

SETTLEMENT OF CLAIMS OF HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES

Treaty signed at Washington July 1, 1863

Senate advice and consent to ratification January 18, 1864

Ratified by the United Kingdom February 2, 1864

Ratified by the President of the United States March 2, 1864

Ratifications exchanged at Washington March 3, 1864

Entered into force March 3, 1864

Proclaimed by the President of the United States March 5, 1864

*Terminated September 15, 1871*¹

13 Stat. 651; Treaty Series 128²

The United States of America, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to provide for the final settlement of the claims of the Hudson's Bay and Puget's Sound agricultural companies specified in Articles III and IV of the Treaty concluded between the United States of America and Great Britain on the 15th of June, 1846,³ have resolved to conclude a Treaty for this purpose, and have named as their Plenipotentiaries, that is to say; the President of the United States of America, William H. Seward, Secretary of State; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell, Lord Lyons, a peer of Her United Kingdom, a Knight grand cross of Her most honorable order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America; 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

Whereas by the III^d and IVth articles of the Treaty concluded at Washington on the 15th day of June, 1846, between the United States of America

¹ Date of payment by United States of second and final installment of award rendered by Commissioners Sept. 10, 1869, in favor of Hudson's Bay and Puget's Sound Agricultural Companies in the amount of \$650,000 (see Moore, *International Arbitrations*, vol. I, p. 268).

² For a detailed study of this treaty, see 8 Miller 949.

³ TS 120, *ante*, p. 96.

and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, it was stipulated and agreed that in the future appropriation of the territory south of the 49th parallel of North Latitude, as provided in the First Article of the said 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, should be respected, and that 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, should be confirmed to the said company, but that in case 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 should be transferred to the said Government at a proper valuation to be agreed upon between the parties:

And whereas it is desirable that all questions between the United States authorities on the one hand, and the Hudson's Bay and Puget's Sound Agricultural Companies on the other, with respect to the possessory rights and claims of those companies and of any other British subjects in Oregon and Washington Territory, should be settled by the transfer of those rights and claims to the Government of the United States for an adequate money consideration:

It is hereby agreed that the United States of America and Her Britannic Majesty shall, within twelve months after the exchange of the ratifications of the present treaty, appoint each a Commissioner for the purpose of examining and deciding upon all claims arising out of the provisions of the above quoted articles of the Treaty of June 15, 1846.

ARTICLE II

The Commissioners mentioned in the preceding article shall, at the earliest convenient period after they shall have been respectively named, meet at the city of Washington, in the District of Columbia, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, all the matters referred to them for their decision; and such declaration shall be entered on the record of their proceedings.

The Commissioners shall then proceed to name an Arbitrator or Umpire to decide upon any case or cases on which they may differ in opinion; and if they cannot agree in the selection, the said Arbitrator or Umpire shall be appointed by the King of Italy, whom the two High contracting Parties shall invite to make such appointment, and whose selection shall be conclusive on both parties. The person so to be chosen shall, before proceeding to act, make and subscribe a solemn declaration, in a form similar to that

which shall already have been made and subscribed by the Commissioners, which declaration shall also be entered on the record of the proceedings. In the event of the death, absence, or incapacity of such person, or of his omitting or declining or ceasing to act as such Arbitrator or Umpire, another person shall be named, in the manner aforesaid, to act in his place or stead, and shall make and subscribe such declaration as aforesaid.

The United States of America and Her Britannic Majesty engage to consider the decision of the two Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as final and conclusive on the matters to be referred to their decision, and forthwith to give full effect to the same.

ARTICLE III

The Commissioners and the Arbitrator or Umpire shall keep accurate records and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ such clerk or clerks or other persons, as they shall find necessary to assist them in the transaction of the business which may come before them.

The salaries of the Commissioners and of the clerk or clerks shall be paid by their respective Governments. The salary of the Arbitrator or Umpire and the contingent expenses shall be defrayed in equal moieties by the two Governments.

ARTICLE IV

All sums of money which may be awarded by the Commissioners or by the Arbitrator or Umpire on account of any claim, shall be paid by the one Government to the other in two equal annual instalments, whereof the first shall be paid within twelve months after the date of the award, and the second within twenty-four months after the date of the award, without interest and without any deduction whatever.

ARTICLE V

The present Treaty shall be ratified and the mutual exchange of ratifications shall take place in Washington in twelve 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 first day of July, Anno Domini, one thousand eight hundred and sixty three.

WILLIAM H. SEWARD [SEAL]
LYONS [SEAL]