

N° 1059.

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**ÉTATS-UNIS D'AMÉRIQUE  
ET CANADA**

Traité en vue de déterminer la démarcation de la frontière entre les États-Unis et le Canada, signé à Washington, le 24 février 1925.

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**UNITED STATES OF AMERICA  
AND CANADA**

Treaty regarding the Demarcation of the Boundary between the United States and Canada, signed at Washington, February 24, 1925.

No. 1059. — TREATY<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND CANADA REGARDING THE DEMARCATION OF THE BOUNDARY BETWEEN THE UNITED STATES AND CANADA, SIGNED AT WASHINGTON, FEBRUARY 24, 1925.

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*Texte officiel anglais communiqué par le " Advisory Officer " du Canada auprès de la Société des Nations. L'enregistrement de ce Traité a eu lieu le 20 janvier 1926.*

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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 1.*

Whereas Article 5 of the Treaty<sup>2</sup> 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 northwesternmost point of Lake of the Woods, as defined by the Treaties concluded between Great Britain and the United States on September 3, 1783<sup>3</sup>, and August 9, 1842<sup>4</sup> ;

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 northwesternmost point of Lake of the Woods to the summit

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<sup>1</sup> L'échange des ratifications a eu lieu à Washington, le 17 juillet 1925.

<sup>2</sup> British and Foreign State Papers, Vol. 101, page 210.

<sup>3</sup> British and Foreign State Papers, Vol. 1, page 779.

<sup>4</sup> British and Foreign State Papers, Vol. 30, page 360.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 1059. — TRAITÉ<sup>2</sup> ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE CANADA, EN VUE DE DÉTERMINER LA DÉMARCATIION DE LA FRONTIÈRE ENTRE LES ÉTATS-UNIS ET LE CANADA, SIGNÉ A WASHINGTON, LE 24 FÉVRIER 1925.

*English official text communicated by the Canadian Advisory Officer accredited to the League of Nations. The registration of this Treaty took place January 20, 1926.*

SA MAJESTÉ LE ROI DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE ET DES POSSESSIONS BRITANNIQUES AU DELA DES MERS, EMPEREUR DES INDES, agissant pour le DOMINION DU CANADA et les ÉTATS-UNIS D'AMÉRIQUE, désirant fixer plus exactement les limites à certains endroits et compléter, ainsi, la frontière internationale entre le Canada et les Etats-Unis et maintenir la démarcation de cette frontière, ont résolu de conclure un Traité pour atteindre ces fins, et pour cet objet ils ont nommé comme leurs Plénipotentiaires :

SA MAJESTÉ BRITANNIQUE, agissant pour le DOMINION DU CANADA :

L'honorable Ernest LAPOINTE, C.R., membre du Conseil Privé de Sa Majesté pour le Canada, et ministre de la Justice dans le gouvernement de ce Dominion ; et

LE PRÉSIDENT DES ETATS-UNIS D'AMÉRIQUE :

Charles-Evans HUGHES, Secrétaire d'Etat des Etats-Unis,

Lesquels, après avoir mutuellement échangé leurs pleins pouvoirs, reconnus en bonne et due forme, ont convenu des articles suivants :

*Article 1.*

Attendu que l'article V du Traité<sup>3</sup> conclu le 11 avril 1908, entre la Grande-Bretagne et les Etats-Unis au sujet de la frontière qui sépare le Canada et les Etats-Unis, prévoyait le relevé et la démarcation de la frontière internationale à partir de l'embouchure de la rivière Pigeon, sur la rive ouest du Lac Supérieur, jusqu'au point le plus au nord-ouest du lac des Bois, aux termes des traités conclus entre la Grande-Bretagne et les Etats-Unis, le 3 septembre 1783<sup>4</sup>, et le 9 août 1842<sup>5</sup> ;

Et attendu que l'article VI dudit Traité conclu le 11 avril 1908, prévoyait le remplacement et la réparation des bornes perdues ou endommagées et l'établissement de bornes et autres marques additionnelles le long de la frontière internationale qui sépare le Dominion du Canada et les Etats-Unis et s'étend du point le plus au nord-ouest du lac des Bois jusqu'au sommet des Montagnes

<sup>1</sup> Communiquée par le Ministère des Affaires extérieures du Canada.

<sup>1</sup> Communicated by the Canadian Ministry for External Affairs.

<sup>2</sup> The exchange of ratifications took place at Washington, July 17, 1925.

<sup>3</sup> De Martens, Nouveau Recueil Général de Traités, troisième série, tome IV, page 191.

<sup>4</sup> De Martens, Recueil des principaux Traités d'alliance, de paix, etc., tome II, page 497.

<sup>5</sup> De Martens, Nouveau Recueil Général de Traités, tome III, page 456.

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 River, at the western shore of Lake Superior, to the northwesternmost point of Lake of the Woods as defined by the Treaties concluded on September 3, 1783, and August 9, 1842, is intersected by the boundary from the northwesternmost 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 northwesternmost 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  $49^{\circ} 23' 04'' 49$  north, and longitude  $95^{\circ} 09' 11'' 61$  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 northwesternmost 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 northwesternmost point of Lake of the Woods to the summit of the Rocky Mountains, in lieu of the said northwesternmost 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 5 and 6 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 northwesternmost 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 northwesternmost point of Lake of the Woods to the summit of the Rocky Mountains.

#### *Article 2.*

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, provided for the relocation and repair of lost or damaged monuments and for the establishment of additional monuments and boundary marks along the courses of the international boundary between the Dominion of Canada and the United States from the northwesternmost point of Lake of the Woods south to the 49th parallel of north latitude and thence westward along said parallel of latitude 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 Article 6 of the said Treaty concluded on April 11, 1908, further provides that in carrying out the provisions of that article the Agreement stated in the protocol of the final meeting of the said Joint Commission, dated May 29, 1876, should be observed, by which protocol it was

agreed that in the intervals between the monuments along the 49th parallel of north latitude the boundary line has the curvature of a parallel of 49° north latitude ;

And whereas the Commissioners appointed and acting under the provisions of Article 6 of the said Treaty of 1908 have marked the boundary line wherever necessary in the intervals between the original monuments established by the said Joint Commission, appointed in 1872, in accordance with the agreement stated in the Protocol of the final meeting, dated May 29, 1876, of the Joint Commission aforesaid, and as set forth in Article 6 of the Treaty of 1908, by placing intermediate monuments on lines joining the original monuments, which have in each case the curvature of a parallel of 49° north latitude ;

And whereas the average distance between adjacent monuments as thus established or re-established along the 49th parallel of north latitude from Lake of the Woods to the summit of the Rocky Mountains by the Commissioners acting under Article 6 of the Treaty of 1908 is one and one-third miles and therefore the deviation of the curve of the 49th parallel from a straight or right line joining adjacent monuments is, for this average distance between monuments, only one-third of a foot, and in no case does the actual deviation exceed one and eight-tenths feet ;

And whereas it is impracticable to determine the course of a line having the curvature of a parallel of 49° north latitude on the ground between the adjacent monuments which have been established or re-established by the Commissioners and the demarcation of the boundary would be more thoroughly effective if the line between adjacent monuments be defined as a straight or right line ;

And whereas it is desirable that the boundary at any point between adjacent monuments may be conveniently ascertainable on the ground, the Contracting Parties, in order to complete and render thoroughly effective the demarcation of the boundary between the Dominion of Canada and the United States from the northwesternmost point of Lake of the Woods to the summit of the Rocky Mountains, hereby agree that the line heretofore referred to as the international boundary between the Dominion of Canada and the United States from the northwesternmost point of Lake of the Woods to the summit of the Rocky Mountains shall be defined as consisting of a series of right or straight lines joining adjacent monuments as now established or re-established and as now laid down on charts by the Commissioners acting under Article 6 of the Treaty of 1908, in lieu of the definition set forth in the Agreement of the aforesaid Joint Commissioners, dated May 29, 1876, and quoted in Article 6 of the said Treaty of 1908, that in the intervals between the monuments the line has the curvature of the parallel of 49° north latitude.

### *Article 3.*

Whereas the Treaty concluded on May 21, 1910, between Great Britain and the United States, defined the international boundary line between the Dominion of Canada and the United States from a point in Passamaquoddy Bay lying between Treat Island and Friar Head to the middle of Grand Manan Channel and provided that the location of the line so defined should be laid down and marked by the Commissioners appointed under the Treaty of April 11, 1908 ;

And whereas it has been found by the surveys executed pursuant to the said Treaty of May 21, 1910, that the terminus of the boundary line defined by said Treaty at the middle of Grand Manan Channel is less than three nautical miles distant both from the shore line of Grand Manan Island in the Dominion of Canada and from the shore line of the State of Maine in the United States, and that there is a small zone of waters of controvertible jurisdiction in Grand Manan Channel between said terminus and the High Seas ;

The Contracting Parties, in order completely to define the boundary line between the Dominion of Canada and the United States in the Grand Manan Channel, hereby agree that an additional course shall be extended from the terminus of the boundary line defined by the said Treaty of May 21, 1910, south 34° 42' west, for a distance of two thousand three hundred eighty-three (2,383) meters, through the middle of Grand Manan Channel, to the High Seas.

The course so defined shall be located and marked by the Commissioners appointed under the Treaty of April 11, 1908, and shall be laid down by them on the chart or charts adopted in accordance with the provisions of Article 1 of the said Treaty, and a detailed account of the work

done by the Commissioners in locating and marking said line, together with a description of the several monuments erected, shall be included in the report or reports prepared pursuant to Article 1 of the Treaty of April 11, 1908.

The course so defined and laid down shall be taken and deemed to be the boundary line between the Dominion of Canada and the United States in Grand Manan Channel from the terminus of the boundary line as defined by the Treaty of May 21, 1910, to the High Seas.

#### *Article 4.*

Whereas, pursuant to existing treaties between Great Britain and the United States, a survey and effective demarcation of the boundary line between the Dominion of Canada and the United States 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, plats 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 5.*

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 4 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.

(Seal) (Signed) ERNEST LAPOINTE.

(Seal) (Signed) CHARLES EVANS HUGHES.

Certified to be a true copy of the original.

(Signed) O. D. SKELTON.

*Under-Secretary of State for External Affairs.*