NORTHWEST WATER BOUNDARY

Protocol signed at Washington March 10, 1873, with definition of boundary line
Entered into force March 10, 1873

18 Stat. 369; Treaty Series 135

PROTOCOL

Whereas it was provided by the first article of the Treaty between the United States of America and Great Britain, signed at Washington on the 15th of June 1846,[1] 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 the United States and Great Britain terminates, the line of Boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said 49th parallel of North Latitude, to the middle of the channel which separates the continent from Vancouvers 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 the United States of America and Great Britain, signed at Washington on the 8th of May, 1871,[2] as follows:

"ARTICLE XXXIV

"Whereas it was stipulated by Article I, of the Treaty concluded at Washington, on the 15th of June 1846, between the United States and Her Britannic Majesty, that the line of boundary between the territories of the United States and those of Her Britannic Majesty, 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 Vancouvers Island, and

[1] TS 120, *ante*, p. 95.
[2] TS 133, *ante*, p. 185.

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 the United States, and of the Government of Her Britannic Majesty, 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 15th 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 des zwischen den Regierungen Ihrer Britischen Majestät und der Vereinigten Staaten von Amerika geschlossenen Vertrages de dato Washington den 15 Juni 1846, steht der Anspruch der Regierung der Vereinigten Staaten am meisten im Einklange, dass die Grenzlinie zwischen den Gebieten Ihrer Britischen Majestät und den Vereinigten Staaten durch den Haro-Kanal gezogen werde."

The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Honourable Sir Edward Thornton, one of Her Majesty's Most Honorable Privy Council, Knight Commander of the Most Honorable 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, 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 territory of the United States and the possessions of Great Britain, as was left uncompleted by the Commissioners heretofore appointed to carry into effect the First 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 Id. 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 out 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 the United States, and two copies thereof to be retained by the Government of Her Britannic Majesty, 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 First 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 tenth day of March in the year 1873.

HAMILTON FISH	[SEAL]
EDWD. THORNTON	[SEAL]
JAMES C. PREVOST	[SEAL]

DEFINITION OF THE BOUNDARY LINE

The Chart upon which the Boundary Line between the British and the 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 Id. 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 Roberts which is marked by a stone monument, and the line is continued along the said 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″ W. as shown in the said chart.

It then proceeds in a direction about S. 50° E. (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 Turnpoint on Stewart Island and Fairfax point on Moresby Island bears S. 68° W. (true) distant ten miles then on a course South 68° W. (true) ten miles to the said point midway between Turnpoint on Stewart Island and Fairfax point on Moresby Island, thence on a course about South 12° 30′ East (true) for about eight and three quarter miles to a point due east one 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 S. 20° 15′ East, (true) six and one eighth miles to a point midway between

Sea Bird Point on Discovery Island and Pile Point on San Juan Island thence in a straight line S. 45° E. (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 S. 28° 30′ W. direction (true) for about ten 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″ W.

Thence the line runs in a direction S. 73° W (true) for twelve 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 N. 80° 30′ W. about 5¾ 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 N. 76° W. about 13½ 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 N. 68° W. about 30¾ miles to the Pacific Ocean at a point equidistant between Bonilla point on Vancouver Island and Tatooch Island Light House 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.

HAMILTON FISH
EDWD. THORNTON
JAMES C. PREVOST