

952



TREATY SERIES No. 37 (1925).

TREATY
BETWEEN
**CANADA AND THE UNITED STATES OF
AMERICA**

To define more accurately and to complete
the International Boundary between the two
Countries.

Washington, February 24, 1925.

[Ratifications exchanged at Washington, July 17, 1925.]

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of His Majesty.*

LONDON :

PRINTED & PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses :
Aadastral House, Kingsway, London, W.C.2; 28, Abingdon Street, London, S.W.1 ;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff ;
or 120, George Street, Edinburgh ;
or through any Bookseller.

1925

Price 2d. Net.

Cmd. 2510.

953

Treaty between Canada and the United States of America to define more accurately and to complete the International Boundary between the two Countries.

Signed at Washington, February 24, 1925.

[*Ratifications exchanged at Washington, July 17, 1925.*]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the United States of America, desiring to define more accurately at certain points and to complete the international boundary between the United States and Canada and to maintain the demarcation of that boundary, have resolved to conclude a treaty for these purposes, and to that end have appointed as their respective plenipotentiaries:

His Britannic Majesty, in respect of the Dominion of Canada: The Honourable Ernest Lapointe, K.C., a member of His Majesty's Privy Council for Canada and Minister of Justice in the Government of that Dominion; and

The President of the United States of America: Charles Evans Hughes, 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.

Whereas Article V of the Treaty concerning the boundary between the Dominion of Canada and the United States concluded on April 11, 1908,* between Great Britain and the United States, provided for the survey and demarcation of the international boundary line between the Dominion of Canada and the United States from the mouth of Pigeon River, at the western shore of Lake Superior, to the north-westernmost point of Lake of the Woods, as defined by the treaties concluded between Great Britain and the United States on September 3, 1783, and August 9, 1842;

And whereas Article VI of the said Treaty concluded on April 11, 1908, provided for the relocation and repair of lost or damaged monuments and for the establishment of additional monuments and boundary marks along the course of the international boundary between the Dominion of Canada and the United States from the north-westernmost point of Lake of the Woods to the summit of the Rocky Mountains, as established under existing treaties and surveyed, charted, and monumented by the Joint Commission appointed for that purpose by joint action of the Contracting Parties in 1872;

And whereas it has been found by surveys executed under the direction of the Commissioners appointed pursuant to the said Treaty of April 11, 1908, that the boundary line between the Dominion of Canada and the United States from the mouth of Pigeon

* Treaty Series No. 18 (1908).

River, at the western shore of Lake Superior, to the north-westernmost point of Lake of the Woods as defined by the treaties concluded on September 8, 1783, and August 9, 1842, is intersected by the boundary from the north-westernmost point of Lake of the Woods to the summit of the Rocky Mountains as established under existing treaties and surveyed, charted, and monumented by the Joint Commission appointed for that purpose in 1872, at five points in Lake of the Woods adjacent to and directly south of the said north-westernmost point, and that there are two small areas of United States waters in Lake of the Woods, comprising a total area of two and one-half acres, entirely surrounded by Canadian waters;

And whereas no permanent monuments were ever erected on these boundary lines north of the most southerly of these points of intersection;

The Contracting Parties, in order to provide for a more practical definition of the boundary between the Dominion of Canada and the United States in Lake of the Woods, hereby agree that this most southerly point of intersection, being in latitude 49° 28' 04.49" north, and longitude 95° 09' 11.61" west, shall be the terminus of the boundary line heretofore referred to as the international boundary line between the Dominion of Canada and the United States from the mouth of Pigeon River, at the western shore of Lake Superior, to the north-westernmost point of Lake of the Woods and the initial point of the boundary line heretofore referred to as the international boundary between the Dominion of Canada and the United States from the north-westernmost point of Lake of the Woods to the summit of the Rocky Mountains, in lieu of the said north-westernmost point.

The aforesaid most southerly point shall be located and monumented by the Commissioners appointed under the said Treaty of April 11, 1908, and shall be marked by them on the chart or charts prepared in accordance with the provisions of Articles V and VI of the said Treaty, and a detailed account of the work done by the Commissioners in locating said point, together with a description of the character and location of the several monuments erected, shall be included in the report or reports prepared pursuant to the said Articles.

The point so defined and monumented shall be taken and deemed to be the terminus of the boundary line heretofore referred to as the international boundary line between the Dominion of Canada and the United States, from the mouth of Pigeon River, at the western shore of Lake Superior, to the north-westernmost point of Lake of the Woods and the initial point of the boundary line heretofore referred to as the international boundary between the Dominion of Canada and the United States from the north-westernmost point of Lake of the Woods to the summit of the Rocky Mountains.

ARTICLE II.

Whereas Article VI of the Treaty concerning the boundary between the Dominion of Canada and the United States concluded on April 11, 1908, between Great Britain and the United States, pro-

through the Great Lakes and the St. Lawrence River and through the Straits of Georgia, Haro, and Juan de Fuca from the 49th parallel to the Pacific Ocean and between the Dominion of Canada and Alaska from the Arctic Ocean to Mount St. Elias have been made and the signed joint maps and reports in respect thereto have been filed with the two Governments;

And whereas a survey and effective demarcation of the boundary line between the Dominion of Canada and the United States from the Gulf of Georgia to Lake Superior and from the St. Lawrence River to the Atlantic Ocean and between the Dominion of Canada and Alaska from Mount St. Elias to Cape Muzon are nearing completion;

And whereas boundary monuments deteriorate and at times are destroyed or damaged; and boundary vistas become closed by the growth of timber;

And whereas changing conditions require from time to time that the boundary be marked more precisely and plainly by the establishment of additional monuments or the relocation of existing monuments;

The Contracting Parties, in order to provide for the maintenance of an effective boundary line between the Dominion of Canada and the United States and between the Dominion of Canada and Alaska, as established or to be established, and for the determination of the location of any point thereof, which may become necessary in the settlement of any question that may arise between the two Governments, hereby agree that the Commissioners appointed under the provisions of the Treaty of April 11, 1908, are hereby jointly empowered and directed: to inspect the various sections of the boundary line between the Dominion of Canada and the United States and between the Dominion of Canada and Alaska at such times as they shall deem necessary; to repair all damaged monuments and buoys; to relocate and rebuild monuments which have been destroyed; to keep the boundary vistas open; to move boundary monuments to new sites and establish such additional monuments and buoys as they shall deem desirable; to maintain at all times an effective boundary line between the Dominion of Canada and the United States and between the Dominion of Canada and Alaska, as defined by the present treaty and treaties heretofore concluded, or hereafter to be concluded; and to determine the location of any point of the boundary line which may become necessary in the settlement of any question that may arise between the two Governments.

The said Commissioners shall submit to their respective Governments from time to time, at least once in every calendar year, a joint report containing a statement of the inspections made, the monuments and buoys repaired, relocated, rebuilt, moved, and established, and the mileage and location of vistas opened, and shall submit with their reports, plates and tables certified and signed by the Commissioners, giving the locations and geodetic positions of all monuments moved and all additional monuments established within the year, and such other information as may be necessary to keep the boundary maps and records accurately revised.

After the completion of the survey and demarcation of the boundary line between the Dominion of Canada and the United States from the Gulf of Georgia to Lake Superior and from the St. Lawrence River to the Atlantic Ocean, as provided for by the Treaty of April 11, 1908, the Commissioners appointed under the provisions of that Treaty shall continue to carry out the provisions of this Article, and, upon the death, resignation, or other disability of either of them, the Party on whose side the vacancy occurs shall appoint an Expert Geographer or Surveyor as Commissioner, who shall have the same powers and duties in respect to carrying out the provisions of this Article, as are conferred by this Article upon the Commissioner appointed under the provisions of the said Treaty of 1908.

The Contracting Parties further agree that each Government shall pay the salaries and expenses of its own commissioner and his assistants, and that the expenses jointly incurred by the Commissioners in maintaining the demarcation of the boundary line in accordance with the provisions of this Article shall be borne equally by the two Governments.

ARTICLE V.

This treaty shall be ratified by the Contracting Parties and the ratifications shall be exchanged in Ottawa or Washington as soon as practicable. The treaty shall take effect on the date of the exchange of ratifications.

Upon the expiration of six years from the date of the exchange of ratifications of the present treaty, or any time thereafter, Article IV may be terminated upon twelve months' written notice given by either Contracting Party to the other, and following such termination the Commissioners therein mentioned and their successors shall cease to perform the functions thereby prescribed.

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

Done at Washington the 24th day of February, A.D. 1925.

(L.S.) ERNEST LAPOINTE.
 (L.S.) CHARLES EVANS HUGHES

