

No. 99.

New Zealand, No. 327.

MY LORD,—

Downing Street, 15th September, 1911.

I have the honour to transmit to your Lordship, for the information of your Ministers, the accompanying copies of the treaty of arbitration with the United States of America, signed at Washington on the 3rd August. The treaty has not yet been ratified.

2. Your Ministers will observe that His Majesty's Government have reserved the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the Government of that dominion.

I have, &c.,

L. HARCOURT.

Governor the Right Hon. Lord Islington, K.C.M.G., D.S.O., &c.

Enclosure.

TREATY OF ARBITRATION BETWEEN THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA.

(Signed at Washington, 3rd August, 1911.)

THE United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of perpetuating the peace which has happily existed between the two nations, as established in 1814 by the Treaty of Ghent, and has never since been interrupted by an appeal to arms, and which has been confirmed and strengthened in recent years by a number of treaties whereby pending controversies have been adjusted by agreement or settled by arbitration or otherwise provided for; so that now, for the first time, there are no important questions of difference outstanding between them, and being resolved that no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship:

The high contracting parties have therefore determined, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of the 4th April, 1908, so as to exclude certain exceptions contained in that treaty, and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America, the Honourable Philander C. Knox, Secretary of State of the United States, and His Britannic Majesty, the Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington; who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:—

Article 1.

All differences hereafter arising between the high contracting parties which it has not been possible to adjust by diplomacy relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the permanent Court of Arbitration established at The Hague by the convention of the 18th October, 1907, or to some other arbitral tribunal as may be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal, if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The provisions of Articles 37 to 90, inclusive, of the convention for the pacific settlement of international disputes concluded at the second Peace Conference at The Hague on the 18th October, 1907, as far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting Articles 53 and 54 of such convention, shall govern the arbitration proceedings to be taken under this treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the Government of that dominion.

Such agreement shall be binding when confirmed by the two Governments by an exchange of notes.

Article 2.

The high contracting parties further agree to institute, as occasion arises and as hereinafter provided, a joint high commission of inquiry, to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of Article 1 before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them, even if they are not agreed that it falls within the scope of Article 1; provided, however, that such reference may be postponed until the expiration of one