

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.

ARTICLE XI.

The eighth article of this treaty shall be in force for five 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 tenth article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

ARTICLE XII.

The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in London, 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 ninth day of August, anno Domini one thousand eight hundred and forty-two.

[SEAL.]
[SEAL.]

DANL. WEBSTER.
ASHBURTON.

1846.*

TREATY ESTABLISHING BOUNDARY WEST OF THE ROCKY MOUNTAINS.

Concluded June 15, 1846; ratification advised by the Senate June 18, 1846; ratified by the President June 19, 1846; ratifications exchanged July 17, 1846; proclaimed August 5, 1846.

ARTICLES.

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| <p>I. Boundary established; free navigation.</p> <p>II. Navigation of Columbia River.</p> <p>III. Property rights.</p> | <p>IV. Property of Puget's Sound Agricultural Company.</p> <p>V. Ratification.</p> |
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The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, 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

* Federal Cases: McKay v. Campbell (2 Sawy., 118); Town v. DeHaven (5 Sawyer, 146).

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:

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, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honorable Richard Pakenham, a member of Her Majesty's Most Honorable Privy Council, and Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to 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 forty-ninth 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 forty-ninth 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 forty-ninth parallel of north latitude, remain free and open to both parties.

ARTICLE II.

From the point at which the forty-ninth 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.

ARTICLE III.

In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first 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.

ARTICLE 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.

ARTICLE V.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications 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 fifteenth day of June, in the year of our Lord one thousand eight hundred and forty-six.

[SEAL.]
[SEAL.]

JAMES BUCHANAN.
RICHARD PAKENHAM.

1870.

DECLARATION APPROVING AND ADOPTING THE MAPS PREPARED BY THE JOINT COMMISSION OF THE NORTHWEST BOUNDARY FOR SURVEYING AND MARKING THE BOUNDARIES BETWEEN THE BRITISH POSSESSIONS AND THE UNITED STATES ALONG THE 49TH PARALLEL OF NORTH LATITUDE, UNDER THE FIRST ARTICLE OF THE TREATY OF 15TH JUNE, 1846.

Signed at Washington February 24th, 1870.

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

The set of maps, seven 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 15th, 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 Archibald Campbell, Esquire, the Commissioner of the United States, and of Colonel John Summerfield Hawkins, Her Britannic Majesty's Commissioner, 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 twenty fourth day of February, in the year of our Lord, one thousand eight hundred and seventy.

[SEAL.]
[SEAL.]

HAMILTON FISH
EDWD. THORNTON

1850.*

CONVENTION AS TO SHIP-CANAL CONNECTING ATLANTIC AND PACIFIC OCEANS.

(CLAYTON-BULWER TREATY.)

Concluded April 19, 1850; ratification advised by the Senate May 22, 1850; ratified by the President May 23, 1850; ratifications exchanged July 4, 1850; proclaimed July 5, 1850.

ARTICLES.

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| <p>I. Declaration as to control of canal, occupation of territory, and commercial advantages.</p> <p>II. Neutrality of canal in case of war.</p> <p>III. Protection of construction.</p> <p>IV. Mutual influence to facilitate construction.</p> | <p>V. Guarantee of neutrality.</p> <p>VI. Cooperation of other States.</p> <p>VII. Mutual encouragement to speedy construction.</p> <p>VIII. Protection to other communications.</p> <p>IX. Ratification.</p> |
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The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific Oceans by the way of the river San Juan de Nicaragua, and

* This convention is superseded by the convention concluded November 18, 1901.