of notes, and will confirm and give validity to the agreement reached by the Commissioners, thus completing the Award of the London Tribunal under the Convention of the 24th January, 1903, as to the above-described part of the Alaska boundary.

Expressing the President's satisfaction at this settlement of the matter, I have, &c.,

ALVEY A. ADEE,

Acting Secretary of State.

Sir H. M. Durand.

H. M. Ambassador at Washington to United States Secretary of State.

BRITISH EMBASSY, WASHINGTON, March 25, 1905.

SIR,—I have the honour to acknowledge the receipt of your note of this date in regard to the Report by Messrs. W. F. King and O. H. Titmann, the Commissioners appointed to carry out the delimitation of the Alaska boundary so far as it was left undefined by the Award of the London Tribunal, and concerning the character of an agreement between Great Britain and the United States for the formal acceptance of the recommendations of the Commissioners by an exchange of notes.

By direction and on behalf of the Government of His Britannic Majesty, I have the honour to state that the Government of His Majesty agrees with the Government of the United States that the part of the boundary between Canada and Alaska lying between the points P and T, mentioned in the Award of the Tribunal of 1903, shall be defined, in accordance with the general principles laid down by said Tribunal, by the summits whose geographical co-ordinates are given with sufficient approximation for identification in the attached Table, provided that the Commissioners are hereby empowered, after they have secured sufficient data, to select additional and intermediate peaks between the points 7 and 8 and 8 and T where the distances between the peaks given in the Table exceed the probable limit of intervisibility: Provided also that no such additional and intermediate peak shall be more than 2,500 metres from the straight line joining peaks 7 and 8 or 8 and T of the attached Table, as follows:—

TABLE SHOWING THE POSITIONS AND DISTANCES OF PEAKS.

The latitudes and longitudes are taken from, and refer to, the maps Nos. 10 and 12 of the surveys made by the British Commission under the Convention of 1892. The successive peaks are designated by consecutive numbers, counting southward from point P.

Points.	Latitude.	Longitude.	From. To.		Approximate Distances.
	° ' "	° ' "			Metres.
Sheet 12—					
1.....	58 36 29	133 41 55	P	1	15,840
2.....	58 31 01	133 33 14	1	2	12,800
3.....	58 24 40	133 26 09	2	3	13,680
4.....	58 22 35	133 27 09	3	4	4,000
5.....	58 16 10	133 21 08	4	5	13,200
6.....	58 13 24	133 16 48	5	6	6,960
7.....	58 09 07	133 11 10	6	7	9,700
Sheet 10.....			7	8	81,440
8.....	57 29 47	132 32 52	8	T	36,800

I am instructed to express the gratification of my Government that, by this exchange of notes, confirmation and validity are given to the Agreement reached by the Commissioners, thus completing the Award of the London Tribunal under the Convention of the 24th January, 1903, as to the above-described part of the Alaska boundary.

I have, &c.,

H. M. DURAND.

The Hon. John Hay.

1906.

CONVENTION BETWEEN GREAT BRITAIN AND THE UNITED STATES OF AMERICA RESPECTING THE BOUNDARY BETWEEN THE DOMINION OF CANADA AND ALASKA.—SIGNED AT WASHINGTON, APRIL 21, 1906.

(Ratifications exchanged at Washington, August 16, 1906.)

Whereas by a Treaty between the United States of America and His Majesty the Emperor of all the Russias, for the cession of the Russian possessions, in North America to the United States, concluded March 30, 1867, the most northerly part of the boundary line between the said Russian possessions and those of His Britannic Majesty, as established by the prior convention between Russia and Great Britain, of February 28th,

1825, is defined as following the 141st degree of longitude west from Greenwich, beginning at the point of intersection of the said 141st degree of west longitude with a certain line drawn parallel with the coast, and thence continuing from the said point of intersection, upon the said meridian of the 141st degree in its prolongation as far as the Frozen Ocean:

And whereas, the location of said meridian of the 141st degree of west longitude between the terminal points thereof defined in said Treaty, is dependent upon the scientific ascertainment of convenient points along the said meridian and the survey of the country intermediate between such points, involving no question of interpretation of the aforesaid Treaties but merely the determination of such points and their connecting lines by the ordinary processes of observation and survey conducted by competent astronomers, engineers and surveyors;

And whereas such determination has not hitherto been made by a joint survey as is requisite in order to give complete effect to said Treaties:

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, being equally desirous to provide for the surveying and marking out upon the ground of the said astronomical line established by existing treaties, and thus to remove any possible cause of difference between their respective governments in regard to the location of the said 141st meridian of west longitude, have resolved to conclude a Convention to that end, and for that purpose have appointed their respective Plenipotentiaries:

His Britannic Majesty, The Right Honourable Sir H. Mortimer Durand, G.C.M.G., K.C.S.I., K.C.I.E., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States; and

The President of the United States of America, The Honourable Elihu Root, Secretary of State of the United States:

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have agreed to and concluded the following Articles:—

Article I. Each Government shall appoint one Commissioner with whom may be associated such surveyors, astronomers and other assistants as each Government may elect.

The Commissioners shall at as early a period as practicable ascertain by the telegraphic method a convenient point on the 141st meridian of west longitude and shall then proceed under their joint direction and by their joint operations in the field, to trace and mark so much of a north and south line passing through said point as is necessary to be defined for determining the exact boundary line as established by the said Convention of ²⁸/₁₆ February, 1825, between the possessions in America of His Britannic Majesty, and the adjacent possessions in America formerly belonging to His Majesty the Emperor of all the Russias and ceded to the United States by the said Treaty of 30th March, 1867.

Article II. The location of the 141st meridian as determined hereunder shall be marked by intervisible objects, natural or artificial, at such distances apart as the Commissioners shall agree upon and by such additional marks as they shall deem necessary, and the line when and where thus marked, in whole or in part, and agreed upon by the Commissioners, shall be deemed to define permanently for all international purposes the 141st meridian mentioned in the treaty of February 28 (16), 1825, between Great Britain and Russia.

The location of the marks shall be described by such views, maps and other means as the Commissioners shall decide upon and duplicate records of these descriptions shall be attested by the Commissioners jointly and be by them deposited with their respective governments, together with their final report hereinafter mentioned.

Article III. Each Government shall bear the expenses incident to the employment of its own appointees and of the operations conducted by them, but the cost of material used in permanently marking the meridian, and of its transportation and erection in place, shall be borne equally and jointly by the two Governments.

Article IV. The Commissioners shall diligently prosecute the work to its completion and they shall submit to their respective Governments from time to time, and at least once in every calendar year, a joint report of progress, and a final comprehensive report upon the completion of the whole work.

Article V. The present Convention shall be duly ratified by His 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 at London or at Washington as soon as possible.

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

Done in duplicate at Washington this twenty-first day of April, in the year of our Lord one thousand nine hundred and six.

(L.S.) H. M. DURAND.
(L.S.) ELIHU ROOT.

FIRST JOINT REPORT OF THE COMMISSIONERS FOR THE DEMARCATION OF THE 141ST DE- GREE OF WEST LONGITUDE.

The undersigned Commissioners, appointed in virtue of the first Article of the Convention between the United States and Great Britain, signed at Washington on the 21st April, 1906, have the honour to present their first report upon the progress of the demarcation of the one hundred and forty-first meridian of west longitude where it forms the boundary line between the United States and Canada.

By Article I of the Convention it was provided that the survey of the line should be based upon a telegraphic determination of the longitude at some convenient point. When the undersigned became aware that the terms of the Convention had been agreed upon, they were met by the consideration that the refined astronomical observations requisite for this determination could not properly be made except during the summer, while the reduction of the observations would require a considerable time. In order that full advantage of the summer season of 1907 should be taken in the survey of the line, with a view especially to meeting urgent demands which had been made for an early demarcation of that portion which extends southward from the Yukon River to the St. Elias Alps, it appeared desirable that the astronomical observations which were a necessary preliminary to the operations should be completed during 1906.

The undersigned, having these circumstances in mind, decided to utilize in advance of the formal ratification and proclamation of the Convention, the organizations which are under their direction, namely, the Astronomical Branch of the Department of the Interior of Canada and the United States

Coast and Geodetic Survey, in performing the astronomical work. Accordingly, observers were sent out about the end of July, who completed the necessary observations in August and September. The computations were made during the winter.

The only point of the 141st meridian which is in telegraphic communication with outside points is the crossing of the Yukon River. This point, therefore, was necessarily chosen for the astronomical determination. The telegraphic connection is by the lines of the Canadian Government and the Canadian Pacific Railway Company with Vancouver, B.C.; and also by the United States Government line, with Ft. Egbert, Alaska.

The longitude at Vancouver and Ft. Egbert, as reckoned from Greenwich, had already been determined by operations carried on under the two Governments and by the most approved methods. Hence a determination of the meridian by two telegraphic routes was possible, and as such double determination would result in increased accuracy, it was resolved upon, and observers were sent to each of the three stations, Vancouver, Ft. Egbert and the meridian.

When the observations had been reduced the records and computations were examined by both Commissioners who, at a conference held in Ottawa in March last, agreed upon instructions to the line surveyors that the final and agreed longitude of the observing pier at the Yukon River was 9h. 24m. 0s. 027 west of Greenwich, or seventeen feet, approximately, to the west of the true meridian of one hundred and forty-one degrees west of Greenwich.

In pursuance of instructions prepared by the Commissioners at the conference above mentioned, a joint party was sent out in March for the purpose of establishing the initial point and determining the direction of the meridian. At the opening of navigation on the Yukon River in May, a joint survey party followed.

Two aluminum-bronze monuments have been placed to mark the meridian at the crossing of the Yukon, one on each bank, and at this date the tracing out of the line southward, and the triangulation and topographical work of the survey, are in active progress.

W. F. KING,
H. B. M. Commissioner.

O. H. TITTMANN,
U. S. Commissioner.

OTTAWA, 27th August, 1907.

SECOND JOINT REPORT OF THE COMMISSIONERS
FOR THE DEMARCATION OF THE MERIDIAN
OF THE 141st DEGREE OF WEST LONGITUDE.

The undersigned Commissioners, appointed in virtue of the First Article of the Convention between Great Britain and the United States, signed at Washington on the 21st April, 1906, have the honour to present their second report upon the progress of the demarcation of the 141st meridian where it forms the boundary line between Canada and the United States.

The joint party, referred to in our former report, who were sent out in March, 1907, to establish the initial point and to determine the direction of the meridian, completed that work, and had the meridian marked for a distance of two miles south of the Yukon River by the time the main survey party arrived in June.

The operations of the season were conducted as follows:—

One joint party carried on the accurate prolongation of the meridian, southward, and established governing points on the boundary.

Another party carried on a triangulation for the purpose of accurate measurement along the line, made a plane table survey on a scale of $\frac{1}{45,000}$, extending two miles on each side of the line, and cut out a vista through the woods where these occur. The plane topography was supplemented by a photo-topographical survey on either side of the boundary.

The mileage of the season of 1907 was: Establishment of points on the meridian, 130 miles, from just north of the Yukon River to the hill in the bend of Scottie River; triangulation, 61 miles, to the hill south of Sixty-mile River; cutting out the line and marking the sites for monuments, 52 miles; and the topographic surveys, 46 miles. No permanent monuments were set during this season, except the two at the Yukon River.

During the season of 1908, the distribution of the force was somewhat different from that of the previous season; one joint party produced the meridian as before, but the auxiliary work of triangulation, topography and line cutting was divided among three parties. A party to plant the permanent monuments was added and a levelling party to determine the elevation of a point on the meridian referred to sea level at Skagway, via Whitehorse.

The mileage of the season of 1908 was: Prolongation of the meridian and establishment of governing points, 75 miles from the terminal point of 1907, to a point about two miles south of White River; triangulation, 77 miles, to the hill in the bend of Scottie River, topography, 65 miles, to the hill south of the main branch of Ladue River; the line cutting, 45 miles, to the main branch of Ladue River; and levelling 159 miles. Permanent monuments were set at the points determined upon during the previous year, from Yukon River to Sixty-mile River. These monuments are of aluminum-bronze; one of them, on the north bank of Forty-mile River, is a large one, similar to those set at the crossing of Yukon River (six feet high, one foot square at base), the others are of smaller pattern, like those used on the boundary of the coast strip of Alaska (30 inches high).

W. F. KING,
H. B. M. Commissioner.

O. H. TITTMANN,
U. S. Commissioner.

OTTAWA, 29th December, 1908.

THIRD JOINT REPORT OF THE COMMISSIONERS FOR THE DEMARCATION OF THE MERIDIAN OF THE 141ST DEGREE OF WEST LONGITUDE.

The undersigned Commissioners, appointed in virtue of the First Article of the Convention between the United States and Great Britain, signed at Washington on the 21st April, 1906, have the honour to present their third report upon the progress of the demarcation of the 141st meridian where it forms the boundary line between the United States and Canada.

The operations of the season of 1909 were conducted as follows:—

One joint party carried on the accurate prolongation of the line, northward from the Yukon River to a ridge between two main tributaries of Nation or Takandik Creek, a distance of 40 miles and then returned to Eagle, Alaska, where a division of the party was made, part going up the Porcupine and Black Rivers for the purpose of determining the feasibility of using these routes for the transportation of supplies for the work of future seasons; the other part carrying on a scheme of triangu-

lation for the computation of accurate measurements along the boundary, extending the triangulation 43 miles, Northward, from the Yukon River to stations in the same locality as the terminus of the line.

One sub-party continued the cutting of the boundary vista, twenty feet wide, along the projected meridian, for 40 miles and planted 12 of the small aluminum-bronze monuments. The precise levelling for the determination of a point on the meridian, referred to sea level at Skagway, Alaska, was continued. It was completed between White Pass Summit and Whitehorse, and from the terminus of last season's operations for a distance of 164.5 miles along the Dawson wagon road to a point at Eureka Creek, about 52 miles from Dawson, October 8th, distant 398 miles from White Pass Summit.

For the work South of the Yukon River, the parties marched on foot 300 miles overland early in the season from Whitehorse, to a point on the meridian determined in 1908, $1\frac{1}{2}$ miles south of the White River. From this point the line was jointly projected, southward, for ten miles to a minor ridge of Mt. Natazhat.

The stretch of boundary from the present terminus near Mt. Natazhat to Mt. St. Elias, a distance of 89 miles, of very inaccessible country, will not be taken up at the present time.

One party consisting of three sub-parties, cut the vista both ways from the White River for a total distance of 60 miles, set two large monuments, one on each bank of the White River, 4 of the smaller monuments between the White River and Natazhat Ridge and 15 between White River and Snag River.

Another party, sub-divided into 5 parties, completed a belt of topography on the scale of 1-45,000 from the main ridge of Mt. Natazhat to the hill south of the main fork of Ladue River—the most southerly point reached by the topographers in 1908.

Triangulation was carried from points near Mt. Natazhat, Northward, 83 miles to the range of hills in the bend of Scottie River, connecting with stations established the previous season. In addition to this, a scheme of triangulation was run up the White River to Skolai Pass—22 miles—for the purpose of determining the positions of the mountains in the neighbourhood of the boundary.

A recapitulation of the work done by the various parties in 1909 shows the following results:—

Line projection	50 miles.
Length of triangulation, net	149 "
Length of topographic belt	112 "
Vista cut	100 "
Number of permanent monuments planted	33
Precise levels run	241 "

The whole survey and demarcation between the point mentioned near Natazhat Ridge and the Yukon River, a distance of 215 miles, has now been completed with the exception of the vista cutting for a distance of 57 miles, and the placing of the final monuments for about 101 miles.

W. F. KING,
H. B. M. Commissioner.

O. H. TITTMANN,
U. S. Commissioner.

WASHINGTON, December, 1909.

FOURTH JOINT REPORT OF THE COMMISSIONERS FOR THE DEMARCATION OF THE MERIDIAN OF THE 141st DEGREE OF WEST LONGITUDE.

The undersigned Commissioners, appointed in virtue of the First Article of the Convention between the United States and Great Britain, signed at Washington on the 21st of April, 1906, have the honour to present their fourth annual report upon the progress of the demarcation of the 141st meridian where it forms the boundary line between the United States and Canada.

By reference to our third annual report, it will be seen that between Natazhat Ridge and the Yukon River, there remained 57 miles of vista cutting and 101 miles of monumenting to be done in order to complete the work between Mount Natazhat and the crossing of the boundary on the Yukon River.

During the past season this work was done, thus completing the boundary between Natazhat Ridge and the Yukon River. A second joint party traced the line from a point about 40 miles

north of the Yukon River, the terminus of last year's work, to 10 miles north of the crossing on the Porcupine River, and the same stretch of country was covered by a belt of triangulation. The topography was taken up at the Yukon River and a belt was mapped for a distance of 144 miles northward from the initial point on the Yukon to latitude $67^{\circ} 43' N$. The line cutting was begun at a point about 40 miles north of the Yukon and carried northward about 63 miles and the monumenting was completed for a distance of 45 miles, reaching latitude $65^{\circ} 55' N$. The line of precise levels connecting the tidal station at Skagway, by way of White Pass and Dawson, with a point on the 141st meridian has been completed.

A recapitulation of the work done by the various parties in 1910, shows the following results:

Line projection, 157 miles.
 Length of triangulation net, 152 miles.
 Length of topographic belt, 144 miles.
 Distance monumented, 146 miles.
 Number of monuments planted, 49.
 Precise levels run, 130 miles.
 Vista opened and stadia line, 118 miles.

W. F. KING,
His Britannic Majesty's Commissioner.

O. H. TITTMANN,
United States Commissioner.

December 28, 1910.

FIFTH JOINT REPORT OF THE COMMISSIONERS
 FOR THE DEMARCATION OF THE MERIDIAN
 OF THE 141st DEGREE OF WEST LONGITUDE.

The undersigned Commissioners appointed by virtue of the First Article of the Convention between the United States and Great Britain, signed at Washington on the 21st of April, 1906, have the honour to present their Fifth Annual Report upon the progress of the demarcation of the 141st Meridian, where it forms the boundary line between the United States and Canada.

By reference to our Fourth Annual Report it will be seen that at the close of the survey season of 1910 the line tracing had been completed from near Mt. Natazhat in latitude $61^{\circ} 34'$, northward to latitude $67^{\circ} 33'$. During the season of 1911 the line tracing was carried a distance of about 124 miles to latitude $69^{\circ} 20'$ at which point the Arctic Ocean was plainly visible but a few miles distant.

The triangulation was carried in 1911 from latitude $67^{\circ} 29'$ to latitude $68^{\circ} 54'$, a distance of 100 miles, and the topography from $66^{\circ} 43'$ to $69^{\circ} 04'$, 164 miles.

Vista cutting and stadia measurements were carried on by two parties, one of which working northward from the point reached last year between the Yukon and Porcupine rivers, completed 115 miles, and the other working northward from the Porcupine River, completed 99 miles.

The final monumenting was completed on 25 miles of the line between the Yukon and Porcupine rivers, and on 75 miles north of the Porcupine River.

The epidemic of smallpox at Rampart House, which developed from one case on July 23rd to 71 cases on September 10th, delayed none of the parties in the field, as they had gotten well away from Rampart House before the disease appeared. Probably if it had not been for the smallpox some topography would have been done in the fall in the vicinity of the Porcupine above and below Rampart House. Instead, however, of waiting there for the steamer the parties were obliged to assemble at a point some 65 miles lower down the river.

It was not possible to use any Indians at Rampart House, as we intended, for handling the 300 tons of freight brought up the river during the summer by the Northern Navigation Company's boats, and by the survey launches. This freight was all handled by the half-dozen members of the survey party who happened to be at Rampart, every man turning in, even to chiefs and cooks, assisted at times by the launch crews. This prevented the officers in charge of the field work from going out north along the line during the latter part of July as they had hoped to do, to study the situation for next year. If it had not been for this delay at Rampart, it is probable that a much greater proportion of next year's supplies would have been sent at least part of the way up the Old Crow. As it is, about 30 tons only are any further than Rampart House. It is hoped, however, to have the launches in early next season and

to have supplies at the line before the men and horses can get across country from Rampart House.

Respectfully submitted,

O. H. TITTMANN,
United States Commissioner.

W. F. KING,
H. B. M. Commissioner.

Washington,
December 29, 1911.

SIXTH JOINT REPORT OF THE COMMISSIONERS FOR THE DEMARCATION OF THE MERIDIAN OF THE 141ST DEGREE OF WEST LONGITUDE.

The undersigned Commissioners, appointed by virtue of the First Article of the Convention between the United States and Great Britain, signed at Washington on the 21st of April, 1906, have the honour to present their Sixth Annual Report upon the progress of the demarcation of the 141st Meridian, where it forms the boundary line between the United States and Canada.

By reference to our Fifth Annual Report, it will be seen at the close of the survey season of 1911, the line tracing had been completed from near Mt. Natazhat, in latitude $61^{\circ} 34'$, northward to latitude $69^{\circ} 20'$. During the season of 1912 the line was carried northward 22 miles to the shore of the Arctic Ocean in latitude $69^{\circ} 39'$.

The triangulation was carried in 1912 from latitude $68^{\circ} 54'$ to the Arctic Ocean, a distance of 51 miles, and extended eastward along the shore 25 miles, to determine the relation of the terminal monument to the general shoreline.

Topography was carried northward along the meridian by one double topographic party from latitude $69^{\circ} 04'$ to latitude $69^{\circ} 39'$, a distance of $40\frac{1}{2}$ miles, and then expanded westward along the coast to longitude $141^{\circ} 30'$ and eastward to longitude $140^{\circ} 48'$. This topography takes in the natural features nearest the boundary,—Icy Reef, Beaufort Bay, and Demarcation Point to the west, and Clarence Bay to the east.

Vista cutting and stadia measurements were carried on from latitude $68^{\circ} 50' 40''$ to the ocean coast, a distance of 58 miles.

Another vista cutting and stadia party operated south of the Porcupine River a distance of 33 miles, connecting with the work completed in 1911.

The final monumenting, north of the Porcupine River, was completed to the ocean from latitude $68^{\circ} 30'$, where it terminated in 1911, over a distance of 80 miles, and, south of the Porcupine, over 78 miles.

In all 56 monuments were placed this year.

The monuments were all inspected and numbered from the Arctic Coast to the Yukon River, the most northerly monument being No. 1. From the Arctic Ocean to the Yukon River there are 115 monuments in a distance of 344 miles, or an average of one monument to 3 miles.

The demarcation of the boundary line has therefore been completed north of the Yukon River. Between the Yukon River and Mt. Natazhat there remains only the inspection and numbering of the monuments which can be completed by a relatively small party during the coming season.

South of Mt. Natazhat the boundary extends to the vicinity of Mt. St. Elias, a distance of 84 miles, in a very difficult mountainous region. A triangulation party and a topographic party were sent in to make surveys preliminary to the defining of the line in this region. Triangulation was carried from trigonometric station which had been established in Scolai Pass in 1909, down Scolai Creek, across country to the Chitina River, and up Chitina River to within about 30 miles of the boundary, a distance altogether of about 90 miles. Plane table topography was carried across the boundary, from the mouth of Canyon Creek on the Chitina, up the valley of the latter, taking in the tops of ridges on either side, and photographs were taken from which a considerable additional area may be plotted.

Respectfully submitted,

W. F. KING,

H. B. M. Commissioner.

O. H. TITTMANN,

U. S. Commissioner.

WASHINGTON, December 12, 1912.

1908.

TREATY BETWEEN THE UNITED KINGDOM AND THE
UNITED STATES OF AMERICA RESPECTING THE
DEMARCATIION OF THE INTERNATIONAL BOUNDARY
BETWEEN THE UNITED STATES AND THE DOMINION
OF CANADA.

SIGNED AT WASHINGTON, April 11 1908.

Ratifications exchanged at Washington, June 4, 1908.

His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, and the United States of America, being desirous of providing for the more complete definition and demarcation of the international boundary between the United States and the Dominion of Canada, have for that purpose resolved to conclude a Treaty, and to that end have appointed as their Plenipotentiaries:

His Britannic Majesty, Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Elihu Root, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

The boundary through Passamaquoddy Bay.

The High Contracting Parties agree that each shall appoint, without delay, an expert geographer or surveyor to serve as Commissioners for the purpose of more accurately defining and marking the international boundary line between the United States and the Dominion of Canada in the waters of Passamaquoddy Bay from the mouth of the St. Croix River to the Bay of Fundy, and that in defining and marking said boundary line the Commissioners shall adopt and follow, as closely as may be, the line surveyed and laid down by the Commissioners appointed under Article II of the Treaty of July 22, 1892, between Great Britain and the United States, so far

as said Commissioners agreed upon the location of said line, namely:

(1.) From a point at the mouth of the St. Croix River defined by the ranges established by them by a connected series of six straight lines defined by ranges and cross ranges, to a point between Treat Island and Friar Head, likewise defined by ranges and cross ranges established by them; and also

(2.) From a point in Quoddy Roads, defined by the intersection of the range passing through the position of the Beacon of 1886 and Lubec Channel Light, with a range established by them on the west shore of Quoddy Roads along the course of this latter range, which is about $80^{\circ} 35'$ east of true south, into the Bay of Fundy.

In ascertaining the location of the above-described line, the Commissioners shall be controlled by the indications of the range marks and monuments established along its course by said former Commissioners and by the charts upon which the said Commissioners marked the line as tentatively agreed upon by them.

The remaining portion of the line, lying between the two above-described sections, and upon the location of which said former Commissioners did not agree, shall pass through the centre of the Lubec Narrows Channel between Campo Bello Island and the mainland, and, subject to the provisions hereinafter stated, it shall follow on either side of the said Narrows such courses as will connect with the parts of the line agreed upon as aforesaid, and such boundary shall consist of a series of straight lines defined by distances and courses; but inasmuch as differences have arisen in the past as to the location of the line with respect to Pope's Folly Island above Lubec Narrows and with respect to certain fishing grounds east of the dredged channel below Lubec Narrows, it is agreed that each of the High Contracting Parties shall present to the other within six months after the ratification of this Treaty a full printed statement of the evidence, with certified copies of original documents referred to therein which are in its possession, and the arguments upon which it bases its contentions, with a view to arriving at an adjustment of the location of this portion of the line in accordance with the true intent and meaning of the provisions relating thereto of the Treaties of

1783 and 1814 between Great Britain and the United States, and the award of the Commissioners appointed in that behalf under the Treaty of 1814; it being understood that any action by either or both Governments or their representatives authorized in that behalf or by the local governments on either side of the line, whether prior or subsequent to such Treaties and award, tending to aid in the interpretation thereof, shall be taken into consideration in determining their true intent and meaning. Such agreement, if reached, shall be reduced to writing in the form of a protocol and shall be communicated to the said Commissioners, who shall lay down and mark this portion of the boundary in accordance therewith and as herein provided.

In the event of a failure to agree within six months after the date of exchanging the printed statements aforesaid, the question of which Government is entitled to jurisdiction over such island and fishing grounds under Treaty provisions, and proceedings thereunder, interpreted in accordance with their true intent and meaning as above provided, and by reason of any rights arising under the recognized principles of international law, shall be referred forthwith for decision upon the evidence and arguments submitted as aforesaid, with such additional statement of facts as may be appropriate, and an argument in reply on each side, to an arbitrator to be agreed upon by the two Governments, or, in case of a failure to agree, to be appointed by a third Power selected by the two Governments by common accord, or, if no agreement is thus arrived at, each Government shall select a different Power and the choice of the arbitrator shall be made in concert by the Powers thus selected. The decision of such arbitrator shall be final, and the line shall be laid down, and marked by the said Commissioners in accordance therewith and as herein provided.

The arbitrator shall be requested to deliver, together with his award, a statement of all the costs and expenses incurred by him in connection with the arbitration, which shall forthwith be repaid by the two Governments in equal moieties.

It is further agreed that if, under the foregoing provisions, the boundary to be located through the channel to the east of the dredged channel above mentioned, the latter shall be equally free and open for the passage of ships, vessels, and boats of both parties.

The entire boundary shall be marked by permanent range marks established on land and, if desirable in the opinion of Commissioners, by buoys in the water, so far as practicable, and by such other boundary marks and monuments and at such points as the Commissioners may determine to be necessary; but the said Commissioners shall proceed to define and mark and chart the portion of the line agreed upon by the former Commissioners under the Treaty of 1892 aforesaid without waiting for the final determination of the location of the remaining portion of the line.

The course of the said boundary line as defined and marked as aforesaid shall be laid down by said Commissioners on quadruplicate sets of accurate modern charts prepared or adopted by them for that purpose, which charts shall be certified and signed by the Commissioners, and two duplicate originals thereof shall be filed by them with each Government; and they shall also prepare in duplicate and file with each Government a joint report or reports under their hands and seals describing in detail the course and location of the boundary line and the range marks and monuments and buoys marking it.

The line so defined and laid down shall be taken and deemed to be the international boundary from the Bay of Fundy to the mouth of the St. Croix River, as established by Treaty provisions and the proceedings thereunder.

ARTICLE II.

The boundary from the mouth to the source of the St. Croix River.

Whereas Article II of the Treaty of 1783 between Great Britain and the United States provides that a line drawn along the middle of the River St. Croix from its mouth in the Bay of Fundy to its source shall be, between those points, the international boundary between the United States and the British possessions in North America, and the identity of the River St. Croix has been determined by the Commissioners appointed for that purpose under Article V of the Treaty of 1794 between Great Britain and the United States, and the location of the mouth and the source of said river has been duly established, and the course of said river has been described, surveyed, and charted by said Commissioners, as appears from their joint report dated the 25th day of October, 1798, and from the chart

or plan of said river prepared and filed by them with said report, but said line of boundary along the middle of said river was not laid down by them on said chart or plan, and was not marked or monumented by them along the course of said river; and whereas, pursuant to an additional article, dated March 15, 1798, supplementing the provisions of the Treaty of 1794 above referred to, a monument was erected by joint action of the two Governments marking the source of the River St. Croix, but said line of boundary through the River St. Croix has not otherwise been monumented and has never been laid down on charts by joint action of the two Governments; therefore, in order to complete and render thoroughly effective the demarcation of the boundary described and established as aforesaid,

It is agreed that each of the High Contracting Parties shall appoint, without delay, an expert geographer or surveyor as a Commissioner, and the Commissioners so appointed shall jointly lay down upon accurate modern charts, to be prepared or adopted by them for that purpose, the line of boundary along the middle of the River St. Croix from its mouth to its source as defined and established by the existing Treaty provisions and the proceedings thereunder, above referred to, with the agreed understanding, however, that the line of boundary through said river shall be a water line throughout and shall follow the centre of the main channel or thalweg as naturally existing, except where such course would change, or disturb, or conflict with the national character of an island as already established by mutual recognition and acquiescence, in which case the line shall pass on the other side of any such island, following the middle of the channel nearest thereto, or, if the Commissioners find that the national character of any island is in dispute, the question of its nationality shall be submitted by them to their respective Governments, with a chart or map certified jointly by said Commissioners, showing the depth and volume of the water at its high and low stages between such island and the river banks on each side and indicating the course of the main channel of the river as it passes such island, together with a descriptive statement by said Commissioners showing the reasons for selecting such channel as the main channel; and in all such cases the High Contracting Parties agree that the location of the boundary with respect to each island in dispute shall be determined and settled in accordance with the following rules:

(1) The nationality of each island in dispute shall be determined by the predominance of the claims established on either side to such island, arising from the exercise of jurisdiction and sovereignty over it, including such exercise of jurisdiction by the local governments on either side of the line.

(2) The burden of proving the nationality of any such island shall be upon the party seeking to change the general course of the boundary as above prescribed so as to include such island on its side of the boundary.

(3) The selection by the Commissioners of the main channel passing such island shall not be conclusive upon the parties hereto and is subject to review, but the burden of proving the main channel to be other than the one selected shall be upon the party proposing the change.

The Government proposing such change in the prescribed course of the boundary shall, upon the submission of the question of the nationality of any island or islands by the Commissioners as aforesaid, promptly present to the other Government a printed statement, with certified copies of any original documents in its possession referred to therein, showing the grounds and arguments upon which its claim of jurisdiction and ownership with respect to such island rests. Unless an agreement is reached upon the presentation of such statement, the Government to which statement is presented shall within six months after its receipt present in reply a similar statement showing the grounds and arguments upon which the claims of the other Government are contested. If an agreement is reached between the two Governments, it shall be reduced to writing in the form of a protocol and shall be communicated to the said Commissioners, who shall proceed to lay down and mark the boundary so as to leave such island on the side of the boundary to which it is shown it belongs, in accordance with the determination of its nationality arrived at as aforesaid.

In the event of a failure by the two Governments to come to an agreement within six months after the presentation of the printed statements in reply hereinabove provided for, then the question of the nationality of the islands in dispute shall be referred forthwith for decision under the rules hereinabove set forth for the determination of that question, and under

the recognized principles of international law not inconsistent therewith, and upon the evidence and arguments submitted as aforesaid, with such additional statement of facts as may be appropriate, and such further printed argument on each side as may be desired, to an arbitrator to be agreed upon by the two Governments, or, in case of a failure to agree, to be appointed by a third Power selected by the two Governments by common accord, or, if no agreement is thus arrived at, each Government shall select a different Power and the choice of the arbitrator shall be made in concert by the Powers thus selected. The decision of such arbitrator shall be final, and the line shall be laid down and marked by the said Commissioners in accordance therewith and as herein provided.

The arbitrator shall be requested to deliver, together with his award, a statement of all the costs and expenses incurred by him in connection with the arbitration, which shall forthwith be repaid by the two Governments in equal moieties.

It is further agreed that so far as practicable the said Commissioners shall establish boundary monuments and ranges and buoys marking the course and location of the said line, and showing on which side of the boundary the several islands lying in said river belong, wherever in their judgment it is desirable that the boundary be so marked.

The charts upon which the boundary is marked as aforesaid shall be in quadruplicate, and shall be certified and signed by said Commissioners, and two duplicate originals thereof shall be filed by them with each Government, and it shall also be the duty of said Commissioners to prepare in duplicate, and file with each Government, a joint report under their hands and seals describing the line so marked by them and the monuments and range marks and buoys marking it.

The line so defined and laid down shall be taken and deemed to be the international boundary from the mouth to the source of the St. Croix River as established by Treaty provisions and the proceedings thereunder as aforesaid.

ARTICLE III.

The boundary from the source of the St. Croix River to the St. Lawrence River.

Whereas the remonumenting of the course of the boundary defined and laid down under the provisions of Articles I

and VI of the Treaty of August 9, 1842, between Great Britain and the United States has already been undertaken without a formal Treaty agreement, but by the joint and concurrent action of the Governments of Great Britain and the United States, certain monuments between Canada and Vermont having been relocated in 1849, and the portion of said boundary extending between Hall's Stream and the St. Lawrence River in part having been remonumented in recent years and in part is now being remonumented under such action on both sides; and whereas the Commissioners appointed under Article VI of the Treaty of 1842 aforesaid were required to and did mark by monuments the land portion only of said line, and were not required to and did not mark by monuments the portions of the boundary extending along water courses, with the exception that the nationality of the several islands in the St. John River was indicated by monuments erected thereon and a series of monuments was placed by them along the edge of certain of the water courses to fix the general direction of the boundary, most of which monuments have since disappeared, but the entire boundary, including its course through the waterways as well as on land, was charted and marked on maps by said Commissioners under the provisions of Article VI above referred to, and the nationality of the respective islands in the St. John River was determined by them, as appears from the joint report filed by said Commissioners dated June 28, 1847, and the series of maps signed by said Commissioners and filed with their joint report; and whereas the portion of the line through said waterways has not since been monumented or marked along its course by joint action of the two Governments, and the monuments placed by said Commissioners along the land portion of said boundary require repairing and renewing where such work has not already been done in recent years, and additional or supplementary intermediate monuments at convenient points are required under modern conditions: therefore, in order to carry on and complete the work already undertaken as aforesaid, and to re-establish the location of said boundary and render thoroughly effective the demarcation of the said boundary as existent and established,

It is agreed that each of the High Contracting Parties shall appoint, without delay, an expert geographer or surveyor as a Commissioner, and under the joint direction of such Commissioners the lost or damaged boundary monuments shall be

relocated and repaired, and additional monuments and boundary marks shall be established wherever necessary in the judgment of the Commissioners to meet the requirements of modern conditions along the course of the land portion of said boundary, and where the said boundary runs through waterways it shall be marked along its course, so far as practicable, by buoys and monuments in the water and by permanent ranges established on the land, and in such other way and at such points as in the judgment of the Commissioners it is desirable that the boundary be so marked; and it is further agreed that the course of the entire boundary, as described in Article I of the Treaty of 1842 and as laid down as aforesaid under Article VI of that Treaty, shall be marked by said Commissioners upon quadruplicate sets of accurate modern charts prepared or adopted by them for that purpose, and that said charts so marked shall be certified and signed by them and two duplicate originals thereof shall be filed with each Government, and said Commissioners shall also prepare in duplicate and file with each Government a joint report or reports describing in detail the course of the boundary so marked by them, and the character and location of the several monuments and boundary marks and ranges marking it.

The line so defined and laid down shall be taken and deemed to be the international boundary as defined and laid down under Articles I and VI of the said Treaty of 1842.

ARTICLE IV.

The boundary from its intersection with the St. Lawrence River to the mouth of Pigeon River.

The High Contracting Parties agree that the existing International Waterways Commission, constituted by concurrent action of the United States and the Dominion of Canada and composed of three Commissioners on the part of the United States and three Commissioners on the part of the Dominion of Canada, is hereby authorized and empowered to ascertain and re-establish accurately the location of the international boundary line beginning at the point of its intersection with the St. Lawrence River near the forty-fifth parallel of north latitude, as determined under Articles I and VI of the Treaty of August 9, 1842, between Great Britain and the United States, thence through the Great Lakes and communicating waterways to the mouth of Pigeon River, at the western shore of Lake Superior,

in accordance with the description of such line in Article II of the Treaty of Peace between Great Britain and the United States, dated September 3, 1783, and of a portion of such line in Article II of the Treaty of August 9, 1842, aforesaid, and as described in the joint report dated June 18, 1822, of the Commissioners appointed under Article VI of the Treaty of December 24, 1814, between Great Britain and the United States, with respect to a portion of said line and as marked on charts prepared by them and filed with said report, and with respect to the remaining portion of said line as marked on the charts adopted as Treaty charts of the boundary under the provisions of Article II of the Treaty of 1842, above mentioned, with such deviation from said line, however, as may be required on account of the cession by Great Britain to the United States of the portion of Horse Shoe Reef in the Niagara River necessary for the light-house erected there by the United States in accordance with the terms of the protocol of a conference held at the British Foreign Office December 9, 1850, between the representatives of the two Governments and signed by them agreeing upon such cession; and it is agreed that wherever the boundary is shown on said charts by a curved line along the water the Commissioners are authorized in their discretion to adopt, in place of such curved line, a series of connecting straight lines defined by distances and courses and following generally the course of such curved line, but conforming strictly to the description of the boundary in the existing Treaty provisions, and the geographical coordinates of the turning points of such line shall be stated by said Commissioners so as to conform to the system of latitudes and longitudes of the charts mentioned below, and the said Commissioners shall so far as practicable mark the course of the entire boundary line located and defined as aforesaid, by buoys and monuments in the waterways and by permanent range marks established on the adjacent shores or islands, and by such other boundary marks and at such points as in the judgment of the Commissioners it is desirable that the boundary should be so marked; and the line of the boundary defined and located as aforesaid shall be laid down by said Commissioners on accurate modern charts prepared or adopted by them for that purpose, in quadruplicate sets, certified and signed by the Commissioners, two duplicate originals of which shall be filed by them with each Government; and the Commissioners shall also prepare in duplicate and file with each Government a joint report or reports describing in

detail the course of said line and the range marks and buoys marking it, and the character and location of each boundary mark. The majority of the Commissioners shall have power to render a decision.

The line so defined and laid down shall be taken and deemed to be the international boundary as defined and established by Treaty provisions and the proceedings thereunder as aforesaid from its intersection with the St. Lawrence River to the mouth of Pigeon River.

ARTICLE V

The boundary from the mouth of Pigeon River to the northwesternmost point of the Lake of the Woods.

In order to complete and perfect the demarcation of the international boundary line between the United States and the Dominion of Canada from the mouth of Pigeon River, at the western shore of Lake Superior, to the northwesternmost point of the Lake of the Woods, which boundary is defined in Article II of the Treaty of Peace between Great Britain and the United States, dated September 3, 1783, and in Article II of the Treaty of August 9, 1842, between Great Britain and the United States, wherein is defined also the location of the said northwesternmost point of the Lake of the Woods, and the greater part of the said boundary is marked on charts covering that section of the boundary adopted as Treaty charts of the boundary under the provisions of Article II of the Treaty of 1842 aforesaid, but has never been actually located or monumented along its course by joint action of the two Governments, and no joint survey of its course has been made since the survey under the direction of the Commissioners appointed under Article VII of the Treaty of December 24, 1814, between Great Britain and the United States, under whose direction the charts above-mentioned were prepared.

It is agreed that each of the High Contracting Parties shall appoint, without delay, an expert geographer or surveyor as Commissioners, who shall re-establish and fix the actual location of said entire boundary described and charted as aforesaid, and designate the side of the boundary upon which each island adjacent to the boundary belongs, it being mutually understood that the boundary, so far as practicable, shall be a water line and shall not intersect

islands lying along its course, and the Commissioners shall so far as practicable mark such boundary along its course by monuments and buoys and range marks, and such other boundary marks as the Commissioners may determine, and at such points as in their judgment it is desirable that the boundary shall be so marked; and it is further agreed that the course of the entire boundary as described and laid down as aforesaid and as monumented by said Commissioners shall be marked by them upon quadruplicate sets of accurate modern charts prepared or adopted by them for that purpose, and that said charts so marked shall be certified and signed by them and two duplicate originals thereof shall be filed with each Government, and said Commissioners shall also prepare in duplicate and file with each Government a joint report or reports describing in detail the course of the boundary so marked by them and the character and location of the several monuments and boundary marks and ranges marking it.

The line so defined and laid down shall be taken and deemed to be the international boundary as defined and established under the aforesaid Treaties from the mouth of Pigeon River to the northwesternmost point of the Lake of the Woods.

ARTICLE VI.

The boundary from the northwesternmost point of the lake of the Woods to the summit of the Rocky Mountains.

In order to complete and render thoroughly effective the demarcation of the international boundary between the United States and the Dominion of Canada from the northwesternmost point of the Lake of the Woods to the summit of the Rocky Mountains, which boundary, according to existing Treaties, runs due south from said northwesternmost point to the forty-ninth parallel of north latitude and thence along that parallel to the summit of the Rocky Mountains, and has been surveyed and charted and monumented as appears from the series of twenty-four sectional maps covering this portion of the boundary prepared and filed by the Joint Commission appointed for that purpose by joint action of the two Governments in 1872;

It is agreed that each of the High Contracting Parties shall appoint, without delay, an expert geographer or surveyor as a Commissioner, and under the joint direction of such Commissioners lost or damaged monuments along the course of said

boundary shall be relocated and repaired and additional monuments and boundary marks shall be established wherever necessary, in the judgment of the Commissioners, to meet the requirements of modern conditions and to render more effective the demarcation of the existent boundary established under the Treaty provisions and proceedings thereunder as aforesaid; and it is further agreed that in carrying out these provisions the said Commissioners shall observe the agreement stated in the protocol of the final meeting, dated May 29, 1876, of the Joint Commission aforesaid, which is as follows:

“2. In the intervals between the monuments along the parallel of latitude, it is agreed that the line has the curvature of a parallel of 49° north latitude; and that such characteristic shall determine all questions that may hereafter arise with reference to the position of the boundary at any point between neighbouring monuments.

“3. It is further agreed that in the event of any of the said three hundred and eighty-eight monuments or marks being obliterated beyond the power of recognition, the lost site or sites shall be recovered by their recorded position relatively to the next neighbouring unobliterated mark or marks.”

It is further agreed that the said Commissioners shall mark upon quadruplicate sets of accurate modern charts prepared or adopted by them for that purpose the entire course of said boundary and the location of the boundary monuments and marks established along the course of said boundary, and two duplicate originals thereof shall be filed with each Government, and said Commissioners shall also prepare in duplicate and file with each Government a joint report describing in detail the work done by them in replacing and repairing lost or damaged monuments and the character and location of the several monuments and boundary marks placed by them along said boundary.

The line so laid down and defined shall be taken and deemed to be the international boundary as defined and established by Treaty provisions and the proceedings thereunder as aforesaid from the northwesternmost point of the Lake of the Woods to the summit of the Rocky Mountains.

ARTICLE VII.

The boundary from the summit of the Rocky Mountains to the Gulf of Georgia.

Whereas, by concurrent action of the Government of Great Britain and the Government of the United States in 1902 and 1903, Commissioners were designated to act jointly for the purpose of renewing lost or damaged monuments and placing additional monuments where such were needed throughout the course of the boundary along the forty-ninth parallel of north latitude, from the summit of the Rocky Mountains westward to the eastern shore of the Gulf of Georgia, as defined in Article 1 of the Treaty of June 15, 1846, between Great Britain and the United States and as marked by monuments along its course and laid down on a series of charts, seven in number, by a Joint Commission organized in 1858 for that purpose and composed of two Commissioners appointed one by each Government, which charts, duly certified and authenticated in duplicate by said Commissioners, were approved and adopted by the two Governments, as appears from the declaration in writing to that effect signed on February 24, 1870, at Washington by duly authorized Plenipotentiaries of the respective Governments, and it appearing that the re-monumenting of this line by the Commissioners first above referred to is now approaching completion;

It is hereby agreed by the High Contracting Parties that when such work is completed the entire course of said boundary showing the location of the boundary monuments and marks established along the course of the boundary, shall be marked upon quadruplicate sets of accurate modern charts prepared or adopted for that purpose, and the said Commissioners, or their successors are hereby authorized and required to so mark the line and designate the monuments on such charts, two duplicate originals of which shall be filed with each Government and the said Commissioners, or their successors shall also prepare in duplicate and file with each Government a joint report describing in detail the work done by them in replacing and repairing lost or damaged monuments and the character and location of the several monuments and boundary marks placed by them along said boundary.

The line so laid down and defined shall be taken and deemed to be the international boundary as defined and estab-

lished by Treaty provisions and the proceedings thereunder as aforesaid, from the summit of the Rocky Mountains to the eastern shore of the Gulf of Georgia.

ARTICLE VIII.

The boundary from the forty-ninth parallel to the Pacific Ocean.

The High Contracting Parties agree that each shall appoint, without delay, an expert geographer or surveyor to serve as Commissioners for the purpose of delineating upon accurate modern charts, prepared or adopted by them for that purpose, the international boundary line between the United States and the Dominion of Canada from the forty-ninth parallel of north latitude along the middle of the channel which separates Vancouver's Island from the mainland and the middle of the Haro Channel and of Fuca's Straits to the Pacific Ocean, as defined in Article I of the Treaty of June 15, 1846, between Great Britain and the United States, and as determined by the award made on October 21, 1872, by the Emperor of Germany as arbitrator pursuant to the provisions of Articles XXXIV-XLII of the Treaty of May 8, 1871, between the United States and Great Britain and as traced out and marked on a quadruplicate set of charts prepared for that purpose and agreed upon and signed by the duly authorized representatives of the respective Governments, as appears from the protocol of a conference at Washington on March 10, 1873, between such representatives which was signed by them on that date, and as defined by them in a written definition of said boundary signed by them and referred to in and attached to said protocol, and it is agreed that the said Commissioners shall adopt in place of the curved line passing between Saturna Island and Patos Island as shown on said charts a straight line running approximately north and south through a point midway between the eastern point of Saturna Island and the western point of Patos Island and intersecting the prolongations of the two straight lines of the boundary now joined by a curved line. The entire line thus laid down shall consist of a series of connecting straight lines defined by distances and courses; and the Commissioners are authorized to select and establish such reference marks on shore as they may deem necessary for the proper definition and location on the water of the boundary aforesaid. A quadruplicate set of such charts showing the

lines laid down and marked by them and the location of the several marks or monuments selected or established by them along its course, shall be signed by them and two duplicate originals thereof shall be filed by them with each Government, and the Commissioners shall also prepare in duplicate and file with each Government a joint report, or reports, describing in detail the course of said line and the boundary marks and their location along its course.

The line so defined and laid down shall be taken and deemed to be the international boundary, as defined and established by Treaty provisions and the proceedings thereunder as aforesaid, from the forty-ninth parallel of north latitude along the middle of the channel which separates Vancouver's Island from the mainland and the middle of Haro Channel and of Fuca's Straits to the Pacific Ocean.

ARTICLE IX|

General Provisions.

The Commissioners appointed under the provisions of this Treaty shall proceed without delay to perform the duties assigned to them, but each Commissioner shall, before entering upon his duties, make oath in writing that he will impartially and faithfully perform his duties as such Commissioner.

In case a vacancy occurs in any of the Commissions constituted by this Treaty, by reason of the death, resignation, or other disability of a Commissioner, before the work of such Commission is completed, the vacancy so caused shall be filled forthwith by the appointment of another Commissioner by the party on whose side the vacancy occurs, and the Commissioner so appointed shall have the same powers and be subject to the same duties and obligations as the Commissioner originally appointed.

If a dispute or difference should arise about the location or demarcation of any portion of the boundary covered by the provisions of this Treaty and an agreement with respect thereto is not reached by the Commissioners charged herein with locating and marking such portion of the line, they shall make a report in writing jointly to both Governments, or severally each to his own Government, setting out fully the questions in dispute and the differences between them, but such Commissioners shall, nevertheless, proceed to carry on and complete as far

as possible the work herein assigned to them with respect to the remaining portions of the line.

In case of such a disagreement between the Commissioners, the two Governments shall endeavour to agree upon an adjustment of the questions in dispute, and if an agreement is reached between the two Governments it shall be reduced to writing in the form of a protocol, and shall be communicated to the said Commissioners, who shall proceed to lay down and mark the boundary in accordance therewith, and as herein provided, but without prejudice to the special provisions contained in Articles I and II regarding arbitration.

It is understood that under the foregoing articles the same persons will be appointed to carry out the delimitation of boundaries in the several sections aforesaid, other than the section covered by Article IV, unless either of the Contracting Powers finds it expedient for some reason which it may think sufficient to appoint some other person to be Commissioner for any one of the above-mentioned sections.

Each Government shall pay the expenses of its own Commissioners and their assistants, and the cost of marking and monumenting the boundary shall be paid in equal moieties by the two Governments.

ARTICLE X

This Treaty shall be ratified by His Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 11th day of April in the year of our Lord one thousand nine hundred and eight.

(L.S.) JAMES BRYCE.
(L.S.) ELIHU ROOT.

1908.

CONVENTION BETWEEN THE UNITED KINGDOM AND
THE UNITED STATES OF AMERICA RESPECTING THE
PROTECTION, PRESERVATION, AND PROPAGATION OF
FOOD FISHES IN THE WATERS CONTIGUOUS TO THE
UNITED STATES AND THE DOMINION OF CANADA.

SIGNED AT WASHINGTON, APRIL 11, 1908.

(Ratifications exchanged at Washington, June 4, 1908.)

His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, and Emperor of India, and the United States of America, equally recognizing the desirability of uniform and effective measures for the protection, preservation, and propagation of the food fishes in the waters contiguous to the United States and the Dominion of Canada, have resolved to conclude a Convention for these purposes, and have named as their Plenipotentiaries:

His Britannic Majesty, the Right Honourable James Bryce, O.M., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Elihu Root, Secretary of State of the United States:

Who, having exchanged their full powers found in due form, have agreed to and signed the following articles:

ARTICLE 1.

The times, seasons, and methods of fishing in the waters contiguous to the United States and Canada, as specified in Article 4 of this Convention, and the nets, engines, gear, apparatus, and appliances which may be used therein, shall be fixed and determined by uniform and common international regulations, restrictions, and provisions; and to that end the High Contracting Parties agree to appoint, within three months after this Convention is proclaimed, a Commission to be known as the International Fisheries Commission, consisting of one person named by each Government.

ARTICLE 2.

It shall be the duty of this International Fisheries Commission, within six months after being named, to prepare a system

of uniform and common International Regulations for the protection and preservation of the food fishes in each of the waters prescribed in Article 4 of this Convention, which Regulations shall embrace close seasons, limitations as to the character, size, and manner of use of nets, engines, gear, apparatus and other appliances; a uniform system of registry by each Government in waters where required for the more convenient regulation of commercial fishing by its own citizens or subjects within its own territorial waters or any part of such waters; an arrangement for concurrent measures for the propagation of fish; and such other provisions and measures as the Commission shall deem necessary.

ARTICLE 3.

The two Governments engage to put into operation and to enforce by legislation and executive action, with as little delay as possible, the Regulations, restrictions, and provisions with appropriate penalties for all breaches thereof; and the date when they shall be put into operation shall be fixed by the concurrent proclamations of the President of the United States and the Governor-General of the Dominion of Canada in Council.

And it is further agreed that jurisdiction shall be exercised by either Government, as well over citizens or subjects of either party apprehended for violation of the Regulations in any of its own waters to which said Regulations apply, as over its own citizens or subjects found within its own jurisdiction who shall have violated said Regulations within the waters of the other party.

ARTICLE 4.

It is agreed that the waters within which the aforementioned Regulations are to be applied shall be as follows: (1) The territorial waters of Passamaquoddy Bay; (2) the St. John and St. Croix Rivers; (3) Lake Memphremagog; (4) Lake Champlain; (5) the St. Lawrence River, where the said River constitutes the International Boundary; (6) Lake Ontario; (7) the Niagara River; (8) Lake Erie; (9) the waters connecting Lake Erie and Lake Huron, including Lake St. Clair; (10) Lake Huron, excluding Georgian Bay but including North Channel; (11) St. Mary's River and Lake Superior; (12) Rainy River and Rainy Lake; (13) Lake of

the Woods; (14) the Strait of San Juan de Fuca, those parts of Washington Sound, the Gulf of Georgia and Puget Sound lying between the parallels of $48^{\circ} 10'$ and $49^{\circ} 20'$; (15) and such other contiguous waters as may be recommended by the International Fisheries Commission and approved by the two Governments. It is agreed on the part of Great Britain that the Canadian Government will protect by adequate regulations the food fishes frequenting the Fraser River.

The two Governments engage to have prepared as soon as practicable charts of the waters described in this Article, with the International Boundary Line indicated thereon; and to establish such additional boundary monuments, buoys, and marks as may be recommended by the Commission.

ARTICLE 5.

The International Fisheries Commission shall continue in existence so long as this Convention shall be in force, and each Government shall have the power to fill, and shall fill, from time to time, any vacancy which may occur in its representation on the Commission. Each Government shall pay its own Commissioner, and any joint expenses shall be paid by the two Governments in equal moieties.

ARTICLE 6.

The Regulations, restrictions, and provisions provided for in this Convention shall remain in force for a period of four years from the date of their executive promulgation, and thereafter until one year from the date when either the Government of Great Britain or of the United States shall give notice to the other of its desire for their revision; and immediately upon such notice being given the Commission shall proceed to make a revision thereof, which Revised Regulations, if adopted and promulgated by the President of the United States and the Governor-General of Canada in Council, shall remain in force for another period of four years and thereafter until one year from the date when a further notice of revision is given as above provided in this Article. It shall, however, be in the power of the two Governments, by joint or concurrent action upon the recommendation of the Commission, to make modifications at any time in the Regulations.

ARTICLE 7.

The present Convention shall be duly ratified by His Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at Washington the 11th day of April, in the year of our Lord one thousand nine hundred and eight.

(L.S.) JAMES BRYCE.

(L.S.) ELIHU ROOT.

1908.

TREATY BETWEEN THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA, PROVIDING (1) FOR THE CONVEYANCE OF PERSONS IN CUSTODY FOR TRIAL EITHER IN THE DOMINION OF CANADA OR THE UNITED STATES THROUGH THE TERRITORY OF THE OTHER; AND (2) FOR RECIPROCAL RIGHTS IN WRECKING AND SALVAGE IN THE WATERS CONTIGUOUS TO THE BOUNDARY BETWEEN THE DOMINION OF CANADA AND THE UNITED STATES.

SIGNED AT WASHINGTON, MAY 18, 1908.

(Ratifications exchanged at Washington, June 30, 1908.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; and the United States of America, being desirous to make provision for the conveyance of persons in lawful custody for trial or punishment either in the Dominion of Canada or the United States through the territory of the other, and for reciprocal rights in wrecking and salvage in the waters contiguous to the boundary between the Dominion of Canada and the United States, have for that purpose resolved to conclude a treaty, and to that end have appointed as their Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Right Honourable James Bryce, O.M., His Ambassador Extraordinary and Plenipotentiary at Washington; and the President of the United States of America, Robert Bacon, Acting Secretary of State of the United States;

Who, after communicating to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE 1.

Conveyance of Prisoners.

Any officer of the Dominion of Canada or of any province or territory thereof, having in his custody without the borders of the United States of America, by virtue of any warrant or any other lawful process issued by authority of the law of the Dominion or of any province or territory thereof, any person charged with or convicted of any of the criminal offences specified below, committed in Canada, may, in executing such warrant or process, convey such person through any part of the United States to a place in Canada, if such warrant or process is endorsed, or backed, by a judge, magistrate or justice of the peace in the United States, or if the authority of the Secretary of State of the United States for such conveyance is first obtained.

During such conveyance of such person through the United States, such officer may keep such person in his custody, and in case of escape may recapture him.

Any officer of the United States of America or of any state or territory thereof, having in his custody without the borders of Canada, by virtue of any warrant or any other lawful process issued by authority of the United States or of any state or territory thereof, any person charged with or convicted of any of the criminal offences specified below, committed within the jurisdiction of the United States or of any state or territory thereof, may, in executing such warrant or process, convey such person through any part of Canada to a place in the United States, if such warrant or process is endorsed, or backed, by a judge, magistrate or justice of the peace in Canada, or if the authority of the Minister of Justice of Canada for such conveyance is first obtained.

During such conveyance of such person through Canada, such officer may keep such person in his custody, and in case of escape may recapture him.

The foregoing provision shall apply only to persons charged with or convicted of offences of the following descriptions:

1. Offences for which extradition is at the time authorized by a treaty in force between Great Britain and the United States.
2. Assault with intent to commit grievous bodily harm.
3. Assault upon an officer of the law in the execution of his duty.

The Dominion of Canada and the United States may by concurrent legislation make further or other regulations for authenticating the warrant or process under which the person in custody is to be conveyed, as before provided.

ARTICLE 2.

Wrecking and Salvage.

The High Contracting Parties agree that vessels and wrecking appliances, either from the Dominion of Canada or from the United States, may save any property wrecked and may render aid and assistance to any vessels wrecked, disabled or in distress in the waters or on the shores of the other country in that portion of the St. Lawrence River through which the International Boundary line extends, and, in Lake Ontario, Lake Erie, Lake St. Clair, Lake Huron, and Lake Superior, and in the Rivers Niagara, Detroit, St. Clair, and Ste. Marie, and the Canals at Sault Ste. Marie, and on the shores and in the waters of the other country along the Atlantic and Pacific Coasts within a distance of thirty miles from the International Boundary on such Coasts.

It is further agreed that such reciprocal wrecking and salvage privileges shall include all necessary towing incident thereto, and that nothing in the Customs, Coasting or other laws or regulations of either country shall restrict in any manner the salving operations of such vessels or wrecking appliances.

Vessels from either country employed in salving in the waters of the other shall as soon as practicable afterwards make full report at the nearest custom house of the country in whose waters such salving takes place.

ARTICLE 3.

This Treaty shall remain in force for ten years after its date and thereafter until terminated by twelve months' written notice given by either High Contracting Party to the other.

ARTICLE 4.

This Treaty shall be ratified by His 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 in Washington as soon as possible.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the eighteenth day of May, in the year of our Lord one thousand nine hundred and eight.

[L.S.] JAMES BRYCE.

[L.S.] ROBERT BACON.

1909.

TREATY BETWEEN THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA RELATING TO BOUNDARY WATERS AND QUESTIONS ARISING ALONG THE BOUNDARY BETWEEN CANADA AND THE UNITED STATES.

SIGNED AT WASHINGTON, JANUARY 11, 1909.

(Ratifications exchanged at Washington, May 5, 1910.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter

arise, have resolved to conclude a Treaty in furtherance of these ends, and for that purpose have appointed as their respective Plenipotentiaries.

His Britannic Majesty, the Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Elihu Root, Secretary of State of the United States;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

PRELIMINARY ARTICLE.

For the purposes of this Treaty boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

ARTICLE 1.

The High Contracting Parties agree that the navigation of all navigable boundary waters shall for ever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation, and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this Treaty shall remain in force, this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing or which may hereafter be constructed on either side of the line. Either of the High Contracting Parties may adopt rules and regulations governing the use of such canals within its own territory, and may charge

tolls for the use thereof, but all such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the High Contracting Parties and the ships, vessels, and boats of both of the High Contracting Parties, and they shall be placed on terms of equality in the use thereof.

ARTICLE 2.

Each of the High Contracting Parties reserves to itself or to the several State Governments on the one side and the Dominion or Provincial Governments on the other, as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary, resulting in any injury on the other side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

It is understood, however, that neither of the High Contracting Parties intends by the foregoing provision to surrender any right which it may have to object to any interference with their natural channel of such waters on either side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.

ARTICLE 3.

It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the Parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within their respective

jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the Government of the United States on the one side and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbours, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

ARTICLE 4.

The High Contracting Parties agree that, except in cases provided for by special agreement between them, they will not permit the construction or maintenance on their respective sides of the boundary of any remedial or protective works or any dams or other obstructions in waters flowing from boundary waters or in waters at a lower level than the boundary in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary unless the construction or maintenance thereof is approved by the aforesaid International Joint Commission.

It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.

ARTICLE 5.

The High Contracting Parties agree that it is expedient to limit the diversion of waters from the Niagara River so that the level of Lake Erie and the flow of the stream shall not be appreciably affected. It is the desire of both Parties to accomplish this object with the least possible injury to investments which have already been made in the construction of power plants on the United States' side of the river under

grants of authority from the State of New York, and on the Canadian side of the river under licenses authorized by the Dominion of Canada and the Province of Ontario.

So long as this Treaty shall remain in force, no diversion of the waters of the Niagara River above the Falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.

The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of twenty thousand cubic feet of water per second.

The United Kingdom, by the Dominion of Canada, or the Province of Ontario, may authorize and permit the diversion within the Province of Ontario of the waters of said river above the Falls of Niagara for power purposes, not exceeding in the aggregate a daily diversion at the rate of thirty-six thousand cubic feet of water per second.

The prohibitions of this article shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purposes of navigation.

ARTICLE 6.

The High Contracting Parties agree that the St. Mary and Milk Rivers and their tributaries (in the State of Montana and the Provinces of Alberta and Saskatchewan) are to be treated as one stream for the purposes of irrigation and power, and the waters thereof shall be apportioned equally between the two countries, but in making such equal apportionment more than half may be taken from one river and less than half from the other by either country so as to afford a more beneficial use to each. It is further agreed that in the division of such waters during the irrigation season, between the 1st of April and 31st of October inclusive, annually, the United States is entitled to a prior appropriation of 500 cubic feet per second of the waters of the Milk River, or so much of such amount as constitutes three-fourths of its natural flow, and that Canada is entitled to a prior appropriation of 500 cubic feet per second of the flow of St. Mary River, or so much of such amount as constitutes three-fourths of its natural flow.

The channel of the Milk River in Canada may be used at the convenience of the United States for the conveyance, while passing through Canadian territory, of waters diverted from the St. Mary River. The provisions of Article 2 of this Treaty shall apply to any injury resulting to property in Canada from the conveyance of such waters through the Milk River.

The measurement and apportionment of the water to be used by each country shall from time to time be made jointly by the properly-constituted reclamation officers of the United States and the properly-constituted irrigation officers of His Majesty under the direction of the International Joint Commission.

ARTICLE 7.

The High Contracting Parties agree to establish and maintain an International Joint Commission of the United States and Canada composed of six commissioners, three on the part of the United States appointed by the President thereof, and three on the part of the United Kingdom appointed by His Majesty on the recommendation of the Governor in Council of the Dominion of Canada.

ARTICLE 8.

This International Joint Commission shall have jurisdiction over and shall pass upon all cases involving the use or obstruction or diversion of the waters with respect to which under Articles 3 and 4 of this Treaty the approval of this Commission is required, and in passing upon such cases the Commission shall be governed by the following rules and principles which are adopted by the High Contracting Parties for this purpose:

The High Contracting Parties shall have, each on its own side of the boundary, equal and similar rights in the use of the waters hereinbefore defined as boundary waters.

The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

- (1.) Uses for domestic and sanitary purposes;
- (2.) Uses for navigation, including the service of canals for the purposes of navigation;
- (3.) Uses for power and for irrigation purposes.

The foregoing provisions shall not apply to or disturb any existing uses of boundary waters on either side of the boundary.

The requirement for an equal division may in the discretion of the Commission be suspended in cases of temporary diversions along boundary waters at points where such equal division can not be made advantageously on account of local conditions, and where such diversion does not diminish elsewhere the amount available for use on the other side.

The Commission in its discretion may make its approval in any case conditional upon the construction of remedial or protective works to compensate so far as possible for the particular use or diversion proposed, and in such cases may require that suitable and adequate provision, approved by the Commission, be made for the protection and indemnity against injury of any interests on either side of the boundary.

In cases involving the elevation of the natural level of waters on either side of the line as a result of the construction or maintenance on the other side of remedial or protective works or dams or other obstructions in boundary waters or in waters flowing therefrom or in waters below the boundary in rivers flowing across the boundary, the Commission shall require, as a condition of its approval thereof, that suitable and adequate provision, approved by it, be made for the protection and indemnity of all interests on the other side of the line which may be injured thereby.

The majority of the Commissioners shall have power to render a decision. In case the Commission is evenly divided upon any question or matter presented to it for decision, separate reports shall be made by the Commissioners on each side to their own Government. The High Contracting Parties shall thereupon endeavour to agree upon an adjustment of the question or matter of difference, and if an agreement is reached between them, it shall be reduced to writing in the form of a protocol, and shall be communicated to the Commissioners, who shall take such further proceedings as may be necessary to carry out such agreement.

ARTICLE 9.

The High Contracting Parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier between the United States and the Dominion of

Canada, shall be referred from time to time to the International Joint Commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred.

The International Joint Commission is authorized in each case so referred to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

Such reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or the law, and shall in no way have the character of an arbitral award.

The Commission shall make a joint report to both Governments in all cases in which all or a majority of the Commissioners agree, and in case of disagreement the minority may make a joint report to both Governments, or separate reports to their respective Governments.

In case the Commission is evenly divided upon any question or matter referred to it for report, separate reports shall be made by the Commissioners on each side to their own Government.

ARTICLE 10.

Any questions or matters of difference arising between the High Contracting Parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada either in relation to each other or to their respective inhabitants, may be referred for decision to the International Joint Commission by the consent of the two Parties, it being understood that on the part of the United States any such action will be by and with the advice and consent of the Senate, and on the part of His Majesty's Government with the consent of the Governor General in Council. In each case so referred, the said Commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

A majority of the said Commission shall have power to render a decision or finding upon any of the questions or matters so referred.

If the said Commission is equally divided or otherwise unable to render a decision or finding as to any questions or matters so referred, it shall be the duty of the Commissioners to make a joint report to both Governments, or separate reports to their respective Governments, showing the different conclusions arrived at with regard to the matters or questions so referred, which questions or matters shall thereupon be referred for decision by the High Contracting Parties to an umpire chosen in accordance with the procedure prescribed in the fourth, fifth, and sixth paragraphs of Article XLV of The Hague Convention for the pacific settlement of international disputes, dated October 18, 1907. Such umpire shall have power to render a final decision with respect to those matters and questions so referred on which the Commission failed to agree.

ARTICLE 11.

A duplicate original of all decisions rendered and joint reports made by the Commission shall be transmitted to and filed with the Secretary of State of the United States and the Governor General of the Dominion of Canada, and to them shall be addressed all communications of the Commission.

ARTICLE 12.

The International Joint Commission shall meet and organize at Washington promptly after the members thereof are appointed, and when organized the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this Treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and Canadian sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions, and the

Commission may employ engineers and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the Commission and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the Commission, incurred by it, shall be paid in equal moieties by the High Contracting Parties.

The Commission shall have power to administer oaths to witnesses, and to take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this Treaty, and all parties interested therein shall be given convenient opportunity to be heard, and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned on each side of the boundary, and to provide for the issue of subpoenas and for compelling the attendance of witnesses in proceedings before the Commission. The Commission may adopt such rules of procedure as shall be in accordance with justice and equity, and may make such examination in person and through agents or employees as may be deemed advisable.

ARTICLE 13.

In all cases where special agreements between the High Contracting Parties hereto are referred to in the foregoing articles, such agreements are understood and intended to include not only direct agreements between the High Contracting Parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of the Dominion.

ARTICLE 14.

The present Treaty shall be ratified by His Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Treaty shall take effect on the date of the exchange of its ratifications. It shall remain in force for five years, dating from the day of exchange of ratifications, and thereafter until terminated by twelve months' written notice given by either High Contracting Party to the other.

In faith whereof the respective plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 11th day of January, in the year of our Lord one thousand nine hundred and nine.

[L.S.] JAMES BRYCE.

[L.S.] ELIHU ROOT.

PROTOCOL OF EXCHANGE.*

On proceeding to the exchange of the ratifications of the treaty signed at Washington on January 11, 1909, between Great Britain and the United States, relating to boundary waters and questions arising along the boundary between the United States and the Dominion of Canada, the undersigned plenipotentiaries, duly authorized thereto by their respective Governments, hereby declare that nothing in this treaty shall be construed as affecting, or changing, any existing territorial, or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Mary's River at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Mary's River, within its own territory; and further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters, and also that this declaration shall be deemed to have equal force and effect as the treaty itself and to form an integral part thereof.

The exchange of ratifications then took place in the usual form.

In witness whereof, they have signed the present Protocol of Exchange and have affixed their seals thereto.

Done at Washington this 5th day of May, one thousand nine hundred and ten.

[L.S.] JAMES BRYCE.

[L.S.] PHILANDER C. KNOX.

*The British Ratification of this further Instrument was deposited with the United States Government on July 23, 1910.

1910.

**TREATY BETWEEN THE UNITED KINGDOM AND THE
UNITED STATES OF AMERICA RESPECTING THE
BOUNDARY BETWEEN CANADA AND THE UNITED
STATES IN PASSAMAQUODDY BAY, &c.**

Signed at Washington, May 21, 1910.

(Ratifications exchanged at Washington, August 20, 1910.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, being equally desirous of fixing and defining the location of the international boundary line between the United States and the Dominion of Canada in Passamaquoddy Bay and to the middle of Grand Manan Channel, and of removing all causes of dispute in connection therewith, have for that purpose resolved to conclude a Treaty, and to that end have appointed as their Plenipotentiaries:

His Britannic Majesty, the Right Honourable James Bryce, O. M., his Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Philander C. Knox, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

ARTICLE 1.

Whereas, by Article 1 of the Treaty of April 11, 1908, between Great Britain and the United States, it was agreed that Commissioners should be appointed for the purpose of more accurately defining and marking the international boundary line between the United States and the Dominion of Canada in the waters of Passamaquoddy Bay from the mouth of the St. Croix River to the Bay of Fundy, the description of the location of certain portions of such line being set forth in the aforesaid Article, and it was agreed with respect to the remaining portion of the line that—

each of the High Contracting Parties shall present to the other within six months after the ratification of this Treaty a full printed statement of the evidence, with certified copies of original documents referred to therein which are in its possession, and the arguments upon which it bases its contentions, with a view to arriving at an adjustment of the location of this portion of the line in accordance with the true intent and meaning of the provisions relating thereto of the treaties of 1783 and 1814 between Great Britain and the United States, and the award of the Commissioners appointed in that behalf under the Treaty of 1814; it being understood that any action by either or both Governments or their representatives authorized in that behalf or by the local governments on either side of the line, whether prior or subsequent to such treaties and award, tending to aid in the interpretation thereof, shall be taken into consideration in determining their true intent and meaning;

And it was further agreed that if such agreement was reached between the Parties the Commissioners aforesaid should lay down and mark this portion of the boundary in accordance therewith and as provided in the said Article, but it was provided that in the event of a failure to agree within a set period, the location of such portion of the line should be determined by reference to arbitration;

And whereas, the time for reaching an agreement under the provisions of the aforesaid Article expired before such agreement was reached but the High Contracting Parties are nevertheless desirous of arriving at an adjustment of the location of this portion of the line by agreement without resort to arbitration, and have already, pursuant to the provisions above quoted of Article 1 of the Treaty aforesaid, presented each to the other a full printed statement of the evidence and of the arguments upon which the contentions of each are based, with a view to arriving at an adjustment of the location of the portion of the line referred to in accordance with the true intent and meaning of the provisions relating thereto in the Treaties of 1783 and 1814 between Great Britain and the United States and the award of the Commissioners appointed in that behalf under the Treaty of 1814;

Now, therefore, upon the evidence and arguments so presented, and after taking into consideration all actions of the respective Governments and of their representatives authorized in that behalf and of the local governments on either side of the line, whether prior or subsequent to such treaties and award, tending to aid in the interpretation thereof, the High Contracting Parties hereby agree that the location of the international boundary line between the United States and the Dominion of Canada from a point in Passamaquoddy Bay accurately defined in the Treaty between Great Britain and the United States of April 11, 1908, as lying between Treat Island and Friar Head, and extending thence through Passamaquoddy Bay and to the middle of Grand Manan Channel, shall run in a series of seven connected straight lines for the distances and in the directions as follows:

Beginning at the aforesaid point lying between Treat Island and Friar Head, thence

(1) South $8^{\circ} 29' 57''$ West true, for a distance of 1152.6 meters; thence

(2) South $8^{\circ} 29' 34''$ East, 759.7 meters; thence

(3) South $23^{\circ} 56' 25''$ East, 1156.4 meters; thence

(4) South $0^{\circ} 23' 14''$ West, 1040.0 meters; thence

(5) South $28^{\circ} 04' 26''$ East, 1607.2 meters; thence

(6) South $81^{\circ} 48' 45''$ East, 2616.8 meters to a point on the line which runs approximately North 40° East true, and which joins Sail Rock, off West Quoddy Head Light, and the southernmost rock lying off the southeastern point of the southern extremity of Campobello Island; thence

(7) South 47° East 5100 meters to the middle of Grand Manan Channel.

The description of the last two portions of the line thus defined, viz., those numbered (6) and (7), is intended to replace the description of the lowest portion of the line, viz., that numbered (2), as defined in Article 1 of the Treaty of April 11, 1908.

ARTICLE 2.

The location of the boundary line as defined in the foregoing Article shall be laid down and marked by the Commissioners under Article 1 of the aforesaid Treaty of April 11, 1908, in accordance with the provisions of such Article, and the line so defined and laid down shall be taken and deemed to be the

international boundary extending between the points therein mentioned in Grand Manan Channel and Passamaquoddy Bay.

ARTICLE 3.

It is further agreed by the High Contracting Parties that on either side of the hereinabove described line southward from the point of its intersection with a line drawn true north from Lubec Channel Light, as at present established, either Party shall have the right, upon two months' notice to the other, to improve and extend the channel to such depth as may by it be deemed desirable or necessary, and to a width not exceeding one hundred and fifteen (115) meters on each side of the boundary line, and from such point of intersection northerly through Lubec Narrows to the turning point in the boundary lying between Treat Island and Friar Head, either Party shall have the right, upon two months' notice to the other, to improve and deepen the present channel to a width not exceeding sixty-five (65) meters on each side of the boundary line and to such depth as may by it be deemed desirable or necessary; it being understood, however, that each Party shall also have the right to further widen and deepen the channel anywhere on its own side of the boundary.

ARTICLE 4.

This Treaty shall be ratified by His Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof, the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 21st day of May, in the year of our Lord one thousand nine hundred and ten.

[L.S.] JAMES BRYCE.
[L.S.] P. C. KNOX.

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