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NORTH AMERICA. No. 10 (1873).

PROTOCOL

SIGNED AT WASHINGTON ON THE 10TH OF MARCH, 1873,

DEFINING THE

BOUNDARY LINE

THROUGH THE

CANAL DE HARO,

IN ACCORDANCE WITH THE

AWARD OF THE EMPEROR OF GERMANY

OF

OCTOBER 21, 1872.

Presented to both Houses of Parliament by Command of Her Majesty.
1873.

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Protocol signed at Washington on the 10th of March, 1873, defining the Boundary Line through the Canal de Haro, in accordance with the Award of the Emperor of Germany of October 21, 1872.

WHEREAS it was provided by the Ist Article 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 the XXXIVth Article 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 abovementioned Article of the said Treaty, shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the Treaty of June 15, 1846."

And whereas His Majesty the Emperor of Germany has, by his award dated the 21st of October, 1872, decided that "Mit der richtigen Auslegung der zwischen den Regierungen Ihrer Britischen Majestät und der vereinigten Staaten von Amerika geschlossenen Vertrages de dato Washington den 15ter Juni, 1846, steht der Anspruch der Regierung der vereinigten Staaten am meissten im Einklange, dass die Grenzlinie zwischen den Gebieten Ihrer Britischen Majestät 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 the Ist Article 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 the Ist Article 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.

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

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 line, 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° 19′ 15″ west, as shown in the said chart.

It then proceeds in a direction about south 50° east (true) for about fifteen 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 or Stewart Island and Fairfax Point on Moresby Island, thence on a course about south 12° 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° 33′ north and in longitude 123° 15′ west; then its direction continues about south 20° 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° 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° 17′ north and longitude 123° 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 light-house 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° 30′ west about $5\frac{3}{4}$ miles to a point equidistant on a straight line between Beechey 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 definition of the line laid down on the chart and intended to be the boundary line.

(Signed) EDWD. THORNTON.
JAMES C. PREVOST.
HAMILTON FISH.

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