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Confidential.

CANADA.

North American,
No. 187.

MEMORANDUM

ON THE

BOUNDARY BETWEEN CANADA AND ALASKA

SHOWING THE

CONTENTION OF THE CANADIAN GOVERNMENT IN RESPECT THERETO, 1899.

WITH APPENDICES.

PUBLIC LIBRARY

COLONIAL OFFICE,
October, 1899.

Confidential.

MEMORANDUM.

The line of demarcation between Her Britannic Majesty's possessions in North America and the territory of Alaska is defined by the Convention between Great Britain and Russia signed at St. Petersburg, February $\frac{16}{28}$ 1825 [1]. Before quoting the language of this treaty it may be well briefly to recall the circumstances which led to its negotiation.

1696. Scarce two hundred years have elapsed since the advance guard of the Cossacks commissioned by Peter the Great to explore and conquer the north-eastern portion of Asia reached Kamschatka, and penetrated to the shores of the Pacific Ocean. Within fifteen years thereafter the whole of this immense region was incorporated in the Russian Empire. These vast acquisitions served but to incite the Czar to further conquest. Vessels were built at Kamschatka by his command, and expeditions led forth by Behring, Tchiricoff, and other explorers planted the Russian flag at various places along the north-west coast of America. The Russian traders who followed in their wake speedily established trading posts on the Aleutian Islands and gradually crept down the coast.

The Oregon Question. Twiss: ed. 1846, pp. 73–74. At this period the most uncertain notions prevailed as to the nature of the connection between America and Asia. To Captain Cook belongs the honour of having made known the true conformation of that distant shore and the relative proximity of the two continents. His journals first published in 1784–5 captivated public attention by their accounts of the numbers of fur-bearing animals in the waters and along the coasts of the North Pacific Ocean, and the high prices paid for their skins in China. The excitement became contagious, and soon a host of rival traders, English, French, Portuguese, East Indian, and American flocked to those northern seas.

In 1799 an association of Siberian merchants was granted a charter [2] by the Emperor Paul, under the title of the "Russian American Company." To this Association was given for twenty years the exclusive enjoyment of the north-west coast as far south as the 55th degree of north latitude, in virtue of alleged discovery by Russian navigators. These privileges were subsequently confirmed and extended by the Emperor Alexander, under whose protection the power and influence of the Russian American Company, to which had been entrusted the control and management of the country, rapidly increased. This assumption of sovereignty on the part of Russia over that portion of the coast lying between the 60th and the 55th degrees conflicted with prior claims of Great Britain and Spain to the same region. The Russians, however, continued to encroach, and, not content with claiming jurisdiction on land, sought to extend their dominion over the sea as well.

NOTE 1.—*See* Appendix No. I, page 53, for English and French versions of this Treaty.

NOTE 2.—*See* Appendix II, page 58.

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On the 4/16 September, 1821, the Emperor Alexander issued a Imperial Ukase[3] in which the whole west coast of America north of the 51st parallel was declared to belong exclusively to Russia, foreign ships being prohibited from approaching within 100 Italian miles of the shore under penalty of confiscation.

Great Britain and the United States at once protested against this assumption of exclusive sovereignty over the territories described in the Ukase, as well as against the claim to a monopoly of navigation and trade within the maritime limits therein set forth. Out of this protest grew the Treaty of 1825, by which Russia abandoned her extravagant pretensions as regards the high seas, and withdrew on land within the limits prescribed in Articles III and IV of the Treaty, which read as follows:—

III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du continent et les îles de l'Amérique nord-ouest, sera tracée ainsi qu'il suit :

A partir du point le plus méridional de l'île dite Prince of Wales, lequel point se trouve sous la parallèle du 54e degré 40 minutes de latitude nord, et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme où elle atteint le 56e degré de latitude nord : de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141e degré de longitude ouest (même méridien) ; et finalement, du dit point d'intersection, la même ligne méridienne du 141e degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique nord ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent :

1. Que l'île dite Prince of Wales appartiendra toute entière à la Russie :

2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la cote depuis le 56e degré de latitude nord au point d'intersection du 141e degré de longitude ouest, se trouveroit a la distance de plus de 10 lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte, et que ne pourra jamais en être éloignée que de 10 lieues marines.

In 1867 the territory of Alaska passed into the possession of the United States. The Treaty of cession[4] declares that "the eastern limit (of the territory of Alaska) is the line of demarcation between the British and the Russian possessions in North America, as established by the Convention between Great Britain and Russia of February 28/16, 1825," and proceeds to quote Articles III and IV reproduced above. The questions at issue between Great Britain and the United States in regard to the boundary of Alaska turn upon the interpretation of the language of this Treaty of 1825, and in this connection it becomes of importance to ascertain whether the parties to that Treaty or their successors adopted and acted upon any fixed or particular interpretation of its provisions.

At the date of the promulgation of the Edict above referred to, the Russians, while possessing a trading post at Sitka, had no settlements on the main land south of Prince William Sound[5], nor does there appear

NOTE 3.—*See* Appendix No. III, page 60.
NOTE 4.—*See* Appendix No. IV, page 66.
NOTE 5.—About latitude 61° N. *See* Appendix No. [illegible], XVII., page [illegible] 116.

to be any evidence of their having visited, prior to the date of the treaty, any parts of the coast of the mainland, for the purposes of trade, south of that sound. On the other hand, it is not clear that the British, though established in many places west of the Rocky mountains [6] had in 1821 any establishments actually on the ocean coast line. The union of the rival British fur trading companies which took place at this time, and the monopoly of trade with which it was endowed, gave a marked impetus to the Hudson's Bay Company. No longer compelled to waste its resources in antagonism with competitive institutions, it now found itself free to devote its undivided energies to the development of its commerce. The explorations of Sir John Franklin and Captain Parry by sea, and Sir George Simpson and other adventurers by land, supplied a further stimulus to the company's agents, whose appearance on the coast awakened the jealous alarm of its Russian commercial rival.

August, 1821.

In 1834 an expedition fitted out and despatched by the Hudson's Bay Company under the command of Chief Factor McLoughlin for the purpose of erecting a trading post at a point on the Stikine river, ten marine leagues from the coast, was stopped by the Russian authorities at the mouth of the river, and forcibly prevented from accomplishing its purpose.

The Company protested loudly against this high-handed proceeding in defiance of the Treaty of 1825, and claimed damages to the extent of £22,000. Diplomatic representations followed, the result being that the Russian Government disavowed the act of Baron Wrangel, Principal Superintendent of the Russian American Company, and promised that such instructions should be sent out as would effectually prevent the recurrence of the annoyance complained of. They declined, however, to accede to the Hudson's Bay Company's demand for compensation, holding that :—

> The British Expedition was not prevented from proceeding by any unsurmountable obstacle or by any actual danger, but rather by an excess of caution on the part of the persons in charge of it, and they accordingly maintain that those persons, and not the Russian Authorities, are responsible to the Company for any losses which may have been sustained on the occasion.

Finally, wearied of the ways of diplomacy, the Hudson's Bay Company terminated the controversy by leasing from the Russian American Company for a term of years the whole coast from Cape Spencer to

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NOTE 6.—In 1806, Mr. Simon Fraser, an officer of the North-West Company, ascended the Peace river from the east and established a trading post at Fraser's Lake in latitude 54°. This was the first settlement on the west side of the Rocky Mountains made by civilized men. "The Oregon Question" by Travers Twiss, page 13.

The following is a list of Hudson's Bay Company posts west of the Rocky Mountains in 1825 :—

1. Ft. Vancouver.
2. Nez Percé.
3. Okanagan.
4. Colville House.
5. Flat Head.
6. Kootenais.
7. Kilmany.
8. Fraser's Lake.
9. Fort St. James.
10. McLeod's Fort.
11. Chilcotin Fort.
12. Thompson's Fort.
13. Alexandria Fort.

latitude 54° 40′ "or thereabouts[7]," the lease expressing that it was granted in consideration of the withdrawal of their claim. This lease was afterwards renewed from time to time till the year 1867, when Alaska was ceded by Russia to the United States. That this was their readiest way out of the difficulty is apparent. The line between the British and Russian possessions was undelimited, and the uncertainty caused thereby was calculated to prejudice the interests of the Hudson's Bay Company by involving them in disputes with their Russian rivals. The former held a monopoly of trade in British territory. The Russian Company enjoyed a monopoly of trade in the Russian possessions. By leasing from the Russian American Company all the territory that was Russian, south and east of a line drawn from Cape Spencer to Mount Fairweather (whatever that might ultimately turn out to include), they secured to themselves the entire trade of the mainland south and east of that line.

There may be some ambiguity in the description of the territories included in this lease, the first part limiting them to those south of Cape Spencer, and the latter part embracing all south and east of a line drawn from Cape Spencer to Mount Fairweather, but it seems tolerably clear that the utmost the Russian American Company intended to cede or lease was the territory on the mainland south and east of a line drawn from Cape Spencer to Mount Fairweather, which does not include the disputed territory at the head of Lynn Canal. It can be reasonably argued that if the Russian American Company claimed these territories they would, as a matter of course, have been included in the lease, otherwise there would have been a strip of Russian territory not included in the lease to which the Russians would have had no access, and which would have lain as a wedge between the Hudson's Bay Company's lands and the territories leased. This would practically have defeated the very purpose of the lease. Not having been so included, it would follow that this strip was not at the time claimed as Russian. While it is not contended that too much weight should be attached to the description of lands which, as far as is known, were at the time of the granting of the lease, unsurveyed, it seems clear that the Russian American Company did not intend to claim anything lying to the north of the latitude of Mount Fairweather, a well-known and recognized natural land mark.

It has been urged in support of the United States' claim that this lease on the part of the Hudson's Bay Company did embrace the territories at the head of Lynn Canal, and consequently committed the British Government to an acknowledgment that Russia was at the time of the lease the owner of these territories. No argument could be more erroneous, because, apart altogether from the proper construction of the description in the lease, no action of the Hudson's Bay Company could be held to bind the British Government in a matter of territorial right unless taken with its authority or with its subsequent sanction and approval. The function of the Hudson's Bay Company was not to define boundaries but to collect furs. So long as they were free to range the country without molestation,

NOTE 7.—For the terms of this lease *See* Appendix No. XX. page 147.

erect their posts, and traffic with the natives, it mattered little to them in whom was vested the territorial sovereignty of their hunting grounds. Their action was dictated by motives of commercial policy and by them alone. Nor, supposing that the Hudson's Bay Company had undertaken to settle the international boundary, could such action on their part be held to impart to their negotiations with the Russian Company an official character. Those who assert a contrary view overlook the fact that the Hudson's Bay Company did not hold the whole of the Great North-west by the same tenure. With reference to that portion of the country which is watered by streams falling into Hudson's Bay (formerly styled Rupert's Land) it is true that they asserted and exercised under the charter of Charles II. rights of proprietorship, exclusive trade, taxation, and government. These rights were acquired by Canada for the sum of £300,000, paid to the Company in 1869. Towards that vast region stretching north and west of Rupert's Land, however, the Hudson's Bay Company occupied a different relation. Under the provisions of an Imperial Act the Company was granted a monopoly of trade with the Indians of that territory for 21 years. This grant was subsequently renewed for a like period from the year 1838. Apart therefrom, the Hudson's Bay Company possessed no exclusive privileges in the North-west Territory, nor did it assert any.[8]

1 & 2 Geo. IV., c. 66.

Can. Sess. Pap. 1878 No. 125 pp. 1–6.

As far back as the year 1872, just after the discovery of gold in the Cassiar district, Her Majesty's Government, at the instance of the Canadian ministry, who were moved thereto by the Legislature of British Columbia, suggested to the United States the expediency of defining the boundary line between Alaska and British Columbia. Mr. Fish, then Secretary of State, replied that he was perfectly satisfied of the expediency of the proceeding, but he feared that Congress might not be willing to take the necessary action. He subsequently informed Mr. Thornton that the President was so impressed with the advantage of having the boundary line defined at once that he would recommend the necessary action on the part of Congress. This promise was fulfilled by General Grant, who, in his annual message to Congress, recommended the appointment of a commission "to act jointly with one that may be appointed on the part of Great Britain to determine the line between our territory of Alaska and the coterminous possessions of Great Britain." The question of expense alone stood in the way.

2nd Dec., 1872.

Ib., p. 9.

On the 27th January, 1873, the Canadian Government, by a minute of Council, informed Her Majesty's

NOTE 8.—In illustration of this diversity of tenure, it may be pointed out that whereas in Rupert's Land justice was administered by an officer of the Hudson's Bay Company, styled the "Recorder," who derived his powers from the Governor and Company in London, over the North-west Territory, the Court of Queen's Bench of Lower Canada was invested by the Imperial Statute 43 George III., cap. 138, with jurisdiction, and while this court had concurrent jurisdiction with the Recorder over Rupert's Land, the Recorder, as such, had no jurisdiction over the North-west or Indian Territory.

Government that Canada would bear one-half of the British expenditure to be incurred.

In February, 1873, the United States Government estimated their share of the cost of this survey at one and a half million dollars. A bill was introduced to give effect to the President's recommendation, but Mr. Fish subsequently stated that it would be impossible for Congress to take up the question during the then session, and he doubted whether they could ever be induced to vote so large a sum as would be necessary to lay down the boundary completely. He suggested that for the present it would be sufficient to decide upon some particular points, the principal of which his engineer suggested should be "the head of the Portland Canal, the points where the boundary line crosses the rivers Skoot, Stakeen, Taku, Iselcat (Chilkoot), and Chelkaht, Mount St. Elias, and the points where the 141st degree of west longitude crosses the rivers Yukon and Porcupine." Ib., pp. 10–11.

In 1874 the Provincial Government of British Columbia again urged a speedy delimitation of the boundary line.

On the 17th February, 1874, Mr. J. S. Dennis, Surveyor General of Dominion Lands, reported to his chief, the Minister of the Interior, on the subject of the cost of surveying the Alaska boundary. The gist of his report is that it was not necessary to incur the expense of determining and marking any portion of the boundary line other than "(1) the head of Portland Canal, or the intersection of the same by the 56th parallel of north latitude; (2) the crossing of the following rivers on the Pacific coast by the said boundary, that is to say, the rivers 'Skoot,' 'Stakeen,' 'Taku,' 'Tsilcat,' and 'Chilkaht,' (3) the points where the one hundred and forty-first meridian west of Greenwich crosses the rivers Yukon and Porcupine." Ib., pp. 27–28.

Inasmuch as this report has been used to support the contention of the United States that the Canadian Government of that day acknowledged that the boundary line was to be carried up and round the Lynn Canal, as it undoubtedly would have to be in order to cross the Chilkat and Chilkoot rivers, it may be well to point out the circumstances under which it was written.

At the time Mr. Dennis made his report the North-west Territory had only lately been acquired from the Hudson's Bay Company and British Columbia had still more recently (1871) become part of Canada. No survey of this boundary line had ever been made or even attempted: the whole region of Alaska was an unknown and practically inaccessible country, separated from old Canada by thousands of miles of trackless wilderness. Mr. Dennis never crossed the Rocky Mountains, and, consequently, never had been within a thousand miles of the disputed territory. It is obvious, therefore, that he could have had no practical acquaintance with the subject. The fact is he was simply a land surveyor and the question of international boundaries did not appertain to him. Moreover, it must be borne in mind that Mr. Dennis's memorandum, though addressed to the Minister of the Interior, was not accepted by him or adopted by

the Canadian Government, who a few months previously had referred the matter to Her Majesty's boundary commissioner (Captain Cameron). In dealing with the proposal of the American authorities to mark the points of intersection of rivers by the boundary line (which Mr. Dennis simply recited), under date of 18th February, 1875, Captain Cameron observes that—

5th Dec., 1873.

Ib., pp. 37–38.

"While the United States Government have indicated a definite plan of procedure, and named the points of the boundary which they consider it essential should be marked, the Government of Canada make no reference to such details and therefore leave it to be assumed that they expect the terms of the treaty to be fully and strictly carried out."

On the 23rd February, 1874, Mr. Fish stated that it would be impossible to induce Congress to vote the expense necessary for the first year of the survey, nor would it be expedient to make the attempt to do so.

No further action appears to have been taken in the matter by either Government, until October, 1875, when, on the 22nd of that month, Lord Carnarvon called the attention of His Excellency the Governor General to a despatch from Her Majesty's Minister at Washington, reporting a conversation had with Mr. Fish, in the course of which the latter complained of the settlement of British subjects at a point on the Stikine river, claimed by the United States officials to be within United States territory; and that Mr. Fish had asked Sir Edward Thornton what he thought could be done to settle the question of jurisdiction. Sir Edward Thornton had replied that the occurrence referred to proved the wisdom of the recommendation of Her Majesty's Government that no time should be lost in laying down the boundary between the two territories; and that he could see no way of deciding the question except by sending officers, on behalf of each country, to take observations and determine on whose territory the new settlers had established themselves; observing further, that when the question of laying down the boundary was discussed two years before, it was suggested by Mr. Fish himself that, if the whole survey could not be made, the points where the territories met could be fixed on the rivers which ran through both of them.

Ib., pp. 54–55.

Mr. Fish replied that even for this partial survey he feared that it would be difficult to obtain the necessary grant during the next session of Congress, and suggested that, as the weight of evidence seemed, at present, to be in favour of the point in question being within United States territory, the settlers should be called upon to suspend operations for the present until the question of territory could be decided.

On the 23rd November, 1875, the Canadian Government passed a minute of Council recommending that the United States authorities be invited to join with Her Majesty's Government in fixing the boundary at its intersection with the Stikine river. In the following year, another minute was passed renewing this invitation, and extending it to include "such other points as those mentioned by Mr. Fish in his communication to Sir Edward Thornton in February, 1873, as may be considered advisable." To this invitation Mr. Fish replied, that at that moment it

Ib., p. 56.

21st Nov., 1876.

would be useless to apply to Congress for any amount whatever, either for the delimitation of the whole boundary or of the single point on the Stikine. No further effort appears to have been made at that time by the United States Government to comply with the requests made by the Imperial and Canadian Governments for a settlement of this question, which was further complicated by the case of a convict named Peter Martin, who, while being brought from Cassiar by way of the Stikine River to Victoria, assaulted the constable who had him in charge and made his escape. Being subsequently recaptured and tried for this new offence, the defence was set up that the assault was committed on United States territory. Ib., 63. 21st Sept., 1876.

This plea was duly brought to the notice of Her Majesty's Minister at Washington by Mr. Fish, and diplomatic correspondence ensued with the result that Martin was released on the ground that he was a prisoner conveyed through United States territory without authority. In March, 1877, Mr. Joseph Hunter, an engineer in the employ of the Canadian Pacific Railway, was commissioned by the Canadian Government to proceed to the Stikine River and ascertain with "approximate accuracy" the boundary on the said river between Canada and Alaska. Ib., 58.

In June, 1877, Mr. Hunter reported that the boundary line drawn in accordance with Article III. of the Treaty, and joining the summits of the mountains parallel to the coast, crossed the river at a distance of 19·13 miles from the coast in latitude 56° 38′ 17″ north and longitude 131° 58′ 14″ west. Ib., pp. 146–152.

Early in 1878 the Hunter line was accepted provisionally by both Governments as the boundary at the Stikine River, with the understanding that the treaty rights of each party should remain unaffected by the arrangement, Mr. Evarts stipulating that the United States "has no objection to the temporary arrangement thus indicated, provided it be distinctly understood, on the part of both Governments, that it is not to be construed as affecting in any manner the rights under the treaty, to be determined whenever a joint survey shall be made, whether by a formal commission, or by officers detailed for the purpose of establishing a point as recently suggested." Ib., p. 164.

No further international communications of any note with respect to the Alaska boundary were had until 1884, when Mr. W. H. Dall, an officer of the United States Geodetic Survey, wrote semi-officially to Dr. G. M. Dawson, the present Director of the Geological Survey of Canada,[a] advancing the theory that the boundary from the head of Portland Canal to the 141st meridian, as laid down in the Treaty of 1825, was based on a misconception of the physical features of the country, inasmuch as a continuous mountain range running parallel with the coast (such as is depicted on Vancouver's map) did not exist, and that the alternative proviso in Article IV. of the Treaty was equally impracticable, owing to the impossibility of tracing a line parallel to the windings of the coast over a "sea of mountains." He therefore suggested that the question should be referred to a committee of geographers, a survey made, and a new treaty framed in the light of the extended and 24th April.

NOTE 9.—*See* Appendix No. V., page 69.

accurate knowledge which such survey should disclose.

Mr. Dall's theory as to the impracticability of delimiting the boundary according to the terms of the Treaty of 1825 received the official sanction of the United States Government in the following year by the President who in his message to Congress proposed a preliminary survey with the object of defining "a more convenient line." This policy afterwards was elaborated in a correspondence between Mr. Bayard, then Secretary of State, and Mr. Phelps, American Minister at London, in the course of which Mr. Bayard observes :—

8th Dec., 1885.

49th Congress, 1st Sess., Senate ex. doc. No. 143, p. 5.

"There is, however, ample ground for believing that the erroneous premises upon which the negotiators apparently based their fixation of the inland boundary line along the coast, render its true determination and demarcation by monuments, a matter of doubt and difficulty in carrying it into practical effect, and that, in prevision of the embarrassments which may follow delay in the establishment of a positive frontier line, it is the interest and the duty of the two Governments to reach a good understanding, which shall forthwith remove all chance for future disagreement."

and Mr. Phelps in communicating the views of his Government to Lord Salisbury, says :—

Ib., p. 14.

"The only other indication of this part of the boundary contained in the treaties, the limit of 10 marine leagues from the ocean, equally fails of practicable location. The coast proves, upon survey, to be so extremely irregular and indented, with such and so many projections and inlets, that it is not possible, except at immense expense of time and money, to run a line that shall be parallel with it. And if such a line should be surveyed it would be so confused, irregular, and inconsistent that it would be impossible of practical recognition, and would differ most materially from the clear and substantially straight line contemplated in the treaties."

Mr. Bayard, in the despatch above referred to goes on to instruct Mr. Phelps to bring the views of the United States Government to the attention of Lord Salisbury and to suggest the expediency of appointing an International Commission "at the earliest practicable day" to fix upon a conventional boundary line. The Canadian Government, to whom the matter was referred, while expressing its agreement in principle to a preliminary survey, deprecated the appointment of a Joint Commission "which would involve a large expenditure of public money and lead perhaps to interminable discussions."

Ib., p. 20.

The failure of the United States Government to obtain the requisite appropriation from Congress delayed any progress being made in their contemplated surveys for some time.

In 1887 Mr. William Ogilvie, an officer of the Canadian Government specially detailed for the purpose, made an astronomical determination of the point where the Yukon river is crossed by the 141st meridian. He also made a survey by which he determined the point of the crossing of Forty Mile Creek by the same line. The United States Coast and Geodetic Survey later on sent two surveying parties on the same mission. Besides an independent astronomical determination on the Yukon and an independent connecting survey to Forty Mile Creek, they also determined astronomically the crossing of

Can. Sess. Pap. 1888, No. 14, part II., p. 64.

the Porcupine River. The result of their calculations at the Yukon differed about 600 feet from Mr. Ogilvie's survey, but at Forty Mile Creek the two very nearly coincided.[10] These surveys had reference merely to the northern part of the boundary—the 141st meridian—respecting which there could be no controversy.

Meanwhile no progress has been made with respect to the question of the boundary of the coast strip though from time to time correspondence took place between the several governments interested on incidental points connected therewith.

The necessary information had not been obtained up to 1886 to enable any trustworthy map to be prepared showing the location of the boundary under the Treaty of 1825, but maps published of Canada and Alaska exhibited lines purporting to show in a general way the international division between Alaska and Canada. A request having been made to the Marquess of Salisbury by Mr. Phelps, the American Minister at London, on the 19th of January, 1886, that he might be furnished with a copy of a map of the Dominion of Canada geologically coloured from surveys made by the Geological corps, 1842–82, alluded to in Mr. Bayard's statement of 20th November, 1885, with reference to the question of the Alaska boundary, the Earl of Iddesleigh on the 27th August, 1886, wrote to Mr. Phelps distinctly disavowing that any weight was to be attached to the map locations of this line.[11] He said :—

"In forwarding to you a copy of the Map in question, I have the honour to invite your attention to the fact, that the Alaska boundary line shown therein is merely an indication of the occurrence of such a dividing line somewhere in that region. It will, of course, be clearly understood that no weight could attach to the Map location of the line now denoted, inasmuch as the Convention between Great Britain and Russia of the 28th February, 1825, which defines the line, making its location dependent on alternative circumstances, the occurrence or the non-occurrence of mountains, and, as is well known to all concerned, the country has never been topographically surveyed.

NOTE 10.—In 1895 the growing population of the Yukon valley made it necessary that the Government of Canada should provide for the proper administration of the district. To that end a force of mounted police was sent out, and provision was made for collecting customs dues, &c. A definition of a portion of the boundary line being obviously necessary, Mr. Wm. Ogilvie was again sent out to make the necessary surveys. (Sessional Papers, 1897, No. 13, page 40.)

The Government of the United States was invited by minute of Council, 1st June, 1895, to co-operate in this survey either by the appointment of a surveyor to work jointly with Mr. Ogilvie, or by recognizing Mr. Ogilvie's as a provisional line, on the same basis as the line established in 1877 on the River Stikine by Mr. Joseph Hunter. The United States Government, however, expressed a preference for a joint determination of the whole of the meridian. An appropriation of $75,000 was made by Congress in 1896, and on the 30th January, 1897, a Convention was signed by Her Majesty's Ambassador at Washington and the Secretary of State of the United States, providing for the demarcation of the whole length of this portion of the boundary line. *See* Appendix No. IX., page 76.

This Convention, following the usual course, was submitted to the United States Senate for ratification, which it failed to obtain.

NOTE 11.—*See* Appendix No. VI., page 70.

"Her Majesty's Government therefore feel that they are bound distinctly to disavow the recognition of the correctness of the line on the edition of the map in question, forwarded herewith, as the boundary line between the Province of British Columbia and Alaska."

Page 20.

In his report of a military reconnaissance in Alaska made in 1883, Lieutenant Schwatka of the United States Army implies that the Chilkoot or Perrier Pass is in United States territory. Upon this matter being brought to the notice of Her Majesty's Government, Lord Salisbury at once directed the Minister at Washington[12] to call Mr. Bayard's attention thereto, and to protest against the implication that Perrier Pass is within United States territory. This was accordingly done.

During the fisheries negotiations between Great Britain and the United States, held at Washington in 1887-8, several informal conferences took place, at the request of the British Commissioners, between Messrs. Dall and Dawson, at which the possibility of agreement upon certain conventional lines was discussed, but no result was reached from the report of these experts, the United States Commissioners taking the ground that their powers did not authorize them to treat for an adjustment of the Alaska boundary.

50th Congress 2nd Sess. Senate Ex. Doc. No 146.

The report of these conferences was laid before Congress by the President of the United States,[13] and this document included a letter from Dr. Dawson (who, as the expert selected by the British Commissioners, must be held to have represented the views of Her Majesty's Government), in which the Canadian contention as to the line crossing inlets is clearly put forward and a letter in which this contention is combated with vigour by Mr. Dall, the American expert.

This report contained a map (No. 16) showing how the boundary would run in accordance with the views presented by Dr. Dawson. On it the line is clearly marked as crossing the Lynn Canal in the vicinity of Berner's Bay. The contention of the United States that "not until after the Joint High Commission was created, 30th May, 1898, did either Great Britain or Canada advance a claim to any portion of territory lying adjacent to the inlets of the ocean or to the waters thereof," is thus refuted by the official publication of that Government issued more than 10 years ago.

In June, 1888, information reached the Canadian Government to the effect that certain persons were about to receive a charter from the Alaskan authorities to construct a trail from Lynn Canal by way of the White Pass to the interior of Alaska. In bringing this rumour to the attention of Sir John Macdonald, the then deputy of the Minister of the Interior observed:—

"In view of the well-based contention on our part that the heads of the larger inlets which penetrate that portion of Alaska which consists of the coast line from Mount St. Elias to Portland Channel, and more particularly the head of the Lynn Canal, are within our territory, it would appear to be important to protest against the granting of any rights

NOTE 12.—*See* Appendix No. VII., page 71.
NOTE 13.—*See* Appendix No. VIII., page 73.

by the United States or Alaskan Governments at the heads of these inlets." [14]

The attention of Lord Salisbury was at once called to this matter,[15] and Her Majesty's Minister at Washington instructed to inform the United States Government that this report had reached Her Majesty's Government by whom it was presumed to be unfounded, "as the territory in question is part of Her Majesty's dominions." Mr. Bayard replied to Sir Lionel Sackville-West under date the 15th September, 1888, to the effect that he knew nothing of the matter, and on the 25th instant, wrote informing Her Majesty's Minister that the Secretary of the Interior was equally in the dark. The protest communicated to Mr. Bayard by Sir Lionel Sackville-West unfortunately was not as definite as his instructions required.

On the 6th December, 1888, Mr. Phelps acquainted Lord Salisbury with the intelligence that the United States Government proposed to send an expedition—

"For the survey of the locality of the line in question and the ascertainment of the facts and data necessary to its delimitation in accordance with the spirit of the existing Treaties in regard to it between Great Britain and Russia and between the United States and Russia."

Her Majesty's Government were invited to participate in its examination and survey "in such a manner as to reach, if possible, a joint and concurrent conclusion in respect to the facts material to be determined."

In his despatch quoted above the Minister inclosed an extract from a letter addressed to the Secretary of the Treasury by the Superintendent of the United States Coast and Geodetic survey which as Mr. Phelps observed "shows the time and manner of the proposed 25th Sept., 1888.

NOTE. 14.—Dr. G. M. Dawson, writing to the Deputy of the Minister of the Interior, under date 11th July, 1888, with reference to this rumoured intention on the part of the United States Government, said:

"I have no doubt that the idea is to make a 'provisional boundary' like Hunter's on the Stikine. It appears to me, however, that the two cases are quite different, for one cannot admit that the United States has any claim to the heads of the Lynn Canal itself."

And in a further memorandum on the same subject:—

"Lynn Canal has waterways of less than six miles in breadth at no great distance from its entrance. It is contended on the Canadian side that the ten marine leagues given as the maximum breadth of United States coast territory in the second sub-section of Article IV. Russo-British Convention of 1825, may not be measured from any point within an inlet not exceeding six miles in breadth, and that consequently it is not under any circumstances possible that the international boundary can be anywhere so far inland as Perrier Pass."

And again:

"In connection with these last-mentioned schemes, I would remark that in accordance with our interpretation of the convention of 1825, no part of the route by the Chilkoot or White Passes lies within the territory of the United States, and suggest that in the event of the petition of M. P. Berry and others being entertained by Congress, it may be advisable to place the views of the Canadian Government on record in such manner that they may be in evidence when the delineation of the boundary shall be entered upon."—*From Dr. G. M. Dawson to the Hon. Thomas White, dated 12th December*, 1887.

NOTE 15.—*See* Appendix No. X., page 78.

survey, the composition of the party and other particulars."

Throughout this correspondence and particularly in a letter dated 14th December, 1888, addressed directly to the Minister of the Interior of Canada by the Superintendent of the United States Coast and Geodetic Survey, it was assumed on the part of the United States (as in 1886), that the boundary line prescribed by the Treaty of 1825 is impracticable, and the object of the expedition and survey proposed by the United States was not the ascertainment of facts and data necessary to the delimitation of the boundary already provided for by international agreement, but to "afford the geographical information requisite to the proper negotiation" of a new treaty between the United States and Great Britain to be substituted for the Treaty of 1825 between Great Britain and Russia.[16] The Canadian Government dissented from the view that the Treaty of 1825 was impracticable and declined to co-operate in any expedition sent with the object of laying down a new line which should be independent of its provisions. Each country therefore sent out expeditions of its own.

On the part of the Canadian Government, Mr. Otto J. Klotz visited the Pacific coast in 1889, and in December of that year made a report to the Minister of the Interior of the result of his investigations. Mr. Klotz found a party of United States surveyors in the vicinity of Admiralty island engaged in delimiting the shore line and taking soundings for purposes of navigation, but no survey of the interior country had been made at that date under the authority of the United States Government.

A somewhat more detailed examination of the physical features of the coast was made in 1891 by Mr. W. F. King, Chief Astronomer of the Department of the Interior.[17]

Page 3. In April, 1891, the Canadian Ministry drew the attention of Her Majesty's Government to the fact that in the report of the United States Coast and Geodetic Survey for 1888, the director said :

> "By recent Congressional enactment, a preliminary survey of the frontier line between Alaska and British Columbia, in accordance with plans or projects approved by the Secretary of State, has been placed in charge of this Bureau. Such a preliminary survey, involving the determination of a number of points in geographical position, and their complete marking by permanent monuments, will have to be carried from Cape Muzon, through the Portland Canal, to the 56th degree of north latitude, thence north-westwardly, following, as nearly as may be practicable, the general trend of the coast, at a distance of about 3[5] miles from it, to the 141st degree of west longitude, and thence due north to the Arctic ocean, a total distance of about 1,400 miles."

and they recommended that the United States be reminded that the question of the boundary was the

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NOTE 16.—A comparison of this letter with that written to Mr. Phelps (*see* Appendix No. XI., page) brings this out more clearly. For example, writing to Mr. Phelps, the superintendent speaks twice of "*the* boundary or frontier line," but in his letter to the Minister of the Interior he writes of laying down "*a* boundary," and in both letters he writes of the necessity for avoiding delay in the conclusion of "*a* boundary treaty."

NOTE 17.—*See* Appendix No. XII., page 83.

subject of some difference of opinion, and that the actual boundary line could only be properly determined by an international commission.[18]

In February, 1892, a conference took place between delegates from the Canadian Government and the United States Secretary of State relating primarily to the extension and development of trade between the United States and the Dominion. At this conference an agreement was reached respecting the Alaska boundary which was embodied in a convention signed at Washington on the 22nd July, 1892.[19]

This was the time when, if the United States had acquired by possession or settlement any territorial rights in excess of those to which they were entitled under the Treaty of 1825, they should have put them forward and made formal claim to them. So far from having done this the Convention expressly provided for the delimitation of the boundary line in accordance with "the spirit and intent of the treaties," and said nothing of any claim beyond or outside of those treaties.

Mr. W. F. King was appointed Her Majesty's Commissioner under this treaty, and Dr. T. C. Mendenhall, Superintendent of the United States Coast and Geodetic Survey, represented the United States Government.[20] The Commissioners proceeded to make a joint topographical survey of the physical features of the country lying between the Portland Canal and the 141st meridian, and on the 31st December[21], 1895, submitted their report.[22]

Among the questions with which the Joint High Commission of 1898–9 was empowered to deal was that of the Alaska boundary. This formed a prominent subject of discussion at the meetings of the Commission held in Quebec and Washington some months ago.

After a full interchange of views had been had, the United States members of the Committee on the subject submitted a proposal [23] to the effect that the Joint High Commission should proceed in terms of the Convention of the 22nd July, 1892, "to consider and establish the boundary line in question," and that to that end they should consult the report and surveys of the Commission appointed under the said Convention and agree upon the points by longitude and latitude where the eastern boundary line crosses certain rivers mentioned in correspondence between the two governments in the years 1873–5, and such

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NOTE 18.—*See* Appendix No. XIII., page 94.

NOTE 19.—For the text of this Convention, *see* Appendix No. XIV., page 96.

NOTE 20.—Dr. Mendenhall was subsequently replaced by General Duffield.

NOTE 21.—The convention of 1892 provided that this survey should be completed and the reports of the Commission submitted within two years from the date of their first meeting. This term was subsequently extended by a supplementary convention to 31st December, 1895. (*See* Appendix No. XIV.)

NOTE 22.—For the report of the Commission, *see* Appendix No. XV., page 98.

NOTE 23.—*See* Appendix No. XVI., page 102.

other rivers and places as might be agreed upon. They also submitted a proposal [24] touching that portion of the boundary in the neighbourhood of the Lynn Canal, which point was recognized by both sides as being of paramount importance in the controversy. The British contention in regard to it was that the line ought, under the provisions of the treaty, to be so drawn as to leave all the land surrounding the upper part of the Lynn Canal in British territory, while according to the American view the line ought to be so drawn as to include the whole of the land bordering on the Lynn Canal within the territory of the United States. The United States proposal first assumed the whole point at issue as decided in their favour, and then proceeded to allow commercial vessels of Canada "free ingress and egress to and from the Lynn Canal, in the territory of Alaska, and to and from any port or harbour thereof as freely and on the same terms and subject to the same conditions as the commercial vessels of the United States, and subject to no other charges or restrictions than those applied to like vessels of the United States." This offer was unaccompanied by any concession to the British view in other parts of the boundary.

Neither of these proposals was acceptable to the British members of the Commission. As regards the one affecting the whole line, they were unable to understand why the determination of the boundary should be restricted to points where it was thought desirable a quarter of a century ago that the line should be fixed, and at any other agreed points. The circumstances of the present time, in their opinion, called for a delimitation of the whole of the boundary from its southernmost point to its contact with the 141st meridian. Any other course appeared to them open to the gravest objections. They were quite willing to endeavour to fix this boundary by agreement with the United States Commissioners on an equitable basis, but could not consent to surrender all the rights of Great Britain. If no agreement on the basis of fair equivalent was possible, the only mode of making provision for the delimitation and establishment of the Alaska-Canadian boundary seemed to them to be by means of legal and scientific experts.

The British members of the Commission found themselves equally unable to regard the proposal in relation to the Lynn Canal as a fair and equitable settlement of the question. They proposed in lieu thereof that it should be agreed that the United States should have the whole of the land bordering on the Lynn Canal, except Pyramid Harbour and such a strip of land from that harbour to the boundary line as would secure uninterrupted access to the interior by the Dalton trail, and in which harbour and strip of land the laws of Canada, both civil and criminal, should exclusively prevail. As regards Pyramid Harbour, the British Commissioners were prepared to assent to an agreement giving equal privileges to United States and Canadian vessels in that harbour, the like privileges having been offered by the United States Commissioners to British vessels in the harbours of Dyea

NOTE 24.—*See* Appendix No. XVI, page 103.

and Skagway. In the event of this offer not being acceptable the British Commissioners proposed as an alternative that provision should be made for the delimitation of the boundary by legal and scientific experts, with a stipulation that should Great Britain be found entitled to the land bordering on the upper part of the Lynn Canal, Dyea and Skagway with a strip of land behind them to the present provisional boundary line should nevertheless belong to the United States, whilst on the other hand, should the United States be found entitled to the land bordering on the upper part of that canal, Pyramid Harbour and a strip of land securing access to the boundary by the Dalton trail should belong to Canada. Should neither of these proposals be acceptable, the British Commissioners were prepared to leave the question of boundary to be determined according to the true construction of the Treaty of 1825 (and a consideration of other circumstances in so far as they might affect that determination) by legal experts.

The United States Commissioners refused both offers, qualifying their rejection of the former by a proposition that, without parting with the sovereignty of any harbours on the Lynn Canal, they should grant the use of Pyramid Harbour and a strip of land behind it to the Canadian boundary which should be under the exclusive jurisdiction of Canada for fifty years. The British Commissioners, while prepared to consider this proposal as a basis for negotiations if the details could be satisfactorily arranged, strongly objected to the limitation of a term of years, and insisted that the grant should continue as long as Canada maintained a custom house and a sufficient police force for the preservation of order. At this stage of the negotiations the extent of the limits of Pyramid Harbour and the strip of territory extending therefrom to a boundary line to be agreed upon as a consequence of the assignment of Pyramid Harbour and the strip of territory to Great Britain were tentatively agreed to, but the United States Commissioners raised serious objections to allow Pyramid Harbour to be treated for purposes of the coasting trade as a British port, and this notwithstanding their previous offer to grant commercial vessels of Canada all the privileges granted to similar vessels of the United States in the ports of the Lynn Canal. They demanded that, with regard to the coasting trade, Pyramid Harbour should be treated as an American port. This the British Commissioners could not agree to, though willing that all ports on the Lynn Canal should be used on precisely the same terms by the vessels of both countries. This limitation was not acceptable to the United States Commissioners, who persisted in their refusal to permit British vessels to share in the carrying trade even of Pyramid Harbour.

Various proposals and counter proposals, the text of which will be found elsewhere,[25] were exchanged without the attainment of any result. Finally, having exhausted all other methods of reaching a settlement, the British Commissioners proposed that the whole

NOTE 25.—*See* Appendix No. XVI, *passim*.

question should be submitted on the lines of the Venezuela boundary treaty, to an Arbitral Tribunal to consist of three members, one to be nominated by the Judicial Committee of Her Majesty's Privy Council, one by the President of the United States, and the third by the other two, with due provision for his selection in the event of failure to agree. That treaty provided that adverse holding for fifty years should make a good title, and also that such effect should be given to occupation for less than fifty years as reason, justice, the principles of international law, and the equities of the case required.[26]

The United States met this by a counter proposal[27] to the effect that the question be left to a body of jurists nominated in equal numbers by each country. They also demanded that all settlements on tide water settled under the authority of the United States should continue to be American territory even though they should prove to be on the British side of the line. The United States Commissioners further objected "on principle" to a European Umpire.

This counter proposal was declined by the British Commissioners because it did not provide a tribunal which would necessarily, and in the possible event of differences of opinion, finally settle the question, and because the proposal with regard to recent settlements was a marked departure from the Venezuela boundary reference, and sought to give an effect to a limited occupation of what might be found to be British territory, which reason, justice, the principles of international law, and the equities of the case did not require.

The negotiations never got beyond this point and were shortly afterwards suspended.

Such, in brief, is the history of the Alaska boundary question which at intervals during the last three-quarters of a century has formed the subject of diplomatic controversy. For many years an affair of little practical moment, it has become in view of the growing activity which prevails on the western coast, a subject of actual and pressing concern, and one which in addition to the international misunderstandings it bids fair to call forth, menaces the peace and order of whole communities in the localities to which it relates.

The Canadian Government feels that the circumstances of the time call for a speedy and final adjustment of this much vexed question, and it willingly responds to the request of Her Majesty's Government for a statement of its views as to the basis upon which such a settlement may be reached.

Having regard to the failure which has attended the efforts of the Joint High Commission to arrive at an agreement with the United States, either by compromise or by a reference of the whole question to arbitration, the Government of Canada finds itself thrown back on the Treaty of 1825 which it has

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NOTE 26.—*See* Appendix No. XVI, page 106.
NOTE 27.—*See* Appendix No. XVI, page 107.

always considered sufficiently explicit to admit of practical application.

In considering the language of Articles III. and IV. of this Treaty certain questions suggest themselves.

These questions may thus be formulated:

1. What is the point of commencement?
2. What channel is Portland Channel?
3. What course does the line take from the point of commencement to the entrance to Portland Channel?
4. To what point on the 56th parallel is the line to be drawn from the head of Portland Channel, and what course should it follow between these points?
5. What are the mountains situated parallel to the coast?
6. What is "the coast," and what is "the ocean"?

Before proceeding to examine these questions in detail it may be well to observe that there exists a very general agreement to the effect that the negotiators of the Treaty of 1825 relied largely upon Vancouver's charts and the narrative of his voyages for their information respecting the physical features of the country with which they found themselves called upon to deal. On this point Mr. W. F. King, the Canadian expert, remarks, in a report to his Government in 1892:—

"The evidence points conclusively to Vancouver's charts and the narrative published in his 'Voyages' as the main source of information. He was the original explorer of the greater part of the coast in question, and his survey was at the time of the Convention considered the most accurate that had been made. His reputation indeed has not been affected by the results of modern explorations and surveys, and up to the present time very little change has been made in his delineation of the coast. The nomenclature of the treaty corresponds exactly with that found both in his 'Voyages' and in the charts."

Mr. W. H. Dall, of the United States Coast and Geodetic Survey, in a memorandum on the subject, says:—

"In this connection it must be borne in mind that Vancouver's charts were at that time, and remained practically up to 1880, the only charts worthy of consideration, all others being based upon them with but trifling changes, and these not always for the better. It is certain as anything can be of which we have not documentary evidence that the maps used by the agents of the contracting parties were those of the French translation of the official edition of Vancouver's report and atlas. This translation was issued in the same form as the original, at Paris, in 1799. There are others, but of later date and more or less abridged or modified in the translation. French being the diplomatic language, the French rather than the original edition would have been used."[28]

1. What is the point of Commencement?

The words of the Treaty are:—

"La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du continent et les îles de l'Amérique nord-ouest, sera tracée ainsi qu'il suit:

"A partir du point le plus méridional de l'île dite Prince of

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Note 28.—Mr. Bayard, writing to Mr. Phelps on the 20th November, 1885, observes:

"It may be assumed with confidence that the charts employed in the negotiations were those of Vancouver."

Wales, lequel point se trouve sous la parallèle du 54e degré 40 minutes de la latitude nord, et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), etc."

The latitude and longitude given above readily identify "l'île dite Prince of Wales" with the large island of that name lying to the north of Dixon Entrance. On Vancouver's chart it is marked "Prince of Wales's Archipelago." Though rightly surmising this land "to be much broken and divided by water,"[29] Vancouver did not verify his supposition, and therefore represented the whole group on his chart as one island.

The southernmost point of the main island is Cape Chacon, in latitude 54° 41′ 25″ N., but recent investigations have shown that a point to the westward, Cape Muzon, is slightly farther south than Cape Chacon, being in latitude 54° 39′ 50″. Cape Muzon is the southern extremity of what looks at first sight to be a peninsula, but closer inspection shows it to be separated from the main island by a narrow channel, and thus to form a separate island which has been recently named Dall Island.

From the correspondence it is evident that the negotiators knew of these two capes and believed them both to be on Prince of Wales Island, but had no precise knowledge as to their relative latitudes, and desired that whichever might prove to be the more southerly should be taken for the purposes of the Treaty.[30] Both capes are marked on Vancouver's chart as lying in the vicinity of latitude 54° 40′ and within the limits of longitude indicated in Article III. The intervening coast, however, is represented in merest outline and gives evidence of having been only partially surveyed, so much so as to warrant the conjecture that the omission to designate the southernmost point by name was intentional in order that the description might fit Cape Muzon, Cape Chacon or any other projection from the Archipelago which might be found to extend farther south than either of the two above mentioned. Cape Muzon then, being the more southerly, must be taken as the point of departure.

2. What channel is "Portland Channel"?

The words of the Treaty are:

"La dite ligne remontera au nord le long de la passe dite

Note 29.—Speaking of Clarence Strait he says: "Its western shore is an extensive tract of land which (though not visibly so to us) I have reason to believe is much broken, and divided by water, forming as it were a distinct body in the great archipelago. This I have honoured with the name of *The Prince of Wales's Archipelago.*" Vancouver's "Voyage of Discovery," ed. 1798, Vol. II, page 419.

Note 30.—"On ne parlera point ici des deux pointes de l'Ile du Prince de Galles qui sont situées audessous de la ligne du 55e degré de latitude nord."

(*Observations of Russian Plenipotentiaries on Sir C. Bagot's amended proposal.* Appendix No. XVII, page 120).

"Commencing from the two points of the island called "Prince of Wales' Island." (*British Draft Convention.* Appendix No. XVII, page 126.)

In the joint report of Messrs. Duffield and King (*see* Appendix No. XV, page 100) the latitudes of Capes Muzon and Chacon are given as determined by British and United States observers respectively.

Portland Channel, jusqu'au point de la terre ferme où elle atteint le 56e degré de latitude nord."

On Vancouver's charts the body of water to-day known as Portland Canal is so designated, its northern and direct entrance (to which the name of Pearse Canal has recently[31] been applied by United States cartographers), being plainly distinguished from the southern inlet called by him Observatory Inlet.

Notwithstanding the many strong arguments which have been advanced in support of the theory that some body of water other than that known as Portland Canal was intended by the Treaty negotiators through which the line should run in a northerly direction, the Canadian Government holds that the Portland Channel of the treaty is the one so named by Vancouver, as ascertained from his charts and narrative which must be considered as mutually interpretative.

The claim has been advanced on the part of the United States that the boundary line should enter Portland Canal by what since 1853 has been known as Portland Inlet, which is part of the waters named by Vancouver "Observatory Inlet." This deflection would give Wales, Pearse and some smaller islands to the United States. The grounds for this contention are mainly these :— 50 Cong., 2nd Sess. Senate ex. doc. No. 146, pp. 20–21.

1. That the Prince of Wales Island of the treaty refers to Wales Island, and that the provision in Article IV. to the effect that Prince of Wales Island is to belong wholly to Russia is to provide for the contingency of the line in passing through Portland Inlet touching Wales Island. Bayard to Phelps, 20th Nov., 1885. 49th Congress, 1st Sess. Senate ex. doc. No. 143, pp. 4–5.

2. That the southern passage is the wider and more navigable of the two. Ib., p. 4. 50th Congress. 2nd Sess. Senate ex. doc. No. 146, p. 21.

3. That while Vancouver distinguishes between Portland Canal and Observatory Inlet, he has indicated both on his charts as beginning at Point Ramsden, leaving the lower parts of both channels unnamed. Ib., p. 20.

1. The contention that the Prince of Wales Island of the treaty was not the island known to-day by that name, but Wales Island, which lies at the entrance to Portland Inlet, is wholly untenable. In the first place the negotiations which resulted in the Treaty of 1825, show that the Prince of Wales Island therein referred to is cut by the 55° parallel. The parallel of 55° does not touch Wales Island or come within 12 miles thereof. Further, Prince of Wales Island of the Treaty is said to lie between the 131st and 133rd degrees of longitude, whereas Wales

NOTE 31.—Quite recently. On the United States hydrographic chart No. 225, 1869, corrected to 1882, Portland Canal is shown as passing to the north of Pearse Island. (*See* Map No. 14, Appendix to Cameron's Report N. A. 119.)

Island lies at least 20 miles to the east of 131°. Moreover, though the southernmost point of Wales Island is marked "Point Wales" on Vancouver's chart, the Island itself is there unnamed and has only been known under its present appellation within the last forty years.

2. The argument that because the southern passage is wider and more easy of access, therefore it is the entrance to the Portland Canal of Vancouver is without force, for the narrow limits and constricted form of the northern channel render the application to it of the word "canal" at once more natural and appropriate than to the wider inlet below. It also accords more closely with the text of the Treaty—"le long de la *passe* dite Portland Channel." Who with a map of the locality before him can doubt which is the "passe"[32] referred to?

As regards the third reason, it is apparent that Vancouver placed the words "Portland Canal" and "Observatory Inlet" along that portion of those arms of the sea lying well in the interior, because the upper portion of the inlets in question afforded a more convenient space on the charts for indicating their names than the indented and mountainous region fringing the coast. It is to be noted that he does not call the lower portions of Portland Canal and Observatory Inlet by any other names, or give any indication that he desired to represent them as distinct from the upper waters. In the light of his narrative it is plain that he understood both to extend to the ocean. Indeed, he says this in so many words. As regards Observatory Inlet he writes:—

21st July, 1793. Vancouver's Voyages, ed. 1798, vol. 2, p. 327.

"To the north of this island (Dundas Island) we had a distinct view of the ocean to the westward, through a spacious channel that appeared free from interruption; and by sunset we entered the arm, up which we expected to find this extensive inland navigation. To its south-east point of entrance I gave the name of Point Maskelyne, after the Astronomer Royal; it is situated in latitude 54° 42½', and longitude 229 45', and off it lie two rocky islets, and to the south of it a small island close to the shore." * * *

23rd July, 1793. Ib., p. 332.

"In the afternoon the tents, observatory, chronometers, and instruments were sent on shore under the directions of Mr. Whidbey; and Mr. Johnstone, in the Chatham's cutter, accompanied by Mr. Barrie in the Discovery's small cutter, and supplied with ten days' provisions, departed for the purpose of recommencing the survey of the continental shore, northward from Point Maskelyne.

"The account I had received of this famous inlet from Mr. Brown inducing me to undertake the principal examination of it myself." * * * * * * * *

August, 1793. Ib., p. 375.

"Nothing of any note having occurred during my absence, I shall conclude this chapter by the insertion of the astronomical and nautical observations made at this place; and in consequence of our having been so fortunate as to be able to obtain those that were essential for correcting our former survey, and for our future regulation in that respect, this branch obtained the name of Observatory Inlet."

Ib., p. 379.

"A want of wind, and the flood-tide, prevented our weighing until nine the following morning, when with the ebb-tide, we again proceeded, but did not reach the entrance

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NOTE 32.—"Passe" in its nautical sense is defined by the best French dictionaries to mean a narrow passage or channel.

Bescherelle says:

"Sorte de canal de mer entre deux bancs, entre deux terres, entre deux écueils, etc., par où les batiments peuvent passer sans échouer."

of Observatory Inlet until two o'clock in the morning of the 20th; a distance of not more than 13 leagues from Salmon Cove."

And as if to prevent the possibility of doubt as to where Observatory Inlet began, he says:—

"The west point of Observatory Inlet I distingnished by calling it Point Wales, after my much esteemed friend Mr. Wales, of Christ's Hospital, to whose kind instruction, in the early part of my life, I am indebted for that information which has enabled me to traverse and delineate those lonely regions." Ib., p. 879. 20th August, 1793.

So, according to Vancouver, the arm of the sea named by him Observatory Inlet had Point Maskelyne on its eastern and Point Wales on its western entrance, and the distance from its mouth to Salmon Cove is 13 leagues.

With reference to Portland Canal he is scarcely less explicit:—

"In the morning of the 2nd we sat out early and passed through a labyrinth of small islets and rocks along the continental shore; this, taking now a winding course to the south-west and west shewed the south-eastern side of the canal to be much broken, through which was a passage leading S.S.E. towards the ocean. We passed this in the hope of finding a more northern and westerly communication; in which we were not disappointed, as the channel we were then pursuing was soon found to communicate also with the sea; making the land to the south of us one or more islands. From the north-west point of this land, situated in latitude 54° 45½′, longitude 229° 28′, the Pacific was evidently seen between N. 88° W. and S. 81° W." 2nd August, 1793. Ib., p. 844.

From the context it is clear that this passage through which he passed to the ocean is the channel to the north of Kannaghunut and neighbouring islands.

And when he had completed his investigations of the Behm Canal region:—

"In the forenoon we reached that arm of the sea whose examination had occupied our time from the 27th of the preceding to the 2nd of this month. The distance from its entrance to its source is about 70 miles; which in honour of the noble family of Bentinck I named 'Portland's Canal.'" 15th August, 1793. Ib., p. 871.

Thus Vancouver has indicated two features by which Portland Canal can be identified—(*a*) its entrance is in latitude 54° 45½′; and (*b*) its length from the entrance to its source as delineated on his map is about 70 miles. Both these conditions apply to the channel which begins off Fort Tongass and passes to the north of Wales and Pearse islands, recently named by the United States cartographers Pearse Canal,[33] while the possibility of confusing

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NOTE 33.—This channel is not the intricate and tortuous passage it is sometimes represented to be. It is deep and straight, though narrow, from its mouth to the southern point of Fillmore Island.

Between Fillmore and Wales islands lie the only obstructions in the passage—a group of rocks and rocky islands which make caution necessary (in navigating an uncharted passage) for a mile or two only. After this the channel widens out, and a few miles past the south-western end of Pearse Island becomes of the same width as the upper part of Portland Canal with which it is continuous in direction.

Mr. W. F. King, who has given this whole subject much study, says:—

"Vancouver's nomenclature appears to have been retained on all maps and charts until the year 1853, when, on the

Portland Canal with the waters south of Wales and Pearse Islands is excluded by the fact that those waters were accurately described by Vancouver, and given another name.

In the record of the negotiations which resulted in the Treaty of 1825 are many references to Portland Channel, or Canal, as it is indifferently called.

Count Nesselrode, in rejecting Sir C. Bagot's first proposal that the line should be drawn through Chatham Strait to the head of the Lynn Canal, lays it down as a *sine quâ non* that the Russian sovereignty on the continent must extend to the 55th degree of latitude, the line of the Emperor Paul. He expresses his willingness to accept that boundary, but inasmuch as it cuts Prince of Wales Island he suggests that the southern limit of the Russian possessions should be carried down to 54° 40′, "et de la faire aboutir sur le continent au Portland Canal." [34].

Sir C. Bagot, in presenting an amended plan,[35] at first objected to the proposal made by the Russian Plenipotentiaries on the ground that—

"Une ligne de démarcation tracée de l'extrémité méridionale de l'Ile du Prince de Galles jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme, de la jusqu'aux montagnes qui bordent la côte, et de là le long de ces montagnes jusqu'a la longitude du 139e degré, etc., ôteroit à Sa Majesté Britannique la souveraineté de toutes ces anses et de ces petites baies qui se trouvent entre les latitudes 56° et 54° 45′."

Here Sir C. Bagot plainly shows that he understood the entrance to Portland Canal to be in latitude 54° 45′ as indicated by Vancouver.[36] The Russians adhered to their proposal that Portland Channel should form their southern continental boundary and this insistence on their part led to protracted

Admiralty Chart of Queen Charlotte Islands and adjacent coast, the name Portland Inlet was applied to the lower part of Observatory Inlet, and this name has been retained ever since by cartographers. No authority can be traced in the Hydrographic Department of the Admiralty for this name. On the chart of Alaska, published by the United States Coast and Geodetic Survey of 1869, Portland Channel is shown as distinct from Observatory Inlet, and the course of the boundary along the channel is not marked, although a dotted line is drawn from the head of Portland Channel northwesterly to indicate the inland boundary. On the United States Hydrographic chart of 1882 Portland Channel is shown as passing north of Pearse Island, but the boundary line is marked as passing in by way of Portland Inlet. In later charts the name Pearse Canal has been given to the part of Portland Channel between the north end of Pearse Island and Fort Tongass.

"The whole of the confusion arises from the unauthorized use of the name Portland Inlet on the Admiralty chart of 1853, but it is perfectly clear that, at the time of the Convention, Observatory Inlet was considered to begin at Points Wales and Maskelyne, and no subsequent usage of cartographers can be taken as interpreting the intention of the negotiators of 1825."

NOTE 34.—See Appendix No. XVII., page 122.

NOTE 35.—See Appendix No. XVII., page 119.

NOTE 36.—"It will hardly be denied," writes Mr. Dall (50th Congress, 2nd session, Senate ex. doc. 146, p. 21), "that in the construction of the meaning of the treaty, we are to be guided by what the negotiators had before them, and the ideas they held, rather than by what was unknown and unconsidered by them."

Such, for example, as the British Admiralty chart of 1853, whereon the name "Portland Inlet" was first applied, without any authority, to the lower part of Observatory Inlet, a circumstance on which Mr. Dall lays great store.

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discussions. Having regard to this steadfast and ultimately successful contention of Russia that her southern frontier should extend to the 55th degree —that this line was slightly shifted in order to secure a natural boundary—that the Portland Canal, so called by Vancouver, affords the first natural boundary on the continent south of 55°—that Sir C. Bagot objected to it on the ground that it would carry the line down to 54° 45′—and would lose to Great Britain all the little bays lying between that latitude and 56°—there cannot be a reasonable doubt that the inlet south of 55°, whose entrance lies in 54° 45′, marks the beginning of the line of boundary on the continent. That inlet is the one marked on modern charts Tongass Passage and Pearse Canal, which passes to the north of Kannaghunut, Sitklan, Wales and Pearse Islands, named by its discoverer, Vancouver, Portland Canal.

The national importance of owning both sides of the entrance to Observatory Inlet is manifest, for Wales Island not only commands the entrance to Portland Inlet, but also the harbour of Port Simpson, which possesses natural advantages fitting it for the terminus of future transcontinental railways. The commercial and strategic value of these islands to Great Britain cannot easily be over estimated, while they are relatively of little importance to the United States.[37]

3. What Course does the Line take from the Point of Commencement to the Entrance to Portland Channel?

Having determined the point of departure and also the point where the line enters within the continent, the question arises what course should the line joining these two points follow?

As to this the treaty is silent. The line "commencing from the southernmost point of the island called Prince of Wales Island * * * * * * shall ascend to the north along the channel called Portland Channel," no reference being had to the fact that between the island and the mouth of the channel sixty miles of ocean intervene. In the absence of any specific directions, it is agreeable to the rules of legal construction[38] to hold that the line joining the two points—that is to say, the southern extremity of Cape Muzon and a point in the channel midway between Dark Point and Kannaghunut Island at the entrance to Portland Canal in latitude 54° 45½′—should follow the most direct course, which is along

Note 37.—This view of the question is dealt with at some length by Major-General Cameron, in a letter to the Under Secretary of State for the Colonies, dated 29th October, 1886. —N. A. 123.

Note 38.—"It is a universal rule that where a line is given in a deed as running from one monument to another, it is always to be taken as straight, if not otherwise described. * * * * So if, in the description of land, a line is called for, running from an ascertained point to some natural boundary, like a stream of water, without giving the point of compass or some known object by the stream, it is held to be a line running in the most direct and shortest course between the given point and the stream."—*Washburn on Real Property*, 5th Ed., Vol. III., p. 434.

the arc of a great circle; although it must be noted that such a line crossing the ocean was not intended (as is shown more fully hereinafter) to delimit the high seas, but merely to determine the jurisdiction over such islands as might lie between Prince of Wales Archipelago and the continental shore. Cape Muzon lies further south than the entrance to Portland Canal indicated above. A straight line joining the two therefore would be ascending to the north all the way.

On behalf of the United States, it is argued that the line starting from the southernmost point of Prince of Wales Island should follow along the parallel of 54° 40′, and they base their contention on the fact that this latitude is expressly mentioned in the treaty in connection with the point of commencement, and it is urged that the omission to state that the boundary should proceed along that parallel was because the repetition was considered unnecessary. They affirm that in fixing the southern boundary of the Russian possessions the line of 54° 40′ was the "dominating factor," and they point to the Russian-American treaty of 1824, by which Russia and the United States mutually agreed to accept that parallel as the dividing line between their respective zones of influence on the North-west coast.

17th April, 1824.
28th Feb., 1825.
17 (?) Feb., 1825.

In 1823–24 Russia was carrying on negotiations with Great Britain and the United States simultaneously, and while the treaty with the United States was concluded before an understanding with England was reached, the Russians, some time previous to the signing of the treaty with the United States, had intimated to Great Britain their proposal to carry the boundary down to the southernmost point of Prince of Wales Island, i.e., to 54° 40′.

The statement that this parallel was the "dominating factor" in the negotiations of 1823–4 is incorrect. It has already been pointed out [39] that when Russia was forced to abandon her extravagant pretensions put forward in the Ukase of 1821 she took her stand upon the charter of the Emperor Paul and claimed down to 55°. To that line she adhered throughout the negotiations with reference to the southern boundary. The extension to 54° 40′ was a local exception to fit a particular case, applicable only to Prince of Wales Island with the sole object of including "les deux pointes de terre" which otherwise would be left "en dehors." [40] Nor can it be argued that the parallel of latitude of the southernmost point of the island was intended to be the line of demarcation, for that construction would deprive the reservation in Article IV. of that island of all meaning.

It further appears that the United States, aware of Russia's stand upon this question, itself proposed 55° as the line of demarcation between their settlements, [41]

NOTE 39.—*See* ante, page 25.
NOTE 40.—*See* App. No. XVII., page 119.
NOTE 41.—*See* App. No. XVII., page 113.
The map accompanying Greenhow's History of Oregon, California, &c., both in the British edition of 1844, and in the United States edition of 1845, shows the Russian-British boundary starting from Cape Chacon (the South-east point of Prince of Wales Island) and running eastward to the

and it is a fair inference that the reason why the United States subsequently accepted 54° 40′ was the circumstance that Russia meanwhile in her negotiations with England, before her treaty with the United States was concluded, had suggested the modification in order to include the whole of Prince of Wales Island which happened to extend to the neighbourhood of 54° 40′.

Moreover, it must be borne in mind that the treaty of 1824 was substantially a commercial convention for purposes of navigation and trade. It acknowledged no rights of sovereignty and therefore cannot be held to define territorial limits.

It is plain that the southernmost point of Prince of Wales Island is intended as the point of beginning, and not the parallel of latitude. The geographical co-ordinates are given for purposes of identification merely. If they were intended to govern, the wording would be different, for the definition of a point by geographical co-ordinates must be by the intersection of two lines, not by a parallel of latitude and two meridians 75 miles apart. Seeing that the line is to "ascend to the north," a claim that it is first to run for 60 miles due east along a parallel of latitude seems absurd. It is understood that the United States claim that the negotiators intended that the line should follow the parallel of 54° 40′, and to provide for the possibility that this parallel might cut off a part of Prince of Wales Island, they made the proviso in the fourth article that the island called Prince of Wales Island shall belong wholly to Russia. It may be noticed that, if such was the intention, there was no necessity for mentioning Prince of Wales Island in the third article at all. The name is superfluous and ought, under this contention, to have been omitted as misleading rather than explanatory.

This third Article should surely in that case have read somewhat as follows:—

"Commencing in the Pacific Ocean, the said line shall be drawn through the waters of Dixon entrance along the parallel of 54° 40′ north latitude to the entrance to the

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entrance of Portland Canal, curving slightly but quite distinctly northward at its eastern end to pass between islands and *thus not following* lat. 54° 40′ as now contended for by United States.

Greenhow's book is entitled "The History of Oregon and California and the other Territories on the North-west Coast of North America," by Robert Greenhow, Translator and Librarian to the Department of State of United States.

This work was officially presented (in pursuance of an Act of Congress) to the British Government in 1845, in connection with the Oregon boundary question. For correspondence *see* British Case, Behring Sea Arbitration, p. 68.

In "Map of Alaska and adjoining regions compiled by Ivan Petroff, Special Agent, Tenth Census," the line between Alaska and British Columbia makes no pretence to follow the lat. of 54° 40′, but follows a sinuous course through Dixon entrance. While this contradicts 54° 40′, its evident intention is to divide the waters of Dixon entrance, whereas if 54° 40′ is adhered to there can be no United States territorial waters to the south of it.

In the agreements between the Hudson's Bay Company and the Russian American Company, dated respectively the 6th February (25th January), 1839, and 3rd April (22nd March), 1849, the southern extremity of the territory leased is said to be in 54° 40′, "or thereabouts," indicating that the line of latitude was not relied on as the boundary.

Channel called Portland Channel, thence the said line shall ascend to the north along the said Portland Channel as far as"—&c.

Such however is not the language of the Treaty.

A less strained explanation of the inclusion in Article IV of the proviso relating to Prince of Wales Island is that the negotiators of 1825 understood that one point of the line which they were tracing was that one of two points indicated on the charts before them, which should be found to be further south than the other, and that another point of their line was the entrance to the Portland Channel from the ocean, and that this last point was probably in a higher latitude than the point of commencement. It was, therefore, evident that if the westerly point of Prince of Wales Island (Muzon) proved to be further south than the other (Chacon) the straight line from it to the mouth of the Channel might possibly cut off a small part from Chacon, which nevertheless they wished to preserve for Russia. On the other hand, if Chacon proved to be in the lower latitude, they had no provision in Article III for the ownership of the land terminating in Cape Muzon, in the event of that proving to be on a separate island from the other cape. As has already been shewn, the framers of the Treaty in using in Article III the expression "Prince of Wales Island" meant "Prince of Wales Archipelago." It is reasonable, therefore, to assume that "Prince of Wales Island" in Article IV also means "Prince of Wales Archipelago."

In his letter of instructions to Sir C. Bagot, dated Foreign Office, July 12, 1824, Mr. Canning thus writes [42]:—

"After full consideration of the motives which are alleged by the Russian Government for adhering to their last propositions respecting the line of demarcation to be drawn between British and Russian occupancy on the north-west coast of America; and of the comparative inconvenience of admitting some relaxation in the terms of Your Excellency's last instructions, or of having the question between the two Governments unsettled for an indefinite time, His Majesty's Government have resolved to authorize your Excellency to consent to include the south points of Prince of Wales' Island within the Russian frontiers, and to take as the line of demarcation, a line drawn from the southernmost point of Prince of Wales' Island from south to north through Portland Channel, till it strikes the mainland in latitude 56; thence following the sinuosities of the coast, along the base of the mountains nearest the sea to Mount Elias, and thence along the 139th degree of longitude to the Polar Sea."

Not a word here about following a parallel of latitude. The line is to run from the southernmost point of Prince of Wales Island from south to north through Portland Channel till it strikes the mainland in latitude 56°, though Mr. Canning is careful to say that when it reaches Mount St. Elias it shall proceed thence *along the 139th degree of longitude* to the Polar Sea.

And the reason for the distinction is manifest. The 139th meridian lies along land. That portion of the parallel of 54° 40′ under discussion, passes over the high seas. Between Cape Muzon and the entrance to Portland Canal stretch 60 miles of open ocean.

NOTE 42.—See Appendix No. XVII, page 125.

The whole negotiation which led to the Treaty of 1825 grew out of an attempt on the part of Russia to circumscribe the sea.

"So entirely and absolutely true is this proposition," writes Mr. Canning,[43] "that the settlement of the limits of the respective possessions of Great Britain and Russia on the north-west Coast of America was proposed by us only as a mode of facilitating the adjustment of the difference arising from the Ukase by enabling the Court of Russia, under cover of the more comprehensive arrangement to withdraw with less appearance of concession the offensive pretensions of that Edict. 8th December, 1824.

"It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possession on the Continent of America, but the pretensions of the Russian Ukase of 1821 to exclusive dominion over the Pacific could not continue longer unrepealed without compelling us to take some measure of public and effectual remonstrance against it."

Holding these views, how could it have been possible for English statesmen to agree to set a boundary in the ocean which should serve as a line of demarcation between Britain's possessions and those of another power, without regard to the rest of the world, whose rights in those seas rested on the same fundamental principle as her own? Such a procedure Canning himself declared to be "a thing not to be tolerated by England."[44]

Mr. Dall, on behalf of the United States, declares that the line should follow the parallel of 54° 40′ and has illustrated his view by inserting in brackets after "the said line" in Article III of the Treaty, the words [proceeding along the said parallel of 54° 40′]. 50th Cong., 2nd sess. Senate ex. doc. No. 146, p. 20.

In none of the drafts or counterdrafts of the Treaty, nowhere in the correspondence, does anything occur to warrant this assumption. On the contrary, the absolute silence on the point goes far to uphold the Canadian contention that the omission to draw a line across the ocean from Prince of Wales Island to the entrance to Portland Canal was deliberate on the part of the negotiators, who certainly cannot be supposed to have set their hands to anything which might be construed into a recognition of those arbitrary and offensive pretensions which they had met together to disannul.

From the entrance to the head of the Portland Canal no special difficulty presents itself. It is evident from Sir C. Bagot's amended proposal that he understood the line was to run "par le milieu de ce canal,"[45] and it is assumed that such a course is the one the line must take.

4. To what Point on the 56th Parallel is the Line to be drawn from the Head of Portland Channel, and what course should it follow between those points?

The Treaty says:

. . . . "la dite ligne remontera au nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme où elle atteint le 56e degré de latitude nord; de ce dernier point

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Note 43.—*See* Appendix No. XVII, page 139.
Note 44.—Ib., page 128.
Note 45.—Ib. page 119.

la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141e degré de longitude ouest (même méridien)."

There is some obscurity here. In the first place Portland Canal does not attain to 56°. The head of the channel is in latitude 55° 56′, or somewhere about four miles south of the 56th parallel. Despite passages in the correspondence implying the contrary, it seems difficult to believe that the Plenipotentiaries were unaware of the fact that the channel terminates at a point to the south of that parallel,[46] for it is plainly so indicated on Vancouver's charts, and the Russian maps of the period, which show the head of the canal in latitude 55° 45′. The language of the Treaty is without doubt ambiguous, and seems at first sight to imply that the Portland Canal reaches and indeed extends beyond 56°.

This ambiguity arises in the use of the personal pronoun "elle," which, according to the way in which the sentence is read, may relate to (1) "la passe," (2) "la ligne," or (3) "la terre ferme."

NOTE 46.—The first reference to the Portland Canal in the correspondence indicates that the Russians knew it, for Count Nesselrode writing to Count Lieven, under date 17th April, 1824, says :—

"* * * au Portland Canal, dont l'embouchure dans l'Ocean est à la hauteur de l'Ile du Prince de Galles et l'origine dans les terres entre le 55° et 56° de latitude." App. No. XVII., page 122.

Yet, in their first proposal, the Russians say :—

"Pour compléter la ligne de démarcation et la rendre aussi distincte que possible les Plénipotentiaires de Russie ont exprimé le désir du lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte." Ib., p. 119.

And again, in the same document :—

"Le motif principal qui force la Russie à insister sur la souveraineté de la lisière indiquée plus haut sur la terre ferme depuis le Portland Canal jusqu'au point d'intersection du 60° avec le 139° de longitude." Ib., p. 119.

And in their subsequent observations on Sir C. Bagot's amended proposal :—

"C'est par ces raisons que les Plénipotentiaires de Russie ont proposé pour limites sur la côte du continent au sud, le Portland Channel, dont l'origine dans les terres est par le 56° de latitude nord, etc." Ib., p. 120.

And again :—

"Tout le territoire situé entre les Établissemens Anglois au 54° parallèle et l'origine du Portland Channel qui est au 56° parallèle." Ib., p. 120.

In the counter draft of the Russian Plenipotentiaries, they say :—

"* * * la ligne de la frontière entre les possessions Russes et les possessions Britanniques remontera au nord par la passe dite le Portland Channel jusqu'au point où cette passe se termine dans l'intérieur de la terre ferme au 56° de latitude nord." Ib., p. 131.

In Sir C. Bagot's amended proposal to the first Russian draft, he says :—

"* * * jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme, de la jusqu'aux montagnes qui bordent la côte." Ib., p. 119.

And Canning, writing to Bagot on the 12th July, 1824, says :—

"Her Majesty's Government have resolved to authorize Your Excellency * * * and to take as the line of demarcation a line drawn from the southernmost point of Prince of Wales Island, from south to north, through

The second interpretation seems the more probable, but whichever of the three constructions may be adopted, there arises the question what is meant by *the* point?

Apparently the negotiators contemplated the existence of a range of mountains, the crest of which was intersected by the 56th degree of latitude, near the head of the Portland Canal. "Ce dernier point" therefore must be held to refer to that point where "la crête des montagnes situées parallelement à la côte" is crossed by the 56th parallel at a distance from the ocean not greater than ten marine leagues.

Having got thus far, another difficulty presents itself. What direction is the line to take between the head of Portland Canal and this point on the crest of the mountains? This problem is analogous to that encountered at the southernmost point of Prince of Wales Island and is to be solved by the application of the same rule.

On the occasion of the Maine boundary dispute the Hon. Edward Livingston, Secretary of State of the United States, thus laid down the principle governing such cases:—

"Boundaries of tracts and countries, where the region through which the line is to pass is unexplored, are frequently designated by natural objects, the precise situation of which is not known, but which are supposed to be in the direction of a particular point of the compass. Where the natural object is found in the designated direction, no question can arise. Where the course will not touch the natural boundary, the rule universally adopted is, not to consider the boundary as one impossible to be traced: but to preserve the natural boundary, and to reach it by the nearest direct course. Thus, if after more accurate surveys shall have been made, it should be found that the north course from the head of the St. Croix should not reach the highlands which answer the description of those designated in the Treaty of 1783; then a direct line from the head of the St. Croix, whatever may be its direction, to such highlands, ought to be adopted, and the line would still be conformable to the Treaty." "The Intercolonial" by Sandford Fleming, pp. 23-24.

According to this principle, the line, on leaving the head of the Portland Canal, should pass by a direct course—that is, along the arc of a great circle—to the point of intersection of the 56th degree of latitude with the summit of the mountains situated *parallèlement* to the coast and within ten marine leagues thereof.

From the surveys made by the Joint Commission under the Convention of 1892,[47] it appears that the 56° crosses the summit of such a range of mountains nearest the coast at a point on the mainland about ten miles from the ocean front of the *lisière*, although

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Portland Channel, till it strikes the mainland in latitude 56." Ib., p. 125.

On this point Mr. Anderson, of the Colonial Office, in his memo. on the Alaska boundary, observes, page 9:—

"It would appear, therefore, that while Canning did not assume that Portland Canal reached the 56th degree, the Russians did, and, in the draft Convention signed by Stratford Canning and the Russian Plenipotentiaries, which I have had unearthed from Stratford Canning's private papers at the Record Office, there is an erasure between the words 'où' and 'atteint' in the Treaty, where 'elle' has been substituted, the passage appearing as 'où ...elle—atteint le 56° degré de latitude nord.' Not a scrap of what was erased remains, but it was in all probability, judging from the spacing, 'cette passe.'"

NOTE 47.—*See* Appendix No. XXI., page 150.

elsewhere this mountain range is at an average distance from the coast of not more than five to six miles.

At this place it may be well to set out the contention of the Provincial Government of British Columbia with respect to the course the boundary should follow between the southernmost point of Prince of Wales Island and the 56th parallel. According to that Government the line should ascend to the north from the point of commencement along Clarence Strait, Behm Canal on the west side of Revilla Gigedo Island, and Burroughs Bay, at the north-west point of which it would strike the 56th degree of latitude near to the summit of the mountains situated *parallèlement* to the coast.

It is argued in support of this claim that the words "dite Portland Channel" found their way into the final draft of the Treaty of 1825, if not surreptitiously, at any rate through a clerical error when the accepted parts of the several *projets* were being combined. The advocates of this contention urge that the directions contained in the treaty as it stands are inconsistent with the geographical features of the country and impossible of fulfilment; that a line cannot ascend to the north on its way to the entrance of a channel lying sixty miles east of the point of departure: that it could not ascend Portland Channel until it struck the continent at 56°, because the channel terminates to the south of that line: that even if Portland Channel reached to the 56th parallel, the line could not strike the summit of the mountains *parallèlement* to the coast, "because there are several intervening ranges and the line would necessarily run considerably more than ten marine leagues from the coast." They assert, which is the fact, that the substitution of Clarence Strait for Portland Channel is consistent with the topography of the country and affords a clear, ready, practicable and natural solution of the whole matter. The line would ascend to the north along an actual water channel all the way until in latitude 56° it reached those mountains *parallèlement* to the coast which appear on Vancouver's chart as coming down to the shore of Burroughs Bay. There are in existence several maps dating from the early part of the century which give colour to this view[48], and a sentence in Count Nesselrode's letter to Count Lieven[49] transmitting the ratification of the treaty, which has been cited in its favour. In this letter Count Nesselrode charges Count Lieven to observe to Mr. Canning "qu'il eût été plus conforme, d'après l'opinion de Sa Majesté Impériale, et aux principes d'une mutuelle justice et à ceux des convenances réciproques, de donner pour frontière *à la lisière de côte que la Russie doit posséder depuis le* 56° *de latitude nord*, jusqu'au point d'intersection du 141° de longitude ouest, la crête des montagnes qui suivent les sinuosités de la côte."

On the other hand, there is no denying the fact, however inconvenient it may be, that the words "dite Portland Channel" do occur in the Treaty—and it is difficult to believe that their presence there can be the result of accident or that the British

NOTE 48.—*See* Appendix No. XVIII., page 144.
NOTE 49.—*See* Appendix No. XVII., page 142.

Plenipotentiaries were not a party to their insertion at the place where they are found, more especially, as has already been shown[50] Sir C. Bagot tried to get a line by way of Clarence Strait and failed. He first proposed that the channel should run through Chatham Strait to the head of the Lynn Canal. This was met by the Russians with the counter *projet* already referred to, in which they contended that the line should follow Portland Canal.[51] This contention Sir C. Bagot in turn declined to agree to, and proposed a line running from "west to east through the middle of the channel separating Prince of Wales and Duke of York Islands from the islands lying to the north of those islands," *i.e.*, Sumner Strait.

The Russians objected to this, in turn, on the ground that the posts of the Russian Company extended to the neighbourhood of the 55th parallel, the limit granted to them 25 years before by the Emperor Paul, and which they contended had been tacitly acquiesced in by the whole world. In reply, Sir C. Bagot told them that England had never admitted that Russia possessed any territorial rights on the continent south of her establishments thereon; that they had never claimed to possess posts on the mainland further south than 60° or 59°, and that they had declared their only object in seeking a coast strip was to afford them a *point d'appui* necessary for the maintenance of their establishments on the islands.

He then proposed a further modification of his last offer by agreeing to run the line northward from the southern extremity of Clarence Strait to Sumner Strait, thus giving Prince of Wales Island to Russia while adhering to 56° as the British boundary upon the coast.[52] To this the Russians replied that the possession of Prince of Wales Island without the opposite mainland coast would be of no advantage to them, and that they must insist upon the line of 55° on the continent, whereupon Sir C. Bagot referred the matter home. On the 29th May, 1824, Mr. Canning informed Count Lieven that "after mature consideration" it had been determined to enlarge Sir C. Bagot's discretion so far as to enable him to

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NOTE 50.—*See* ante, page 25.

NOTE 51.—Ib.

NOTE 52.—There is some looseness here. Bagot says "56°" in his letter to Canning (17–29 March, 1824), reporting this offer, and he also mentions 56° elsewhere as the boundary line on the continent. Yet the line through Sumner Strait would abut on the continent at about latitude 56° 30′, and Bagot in making his amended offer to the Russian Plenipotentiaries, states clearly that Great Britain could not, without sacrificing the interests of the Hudson's Bay Company, renounce any of its rights to the sovereignty of the coast and islands up to *56° 30′*, whatever might be the degree of latitude finally agreed upon between the Powers as regards the islands. He then goes on to say that the proposal he is about to make, while it would preserve to Russia for its southern limits among the islands the degree indicated in the Ukase of 1799, would at the same time assign to Great Britain as its limits on the mainland the latitude of 56° 30′. It may possibly be argued in support of the British Columbia contention that Bagot's subsequent back down on this point was only from 56° 30′ to 56° (to which latter latitude the Government of that province lays claim), and not from 56° to 55°.

admit with certain qualifications the terms last proposed by the Russian Government, and on the 12th July, Canning wrote Bagot instructing him

"to take as the line of demarcation, a line drawn from the southernmost point of Prince of Wales' Island from south to north through Portland Channel, till it strikes the mainland in latitude 56; thence following the sinuosities of the coast, along the base of the mountains nearest the sea to Mount Elias, and thence along the 139th degree of longitude to the Polar Sea." [53]

The qualifications had reference to the coast strip and the selection of a more westerly limit for the boundary than the 139th meridian.[54]

There were subsequent disagreements over other points, but the question of the southern boundary was not again referred to.

5. What are the Mountains situated "Parallèlement" to the Coast?

This, perhaps, is a question of fact to be determined by actual observation and survey rather than by methods of critical analysis, yet it may be well to note some considerations suggested by a perusal of the correspondence to which reference in this memorandum has so often been had.

It is submitted that by the "crest of the mountains situated *parallèlement* to the coast" is meant the tops of the mountains nearest the ocean.

In their first written proposition the Russians say that

"Pour compléter la ligne de démarcation et la rendre aussi distincte que possible, les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte." [55]

In his letter to Count Lieven of the 17th April, 1824, Count Nesselrode, commenting thereon, observes

"Cette proposition ne nous assuroit qu'*une étroite lisière* sur la côte même, et elle laissoit aux Etablissemens Anglois tout l'espace nécessaire pour se multiplier et s'étendre." [56]

Sir C. Bagot, recapitulating this offer, uses the same words: [57]

"Jusqu'aux montagnes qui bordent la côte."

In their second written offer, the Russians propose as the eastern boundary [58]

"la chaîne de montagnes qui suit *à une très petite distance* les sinuosités de la côte."

The Hudson's Bay Company, to whom this proposal was referred, expressed their general agreement thereto, but in respect of the question of the eastern boundary the Governor observed: [59]

"they beg me, however, to suggest the expediency of some more definite demarcation on the coast than the supposed

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Note 53.—*See* Appendix No. XVII., page 125.
Note 54.—Ib., page 125.
Note 55.—Ib., page 119.
Note 56.—Ib., page 122.
Note 57.—Ib., page 119.
Note 58.—Ib., page 120.
Note 59.—Ib., page 124.

chain of mountains contiguous to it, and they conceive there can be no difficulty in arranging this point from the expression in the proposition of the Russian negotiators: 'La chaine des montagnes, qui sont à une très petite distance des sinuosités de la cote.'"

Adopting this suggestion, Canning instructed Bagot to take as the line of demarcation

"a line * * * * through Portland Channel till it strikes the mainland in latitude 56; thence following the sinuosities of the coast, along the base of the mountains *nearest the sea* to Mount Elias, and thence along the 139th degree of longitude to the Polar Sea."[60]

And in the draft *projet* inclosed he embodies the same idea in different words:[61]

"From this point it shall be carried along that coast, in a direction parallel to its windings, and at or within the seaward base of the mountains by which it is bounded, as far as the 139th degree of longitude west of the said meridian."

This *projet* having been communicated to Count Lieven, the Russian Ambassador took exception to the line following the base of the mountains instead of the summit, pointing out that in view of the limited knowledge of the geographical features of the north-west coast available, it might turn out that the mountains forming the boundary reached by an imperceptible slope to the water's edge.[62] So well did Count Lieven understand the British proposal that he was apprehensive lest the boundary line might actually coincide with the coast! To obviate that possibility he suggested that the crest of the mountains—the same mountains, be it observed—be taken instead of the base.

Canning ultimately agreed to this but, commenting upon a new move of the Russians, qualified his assent by insisting that the mountains should be the boundary only where they did not extend more than ten leagues from the coast, otherwise, said he, foreseeing the inaccuracy of the maps before them, "We might be assigning to Russia immense tracts of inland territory where we only intended to give and they only intended to ask *a strip of sea coast*."[63] This is his final instruction to Stratford Canning.

NOTE 60.—Ib., page 125.

He added:—"In fixing the course of the eastern boundary of the strip of land to be occupied by Russia on the coast, the seaward base of the mountains is assumed as that limit; but we have experience that other mountains on the other side of the American Continent, which have been assumed in former Treaties as lines of boundary are incorrectly laid down in the maps; and this inaccuracy has given rise to very troublesome discussions. It is therefore necessary that some other security should be taken that the line of demarcation to be drawn parallel with the coast, as far as Mount St. Elias, is not carried too far inland.

"This is done by a proviso that that line should in no case (*i.e.*, not in that of the mountains, *which appear by the Map almost to border the coast*, turning out to be far removed from it) be carried further to the east than a specified number of leagues from the sea. The utmost extent which His Majesty's Government would be disposed to concede would be a distance of 10 leagues; but it would be desirable if Your Excellency were enabled to obtain a still more narrow limitation."

NOTE 61.—Ib., page 126.

NOTE 62.—Ib., page 129.

NOTE 63.—Ib., page 139.

At the conclusion of the negotiations Stratford Canning writes :—[64]

"The line of demarcation along the strip of land on the north-west coast of America assigned to Russia is laid down in the Convention *agreeably to your directions*, notwithstanding some difficulties raised on this point, as well as on that which regards the order of the articles, by the Russian Plenipotentiaries."

In acknowledging the receipt of this communication Mr. Canning says :—[65]

"Having laid them" (the despatches transmitting the Convention) "before the King I have received His Majesty's commands to express His Majesty's particular satisfaction at the conclusion of the Treaty respecting the Pacific Ocean and North-west Coast of America in a manner *so exactly conformable to your instructions*, and to direct you to express to the Russian Government the pleasure which His Majesty derives from the amicable and conciliatory spirit manifested by that Government in the completion of this transaction."

While it is true that the limiting words "by which it is bounded," which appear in the earlier draft furnished by Canning to Bagot, are not found in the final *projet* sent to Stratford Canning, their equivalent nevertheless—"seaward base"—was contained in the latter's instructions, to which the Treaty, Canning himself testifies, "so exactly" conformed.

Indeed, from the general tenour of the negotiations, as well as from the particular terms employed throughout—"the seaward base"—"mountains which border the coast"—which extend "inland a very short distance"—which bound "a strip of sea coast"—it is evident that what Canning and Bagot had in mind were those mountains which are seen from the sea as fringing the coast line, to the serrated appearance of whose tops, heightened by their irregularity of outline, the word "crest" is peculiarly applicable.

The language of the Russian Plenipotentiaries harmonizes with this conclusion. Their declared object in pressing for a foothold on the continent was to secure a "*point d'appui*"[66] necessary for the maintenance of their establishments on the islands for which purpose "*une étroite lisière*"[67] would suffice by giving them the necessary jurisdiction.

With regard to the expression "parallèlement à la côte" it may be observed that the word 'parallèlement' (which, by the way, is not the exact equivalent of the English word 'parallel') cannot be understood here in its geometrical sense of 'everywhere equidistant.'

The first use of the word was by the Russians, who applied it to mountains which are necessarily irregular in direction.

"Pour compléter la ligne de démarcation et la rendre aussi distincte que possible, les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte. De ce point la limite remonteroit le long de ces montagnes parallèlement aux sinuosités de la côte,[68] etc."

NOTE 64.—Ib., page 142.
NOTE 65.—Ib., page 143.
NOTE 66.—Ib., page 119.
NOTE 67.—Ib., page 122.
NOTE 68.—Ib., page 119.

In Mr. Canning's letter to Bagot of the 12th July, 1824, he says :—

"It is therefore necessary that some other security should be taken that the line of demarcation to be drawn parallel with the coast as far as Mount Elias *is not carried too far inland*." [69]

Here "parallel" is associated with the coast in a sense equally inexact. So also its final application in the 4th article of the Convention, where provision is made for the contingency of the mountains being sometimes more and sometimes less than 10 marine leagues distant from the ocean, plainly shows that it must be understood throughout in the sense of "along" or "in the general direction of" the coast.

Nor does the treaty call for a continuous chain of mountains. Like "parallèlement," the word "chain" was first employed by the Russian plenipotentiaries, in their observations on Sir C. Bagot's amended proposal.

"C'est par ces raisons que les Plénipotentiaires de Russie ont proposé pour limites sur la côte du continent au sud, le Portland Channel, dont l'origine dans les terres est par le 56e degré de latitude nord, et, à l'est, la chaine de montagnes, qui suit à une très petite distance les sinuosités de la côte." [70]

This phrase was promptly taken exception to by the Hudson's Bay Company, who allude to it as "the supposed chain of mountains."

Thereafter, with the exception of once in Count Lieven's memorandum[71] the word is not met with. Neither "chain" nor "range" occurs in the treaty. It is simply "la crête des montagnes situées parallèlement à la côte."

There are mountains lying within five or six miles of the ocean coast which present a general parallelism thereto.[72] It is contended on the part of Canada that it is to these and not to those fifteen or twenty miles inland that the provisions of the treaty apply. It matters not whether the latter are more lofty than those situated at "une très petite distance de la côte." The relative height of the mountains is not a governing factor in the case. Proximity to the ocean is the test. We seek those mountains which "border the coast."

They must be mountains, however, and this suggests the inquiry : what is a mountain ?

The distinction between mountains and hills is an arbitrary one, based upon altitude. A mountain may be defined in accordance with the general usage of geographers, as "a region in which the elevation of the surface changes about 1,000 feet or more by a slope rapid enough to be plainly perceptible to the eye" (p. 162, Eclectic Physical Geography, by Russell Hinman ; published by Van Antwerp, Bragg & Co., Cincinnati and New York, 1888.) Such is the general character of the elevations immediately bordering the sea along the whole Alaskan coast, but

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NOTE 69.—Ib., page 125.
NOTE 70.—Ib., page 120.
NOTE 71.—Ib., page 129.
NOTE 72.—*See* Appendix No. XII., pages 83 to 93.

they are backed by higher mountains immediately behind them, whose summits are bare of timber and sometimes of all vegetation, and these it is submitted are the mountains referred to in the Treaty.

It must not be forgotten that the boundary line of the strip or *lisière* given to Russia was to be the "summit of mountains situated parallel to the coast," provided such mountains could be found within the maximum distance of ten marine leagues from the ocean. The 3rd and 4th Articles of the Treaty, when expressly giving this summit line as the boundary, do not put any other limitation upon it than that it must be found within the maximum distance mentioned from the ocean. Such a line has nothing whatever to do with any windings or sinuosities of the coast. It may, in some places, be ten leagues from the coast, at others five, or even one. The summit of the range, wherever it is found within a ten league belt or strip, is the line to be followed quite irrespective of the coast windings. The latter limitation upon the course of the line is introduced only in the 4th Article, where the natural features selected are absent and an artificial line has to be drawn. The ten league limit is retained and the direction is given that this artificial line is to follow the windings of the coast. The framers of the Treaty contemplated the summit of the range of mountains running parallel to the coast being adopted as the boundary line whether the valleys between these mountains contained streams, rivers or small arms of the sea, and whether the coast reached to the base of these mountains or lay within thirty miles from them. It was a great natural line the adoption of which was only to be limited by the factor which had to prevail in every case, viz., the ten marine league limit. Subject to that and within that limit, the mountain range was to be the boundary if such a range were found running in a general direction parallel with the coast.

The words "la crête des montagnes," translated, the "summit of the mountains," do not require a continuous ridge or watershed. The summit ridge of each mountain is to be taken, and the valleys between the individual mountains must be crossed by straight lines from "crest" to "crest," whether they contain streams, rivers, or such arms of the sea as do not form part of the ocean.

The "coast" is understood to be the general coast line of the continent, not including the shores of inlets which are less than six miles wide.

The mountains nearest the coast must be taken, as before shown, and not the interior range, though possibly higher.

The word "parallel" in "mountains parallel to the coast," is not to be taken in its strict geometrical sense as implying equidistance. It is unnecessary to search for mountains which are all at precisely the same distance from the coast, for Article IV. of the treaty admits the possibility of these mountains "situated parallel to the coast" being sometimes more and sometimes less than ten marine leagues from it.

6. What is the Coast, and What is the Ocean?

The treaty says:

"III. . . . . la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141e degré de longitude ouest (même méridien); et finalement, du dit point d'intersection, la même ligne méridienne du 141e degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique nord-ouest.

"IV. Il est entendu . . . . Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56e degré de latitude nord au point d'intersection du 141e degré de longitude ouest, se trouveroit à la distance de plus de 10 lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de 10 lieues marines."

It has been stated on behalf of the United States: Senate 49th Cong., 1st Sess. Ex. doc. No. 143.

(1) That there are no mountains, such as are contemplated by the Treaty, within the prescribed limit.

(2) Consequently it is necessary to fall back on the alternative provision in Article IV., and Senate 50th Cong., 2nd Sess. Ex. doc. No. 146 passim.

(3) That the ten leagues mentioned therein must be measured from the head of tide water around all the inlets.

The Canadian Government maintains, as has been shown, that there does exist within a few miles of the ocean a range of mountains sufficiently marked to come within the meaning of the Treaty, and that in any part, should an interruption in this range make it necessary to have recourse to the provisions of Article IV., the line should be drawn within ten marine leagues from the coast.

It by no means follows, however, that in measuring this line the ten marine leagues must be allowed. That is the maximum distance which can be allowed, but this point will be elaborated further on.

Now arises the question: What is the coast?

In determining what is meant by the word "coast" in the Treaty, regard must be had to the subject matter therein dealt with, and the other terms and language used in connection with it. The negotiators were endeavouring to secure to Russia a strip of territory along the ocean, and they made use of several terms which serve to indicate what they intended. The 4th Article speaks of it as "the line of coast which is to belong to Russia," and the Article provides that whenever the mountains, which by the 3rd Article are made the boundary, "prove to be at a distance of more than ten marine leagues from the ocean" an artificial line should be drawn as the boundary line, parallel to the windings of the coast, but never exceeding the distance of ten marine leagues therefrom. The minimum distance at which such line should be drawn from the coast or ocean was not stated. That probably would be governed largely by the distance from the coast where the mountain range which formed the boundary ceased. But the maxi-

mum distance is clearly stated, and, by using the words "coast" and "ocean" indifferently to express the shore, or waters, from which the ten marine leagues were to be measured, the negotiators of the Treaty showed that the word "coast," in the sense and connection in which they used it, was coast of the ocean as distinguished from the coast or shore of inlets running up into the interior, such as Taku Inlet or Lynn Canal.

It may be argued that the direction given in Article IV., that the lines should follow the windings or sinuosities of the coast, showed that it was to run round the heads of all inlets, treating them as sinuosities. But apart from the absurdities which the drawing of such a line would give rise to, and the almost absolute impossibility in many places of drawing it, the adoption of such a line would, it is submitted, do express violence to the controlling rule which the Treaty laid down with regard to its location, viz.: that it should never exceed the distance of ten marine leagues from the coast of the ocean. If this rule was ignored, and the line ran round the heads of all inlets it would, under the physical conformation of the country, as now known, run in some places over a hundred miles from the ocean, and thus do direct violence to the controlling words of the Treaty. What obviously was intended by the words windings or sinuosities of the coast in the connection in which the words are used in Article IV., was the general trend or windings of the ocean sea coast as distinct from the shores of the inlets which run into the interior, and the waters of which (in many cases being actually fresh) cannot fairly or reasonably be called ocean.

The American interpretation of the word *côte* is that the negotiators intended by it that the strip of land given to Russia should include and pass round all the inlets from the ocean. The Canadian contention, on the contrary, is that the word *côte* here employed refers to the general outline of the shore, excluding such inlets as, by the well-understood law of nations, are territorial waters.

This interpretation is not arbitrary or conventional; it is in accordance with the spirit and letter of the Treaty. In the first place, it is hardly conceivable that the negotiators intended that the line should go round every little bay, or indentation of the shore, the governing language of the Treaty being that the line is to follow the crest of the mountains, which would be an obvious and easily traceable one.

There is more. Article VII. of the Treaty contains provisions which are inconsistent with the American contention. According to that contention the *lisière* given to Russia was to pass round all bays, creeks and indentations. Yet Article VII. provides as follows:—

"VII. It is also understood, that, for the space of 10 years from the signature of the present Convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens and creeks on the coast mentioned in Article III. for the purposes of fishing and of trading with the natives."

Now, if, as contended by American diplomatists, all the bays and creeks were to be surrounded by the *lisière* ceded to Russia, why should the power to frequent those inland seas, gulfs, havens and creeks be expressly by the Treaty reserved to Russia, as well as to England? If the negotiators had had that in view, which is attributed to them by American diplomatists, it would have been quite natural to reserve to England the power to frequent those inland seas, gulfs, havens and creeks, which were to belong to Russia. The fact that the power is reserved both to England and Russia, shows that in the minds of the negotiators, it was clear that according to their interpretation of the line just laid down by them, some of the inland seas, gulfs, havens and creeks might be found confined within the [illegible] and some might be found extending beyond [illegible] Article VII. of the Treaty seems, therefore, to be conclusive against the American interpretation as to the meaning of the word *côte*, and the fact that it was thought necessary to insert this Article is proof that these inlets and other waters specified were not parts of the ocean, because the rights specially conferred therein had already been given, so far as the ocean was concerned, in Article I.

The only answer which can be given to this argument is that the coast referred to in the Article is not the coast of the *lisière*, but the whole north-west coast of America, and that the Article was taken from the Russian-American Treaty of 1824, and was intended to have the same purpose. It is sufficient answer to give to this suggestion that the clause of the Treaty of 1824 from which this is said to be copied, expressly referred to the north-west coast of America while the Article now under consideration refers to the coast mentioned in Article III., and that is not the north-west coast of America but the coast of the *lisière*. That this is so can be proved by reference to the correspondence which took place between the negotiators of the Treaty prior to its being agreed to. In Mr. Canning's letter to Count Lieven of the 29th May, 1824, the former says:—

"1. As to the line of demarcation to be drawn between Russia and British occupation on the north-west coast of America; Sir Charles Bagot's discretion will be so far enlarged as to enable him to admit, with certain qualifications, the term last proposed by the Russian Government.

The qualifications will consist chiefly in a more definite description of the limit to which the strip of land required by Russia on the continent is to be restricted; in the selection of a somewhat more western degree of longitude as the boundary to the northward of Mount Elias; in precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas, straits, and waters which the limits assigned to Russia may comprehend."

In the draft Convention which Canning enclosed to Bagot on the 12th July, 1824, sub-clause 2 of Article III. reads:—

"2. Que les sujets Britanniques navigueront et commerceront librement à perpétuité sur la dite lisière du côte, et sur celle des isles qui l'avoisinent."

Sir C. Bagot in reporting to Mr. Canning, under date the 12th August, 1824, the failure of his nego-

tiations, thus enunciates the points of difference between himself and the Russians :—

"These points are :

1. As to the opening *for ever* to the commerce of British subjects, of the port of Novo-Archangelsk.
2. As to the liberty to be granted to British subjects to navigate and trade *for ever* the coast of the lisière which it is proposed to cede to Russia, from the Portland Channel to the 60th degree of north latitude, and the islands adjacent.
3. As to the liberty to be given reciprocally to each Power to visit, for a term of years, the other parts of the north-west coasts of America."

This is in complete accord with Count Nesselrode's version of the negotiations. Writing to Count Lieven, 4th September, 1824, he says, speaking of the clauses of Canning's draft Treaty, respecting which it was found impossible to come to agreement :—

"Elles sont au nombre de trois :—

1. La liberté pour les sujets Anglais de faire la chasse, la pêche et le commerce avec les naturels du pays à perpetuité sur toute cette partie de la côte qui forme le sujet de la discussion et qui s'étend du 59° de latitude Nord au 54° 40'.
2. La liberté pour les sujets Anglais de faire la chasse, la pêche et le commerce avec les naturels du pays pendant dix ans sur une autre partie de nos côtes et de nos îles depuis le 59° de latitude Nord jusqu'au détroit de Behring.
3. L'ouverture à perpetuité du port de Sitka ou Novo Archangelsk."

In regard to the claim made on the part of Canada to the upper or inland portions of the long and narrow inlets, fiords or estuaries penetrating the coast, it may be pointed out that Great Britain throughout insisted on complete freedom of intercourse with the interior by all rivers and streams, and that these narrow tidal inlets are not clearly separable on the map from the lower portions of the rivers by which the upper parts of the same valleys are occupied. Neither the limit of influence of the tides, nor the change from salt to fresh water can be strictly defined in the upper parts of these inlets. They vary with circumstances, such as the height of the barometer, the direction and force of the winds, and the season of the year. The heads of the inlets, therefore, do not afford good fixed points from which to measure the width of a coast strip. This must have been recognised by the parties to the Convention, who, it may be assumed, were familiar with Vancouver's account of his explorations of this coast.

This question, as to the meaning of the word *côte*, is so interwoven with the preceding one that in discussing it, it is difficult to avoid some repetition.

In Sir C. Bagot's amended proposal, made in the early stages of the negotiations, he says, referring to the proffered line through Sumner Strait striking the mainland at 56° 30' :

"De là se prolongeant dans la même direction sur la terre ferme jusqu'à un point distant de la côte de 10 lieues marines, la ligne remonteroit de ce point vers le nord et le nord-ouest, parallèlement aux sinuosités de la côte, et toujours à la distance de 10 lieues marines du rivage, jusqu'au 140° degré de longitude (de Greenwich) dont elle suivroit alors du prolongement jusqu'a la Mer Polaire."

Here, it will be observed, he speaks of the line being always ten marine leagues distant from the *rivage*.

Sir C. Bagot resolutely held out for a southern boundary at 56° 30′ or 56°, and the Russians proving obdurate, he referred the matter home.

Canning, after consultation with officers of the Hudson's Bay Company decided to give way as regards the southern boundary, and so instructed Bagot in his letter of the 12th July, 1824, in which he charges him to secure as the eastern limit a line "following the sinuosities of the coast along the base of the mountains nearest to the sea to Mount Elias."

In this letter there is enclosed a draft *projet*, Article II. of which reads as follows :—

'De ce point elle suivra cette côte, parallèlement à ses sinuosités, et sous ou dans la base vers *la mer* des montagnes qui la bordent, jusqu'au 139e degré de longitude ouest du dit méridien."[73]

and Article II. of the Russian counter draft reads :—

"La lisière de la côte nord ouest appartenante à la Russie depuis le Portland Channel jusqu'au point d'intersection du 139e de longitude ouest (méridien de Greenwich) n'aura point en largeur sur le continent plus de 10 lieues marines *à partir du bord de la mer*."[74]

Sir C. Bagot failed to reach an agreement and quitted St. Petersburg. In the interval between his departure and the resumption of the negotiations by Stratford Canning the Hudson's Bay Company again impressed upon Canning the importance of confining Russia (whose Plenipotentiaries had latterly been shifting their ground as regards the eastern boundary) within narrow and clearly defined limits on the coast.

These suggestions were not unfruitful, for when Stratford Canning set out for St. Petersburg he took with him a letter from Canning wherein the latter says :—

"The Russian Plenipotentiaries propose to withdraw entirely the limit of the *lisière* on the coast which they were themselves the first to propose, viz., the summit of the mountains which run parallel to the coast, and which appear, according to the Map, to follow all its sinuosities, and to substitute generally that which we only suggested as a corrective of their first proposition.

"We cannot agree to this change. It is quite obvious that the boundary of mountains, where they exist, is the most natural and effectual boundary. The inconvenience against which we wish to guard was that which you know and can thoroughly explain to the Russian Plenipotentiaries to have existed on the other side of the American Continent, when mountains laid down in a Map as in a certain given position, and assumed in faith of the accuracy of that Map as a boundary between the possessions of England and the United States, turned out to be quite differently situated, a discovery which has given rise to the most perplexing discussions. Should the Maps be no more accurate as to the western than as to the eastern mountains, we might be assigning to Russia immense tracts of inland territory, where we only intended to give, and they only intended to ask, *a strip of sea coast*."[75]

Stratford Canning also bore a new draft Convention, in Article III. of which it is provided that—

* * * * "If the summit of the aforesaid mountains shall turn out to be, in any part of their range, at more than the

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NOTE 73.—*See* Appendix XVII., page 126.
NOTE 74.—Ib., page 131.
NOTE 75.—Ib., page 139.

distance of 10 marine leagues from the *Pacifick*, then that, for that space, the line of demarcation shall be a line parallel to the coast and its windings, at the said distance of 10 marine leagues therefrom, so that the said line of demarcation shall never extend farther than 10 leagues from the coast."[76]

Thus we find the original word "*rivage*," which is applicable to any body of water, exchanged for "*mer*." "Mer," which might be held to apply to salt water generally, becomes in turn "*Pacifick*" in the *projet* of December, while, as if to make the matter quite sure, the "*Pacifick*" of the draft is changed into the "Ocean"[77] of the Treaty.

It will not surely be maintained that the heads of inlets many miles inland can correctly be designated as the "Pacifick" or the "Ocean."

Such a contention was evidently foreign to the mind of Count Nesselrode when, writing to Lieven, he referred to the Portland Canal.

"Dont l'embouchure dans l'Océan est à la hauteur de l'Ile du Prince de Galles et l'origine dans les terres entre le 55° et 56° de latitude."[78]

The entrance to the Canal is on the coast—the head is within the continent.

Again,

"On ne peut effectivement assez le répéter, d'après le témoignage des cartes les plus récentes l'Angleterre ne possède aucun Etablissement ni à la hauteur du Portland Canal, *ni au bord même de l'Océan*."[79]

and this point is still more clearly brought out in the counter draft of the Russian Plenipotentiaries wherein, alluding to Portland Canal, they say :—

"Où cette passe se termine dans l'interieur de la terre ferme au 56° de latitude Nord."

These passages establish that the Russians distinguished between the shores and heads of inlets and the ocean. The Canadian Government takes the same view. It holds that the shores of inlets were not included in the meaning to be conveyed by "la côte," which refers to the general outline of the continental shore. It maintains that the word "ocean," however applicable it might be contended to be to those parts of the bays or inlets which from their breadth and conformation are common international waters, cannot with any accuracy be applied to those parts of the bays or inlets which by international law and common consent are parts of the territory of the country possessing the shores of the inlets, and consequently that the line, whether marked by mountains or by a survey line, should be drawn without reference to such inlets.

Whether or not this argument would be deemed conclusive if the line crossing Lynn Canal was a survey line drawn under the 4th Article of the Treaty in the absence of the mountain range, it is submitted that if it can be shown that a range of mountains runs parallel to the coast and reaches any point on the

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NOTE 76.—Ib., page 141.
NOTE 77.—Appendix No. I., page 54.
NOTE 78.—Appendix No. XVII., page 122.
NOTE 79.—Ib., page 123.

shores of the Lynn Canal where the waters are territorial, the line must follow that range and cross the Canal to the other side if on that other side the range of mountains can be found to connect with it. The surveys made of the territory have shown that such a range of mountains does exist, running up on the east side of Lynn Canal to or near Berner's Bay and continuing from the opposite side of the Canal. Across this Canal and from the summit of this range of mountains on one side to the summit on the other, it is submitted the line must run. By common consent in construing Articles III and IV of this Treaty, the coast of the ocean is the coast of the mainland up to the mouth of Lynn Canal on each side. Does it stop there or run up any and what part of that Canal? For the purposes of construing this Treaty it must be held to follow the shores of that Canal only until it becomes territorial. From this point the Canal ceases to be ocean within the meaning of the Treaty, and the mountains if found beyond that point must form the boundary line although their crests on either side are divided by the waters of the Canal. If there are no such mountains then the line must be drawn not further than ten marine leagues from there, and under either mode of establishing the Treaty line, all the head waters of the Lynn Canal are British territory.

Such is the Canadian contention, which it is submitted accords with the spirit and true intent of the Treaty.

That this interpretation appeals to the advocates of the United States side of the case as a reasonable and probable one is to be inferred from the misrepresentations and distortions to which it is subjected by them. Mr. Dall endeavours to dispose of it by what he styles the "reductio ad absurdam"[80] method as follows: "There are none of the islands in the archipelago north of Dixon's entrance which do not approach within six miles of one another or of the continental shore. They are all mountainous. On the Canadian hypothesis all the archipelago for the purposes of the boundary becomes solid land. Of this land there would be a strip, excluding all of the continent, in no place less than fifty and sometimes over eighty miles wide, etc." 50th Congress, 2nd Sess. Senate Ex. doc. No. 146, pp. 25-26.

The obvious answer to this is that the whole controversy has reference to a coast strip—a lisière *on the continent*—for the purpose of protecting the islands. It has never been urged that the rule of international law with respect to the three mile limit operates to turn water into land or join islands to a continent.

NOTE 80.—This is, no doubt, a misprint, and it is here alluded to in order to call attention to several other and more serious ones which occur in the same document, especially in the reproduction of Dr. Dawson's letters to Sir Charles Tupper. Thus, on page 4, in what purports to be the *ipsissima verba* of Article III. of the Treaty of 1825, there occurs "la dite ligne remontera au *bord* le long de la passe," etc., instead of "au *nord*," and one finds this error repeated on page 6. On the same page second line from top "agreed" should be "argued," and on page 8, sixth line from bottom, "such" should be "each."

It has been repeatedly asserted that Canada contends—

"That in case there were no range of mountains the ten marine leagues should have been measured, not from the line of salt water, but from the outer coast-line of the islands or from the ocean, that being meant as the coast."

No such contention was ever advanced by Canada for the same reason as applies to Mr. Dall's "reductio ad absurdum" argument, because the whole dispute is about a strip of coast on the mainland as distinct from the islands.

To sum up. The Government of Canada affirms that the question of the boundary line between the Dominion and Alaska is fixed by the Treaty between Great Britain and Russia of 1825. That the provisions of that Treaty, though not so clear nor precise as might be desired, are sufficiently explicit to admit of an interpretation consistent with the natural features of the country. It accordingly holds that the line beginning from the extremity of Cape Muzon should pass in a direct line, or great circle, to the middle point of the mouth of the channel between Sitklan Island and the mainland near Fort Tongass, the whole of Prince of Wales Archipelago, nevertheless, belonging to the United States by virtue of the first clause of Article IV. From the mouth of the entrance between Sitklan Island and the mainland, the line should pass up the middle of the channel explored by Vancouver and named by him Portland's Canal, to wit: between the continental mainland and Sitklan, Wales and Pearse Islands in succession and beyond them up the middle of Portland Channel, to its head; thence in a direct line to the intersection by the 56th parallel of the line of summit of the mountains which are here found parallel and nearest to the ocean coast in about 131° 42′ west longitude. From this point the line of demarcation should follow the summit of the mountains parallel and nearest to the coast of the ocean; the summit ridge of each mountain to be taken, and the valleys between the individual mountains to be crossed by straight lines from crest to crest, whether they contain streams, rivers, or such arms of the sea as do not form part of the ocean.

A more particular description of the line as thus drawn will be found in Appendix No. XXI.,[81] the several peaks over which it passes being there designated by reference to the maps of the British Commission under the Convention of 1892. This line follows the line of mountain peaks which rise above the timber line (*see* Report of Commissioners, Appendix No. XV.), close behind the wooded heights which in general border the coast. This line of mountain peaks in the first instance forms the watershed dividing the upper waters of Bradfield Canal and the Stikine River from the ocean. Crossing Bradfield Canal near its mouth, and Stikine River immediately below the Popoff Glacier, the line of demarcation continues at a fairly uniform distance from Frederick Sound along the summits of the mountains overlooking that Sound, across Le Conte Bay, Thomas

NOTE 81.—For Appendix No. XXI., *see* page 150.

Bay, the river which flows into Farragut Bay, and the upper part of Port Houghton, continuing thence along the mountain watershed range separating the ocean from the waters of the Endicott Arm of Holkham Bay, thence crossing the mouth of Holkham Bay, and following the mountain range between the ocean and Snettisham Bay. Crossing the latter bay, it continues parallel with the coast along the range separating the ocean from Snettisham Bay and the waters flowing into Taku Inlet. Crossing this inlet a short distance north-east of Bishop Point, it proceeds along the line of watershed between Gastineau Channel and Lynn Canal on the one side, and on the other side the upper part of Taku Inlet, Taku River, and the river flowing from the north-east into Berner's Bay on the eastern side of Lynn Canal, until a point near Berner's Bay is reached. Thence the line crosses Lynn Canal, which is here less than six miles wide, to the range of mountains on the west side thereof, which are bounded to the north by the valley of Endicott River. Thence it proceeds westward along the summit of this range to Glacier Bay; thence across Glacier Bay and along the watershed line between the north-west arm of Glacier Bay and Taylor Bay, until the Fairweather Mountains are reached. Thence along these mountains and along the St. Elias Alps, keeping a general course parallel to the coast to the summit of Mount St. Elias. Thence along the highest westerly ridge of Mount St. Elias to the 141st meridian. Thence north along said 141st meridian. Attached to Appendix No. XXI. will be found a map showing the line drawn according to this description.

Such is Canada's case under the Treaty, complicated to some extent by the claim of the United States based on alleged prescriptive rights which they assert have accrued to them by reason of undisturbed occupation, particularly at the head of the Lynn Canal. The question of continuous occupation is one of fact, which the Canadian Government by no means admit. Indeed, from all information available, they have been unable to ascertain that prior to the recent gold discoveries in the Klondike there were any permanent settlements at or about the head of Lynn Canal established or maintained by or under the sanction of the United States, or which could with any show of reason be claimed as giving that country any claim or jurisdiction there. Isolated acts of United States' officials in the Lynn Canal assuming a jurisdiction no doubt there were, but before attaching weight to those acts care must be taken to determine the particular locality where they took place. The contention of the Canadian Government does not seek to deprive the United States of the whole of Lynn Canal; on the contrary, it acknowledges the right of that country to a large part of the canal and the territory surrounding it, and until an actual and authorized joint survey had been made, it was impossible to mark with certainty the exact place where the line would cross the canal.

Some reference to the history of this disputed territory since the Russian treaty of 1825 is necessary in order to understand any claim based upon occupation.

The facts recited in the early part of this memorandum show that, when in 1834, the Hudson's Bay Company sought to erect a trading post on the Stikine River, ten marine leagues from the coast, they were stopped by the Russian authorities, and that diplomatic action of the British Government while obtaining a disavowal by the Russian Government of the obstructive action of its officials, failed to procure for the Hudson's Bay Company compensation for their losses. Under these circumstances an end was put to further controversy by the Russian-American Company leasing to the Hudson's Bay Company the whole Russian coast south of Cape Spencer. This lease was renewed from time to time up to the year 1867. So that from the year 1839 until the year 1867, the whole country along that coast together with the interior was in the undisputed possession of the Hudson's Bay Company, either under its British charter or its Russian lease. A question has indeed been raised as to whether this lease from the Russian-American Company did embrace the disputed territory at the head of the Lynn Canal. A critical examination of the description in the lease would go to show that it does not, and that the northern boundary line of that lease would cross the Lynn Canal leaving its head waters in British territory. But whatever it embraced it is certain that either under chartered or leased rights the whole coast including the disputed territory remained in possession of the Hudson's Bay Company.

At this time the United States purchased Alaska from Russia, and, it is contended, has since then occupied or exercised political control over the entire strip of territory or *lisière* along the coast and in the bays and inlets thereof. Care must be taken not to extend the effect to be given to acts of occupation and possession in localities admittedly belonging to the United States along this *lisière*, and in those inlets and bays to which they are entitled to territory beyond those limits. There is no desire to deny this occupation and possession. Actual possession of many different points took place, and no doubt political control continued to be exercised all along the *lisière*. Custom houses were established, customs laws enforced, and, as far as possible, peace and order maintained. But all these acts combined do not, and cannot, affect the question in dispute unless they are shown to have taken place without protest in some part of the disputed territory.

What now are the facts with respect to the United States' alleged occupation of this disputed territory at the head of Lynn Canal? In the summer of 1880, the Presbyterian Board of Missions appears to have started a school or mission amongst the Indians at Haines Mission, Portage Cove, near the head of the Canal. A building was erected here for the purposes of the school about 1881, and the school was continued for some time, but of late years it has been abandoned. In 1882 or 1883 a private store was established at Pyramid Harbour and another small store or trading post belonging to a private individual was also known to exist at the head of Taiya Inlet

where Dyea now is, in the year 1887.[82] About 1883 two canneries were erected at Pyramid Harbour, and doubtless several other individual acts of ownership or possession may be shown before the great rush came, on the discovery of gold in the Klondike region. But it is confidently contended that no individual action of this character could give national occupation or jurisdiction, and the more so, as it can be shown that the United States not only did not give any grant or recognition to these squatters of their occupancy, but officially declared that "all claims of pre-emption and settlements in Alaska were not only without the sanction of law but were in direct violation of laws applicable to the public domain."

H.R. 55th Cong. 1st Sess. doc. No. 92, part IV., p. 121.

When the report of W. G. Morris, the Special Agent of the Treasury Department, was made in 1878, this state of the law still continued, and the Canadian Government is not aware that either a mining grant or a land grant was ever issued by the United States before the year 1897 to any person or squatter in any part of the disputed territory.

An examination of the United States census shows that up to, at any rate, the year 1880 there was not a single white settler resident in these disputed lands. A reconnaissance having been made by Lieut. Schwatka, of the United States army, in the year 1883, of the passes from the Lynn Canal to the Yukon, embraced in the disputed territory, the Canadian Government in 1887, as has been previously shown, shortly after they had official notice of his report, caused a protest to be lodged with the Government at Washington against the implied claim of Lieut. Schwatka that this pass, called by him Perrier Pass and now known as the Chilkoot Pass, was in United States territory. Again, in 1888 the Canadian Government forwarded a further protest to Her Majesty's Government for communication to the United States Government against a rumoured attempt of the United States to exercise jurisdiction at the White Pass, claiming it as British

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NOTE 82.—In 1887 Mr. Ogilvie thus reports his discovery of the White Pass:—

"I here detailed one of my party (Captain Moore) to explore a pass a short distance south of the Chilkoot Pass; this route leaves Taiya Inlet about two miles from its head and follows up the valley of the Skagway River to its source, and thence down the valley of a stream which empties into Lake Tahko.

"Captain Moore reports this pass as being much lower than the Chilkoot Pass, and he thinks it is not any higher at the summit than Lake Lindeman. It is timbered throughout, and he estimates the distance from tide water to the summit at eighteen miles, and from the summit to Lake Tahko at about twenty-two to twenty-four miles. He has had considerable experience in mountain trails, having built the Government trail in Cassiar district, British Columbia, and he thinks a trail could be built through this pass much more easily than the one constructed in Cassiar district, and a waggon road more easily than the one constructed through the canyon of the Fraser River.

"I believe that this pass has not been named, and think that the party I sent through were the first white men who ever travelled through it; I have therefore taken the liberty of naming it the 'White Pass,' after the Honourable the Minister of the Interior, and I hope the name will be retained."

This does not indicate that prior to 1887 there were any extensive settlements at the head of the Lynn Canal.

territory ; and, in the same year, during the currency of the Fishery negotiations at Washington, Dr. G. M. Dawson, as representing Her Majesty's Government, in a conference with Mr. Dall, representing the United States, put forward the contention that the territories surrounding the head of Lynn Canal were British. The report of the conference between Dr. Dawson and Mr. Dall was subsequently laid before Congress by President Cleveland in his Message dated 2nd March, 1889. In recommending to the President the publication of these documents, the Secretary of State observed :—

"These documents are considered of value as bearing upon a subject of great International importance."

Open and notorious acts of occupancy in the region where Dyea and Skagway have been built date only from the year 1897, and not, as too often assumed, from a much earlier period. The rush of miners then began to the Klondike. Thousands of them arrived in steamers in the Lynn Canal, congregated on its margin where Dyea and Skagway now stand, and the necessities of the migration caused the erection of many buildings and created considerable trade and commerce. Without any survey or further diplomatic controversy respecting the position of the boundary, the United States Government assumed political control at these points, and established Custom-houses, post-offices, and other evidences of authority. With such reasonable diligence as the extreme difficulties of access to this territory and other circumstances permitted, the Canadian Government, in the early part of the year 1898, formally protested to the Imperial Government that the United States had established a sub-port of Customs at Dyea,[83] in territory which they claimed was rightfully British, and urged the desirability of establishing the boundary line as contemplated by the Convention of 1892. An agreement was subsequently reached for establishing a provisional line as a boundary, but without prejudice to the claim of either Government, and matters have since remained in *statu quo*. It is submitted that even if a few months of occupancy of Dyea and Skagway elapsed without protest from Canada this cannot be held to impair or prejudice her rights under the Treaty, and that the claims put forward by the United States Government to hold Dyea and Skagway, in any event, even if the territory should be proved to be British, are not claims which have any real equitable foundation.

It may be thought that the Canadian case should not close without some reference to the maps which have been from time to time published since the Treaty of 1825 was made, indicating a line as the boundary under that Treaty. Some of these maps are almost grotesque in the extreme claims they make, and evidently have been prepared without adequate knowledge of the meaning of the Treaty. Great allowance must, of course, be made for the map makers, because of the absence of data from which any reliable or even approximately reliable line could be drawn. No surveys other than those of Vancouver were made of the shores of the Lynn Canal till after the year 1880, while the mountain ranges along the coast were not surveyed till the year 1895, after the

NOTE 83.—*See* Appendix No. XIX., page 146.

Convention of 1892 had provided for a Joint International Survey. As the Treaty of 1825, which defines the boundary line, makes its location dependent upon alternative circumstances, the occurrence or non-occurrence of mountains running in a direction parallel with the coast, it must be plain that any line placed upon a map before the survey was made, or a knowledge of the existence or non-existence of such a mountain range ascertained, could not have any weight attached to it. Nor could it even be said to call for an official protest from either Government, because, in the absence of the data necessary to determine where the line should run, no one could say with any degree of positiveness how far any assumed map line might be correct or incorrect. As far back, however, as the year 1886, the Earl of Iddesleigh officially communicated to the American Government the view held by Her Majesty's Government of the unreliability of these maps and the impossibility of any line being correctly drawn upon them as the boundary because of the absence of necessary data, and distinctly disavowed recognition of the correctness of the line on the copy of the map he then enclosed at the request and for the information of the United States Government. The fact is, no doubt, that the line when drawn upon the map by the earlier map makers was only intended as an indication of the occurrence of a dividing line somewhere in that region, and later map makers, not having the information necessary to correct any errors in the earlier maps, simply adopted with more or less accuracy the location of the line as they found it on earlier maps. The country was a veritable *terra incognita* until very recent years, with intermittent communication, scant population, and, comparatively speaking, little or no commerce beyond the trade in fur bearing animals. Under these circumstances the Canadian Government submit that little weight should be attached to maps shewing the location of the line incorrectly and inconsistently with the Treaty, as appears from the fuller light of subsequent surveys.

Having thus submitted the Canadian Government's case under the Treaty, and explained their view of the alleged occupation and control of the country in dispute by the United States, as also the effect which ought to be given to the boundary lines drawn upon the maps issued from time to time, it only remains to repeat Canada's willingness in the event of the whole question going before an arbitral tribunal that the terms incorporated in the recent Venezuela Boundary Treaty with respect to the effect to be given to adverse possession or occupancy should be agreed to and adopted.

These terms offer the amplest guarantees which either country should ask for protection of any equitable interests arising out of possession of any parts of the disputed strip of territory. They make, in the first place, fifty years of adverse possession absolutely to confer a good title and declare political control to be equivalent to actual possession; while they further provide that occupation for any less period shall have such effect given to it as reason, justice, the principles of international law, and the equities of the case require.

APPENDIX No. I.

CONVENTION BETWEEN GREAT BRITAIN AND RUSSIA, SIGNED AT ST. PETERSBURGH, FEBRUARY $\frac{16}{28}$, 1825.

[*Translation.*]

AU NOM DE LA TRÈS SAINTE ET INDIVISIBLE TRINITÉ.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies, désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui régleroit, d'après le principe des convenances réciproques, divers points relatifs au commerce, la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions respectives sur la côte nord-ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir :—Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, le Très Honorable Stratford Canning, Conseiller de Sa dite Majesté en Son Conseil Privé, etc. Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé Actuel, Membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, etc. ; et le Sieur Pierre de Poletica, Son Conseiller d'Etat Actuel, etc. Lesquels Plénipotentiaires, après s'être communiqué leurs pleins-pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans :

IN THE NAME OF THE MOST HOLY AND UNDIVIDED TRINITY.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them, by means of an agreement which may settle, upon the basis of reciprocal convenience, different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean as well as the limits of their respective possessions on the north-west coast of America, have named Plenipotentiaries to conclude a Convention for this purpose, that is to say :—His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Stratford Canning, a member of His said Majesty's Most Honourable Privy Council, &c., and His Majesty the Emperor of all the Russias, the Sieur Charles Robert Count de Nesselrode, His Imperial Majesty's Privy Councillor, a member of the Council of the Empire, Secretary of State for the Department of Foreign Affairs, &c., and the Sieur Pierre de Poletica, His Imperial Majesty's Councillor of State, &c. Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following Articles :

Art. I. Il est convenu que, dans aucune partie du grand Océan, appelé communément Océan Pacifique, les sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes, sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois les restrictions et conditions déterminés par les Articles qui suivent.

Art. I. It is agreed that the respective subjects of the High Contracting Parties shall not be troubled or molested, in any part of the Ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following Articles.

II. Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand océan par les sujets des Hautes Parties Contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les sujets de Sa Majesté Britannique n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant ; et que, réciproquement, les sujets Russes ne pourront aborder, sans permission, à aucun établissement Britannique, sur la côte nord-ouest.

II. In order to prevent the right of navigating and fishing, exercised upon the ocean by the subjects of the High Contracting Parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there may be a Russian establishment, without the permission of the Governor or Commandant ; and, on the other hand, that Russian subjects shall not land, without permission, at any British establishment, on the north-west coast.

III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du continent et les îles de l'Amérique nord-ouest, sera tracée ainsi qu'il suit :

A partir du point le plus méridional de l'île dite Prince of Wales, lequel point se trouve sous la parallèle du 54° degré 40 minutes de latitude nord, et entre le 131° et le 133e degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme où elle atteint le

III. The line of demarcation between the possessions of the High Contracting Parties, upon the coast of the continent, and the islands of America to the north-west shall be drawn in the manner following :

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes, north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the

56e degré de latitude nord : de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141e degré de longitude ouest (même méridien) ; et finalement, du dit point d'intersection, la même ligne méridienne du 141e degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique nord-ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent :

1. Que l'île dite Prince of Wales appartiendra toute entière à la Russie.

2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56e degré de latitude nord au point d'intersection du 141e degré de longitude ouest, se trouveroit à la distance de plus de 10 lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte, et que ne pourra jamais en être éloignée que de 10 lieues marines.

V. Il est convenu en outre, que nul établissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux possessions de l'autre. En conséquence, les sujets Britanniques ne formeront aucun établissement, soit sur la côte, soit sur la lisière du terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées dans les 2 Articles précédens ; et, de même, nul établissement ne sera formé par des sujets Russes au delà des dites limites.

VI. Il est entendu que les sujets de Sa Majesté Britannique, de quelque côté qu'ils arrivent, soit de l'océan, soit de l'intérieur du continent, jouiront à perpétuité du droit de naviguer librement, et sans entrave quelconque, sur tous les fleuves et rivières qui, dans leurs cours vers la mer Pacifique, traverseront la ligne de démarcation sur la lisière de la côte indiquée dans l'Article III. de la présente Convention.

VII. Il est aussi entendu que, pendant l'espace de 10 ans, à dater de la signature de cette Convention, les vaisseaux des deux Puissances, ou ceux appartenans à leurs sujets respectifs, pourront réciproquement fréquenter, sans entrave quelconque, toutes les mers intérieures, les golfes, havres, et criques sur la côte mentionnée dans l'Article III. afin d'y faire la pêche et le commerce avec les indigènes.

VIII. Le port de Sitka, ou Novo Archangelsk, sera ouvert au commerce et aux vaisseaux des sujets Britanniques durant l'espace de 10 ans, à dater de l'échange des ratifications de cette Convention. Au cas qu'une prolongation de ce terme de 10 ans soit accordée à quelque autre Puissance, la même prolongation sera également accordée à la Grand Bretagne.

IX. La susdite liberté de commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des armes à feu, des armes blanches, de la poudre à canon, ou d'autres munitions de guerre ; les

point of the continent where it strikes the 56th degree of north latitude ; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian) ; and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the north-west.

IV. With reference to the line of demarcation laid down in the preceding Article it is understood :

1st. That the island called Prince of Wales Island shall belong wholly to Russia.

2nd. That whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.

V. It is moreover agreed that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding Articles to the possessions of the other ; consequently, British subjects shall not form any establishment either upon the coast, or upon the border of the continent comprised within the limits of the Russian possessions, as desig..ted in the two preceding Articles ; and, in like manner, no establishment shall be formed by Russian subjects beyond the said limits.

VI. It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean, or from the interior of the continent, shall for ever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in Article III. of the present Convention.

VII. It is also understood, that, for the space of 10 years from the signature of the present Convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast mentioned in Article III. for the purposes of fishing and of trading with the natives.

VIII. The port of Sitka, or Novo Archangelsk, shall be open to the commerce and vessels of British subjects for the space of 10 years from the date of the exchange of the ratifications of the present Convention. In the event of an extension of this term of 10 years being granted to any other Power, the like extension shall be granted also to Great Britain.

IX. The above-mentioned liberty of commerce shall not apply to the trade in spirituous liquors, in fire-arms, or other arms, gunpowder, or other warlike stores ; the High Contracting Parties

Hautes Parties Contractantes s'engageant réciproquement à ne laisser ni vendre, ni livrer, de quelque manière que ce puisse être, aux indigènes du pays les articles ci-dessus mentionnés.

X. Tout vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelque accident, de se réfugier dans les ports des parties respectives, aura la liberté de s'y radouber, de s'y pourvoir de tous les objets qui lui seront nécessaires, et de se remettre en mer, sans payer d'autres droits que ceux de port et de fanaux, lesquels seront, pour lui, les mêmes que pour les bâtimens nationaux. Si, cependant, le patron d'un tel navire se trouvoit dans la nécessité de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux ordonnances et aux tarifs de l'endroit où il aura abordé.

XI. Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les autorités civiles et militaires des deux Hautes Parties Contractantes, sans se permettre au préalable ni voie de fait, ni mesure de force, seront tenues de faire un rapport exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles s'engagent à la régler à l'amiable, et d'après les principes d'une parfaite justice.

XII. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres, dans l'espace de 6 semaines, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à St. Pétersbourg, $\frac{1}{2}\frac{6}{8}$ Février, de l'an de Grâce 1825.

(L.S.) STRATFORD CANNING.
(L.S.) LE COMTE DE NESSELRODE.
(L.S.) PIERRE DE POLETICA.

reciprocally engaging not to permit the abovementioned articles to be sold or delivered, in any manner whatever, to the natives of the country.

X. Every British or Russian vessel navigating the Pacific Ocean, which may be compelled by storms or by accident, to take shelter in the ports of the respective Parties, shall be at liberty to refit therein, to provide itself with all necessary stores, and to put to sea again, without paying any other than port and light-house dues, which shall be the same as those paid by national vessels. In case, however, the master of such vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall conform himself to the regulations and tariffs of the place where he may have landed.

XI. In every case of complaint on account of an infraction of the Articles of the present Convention, the civil and military authorities of the High Contracting Parties, without previously acting or taking any forcible measure, shall make an exact and circumstantial report of the matter to their respective Courts, who engage to settle the same, in a friendly manner, and according to the principles of justice.

XII. The present Convention shall be ratified, and the ratifications shall be exchanged at London within the space of 6 weeks, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at St. Petersburgh, the $\frac{1}{2}\frac{6}{8}$th day of February, in the year of our Lord, 1825.

[L.S.] STRATFORD CANNING.
[L.S.] COMTE DE NESSELRODE.
[L.S.] PIERRE DE POLETICA.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF ALL THE RUSSIAS RELATIVE TO NAVIGATING, FISHING, ETC., IN THE PACIFIC OCEAN.

[Concluded April 17, 1824; Ratification exchanged January 11, 1825; proclaimed January 12, 1825.]

[*Translation.*]

AU NOM DE LA TRÈS SAINTE ET INDIVISIBLE TRINITÉ.

Le Président des Etats Unis d'Amérique, et Sa Majesté l'Empereur de toutes les Russies, voulant cimenter les liens d'amitié qui les unissent, et assurer entre eux le maintien invariable d'un parfait accord, moyennant la présente Convention, ont nommé pour leurs Plénipotentiaires à cet effet, savoir: Le Président des Etats Unis d'Amérique, le Sieur Henry Middleton, citoyen des dits Etats, et leur Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale: et Sa Majéste l'Empereur de toutes les Russies, ses aimés et féaux les Sieurs Charles Robert Comte de Nesselrode, Conseiller Privé actuel, Membre du Conseil d'Etat, Secrétaire d'Etat Dirigeant le Ministère des affaires étrangères, Chambellan actuel, Chevalier de l'ordre de St. Alexandre Nevsky, Grand Croix de l'ordre de St. Wladimir de la 1re classe, Chevalier de celui de l'aigle blanc de Pologne, Grand Croix de l'ordre de St. Etienne et d'Hongrie, Chevalier des ordres du St. Esprit et de St. Michel, et Grand Croix de celui de la Légion d'Honneur de France, Chevalier Grand Croix des ordres de l'aigle noir et de l'aigle rouge de Prusse, de l'annonciade de Sardaigne, de Charles III. d'Espagne, de St. Ferdinand et du mérite de Naples, de l'Eléphant de Danemarc, de l'Etoile Polaire de Suède, de la Couronne de Wurtemberg, des Guelphes de Hanovre du Lion Belge de la Fidélité de Bade, et de St. Constantin de Parme: et Pierre de Poletica, Conseiller d'Etat actuel Chevalier de l'ordre de St. Anne de la 1re classe et Grand Croix de l'ordre de St. Wladimir de la seconde; lesquels après avoir échangé leurs pleinspouvoirs, trouvés en bonne et due forme, ont arrêté et signé les stipulations suivantes—

IN THE NAME OF THE MOST HOLY AND INDIVISIBLE TRINITY.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present Convention have named as their Plenipotentiaries to this effect, to wit:

The President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty; and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert, Count of Nesselrode, actual Privy Councillor, Member of the Council of State, Secretary of State directing the administration of Foreign Affairs, actual Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Wladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honour of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Wirtemburg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma; and Pierre de Poletica, actual Counsellor of State, Knight of the Order of St. Anne of the first class, and Grand Cross of the Order of St. Wladimir of the second;

Who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations:

ARTICLE PREMIER.

Il est convenu que dans aucune partie du grand océan appelé communément Océan Pacifique ou Mer du Sud, les citoyens ou sujets respectifs des hautes puissances contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois, les restrictions et conditions determinées par les articles qui suivent.

ARTICLE I.

It is agreed that, in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the high contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE DEUXIEME.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand océan par les citoyens et sujets des hautes puissances contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu, que les citoyens des Etats Unis n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant;

ARTICLE II.

With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander;

et que réciproquement les sujets Russes ne pourront aborder sans permission á aucun établissement des Etats Unis sur la Côte nord-ouest.

Article Troisieme.

Il est convenu en outre, que dorénavant il ne pourra être formé par les citoyens des Etats-Unis, ou sous l'autorité des dits Etats, aucun établissement sur la Côte nord ouest d'Amérique, ni dans aucune des îles adjacentes *au nord* du cinquante quatrième degré et quarante minutes de latitude septentrionale ; et que de même il n'en pourra être formé aucun par des sujets Russes, ou sous l'autorité de la Russie, *au sud* de la même parallèle.

Article Quatrieme.

Il est néanmoins entendu que pendant un terme de dix années à compter de la signature de la présente Convention, les vaisseaux de deux Puissances, ou qui appartiendroient à leurs citoyens ou sujets respectifs, pourront réciproquement fréquenter sans entrave quelconque, les mers intérieures, les golfes hâvres et criques sur la côte mentionnée dans l'article précédent, afin d'y faire la pêche et le commerce avec les naturels du pays.

Article Cinquieme.

Sont toutefois exceptées de ce même commerce accordé par l'article précédent, toutes les liqueurs spiritueuses, les armes à feu, armes blanches, poudre et munitions de guerre de toute espèce, que les deux Puissances s'engagent réciproquement à ne pas vendre, ni laisser vendre aux Indigènes par leurs citoyens et sujets respectifs, ni par aucun individu qui se trouveroit sous leur autorité. Il est également stipulé que cette restriction ne pourra jamais servir de prétexte, ni etre allégnée dans aucun cas, pour autoriser soit la visite ou la détention des Vaisseaux, soit la saisie de la marchandise, soit enfin des mesures quelconques de contrainte envers les armateurs ou les équipages qui feroient ce commerce ; les hautes Puissances contractantes s'étant réciproquement réservé de statuer sur les peines à encourir, et d'infliger les amendes encourues en cas de contravention à cet article, par leurs citoyens ou sujets respectifs.

Article Sixieme.

Lorsque cette Convention aura été duement ratifiée par le Président des Etats-Unis de l'avis et du consentement du Sénat, d'une part, et de l'autre par Sa Majesté l'Empereur de toutes les Russies, les ratifications en seront échangés à Washington dans le délai de dix mois de la date ci-dessous ou plutôt si faire se peut. En foi de quoi les Plénipotentiairies respectifs l'ont signée, et y ont fait apposer les cachets de leurs armes.

Fait à St. Pétersbourg le 17 Avril de l'an de grâce mil huit cent vingt quatre.

Henry Middleton. (L.S.)
Le Comte
Charles de Nesselrode. (L.S.)
Pierre de Poletica. (L.S.)

and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the north-west coast.

Article III.

It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the north-west coast of America, nor in any of the islands adjacent, *to the north* of fifty-four degrees and forty minutes of north latitude ; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, *south* of the same parallel.

Article IV.

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulphs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

Article V.

All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article ; and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce : the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishment in case of the contravention of this article by their respective citizens or subjects.

Article VI.

When this Convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate, on the one part, and, on the other, by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this Convention, and thereto affixed the seals of their arms.

Done at St. Petersburg the 17–5 April, of the year of Grace one thousand eight hundred and twenty-four.

(Seal) Henry Middleton.
" Le Comte Charles de Nesselrode
" Pierre De Poletica.

APPENDIX No. II.

UKASE OF 1799.

The following is a literal translation of the Ukase in question, taken from Golovnin, in "Materialui dla Istoriy Russkikh Zasseleniy," i, 77–80:—

By the grace of a merciful God, we, Paul I, Emperor and Autocrat of All the Russias, &c. To the Russian-American Company, under our highest protection, the benefits and advantages resulting to our Empire from the hunting and trading carried on by our loyal subjects in the north-eastern seas and along the coasts of America have attracted our Royal attention and consideration; therefore, having taken under our immediate protection a Company organised for the above-named purpose of carrying on hunting and trading, we allow it to assume the appellation of "Russian-American Company under our highest protection;" and for the purpose of aiding the Company in its enterprises, we allow the Commanders of our land and sea forces to employ said forces in the Company's aid if occasion requires it, while for further relief and assistance of said Company, and having examined their Rules and Regulations, we hereby declare it to be our highest Imperial will to grant to this Company for a period of twenty years the following rights and privileges:—

1. By the right of discovery in past times by Russian navigators of the north-eastern part of America, beginning from the 55th degree of north latitude and of the chain of islands extending from Kamschatka to the north to America and southward to Japan, and by right of possession of the same by Russia, we most graciously permit the Company to have the use of all hunting grounds and establishments now existing on the north-eastern (sic) coast of America, from the above-mentioned 55th degree to Behring Strait, and on the same also on the Aleutian, Kurile, and other islands situated in the north-eastern ocean.

2. To make new discoveries not only north of the 55th degree of north latitude but farther to the south, and to occupy the new lands discovered, as Russian possessions, according to prescribed rules, if they have not been previously occupied by any other nation, or been dependent on another nation.

3. To use and profit by everything which has been or shall be discovered in those localities, on the surface and in the bosom of the earth, without any competition by others.

4. We most graciously permit this Company to establish Settlements in future times, wherever they are wanted, according to their best knowledge and belief, and fortify them to ensure the safety of the inhabitants, and to send ships to those shores with goods and hunters, without any obstacles on the part of the Government.

5. To extend their navigation to all adjoining nations and hold business intercourse with all surrounding Powers, upon obtaining their free consent for the purpose, and under our highest protection, to enable them to prosecute their enterprises with greater force and advantage.

6. To employ for navigation, hunting, and all other business, free, and unsuspected people, having no illegal views or intentions. In consideration of the distance of the localities where they will be sent, the provincial authorities will grant to all persons sent out as settlers, hunters, and in other capacities, passports for seven years. Serfs and house-servants will only be employed by the Company with the consent of their land-holders, and Government taxes will be paid for all serfs thus employed.

7. Though it is forbidden by our highest order to cut Government timber anywhere without the permission of the College of Admiralty, this Company is hereby permitted, on account of the distance of the Admiralty from Okhotsk, when it needs timber for repairs, and occasionally for the construction of new ships, to use freely such timber as is required.

8. For shooting animals, for marine signals, and on all unexpected emergencies on the mainland of America and on the islands, the Company is permitted to buy for cash, at cost price, from the Government artillery magazine at Irkutsk yearly 40 or 50 pouds of powder, and from the Nertchinsk mine 200 pouds of lead.

9. If one of the partners of the Company becomes indebted to the Government or to private persons, and is not in a condition to pay them from any other property except what he holds in the Company, such property cannot be seized for the satisfaction of such debts, but the debtor shall not be permitted to use anything but the interest or dividends of such property until the term of the Company's privileges expires, when it will be at his or his creditors' disposal.

10. The exclusive right most graciously granted to the Company for a period of twenty years, to use and enjoy, in the above described extent of country and islands, all profits and advantages derived from hunting, trade, industries, and discovery of new lands, prohibiting the enjoyment of those profits and advantages not only to those who would wish to sail to those countries on their own account, but to all former hunters and trappers who have been engaged in this trade, and have their vessels and furs at those places; and other Companies which may have been formed will not be allowed to continue their business unless they unite with the present Company with their free consent; but such private Companies or traders as have their vessels in those regions can either sell their property, or, with the Company's consent, remain until they have obtained a cargo, but no longer than is required for the loading and return of their vessel; and after that nobody will have any privileges but this one Company, which will be protected in the enjoyment of all the advantages mentioned.

11. Under our highest protection, the Russian-American Company will have full control over all above-mentioned localities, and exercise judicial powers in minor cases. The Company will also be permitted to use all local facilities for fortifications in the defence of the country under their control against foreign attacks. Only partners of the Company shall be employed in the administration of the new possessions in charge of the Company.

In conclusion of this our most gracious order for the benefit of the Russian-American Company under highest protection, we enjoin all our military and civil authorities in the above-mentioned localities not only not to prevent them from enjoying to the fullest extent the privileges granted by us, but in case of need to protect them with all their power from loss or injury, and to render them, upon application of the Company's authorities, all necessary aid, assistance, and protection.

To give effect to this our most gracious Order, we subscribe it with our own hand and give orders to confirm it with our Imperial seal.

Given at St. Petersburgh, in the year after the birth of Christ 1799, the 27th day of December, in the fourth year of our reign.

(Signed) "PAUL."

APPENDIX No. III.

RUSSIAN UKASE OF SEPTEMBER $\frac{4}{16}$, 1821.

[On the original is written in the handwriting of His Imperial Majesty: "Be it accordingly, . . ALEXANDER."]

KAMMENOI OSTROFF, September 4, 1821.

Rules established for the Limits of Navigation and Order of communication along the Coast of Eastern Siberia, the North-West Coast of America, and the Alentian, Kurile and other Islands.

1. The pursuits of commerce, whaling, and fishery, and of all other industry on islands, ports, and gulfs, including the whole of the north-west coast of America, beginning from Behring's Straits to the 51° of northern latitude, also from the Alentian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring's Straits to the south cape of the Island of Urup, viz., to the 45° 50′ north latitude, is exclusively granted to Russian subjects.

2. It is therefore prohibited to all foreign vessels, not only to land on the coasts and islands belonging to Russia as stated above, but also to approach them within less than 100 Italian miles. The transgressors' vessel is subject to confiscation along with the whole cargo.

3. An exception to this rule is to be made in favour of vessels carried thither by heavy gales, or real want of provisions, and unable to make any other shore but such as belongs to Russia; in these cases they are obliged to produce convincing proofs of actual reason for such an exception. Ships of friendly Governments, merely on discoveries, are likewise exempt from the foregoing Rule 28. In this case, however, they must be previously provided with passports from the Russian Minister of the Navy.

4. Foreign merchant-ships which, for reasons stated in the foregoing rule, touch at any of the above-mentioned coasts, are obliged to endeavour to choose a place where Russians are settled, and to act as hereafter stated.

5. On the arrival of a foreign merchant-ship, wind and weather permitting, a pilot will meet her to appoint an anchoring place appropriated for the purpose. The captain, who, notwithstanding this, anchors elsewhere without being able to assign a reason to the Commander of the place, shall pay a fine of 100 dollars.

6. All rowing-boats of foreign merchant-vessels are obliged to land at one place appointed for them, where, in the day-time, a white flag is hung out, and at night a lantern, and where a clerk is to attend continually to prevent importing and exporting any articles or goods. Whoever lands at any other place, even without an intent of smuggling, shall pay a fine of 50 dollars, and if a person be discovered bringing any articles ashore, a fine of 500 dollars is to be exacted and the goods to be confiscated.

7. The Commanders of said vessels being in want of provisions, stores, &c., for the continuation of their voyage, are bound to apply to the Commander of the place, who will appoint where these may be obtained, after which they may, without difficulty, send their boats there to procure all they want. Whoever deviates from this Rule shall pay a fine of 100 dollars.

8. If it be unavoidable, for the purpose of repairing or careening a foreign merchant-ship, that she discharge the whole cargo, the master is obliged to ask the permission of the Commander of the place. In this case the captain shall deliver to the Commander an exact list of the natured quality of the goods discharged. Every one who omits to report any part of the cargo will be suspected of smuggling, and shall pay a fine of 1,000 dollars.

9. All expenses incurred by these vessels during their stay in the Russian territories must be paid in cash or bills of exchange. In case, however, the captains of these ships have no money on board and nobody gives security for their bonds, the Commander can, at their request, allow the sale of such articles, stores or goods, required merely for defraying the above-stated expenses. These sales, however, can be made only to the Company, and through the medium of the Commander, but must not exceed the expenses of the ships, under penalty of the cargo being seized and a fine paid of 1,000 dollars.

10. As soon as said foreign merchant-vessels are ready for their cargoes, stores, provisions, &c., they must immediately proceed to take them in, and after an examination, if they have loaded all the above-stated articles, and a written certificate of their not having left anything behind, they are to set sail. Such vessels as have not been unloaded are likewise subjected to sail without the least delay as soon as they are able to proceed to sea.

11. It is prohibited to all commanders of the said foreign vessels, commissioners and others, whosoever they may be, to receive any articles, stores, or goods in those places where they will have landed, except in the case as per 7, under penalty of seizure of their ship and cargo.

12. It is prohibited to these foreign ships to receive on board, without special permission of the Commanders, any of the people in the service of the Company, or of the foreigners living in the Company's Settlements. Ships proved to have the intention of carrying off any person belonging to the Colony shall be seized.

13. Every purchase, sale, or barter is prohibited betwixt a foreign merchant ship and people in the service of the Company. This prohibition extends equally to those who are on shore and to those employed in the Company's ships. Any ship acting against this Rule shall pay five times the value of the articles, stores, or goods constituting this prohibited traffic.

14. It is likewise interdicted to foreign ships to carry on any traffic or barter with the natives of the islands, and of the north-west coast of America, in the whole extent here above mentioned. A ship convicted of this trade shall be confiscated.

15. All articles, stores, and goods found on shore in ports and harbours belonging to Russian subjects (carrying on prohibited traffic) or to foreign vessels are to be seized.

16. The foreign merchant ships lying in harbour or in the roads dare, under no pretence, send out their boats to vessels at sea, or to those already come in, until they have been spoken to and visited, according to the existing customs. Whenever a foreign vessel hoists a yellow flag to announce an infectious disease being on board, or the symptoms of the same, or any other danger of which she wishes to be freed, every communication is interdicted until said flag is taken down. From this Rule, however, are excepted persons appointed for the purpose and whose boats be under the colours of the Russian-American Company. Any vessel acting contrary to this Regulation shall pay a fine of 500 dollars.

17. No ballast may be thrown overboard but in such places as are appointed by the Commanders. The transgressor is liable to a fine of 500 dollars.

18. To all foreign merchant ships during their stay in anchoring-places, harbours, or roads, it is prohibited to have their guns loaded either with balls or cartridges under the risk of paying a fine of 50 dollars for each gun.

19. No foreign merchant ship in port, or in the roads, or riding at anchor, may fire guns or muskets without previously informing the Commander of the place or Settlement, unless it be for pilots, signalizing the same by the firing of one, two, or three guns, and hoisting her colours as is customary in similar wants. In acting contrary thereto she is subjected to a fine of 100 dollars for each shot.

20. On the arrival of a foreign ship in the harbour, or in the roads, a boat will immediately be sent to meet her, and to deliver to the captain a printed copy of these Regulations, for which he must give receipt in a book destined for the purpose. He is further obliged to state in the book, as per annexed form, all information required of foreign vessels. All ships refusing to comply with these Regulations dare not approach the harbour, roads, or any anchoring place.

Destination of the Vessel.	Place where the Vessel comes from.	Cargo.	Number of Guns.	Number of Crew.	Name of the Captain.	Name of the Owner.	What Nation.	Name and Burthen of the Vessel.

21. The captain of a foreign merchant-ship coming to an anchor in the port or in the roads is obliged, on his arrival, to give a statement of the health of the ship's crew, and should, after this, a contagious illness be discovered on board of his vessel, he must immediately inform the Commander of the place thereof. The vessel, according to circumstances, will be either sent off or put under quarantine in a place appropriated for the purpose, where the crew may be cured without putting the inhabitants in danger of infection. Should the captain of such a ship conceal the circumstance, the same will be confiscated with her whole cargo.

22. The master of a vessel, at the request of the Commander of a place, is obliged to produce a list of the whole crew and all the passengers, and should he omit any, he shall pay a fine of 100 dollars for every one left out.

23. The captains are bound to keep their crew in strict order and proper behaviour on the coasts, and in the ports, and likewise prevent their trading or bartering with the Company's people. They are answerable for the conduct of their sailors and other inferiors. Illicit trade carried on by sailors, subject the vessel to the same penalty as if done by the captain himself, because it were easy for the captains to carry on smuggling without punishment, and justify themselves by throwing the fault on the sailors. Therefore, every article found upon sailors which they could not hide in their pockets or under their clothes to screen from their superiors, sold or bought on shore, will be considered as contraband from the ship, and is subject to the prescribed fine.

24. Foreign men-of-war shall likewise comply with the above-stated Regulations for the merchant-ships to maintain the rights and benefit of the Company. In case of opposition, complaints will be made to their Governments.

25. In case a ship of the Russian Imperial Navy, or the one belonging to the Russian American Company, meet a foreign vessel on the above-stated coasts, in harbours or roads, within the beforementioned limits, and the Commander find grounds, by the present Regulation, that the ship be liable to seizure, he is to act as follows :—

26. The Commander of a Russian vessel suspecting a foreign vessel to be liable to confiscation must inquire and search the same, and finding her guilty, take possession of her. Should the foreign vessel resist, he is to employ first persuasion, then threats, and at last force; endeavouring, however, at all events, to do this with as much reserve as possible. If the foreign vessel employ force against force, then he shall consider the same as an evident enemy, and force her to surrender according to the naval laws.

27. After getting everything in order and safely on board the foreign vessel, the Commander of the Russian ship, or the officer sent by him, shall demand the journal of the captured vessel, and on the spot shall note down in the same that on such a day, month, and year, at such an hour, and in such a place, he met such and such a foreign vessel, and shall give a brief account of the circumstance, pursuit, and, finally, of the seizure. After signing the same he shall desire the captain of the captured vessel to confirm the same in his own handwriting. Should he, however, refuse to sign the same, the Russian officer is to repeat his summons in presence of all the officers; and if on this it be again refused, and nobody will sign in lieu of the captain, he is then to add this circumstance, signed by himself. After this arrangement, the journal, list of the crew, passports, invoices, accounts, and all further papers respecting the views and pursuits of the voyage of the vessel, shall be put up in one parcel, as well as all private papers, viz., the journals of the officers, letters, &c., and sealed with the seals of the Russian officer, and those of the captain and first officer of the foreign vessel. This packet shall remain sealed with the Commander of the Russian vessel until their arrival at the port of St. Peter and Paul, where it shall be deposited in the Court as mentioned in 33. Besides this, everything else must be sealed by the Russian officer and the foreign captain that is not requisite for the continuation of the voyage to the port of St. Peter and Paul, excepting the effects for immediate and sole use of the ship's crew, which shall not be withheld from them.

28. Having thus fixed all means of precaution, the officer sent to arrest the foreign vessel shall make instantly his report to his Chief and await his orders.

29. Thus, should, by any cause stated in the 2nd, 11th, 12th and 21st sections of these Regulations, a foreign vessel be subjected to confiscation in any port near the Settlement of the Russian-American Company, the Commander of that Settlement is obliged either to ask the assistance of the Russian man-of-war, if there be any, and the Commander of which, on the receipt of a written request, is obliged to arrest the vessel, and use all the precautions prescribed in the foregoing Article, or, if there be no Russian man-of-war in the harbour or its neighbourhood, and the Commander of the Settlement find that he and his people can arrest the vessel by themselves, he then is to act according to the 26th, 27th and 28th section, and putting ashore the captain, and every means of getting the vessel away, he must endeavour as soon as possible to give information of this event either to the Governor of the Colonies of the Russian-American Company or the Commander of the Imperial man-of-war, if it be known where she lie.

30. When, in consequence of such a report, the Governor of the Colonies shall send the Company's vessel, or a Government vessel arriving, then the Commander of the place shall deliver up the vessel seized, and all belonging to her, and shall report respecting his reasons for confiscating the vessel.

31. The commander of the vessel, taking charge of the seizure per inventory, shall examine immediately into all circumstances mentioned, and compare it with the accounts of the Commander of the Settlement, who will give every elucidation required.

32. All vessels detained by Russian men-of-war are ordered by these Regulations to be brought to the port of St. Peter and Paul, where the sentence is to be passed on them by a Court established for adjudging such cases.

33. This Court, under the presidency of the Commander of Kamtchatka, shall consist of the three Senior Officers under him, and of the Commissioner of the Russian-American Company.

34. As soon as a Russian vessel, bringing into the port of St. Peter and Paul a foreign vessel arrested by her, has come to an anchor in the place assigned her, the commander of her is immediately to repair to the Commander of Kamtchatka, stating briefly what vessel he had brought in, the number of the crew, and the sick, specifying their diseases, and reporting likewise whether the vessel has sufficient victuals, and what goods, guns, and other arms, powder, &c., are on board.

35. The Commander of Kamtchatka, on receiving this report, will order two officers and a sufficient number of men on board the captured vessel.

36. These two officers, together with the officers who brought in the detained ship, when on board, are to summon the master and two of his mates or men in command next to him, inspect all the seals put on the vessel, and then, taking them off, begin immediately to make an accurate list of all the effects belonging to the vessel.

37. This list is to be signed by all the officers on both sides, who were present in drawing it up. The Commander of Kamtchatka is to use all possible endeavours to secure from embezzlement or damage all effects belonging to the detained vessel.

38. The crew of the vessel is then to be sent ashore to such places as shall be appointed by the Commander of Kamtchatka, and remain there until the close of the investigation.

39. The Commander of the Russian vessel is obliged in the course of two days after his arrival at the port of St. Peter and Paul to make a minute representation to the Commander of Kamtchatka of all that shall have happened at the detention of the foreign vessel brought in by him, and to deliver said vessel, together with the sealed paquet containing her papers, expressed in 27.

40. If the Russian vessel that brought into the port of St. Peter and Paul a foreign vessel, cannot for reasons remain there until the close of the investigation, but be obliged to proceed to sea in a very short time, the Commander, in order not to detain her, shall use all possible dispatch by bringing forward the investigation of such points as may require the presence of the Russian vessel.

41. Having settled everything on board the arrested vessel and landed the crew, the Court immediately shall open the session, and endeavour to ascertain as soon as possible the solution of the inquiry, whether the vessel be lawfully arrested or not.

42. In order to ascertain this, the following proofs shall be substantiated :—

1. That the vessel was met with within the boundaries prescribed in 2 of these Regulations, and that her having been within such limits was not occasioned by reasons stated in 3.
2. That the vessel is a lawful prize by virtue of the 2, 11, 12, 14, and 21 of these Regulations, and the of the Instructions to the Commander of the Russian man-of-war.

43. In order to decide either case, the Court is to inspect all documents presented, and tracing, on one part all proofs of guilt, and on the other, all doubts which might clear the foreign vessel, summon the Commanding Officer of the Russian vessel to give all additional information deemed needful, and completing thus all circumstances condemning the foreign vessel, the Court shall draw up a clear statement of the reason of her condemnation.

44. Should the Court, in making out said statement, find that the foreign vessel has been arrested without sufficient cause, said Court, on passing sentence, is to determine the damage suffered by such detention, and to furnish both parties with a certified copy of this resolution.

45. In the course of two days, both parties shall declare whether they are satisfied with the decision of the Court or not, and in the latter case (should it happen), assign it in writing.

46. Should both parties be satisfied with the decision of the Court, then the Commander of Kamtchatka is to release immediately the detained vessel, returning everything to the master according to the inventory, along with the adjudged damages, exacting them from whomsoever is to pay the same.

47. If, on the contrary, the Court receive on the third day a repeal to its decision, it is bound to take that repeal into immediate consideration, and, finding it just, to change its decision, if not, to confirm the same, and make it known to the parties a second time. After this no representations shall be admitted, and both parties shall be summoned before the Court, which shall allow them to make their protest in writing, and will then state all the reasons why the sentence passed should be carried into execution.

48. If the Court find by the indictment that the vessel has been lawfully detained, then the master of the foreign vessel, or the two eldest in command under him, shall be summoned, and the reasons of their detention made known to them, giving them a certified copy of the condemnation.

49. The Court is to receive within three days, and no later, the representations of the master, and if he do not present the same within the time limited, the Court summoning him, with two of his crew, notifies that his silence is received as a mark of compliance, and that the condemnation is just.

50. In this case the Court comes to its final decision, which, on the following day, is communicated to the whole crew of the foreign vessel, who shall sign, all and every one, that such sentence has been made known to them, after which the Commander of Kamtchatka is to carry the sentence of the Court into execution, as will be explained hereafter.

51. Should, however, the master deliver within the time limited his protest, then the Court, examining it with all possible impartiality, shall call for all further explanations, and, having inserted the whole into the journal of the Court, shall pass a final sentence, and pronounce it as stated in 47.

52. If, by sentence of the Court, the arrested vessel be released, and adjudged to receive damages for her detention, and if the vessel has been arrested by any of the Company's officers, and the damages are not above 5,000 roubles, the Commander of Kamtchatka shall demand immediate payment of said sum from the office of the Russian-American Company, but if the damages exceed that sum, he is to notify it to the Company's office, and give to the foreign master a certificate ; but the money cannot be paid by the Company otherwise than after the inspection and resolution of its Court of Directors. If, on the other hand, the foreign vessel has been detained unlawfully by a Russian man-of-war, the Commander of Kamtchatka is to pay the adjudged damages (not exceeding the sum of 5,000 roubles) out of any Government sum, and to report, in order to incash it from the guilty, but if the damages should exceed the sum of 5,000 roubles, the Commander of Kamtchatka is to furnish a certificate for the receipt of the money after the regulation and confirmation of the Russian Government.

53. The reimbursement of such damages as may have been incurred by unlawfull detention shall be exacted from the Commander and all the officers of the man-of-war, who, having been called by the Commander to a council, shall have given their opinion that such a ship ought to be detained.

54. As soon as a foreign ship is sentenced to be confiscated, the Commander of Kamtchatka is to make due arrangements for transporting the crew to Ochotsk, and from thence to any of the ports in the Baltic, in order to enable every one of them to reach his own country. With the confiscated ship and cargo, he is to act as with a prize, taken in time of war.

55. After this the Commander of Kamtchatka shall order a Committee to value the vessel and her cargo. This Committee is to be composed of one member appointed by the Commander of Kamtchatka, one by the Commander of the man-of-war, and a third by the Russian-American Company.

56. These Commissioners are to make up a specified list and valuation according to the following rules :—

1. All provisions, rigging, iron, powder, and arms shall be put down at such prices as they cost Government there.

2. All merchandize which might be used in Kamtchatka and the Company's Colonies, and which are carried there at times from Russia, shall be valued at their prices then existing.

3. All goods which are not imported into these places from Russia, but are wanted there, shall be valued like goods brought from Russia, being the nearest to them, and in proportion to their wants.

4. All goods not in use at Kamtchatka or the Colonies shall be sent to Irkutsk and sold at public auction by the proper authorities.

57. The said Commissioners shall present their valuation to the Commander of Kamtchatka for his approbation, who, in case of not finding the same exact, shall return it, with his remarks, and shall appoint other officers to inspect such articles as may appear unfairly valued.

58. If the Commissioners hereafter continue in their opinion, and the Commander of Kamtchatka find it impossible to agree thereto, he shall provisionally consent and leave the final decision to Government.

59. According to this valuation the Commander of Kamtchatka shall mark, for the use of Government, all those articles which he thinks are wanted ; the remainder is left at the disposal of the officers of the ship or of the Russian-American Company. The seized vessel shall be valued by the Court, and the valuation sent immediately to the Minister of the Navy, with a report whether such a vessel is wanted for Government service or not.

60. The whole sum of valuation of the confiscated vessel and cargo is to be divided in the following manner. The expenses necessary to forward the ship's crew to one of the ports in the Baltic are to be deducted, and the remaining sum divided, if the vessel has been taken by the Russian-American Company's officers, and carried to the port of St. Peter and Paul by a ship of said Company, without the interference of a man-of-war, into five parts, of which one goes to the Government, and the remaining four-fifths to the Russian-American Company. If the vessel be taken in any of the Company's Settlements by the Company's officers, but brought to the port of St. Peter and Paul by a man-of-war, after deducting one-fifth for Government, two-fifths are to belong to the crew of the man-of-war, and the remaining two-fifths to the Russian-American Company, and finally, if such foreign vessel be detained by men-of-war only without the assistance of the Company's officers, then after deducting one-fifth for Government, the remainder is left to the officers of the men-of-war.

But if a vessel be taken by the conjoint forces of a man-of-war and a Company's vessel, then the prize shall be divided between them in proportion to their strength, regulating the same according to the number of guns.

61. The sum coming to the officers of the man-of-war shall be divided according to the Rules for dividing prizes in time of war. In all cases, officers who had a share in seizing foreign vessels convicted of the intention of infringing the privileges most graciously granted to the Russian-American Company, may expect to receive tokens of His Imperial Majesty's approbation, especially when, after deducting the expenses for conveying the crew, their part in the prize money should prove but trifling.

62. If a foreign vessel detained by a Russian being under the command of a Russian officer should be cast away before reaching the port of St. Peter and Paul, the following principle shall be observed :—

If the foreign vessel alone be lost, and the Russian accompanying her arrive at the port of St. Peter and Paul, then the Court acts according to the foregoing Rules to determine whether that vessel was lawfully seized. In this case Government takes upon itself the expenses of conveying to a port of the Baltic such of the ship's crew as were saved. But if such a vessel should not be proved to have been detained lawfully, then independent of those expenses, the ship shall be valued, and such valuation forwarded to Government for the payment of what may be deemed just ; at the same time investigation shall be made on the loss of the vessel, and the officer that had the command (if saved) is to be tried according to the maritime Rules and Regulations.

63. The Commander of Kamtchatka is bound to make a special Report to the Governor General of Siberia respecting every circumstance happening to foreign vessels, annexing copies of all documents, journals, and sentences of the Court, and of all papers relating thereunto.

The original is signed :

COUNT D. GURIEFF,
Minister of Finances.

Edict of His Imperial Majesty, Autocrat of All the Russias.

The Directing Senate maketh known to all men :

Whereas in an Edict of His Imperial Majesty issued to the Directing Senate on the 4th day of September, and signed by His Imperial Majesty's own hand, it is thus expressed :—

"Observing from Reports submitted to us that the trade of our subjects on the Aleutian Islands and on the north-west coast of America appertaining unto Russia is subjected, because of secret and illicit traffic, to oppression and impediments, and finding that the principal cause of these difficulties is the want of Rules establishing the boundaries for navigation along these coasts, and the order of naval communication as well in these places as on the whole of the eastern coast of Siberia and the Kurile Islands, we have deemed it necessary to determine these communications by specific Regulations, which are hereto attached.

"In forwarding these Regulations to the Directing Senate, we command that the same be published for universal information, and that the proper measures be taken to carry them into execution."

(Countersigned) COUNT D. GURIEFF,
Minister of Finances.

It is therefore decreed by the Directing Senate that His Imperial Majesty's Edict be published for the information of all men, and that the same be obeyed by all whom it may concern.

(L.S.)
The original signed by the Directing Senate.

Printed at St. Petersburg, in the Senate, September 7, 1821.

APPENDIX No. IV.

TREATY CONCERNING THE CESSION OF THE RUSSIAN POSSESSIONS IN NORTH AMERICA BY HIS MAJESTY THE EMPEROR OF ALL THE RUSSIAS TO THE UNITED STATES OF AMERICA.

(Concluded March 30, 1867; ratifications exchanged June 20, 1867; proclaimed June 20, 1867.)

Sa Majesté l'Empereur de toutes les Russies et les Etats-Unis d'Amérique, désirant raffermir, s'il est possible, la bonne intelligence qui existe entre eux, ont nommé, á cet effet, pour leurs Plénipotentiaires, savoir: Sa Majesté l'Empereur de toutes les Russies, le Conseiller Privé Edouard de Stoeckl, son envoyé extraordinaire et ministre plénipotentiaire aux Etats-Unis; et le Président des Etats-Unis, le Sieur William H. Seward, Secrétaire d'Etat, lesquels, après avoir échangé leur pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivants:

ARTICLE I.

Sa Majesté l'Empereur de toutes les Russies s'engage, par cette convention, à céder aux Etats Unis, immédiatement après l'échange des ratifications, tout le Territoire avec droit de souveraineté actuellement possédé par Sa Majesté sur le continent d'Amérique ainsi que les îles contiguës, le dit Territoire étant compris dans les limites géographiques ci-dessous indiquées, savoir: la limite orientale est la ligne de démarcation entre les possessions Russes et Britaniques dans l'Amérique du Nord, ainsi qu'elle est établie par la convention, conclue entre la Russie et la Grande-Bretagne, le $\frac{16}{28}$ Février, 1825, et définie dans les termes suivants des Articles III et IV de la dite convention.

"A partir du point le plus méridional de l'Ile dite Prince of Wales, lequel point se trouve sous la parallèle du 54me degré 40 minutes de latitude nord, et entre le 131me et le 133me degré de longitude ouest (méridien de Greenwich) la dite ligne remontera, au nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme où elle atteint le 56me degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte jusqu'au point d'intersection du 141me degré de longitude ouest (même méridien), et finalement, du dit point d'intersection la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique nord-ouest.

"IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'article précédent:

"1° Que lile dite Prince of Wales, appartiendra toute entière à la Russie;" (mais dès ce jour en vertu de cette cession aux Etats-Unis).

"2° Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte, depuis le 56me degré de latitude nord au point d'intersection du 141me degré de longitude ouest se trouverait à la distance de plus de dix lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie" (c'est-à-dire la limite des possessions cédées par cette convention: "sera formée par une ligne

[*Translation.*]

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: The President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:—

ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28-16, 1825, and described in Articles III and IV of said convention, in the following terms:—

"Commencing from the southernmost point of the Island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st.—That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession, to the United States).

"2nd.—That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed

parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de dix lieues marines."

La limite occidentale des territoires cédés passe par un point au détroit de Behring sous la parallèle du soixante-cinquième degré trente minutes de latitude Nord à son intersection par le méridien qui sépare à distance égale les îles Krusenstern ou Ignalook et l'île Ratmanoff ou Noonarbook et remonte en ligne directe, sans limitation, vers le Nord, jusqu'à ce qu'elle se perde dans la mer Glaciale. Commençant au même point de départ, cette limite occidentale suit de là un cours presque Sud ouest, à travers le détroit de Behring et la mer de Behring, de manière à passer à distance égale entre le point Nord-ouest de l'île Saint Laurent et le point Sud est du cap Choukotski jusqu'au méridien cent soixante-douzième de longitude Ouest; de ce point, à partir de l'intersection de ce méridien, cette limite suit une direction Sud-ouest de manière à passer à distance égale entre l'île d'Attou et l'île Copper du groupe d'îlots Kormandorski dans l'océan Pacifique Septentrional jusqu'au méridien de cent quatre-vingt treize degrés de longitude Ouest, de manière à enclaver, dans le Territoire cédé toutes les îles Aléoutes situées à l'est de ce méridien.

ARTICLE II.

Dans le Territoire cédé, par l'article précédent à la Souveraineté des Etats-Unis sont compris le droit de propriété sur tous les terrains et places publics, terres inoccupées, toutes les constructions publiques, fortifications, casernes et autres édifices qui ne sont pas propriété privée individuelle. Il est toutefois entendu et convenu que les églises construites par le Gouvernement Russe sur le Territoire cédé resteront la propriété des membres de l'Eglise Grecque Orientale résidant dans ce Territoire et appartenant à ce culte. Tous les archives, papers, et documents du Gouvernement ayant trait au susdit Territoire et qui y sont maintenant déposés seront placés entre les mains de l'agent des Etats-Unis; mais les Etats-Unis fourniront toujours quand il y aura lieu des copies légalisées de ces documents au Gouvernement Russe, aux officiers ou sujets Russes qui pourront en faire la demande.

ARTICLE III.

Il est réservé aux habitans du Territoire cédé le choix de garder leur nationalité et de rentrer en Russie dans l'espace de trois ans; mais s'ils préfèrent rester dans le territoire cédé ils seront admis, à l'exception toutefois des tribus sauvages à jouir de tous les droits, avantages et immunités des citoyens des Etats-Unis et ils seront maintenus et protégés dans le plein exercice de leur liberté, droit de propriété et religion. Les tribus sauvages seront assujéties aux lois et règlements que les Etats Unis pourront adopter de temps en temps à l'égard des tribus aborigènes de ce pays.

ARTICLE IV.

Sa Majesté l'Empereur de toutes les Russies nommera aussitôt que possible un agent ou des agents chargés de remettre formellement à l'agent ou aux agents nommés par les Etats-Unis, le territoire, la souveraineté, les propriétés, dépendances, et appartenances ainsi cédés et de dresser tout autre acte qui sera nécessaire à l'accomplissement de cette transaction. Mais la cession, avec le droit

by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly south-west, through Behring's Straits and Behring's Sea, so as to pass midway between the north-west point of the island of St. Lawrence and the south-east point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a south-westerly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.

ARTICLE II.

In the cession of territory and dominion made by the preceding article, are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed that the churches which have been built in the ceded territory by the Russian Government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any Government archives, papers, and documents relative to the territory and dominion aforesaid, which may now be existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian Government, or to such Russian officers or subjects, as they may apply for.

ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

ARTICLE IV.

His Majesty the Emperor of all the Russias shall appoint, with convenient dispatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the

de possession immédiate, doit toutefois être considérée complète et absolue à l'échange des ratifications sans attendre la remise formelle.

ARTICLE V.

Immédiatement après l'échange des ratifications de cette convention, les fortifications et les postes militaires qui se trouveront sur le territoire cédé seront remis à l'agent des Etats-Unis et les troupes Russes qui sont stationnées dans le dit Territoire, seront retirées dans un terme practicable et qui puisse convenir aux deux parties.

ARTICLE VI.

En considération de la susdite cession les Etats-Unis s'engagent à payer à la Trésorerie à Washington, dans le terme de dix mois après l'échange des ratifications de cette convention, sept millions deux cent mille de dollars en or, au Représentant diplomatique ou tout autre agent de Sa Majesté l'Empereur de toutes les Russies dûment autorisé à recevoir cette somme. La cession du territoire avec droit de souveraineté faite par cette convention, est déclarée libre et dégagée de toutes réservations, privilèges, franchises ou des possessions par des compagnies Russes ou tout autre légalement constituées ou autrement ou par des associations sauf simplement les propriétaires possédant des biens privés individuels et la cession ainsi faite transfère tous les droits, franchises et privilèges appartenant actuellement à la Russie dans le dit Territoire et ses dépendances.

ARTICLE VII.

Lorsque cette convention aura été dûment ratifiée par Sa Majesté l'Empereur de toutes les Russies d'une part et par le Président des Etats-Unis avec l'avis et le consentement du Sénat de l'autre, les ratifications en seront échangées à Washington dans le terme de trois mois, à compter du jour de la signature, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé cette convention et y ont apposé le sceau de leur armes.

Fait à Washington le 18-30 jour de Mars de l'an de Notre-Seigneur mil huit cent soixante-sept.

[L.S.] EDOUARD DE STOECKL.
[L.S.] WILLIAM H. SEWARD.

cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ARTICLE V.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory, shall be delivered to the agent of the United States, and any Russian troops which may be in the territory, shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of His Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

[L.S.] WILLIAM H. SEWARD.
[L.S.] EDOUARD DE STOECKL.

APPENDIX No. V.

FROM WILLIAM H. DALL, UNITED STATES COAST AND GEODETIC SURVEY, TO DR. G. M. DAWSON, OF THE GEOLOGICAL SURVEY OF CANADA.

UNITED STATES COAST AND GEODETIC SURVEY OFFICE,

WASHINGTON, 24th April, 1884.

MY DEAR SIR,—Your note is received. I am glad you are pleased with the map. In regard to the Dease Lake region, I have the 1875 map, but the maps of that region are so contradictory that I thought it was best to take the river, &c., from the Western Union Telegraph Surveys and so have all that part uniform, especially as the map of 1875 bears internal evidence of being a mere sketch. Hunter's map, the Russian maps, the Blake maps, and the 1875 maps, differ in the most extraordinary way among themselves. New surveys are needed.

The matter of the boundary should be stirred up. The language of the treaty of 1825 is so indefinite that were the region included for any cause to become suddenly of evident value, or if any serious international question were to arise regarding jurisdiction, there would be no means of settling it by the treaty. There being no natural boundary and the continuous range of mountains parallel to the coast shown on Vancouver's charts like a long caterpillar, having no existence as such, the United States would undoubtedly wish to fall back on the "line parallel to the windings of the coast and which shall never exceed the distance of ten marine leagues therefrom" of the treaty. It would of course be impracticable to trace any such winding line over that "sea of mountains." I should think that the bottom of the nearest valley parallel to the coast might perhaps be traced and its stream form a natural boundary; even then it would be difficult to determine the line between one valley and the next. Before the question has attained any importance, it should be referred to a committee of geographers, a survey should be made and a new treaty should be made stating determinable boundaries. Perhaps at some time you may be able to set the ball in motion on your side, and it would be only a matter of time when it would follow here.

Yours very truly,

WM. H. DALL.

APPENDIX No. VI.

The Earl of Iddesleigh to Mr. Phelps.

SIR, *Foreign Office, August 27, 1886.*

IN the note which you addressed to the Marquess of Salisbury on the 19th January last, you requested that you might be furnished with a copy of the Map of the Dominion of Canada, geologically coloured, from surveys made by the Geological Corps, 1842–82, alluded to in Mr. Bayard's statement of the 20th November, 1885, with reference to the question of the Alaska frontier.

In forwarding to you a copy of the Map in question, I have the honour to invite your attention to the fact, that the Alaska boundary line shown therein is merely an indication of the occurrence of such a dividing line somewhere in that region. It will, of course, be clearly understood that no weight could attach to the Map location of the line now denoted, inasmuch as the Convention between Great Britain and Russia of the 28th February, 1825, which defines the line, making its location dependent on alternative circumstances, the occurrence, or the non-occurrence, of mountains, and, as is well known to all concerned, the country has never been topographically surveyed.

Her Majesty's Government therefore feel that they are bound distinctly to disavow the recognition of the correctness of the line shown on the edition of the Map in question, forwarded herewith, as the boundary line between the Province of British Columbia and Alaska.

I am, &c.,

(Signed) IDDESLEIGH.

APPENDIX No. VII

No. 14.

Foreign Office to Colonial Office.

SIR, *Foreign Office, August* 2, 1887.

IN reply to your letter of the 11th ultimo, I am directed by the Marquis of Salisbury to transmit to you a draft of a despatch which his Lordship proposes to address to Her Majesty's Minister at Washington in regard to Lieutenant Schwatka's Report of the reconnaissance made by him in Alaska in 1883.*

I am to request that, in laying the same before Sir H. Holland, you will move him to inform Lord Salisbury whether he concurs in its terms.

I am, &c.,

(Signed) JULIAN PAUNCEFOTE.

No. 15.

Colonial Office to Foreign Office. (*Received August* 20.)

SIR, *Downing Street, August* 19, 1887.

I AM directed by Sir Henry Holland to acknowledge the receipt of your letter of the 2nd instant, and to state that he concurs in the terms of the communication which the Marquis of Salisbury proposes to address to the United States Government with reference to Lieutenant Schwatka's Report on his reconnaissance in Alaska.

The enclosure to your letter is returned herewith.

I am, &c.,

(Signed) R. H. MEADE.

No. 16.

The Marquis of Salisbury to Sir L. West.

(No. 206.)

SIR, *Foreign Office, August* 20, 1887.

WITH reference to your despatch No. 14 of the 19th January last, and to previous correspondence relating to the question of the boundary between Alaska and British Columbia, I transmit, for your information, copies of a letter from the Colonial Office, with its enclosures, calling attention to certain points in the Report made by Lieutenant Schwatka, of the United States Army, of a reconnaissance made by him in Alaska in 1883, of which a copy accompanied your despatch No. 113 of the 20th April, 1886.

You will notice, as is pointed out in this correspondence, that in the wording of the resolution adopted by the United States Senate on the 18th April, 1884, the reconnaissance is described as extending from "Chilkoot Inlet, Alaska, to Fort Selkirk, on Yukon River, Alaska."

But, as is shown in sheet 5 attached to Lieutenant Schwatka's Report, Part II. of the Map of the routes followed by him extends "from Fort Selkirk, B.C., to Fort Yukon, Alaska" (B.C. standing for British Columbia); and at p. 33 of his Report the latitude and longitude of the site of Fort Selkirk is given as 62° 45′ 30″ north, and 137° 22′ 45″ west, which is well within the territory belonging to this country, which extends as far as 141° west.

It will also be seen, on referring to pages 20 and 47 of the Report, that Lieutenant Schwatka has indicated two points, viz., Perrier's Pass and 140° west longitude, which he has determined as defining the international boundary.

Her Majesty's Government, as you are aware, have agreed in principle to take part in a preliminary investigation of the Alaska boundary question, but they are not prepared to admit that the points referred to by Lieutenant Schwatka in any way fix where the line should be drawn.

Lieutenant Schwatka, in the course of his military reconnaissance in Alaska, appears to have traversed British territory for a considerable distance; but, so far as Her Majesty's Government are aware, no intimation of such a desire on his part was conveyed to any of the British authorities. They do not attach any importance to this fact, and no doubt, had their acquiescence been asked, it would not have been refused.

Her Majesty's Government have no desire at the present moment to raise any discussion in regard to the question of the boundary between Alaska and British Columbia; but in order that it may not be prejudiced hereafter by absence of remark on their part on the lines alluded to above, I request that you will in a friendly manner call Mr. Bayard's attention to the observations contained in this despatch.

I am, &c.,

(Signed) SALISBURY.

* Not printed.

No. 17.

Sir L. West to the Marquis of Salisbury. (*Received September 27.*)

(No. 267.)

MY LORD, *Washington, September 15, 1887.*

IN obedience to the instructions contained in your Lordship's despatch No. 206 of the 20th ultimo, I have called the attention of Mr. Bayard to the observations therein contained on Lieutenant Schwatka's Report of a military reconnaissance in Alaska in a note and memorandum, copies of which I have the honour to enclose herewith.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

Enclosure 1 in No. 17.

Sir L. West to Mr. Bayard.

SIR, *Washington, September 14, 1887.*

I HAVE the honour to enclose to you herewith a Memorandum calling the attention of the United States Government to certain points in the Report made by Lieutenant Schwatka, of the United States Army, of a reconnaissance made by him in Alaska, and to observe at the same time that he traversed British territory for a considerable distance without any intimation having been given to the British authorities of his intention of so doing.

I may add, however, that Her Majesty's Government do not attach any importance to this fact, and that no doubt had their acquiescence been asked it would not have been refused.

I have, &c.,

(Signed), L. S SACKVILLE WEST.

Enclosure 2 in No. 17.

Memorandum.

In the wording of the Resolution adopted by the United States Senate on the 18th April, 1884, the reconnaissance of Lieutenant Schwatka is described as extending from "Chilkoot Inlet, Alaska, to Fort Selkirk, on Yukon River, Alaska." But, as is shown in sheet 5 attached to Lieutenant Schwatka's Report, Part 2 of the Map of the routes followed by him extends from Fort Selkirk, B.C. (standing for British Columbia); and at page 33 of his Report the latitude and longitude of Fort Selkirk is given as 62° 45′ 30″ north and 137° 22′ 45″ west, which is well within the territory belonging to Great Britain, which extends as far as 141° west.

It will also be seen, on referring to pages 20 and 47 of the Report, that Lieutenant Schwatka has indicated two points, viz., Perrier Pass and 141° west longitude, which he has determined as defining the international boundary.

Although Her Majesty's Government have agreed in principle to take part in a preliminary investigation of the Alaska boundary question, they are not prepared to admit that the points referred to by Lieutenant Schwatka in any way fix where the line should be drawn.

It is not sought to raise any discussion at the present moment in regard to the position of the boundary between Alaska and British Columbia; but in order that it may not be prejudiced hereafter by absence of remark on the points alluded to above, Her Majesty's Government have thought it expedient to call the attention of the United States Government to the foregoing observations.

APPENDIX No. VIII.

Dr. Dawson to Sir Charles Tupper. No. 2.

WASHINGTON, D.C., 7th February. 1888.

SIR,

ONE of the principal difficulties met with in arriving at any reasonable conventional line of boundary between the coast strip of Alaska and the adjacent portion of the Dominion of Canada may be that arising from an erroneous notion with respect to the width of that strip, which has been loosely indicated on many maps as a belt of country 10 marine leagues in width, while, as a matter of fact, in the language of the Convention, 10 marine leagues is given merely as an extreme width to which under certain conceivable circumstances the coast strip might in some places be allowed to attain. The actual language of the Convention in the original version is as follows :—

> A partir du point le plus méridional de l'île dite Prince of Wales, lequel point se trouve sous la parallèle du 54me degré, 40 minutes de latitude nord, et entre le 131me et le 133me degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite Portland Channel jusqu'au point de la terre ferme où elle atteint le 56me degré de latitude nord ; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141me degré de longitude ouest (même méridien), etc.
>
> Que partout où la crête des montagnes, qui s'étendent dans une direction parallèle à la côte depuis le 56me degré de latitude nord au point d'intersection du 141me degré de longitude ouest, se trouverait à la distance de plus de dix lieues marines de l'océan, la limite entre les possessions Britannique et la lisière de côte mentionnée ci-dessus, comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte et qui se pourra jamais en être éloignée que de dix lieues marines.

The use of the expression *lisière de la côte*, it is submitted, shows that nothing more was stipulated for than a *point d'appui* for Russia on the mainland coast, and the known circumstances which led to the conclusion of the Convention afford additional evidence that this was all that Russia desired or Great Britain intended to give.

The definition of the *lisière* by a line following *la crête des montagnes situées parallèlement à la côte*, is precisely that which would be adopted as the most convenient on an examination of Vancouver's charts and descriptions of the coast, which were at the time the best available. These charts show, by strictly conventional and arbitrary signs, that a mountainous country extends inland from the coast for a considerable distance. The fact alone that these conventional mountain features are not even similarly placed on the corresponding portions of Vancouver's overlapping charts, must have been sufficient to show that no dependence could be placed on them. The only line of mountains which is practically identical on the various charts and the existence of which could be confirmed by reference to Vancouver's detailed description, is that which is represented as everywhere rising immediately from the coast and which borders upon the sea. It is therefore to the summits of these mountains immediately bordering the coast that the words of the Convention must be understood to refer. Only in the case of the absence of mountains is the 10 marine league limit admissible, and then under certain conditions, for general parallelism with the coast is also essential.

It was no doubt in consequence of the distinctly conventional mode of representation of the mountains on Vancouver's charts, and the necessary inference that they did not accurately represent the facts, that the limiting clause was inserted in the convention.

Such a line as that which it is believed was intended is by no means impossible of survey, nor should it even be very difficult to define, as the summits of the mountains are, as a matter of fact, found to be everywhere visible from the coast, and are probably at an average distance of considerably less than five miles from it.

In respect to the important question as to what is intended by the expression *la côte* Major-General D. R. Cameron's views, as expressed in a report on this point, may be substantially adopted, as follows :—

In the second clause of the fourth article provision is made for the case of the mountains being found at more than 10 marine leagues inland, and it is there laid down that the measurements shall be made, not from inlets, but from the ocean. The convention stipulates—

> Que partout où la crête des montagnes, qui s'étendent dans une direction parallèle à la côte
> * * * se trouverait à la distance de plus de dix lieues marines de l'océan * *
> la limite * * * sera formée par une ligne parallèle à la côte, et qui se pourra jamais en être éloignée que de dix lieues marines.

The word ocean is wholly inapplicable to inlets; consequently the line, whether marked by mountains or only by a survey line, has to be drawn without reference to inlets.

Had it not been so clearly provided against by express stipulation in the second clause of the fourth article of the Convention and by the accepted principles of international law, it might, in the case of the absence of mountains, be argued that the *lisière* should be measured from the sea-water's edge, wherever—in inlet or elsewhere—it outlined the continent ; and that this being the coast line where no mountains exist within 10 leagues, is equally the coast line whence to determine the mountains *nearest to the coast*.

But, as said above, inlets, in either alternative, the occurrence or non-occurrence of mountains within 10 leagues, are not part of the coast line determining the boundary.

None of the inlets between Portland Channel and the meridian of 141 degrees west longitude are six miles in width, excepting, perhaps, a short part of Lynn Canal; consequently, with that possible exception, the width of territory—on the coast assigned under the convention to Russia—may not be measured from any point within the mouths of the inlets. All the waters within the mouths of the inlets are as much territorial waters, according to an universally admitted international law, as those of a fresh-water lake or stream would be under analogous circumstances.

As far as non mountainous country may extend, but within 10 marine leagues of the ocean, the inlets are in fact included by the Convention within *la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie.*

On the other hand, so much of these inlets as happen to be in mountainous territory or beyond 10 marine leagues from the ocean, together with the dry land about them, is assigned to Great Britain as much as are rivers and lakes in the same regions.

Nothing short of an express stipulation to the contrary effect would, it is conceived, serve to maintain the proposition that inland waters in the *lisière de côte* assigned to Russia were not part and parcel of that *lisière*. But if they were really part and parcel of the *lisière* itself, their mere existence cannot possibly be a reasonable foundation for arguing that they involve an increase of the breadth of the *lisière* of which they are component parts.

The limits of the *lisière* are by the convention expressly dependent on the relative positions of ocean line and neighbouring mountain line. The only reference to inlets in the convention (Art. VII.) is in a form almost directly declaratory of assent to the doctrine of territorial authority over them.

If the sovereignty over inlets does not pass in accordance with the doctrine that they are part and parcel of the surrounding territory, there was no occasion for the reciprocal concession made in the seventh article for right to navigate these inlets.

Regarded from this point of view, rivers and inlets are identical. As reasonable, then, would it be to hold that under the convention the breadth of the *lisière* assigned to Russia is determined by the head-waters of its rivers as that the head-waters of its creeks and inlets regulate its breadth.

With further reference to the position of the boundary as provided for by the Convention, it may be stated that the contention has been advanced by the Government of British Columbia, that the words "dite Portland Channel," in Article III., are palpably erroneous, and not in conformity with the detailed description of the course of the line, on the following grounds :—

The portion of the article in question reads:—

A partir du point le plus méridional de l'île dite Prince of Wales * * * la dite ligne remontera au nord le long de la passe dite Portland Channel jusqu'au point de la terre ferme où elle atteint le 56me degré de latitude nord, etc.

Now, to reach the entrance of Portland Channel from the point first defined the line must run about 50 miles east instead of north, and, moreover, by ascending Portland Channel it cannot strike the mainland in latitude 56 degrees north, as the channel terminates before reaching this latitude, and was known so to terminate at the time of Vancouver's survey.

If, however, the name only of Portland Channel be omitted, and the directions given be precisely followed, the line will ascend Clarence Strait and reach the mainland at the stated latitude and by the stated course. The several directions with respect to the line of boundary may, it is argued, be considered as more authoritative than the single mension of Portland Channel.

Apart from the above contention of the British Columbian Government, it is at least certain that if the line of boundary was intended to follow Portland Channel it was the channel so named by Vancouver, the lower part of which channel passes to the north of Wales and Pierce Islands of recent charts. The line has been erroneously shown on many maps as running to the south of these islands along part of Observatory Inlet of Vancouver, in consequence of a confusion of nomenclature in the region which, it has been ascertained, first occurred on an Admiralty chart published in 1853, and which has thereafter been followed and copied on other charts and maps.

It would appear, in view of all the facts, that some interchange leading to a consolidation of territory would form a mutually advantageous solution of the boundary question ; but that if this cannot be agreed upon it is probable that a conventional line following as nearly as possible the description of the Treaty might be arrived at.

I have the honour to be, Sir,

Your obedient Servant,

GEORGE M. DAWSON.

Dr. Dawson to Sir Charles Tupper. No. 2a.

WASHINGTON, D.C., 11th February, 1888.

SIR,

HAVING had, as arranged, several informal conferences with Mr. W. H. Dall on the subject of the boundary line between Alaska and the neighbouring part of the Dominion of Canada, with the purpose of arriving, if possible, at some conventional line which might be recommended as advantageous to both countries, I have the honour to make the following report on the result of my conversation with Mr. Dall :—

On previous careful consideration of the subject which I had investigated to some extent on the ground, it appeared to me probable that some reciprocal concession in respect to territory tending toward consolidation of the regions under the respective Governments, would afford the most satisfactory basis for the selection of a conventional line of boundary ; the advantage of such territorial re-arrangement being particularly apparent in regard to the development of the region on both sides and the facility of its administration.

I found, however, that Mr. Dall was not disposed to regard with favour any suggestion which would involve the cession of any part of the coast line of Alaska, and should this view be maintained it must entirely prevent a fully satisfactory re-arrangement of boundary, however desirable it might in other respects be to both countries, as the actual conditions render it impossible for the United States to offer any other territorial equivalent which would be of value.

Failing any such re-arrangement of territorial rights, it would seem (and I believe I may say that Mr. Dall and myself are in agreement on this point) that a conventional line might be adopted, which, while nearly agreeing with that described in the Treaty, would prove more convenient and

less costly of survey than it. The divergence which still exists between Mr. Dall's views and my own on this subject arises, I believe, entirely from a difference of opinion as to the meaning of the wording of the Treaty itself, and this divergence does not so much affect the character of a conventional line as its distance from the coast, which would require to be regulated in conformity with the interpretation which may be given to the Treaty with respect to its definition of the width of the coast strip.

Conventional lines of two kinds in particular have been discussed by us at some length, and while there is much to be said in favour of each, and either might be made the basis of an agreement, it appears to me that that which is entitled below "Conventional Line No. 2" would prove to be the most satisfactory and the least expensive to fix on the ground.

The lines referred to may be thus described.

Conventional Line No. 1.—A series of straight lines drawn between certain determined fixed points and running in approximate parallelism with the general trend of the coast. Such lines would be portions of arcs of great circles. The fixed points would require to be pre-arranged, and after being marked by suitable monuments, their positions relating to each other might be astronomically determined with sufficient accuracy for the purpose of calculating the directions of connecting lines thus avoiding the necessity of an expensive triangulation survey for this purpose. The points which I should propose as fixed points are situated on Portland Channel, the Stikine, Takn Inlet, and the heads of Lynn Canal. We are already in possession of information sufficient to enable us to define these points.

Conventional Line No. 2.—A line starting from certain specified fixed points such as those above described and similarly situated on the inlets named and on the Stikine river; the territory drained by streams debouching to the seaward of the fixed points to belong to the United States; that drained by streams debouching on the opposite or inland side of the fixed points to belong to Canada; it being, however, further provided that in event of the boundary thus determined reaching a certain specified distance from the coast, it shall then follow a straight line with a prescribed course for such distance as the streams may be found to rise on the inland side of such line.

A boundary thus drawn would practically follow the crests of mountain ranges for the greater part of its entire length, while it would be prevented from attaining an inconvenient inland extension by the prescribed limiting lines. The courses of these limiting lines might be stated with sufficient precision from our present knowledge of the region, and should in each case be approximately parallel to the main trend of the opposite coast.

In the event of the adoption of a conventional line of either the first or second kind, it would of course be necessary to prepare a detailed description of it.

In the case of either line I would suggest that the boundary, from the point at which it would leave Lynn Canal, should run in a direct course (preferably a latitude line) westward to the St. Elias Alps; thence to follow the summit of these mountains to the one hundred and forty-first meridian.

Neither of the lines would require to be delineated throughout on the ground at the present time unless so specially desired. It would be sufficient to erect permanent monuments at the fixed points and to ascertain and define the places at which the line crosses rivers and other avenues of communication. That part of the line which would follow the St. Elias Alps might well be marked, as suggested by Mr. Dall, by the mountains' summits themselves united by a series of great triangles. This lofty chain of mountains, though everywhere visible from the coast, is practically inaccessible.

If objection should be taken to placing the fixed points by which either of the above conventional lines would be determined in such positions on Portland Channel, Takn Inlet, and the heads of Lynn Canal as to give Canada a foothold at the heads of these inlets as means of access to the interior, I should consider it advisable to revert to the Treaty boundary which, though no doubt requiring expensive surveys, is not impossible of realization.

Additional surveys of the region through which the boundary must run might possibly result in enabling some line of greater mutual advantage than either of those above outlined to be indicated, but I believe that a line which would practically meet the requirements of the case might even now be adopted, while delay will add to the difficulty met with in regard to a conventional line by allowing private interests of one kind or another to become involved in the case.

Should, however, no such line be determined on at the present time, I would respectfully suggest that, waiving for the moment any territorial claims under the Treaty, some mutual understanding might be entered into by which criminals from the interior may be carried out to the coast, and thereafter to Victoria or elsewhere for trial; also, that in view of the fact that no duties are at present collected on goods entering the Canadian territory on the headwaters of the Yukon, whether they do so by the main stream or by the Chilkoot Pass, that by a similar temporary waiving of claims, goods from the Dominion of Canada in transit, in the hands of *bonâ fide* miners, should be permitted to pass without customs formalities to the head of Lynn Canal and over the Pass. This appears to be the more desirable as the miners are generally men of small means; the cost of transport over the Pass is very great, and the necessary hardships suffered considerable, while their work in prospecting, exploring, and mining, all aids in the development of the resources both of Alaska and the neighbouring portions of the Dominion.

In conclusion, I may be allowed to draw attention to the fact that although the free right of navigation for purposes of commerce of the Yukon and Porcupine by the subjects of both countries is provided for by treaty, there appears to be a doubt whether this provision includes the right to cut and collect wood for purposes of navigation by steamers, and that a rule might be established granting equal privileges on both sides in this respect.

I have the honour to be, Sir,

Your obedient servant,

GEORGE M. DAWSON.

APPENDIX No. IX.

CONVENTION BETWEEN HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND THE UNITED STATES OF AMERICA, FOR THE DEMARCATION OF SO MUCH OF THE 141ST MERIDIAN OF WEST LONGITUDE AS MAY BE NECESSARY FOR THE DETERMINATION OF THE BOUNDARY BETWEEN THEIR RESPECTIVE POSSESSIONS IN NORTH AMERICA.—SIGNED AT WASHINGTON, 30TH JANUARY, 1897.

Whereas by a Treaty between the United States of America and His Majesty the Emperor of all the Russias, for the cession of the Russian possessions in North America to the United States, concluded 30th March, 1867, the most northerly part of the boundary line between the said Russian possessions and those of Her Britannic Majesty, as established by the prior convention between Russia and Great Britain, of $\frac{28}{16}$ February, 1825, is defined as following the 141st degree of longitude west from Greenwich, beginning at the point of intersection of the said 141st degree of west longitude with a certain line drawn parallel with the coast, and thence continuing from the said point of intersection upon the said meridian of the 141st degree in its prolongation as far as the Frozen Ocean;

And whereas, the location of said meridian of the 141st degree of west longitude between the terminal points thereof defined in said treaties, is dependent upon the scientific ascertainment of convenient points along the said meridian and the survey of the country intermediate between such points, involving no question of interpretation of the aforesaid treaties, but merely the determination of such points and their connecting lines by the ordinary processes of observation and survey conducted by competent astronomers, engineers and surveyors;

And whereas, such determination has not hitherto been made by a joint survey as is requisite in order to give complete effect to said treaties, although independent observations and surveys have been conducted from time to time and are now being conducted by expert officers in the service of their respective Governments along the said meridian of the 141st degree of west longitude; resulting in the collection of scientific data and the establishment of stations on or near said meridian, of which the two Governments may avail themselves for the purpose of accomplishing the object of this Convention;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America being equally desirous to provide for the removal of any possible cause of difference between their respective Governments in regard to the location of the said 141st meridian of west longitude, have resolved to conclude a Convention to that end, and for that purpose have appointed as their respective Plenipotentiaries,

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Excellency Sir Julian Pauncefote, G.C.B., G.C.M.G., Ambassador Extraordinary and Plenipotentiary of Great Britain; and

The President of the United States, Richard Olney, 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:—

ART. I.

Each Government shall appoint one Commissioner with whom may be associated such surveyors, astronomers and other assistants as each Government may elect.

The Commissioners shall at as early a period as practicable proceed to trace and mark under their joint direction, and by joint operations in the field, so much of the 141st meridian of west longitude as is necessary to be defined for the purpose of determining the exact limits of the territory ceded to the United States by the Treaty between the United States and Russia of March 30, 1867.

Inasmuch as the summit of Mount St. Elias, although not ascertained to lie in fact upon said 141st meridian, is so nearly coincident therewith that it may conveniently be taken as a visible landmark whereby the initial part of said meridian shall be established, it is agreed that the Commissioners, should they conclude that it is advisable to do so, may deflect the most southerly portion of said line so as to make the same range with the summit of Mount St. Elias, such deflection not to extend more than twenty geographical miles northwardly from the initial point.

ART. II.

The data relating to the determinations already made at this time by either of the two Governments concerned, of points on or near the 141st meridian for the purpose of fixing its position, shall be submitted by each Government to the Commissioners, who shall decide which of the results of the determinations shall be adopted by them.

In case of disagreement between the Commissioners as to the correct geographical co-ordinates of one and the same point determined by either of the two Governments separately a position midway between the two locations, in question, of the 141st meridian shall be adopted, provided the discrepancy between them shall not exceed one thousand feet.

In case of a greater discrepancy a new joint determination shall be made by the Commissioners.

ART. III.

The location of the 141st meridian as determined hereunder shall be marked by intervisible objects, natural or artificial at such distances apart as the Commissioners shall agree upon and by such

additional marks as they shall deem necessary, and the line when an ' where thus marked, in whole or in part, shall be deemed to permanently define for all international purposes the 141st meridian mentioned in the Treaty of 30th March, 1867, between the United States and Russia and in the Treaty of February 16, 1825, between Great Britain and Russia.

The location of the marks shall be described by such views, maps and other means as the Commissioners shall decide upon, and duplicate records of these descriptions shall be attested by the Commissioners jointly and be by them deposited with their respective Governments, together with their final report hereinafter mentioned.

ART. IV.

Each Government shall bear the expenses incident to the employment of its own appointees and of the operations conducted by them, but the cost of material used in permanently marking the meridian, and of its transportation, shall be borne jointly and equally by the two Governments.

ART. V.

The Commissioners shall diligently prosecute the work to its completion, and they shall submit to their respective Governments from time to time, and at least once in every calendar year, a joint report of progress, and a final comprehensive report upon the completion of the whole work.

The present convention shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington or in London as soon as possible within twelve months from the date thereof.

In faith whereof, we the respective plenipotentiaries have signed this convention and have hereunto affixed our seals.

Done in duplicate in Washington, the thirtieth day of January, one thousand eight hundred and ninety-seven.

(L. S.) JULIAN PAUNCEFOTE,
(L. S.) RICHARD OLNEY.

APPENDIX No. X.

No. 4.

Colonial Office to Foreign Office. (*Received August* 22.)

SIR, *Downing Street, August*, 21 1888.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a letter from the High Commissioner for Canada, covering a communication from Sir J. A. Macdonald respecting a proposal to obtain from the United States Government a concession of certain privileges on that part of Alaska which is claimed by this country.

Lord Knutsford desires me to suggest, for the consideration of Lord Salisbury, that the United States Government might be informed that this report has reached Her Majesty's Government, and that it is presumed to be unfounded, as the territory in question is part of Her Majesty's dominions.

I am, &c.,

(Signed) JOHN BRAMSTON.

Enclosure 1 in No. 4.

Sir C. Tupper to Colonial Office.

SIR, 9, *Victoria Chambers, Westminster, August* 1, 1888.

I HAVE the honour to ask that you will be so good as to move Lord Knutsford to bring under the notice of the Marquess of Salisbury the inclosed correspondence which I have received from Sir John A. Macdonald.

I add a memorandum upon the same subject prepared by Major-General D. R. Cameron, R.A., C.M.G., who is familiar with, and has previously reported upon, the question of the British-Alaskan boundary.

I entirely concur in the great importance of protesting against the United States contention.

I have, &c.,

(Signed) CHARLES TUPPER.

Enclosure 2 in No. 4.

Sir J. Macdonald to Sir C. Tupper.

MY DEAR SIR CHARLES, *Dalhousie, July* 18, 1888.

I SEND you a note from Burgess, which speaks for itself. As Sir Lionel says that the Foreign Office disapproves of communications from Ottawa to Washington direct, perhaps you may think it well to call Lord Salisbury's attention to Burgess' suggestion.

Yours faithfully,

(Signed) JOHN A. MACDONALD.

Enclosure 3 in No. 4.

Mr. Burgess to Sir J. Macdonald.

DEAR SIR JOHN, *Department of the Interior, Ottawa, Canada, June* 19, 1888.

CAPTAIN MOORE, of Victoria, British Columbia, who was for some time a member of Ogilvie's expedition to the Yukon, has reported to the Government of British Columbia that he believes certain persons are about to receive a charter from the Alaskan authorities to construct a trail from Lynn Canal by way of White Pass to the interior of Alaska. If our view of the case is correct, the entire route of this trail, as well as the trail by the Chilkoot Pass, is in Canadian territory. In view of the well-based contention on our part, that the heads of the larger inlets which penetrate that portion of Alaska which consists of the coast-line from Mount St. Elias to Portland Channel, and more particularly the head of Lynn Canal, are within our territory, it would appear to be important to protest against the granting of any rights by the United States or Alaskan Governments at the heads of these inlets.

Would it not be well to communicate confidentially with the British Minister at Washington, asking him to inform the Government of Canada in case he finds that either the United States or Alaskan authorities are granting or proposing to grant privileges of the kind mentioned?

You might, perhaps, think it proper to refer this matter to the Minister of Justice, who is well acquainted with the whole case.

Yours, &c.,

(Signed) A. M. BURGESS.

Enclosure 4 in No. 4.

Memorandum.

By way of Lynn Canal, of which the entrance is about 135° west longitude, 58° 20′ north latitude, is at present the only practical route to gold mines being worked on tributaries of the Pelly river, some in British and some in United States territory.

The northern extremity of Lynn Canal forks—the western and eastern branches being formed respectively by the inflow of the Chilkat and Chilkoot rivers.

The route hitherto followed by miners entering the country has been by the valley of the Chilkoot—across the height of land called Perrier or Payer portage.

The ascent to the portage is extremely tedious, but once overcome there is gained navigable water connected with the Pelly river and the Yukon river. Lieutenant Schwatka noted Perrier portage as the point at which the boundary between United States and British territory passed, the United States territory lying seaward, the British territory inland. Lieutenant Schwatka had been employed to make a reconnaissance in Alaska, but finding that country most accessible through Lynn Canal continued his exploration down the Pelly river in British territory, until it passed the meridian of 141° west longitude into United States territory. Lieutenant Schwatka's report was published as a Congressional paper.

It is not known that there has been any other official claim to Perrier Pass as the point at which the international boundary runs.

From the ocean entrance to Lynn Canal, the head of boat navigation up the Chilkoot is about 80 miles; from this point to Perrier Pass is somewhat in excess of 30 miles, or 10 marine leagues.

Lynn Canal has water-ways of less than 6 miles in breadth at no great distance from its entrance.

It is contended on the Canadian side that the 10 marine leagues given as the maximum breadth of United States coast territory in the second sub-section of Article IV. Russo-British Convention of 1825, may not be measured from any point within an inlet not exceeding 6 miles in breadth, and that, consequently, it is not, under any circumstances, possible that the international boundary can be anywhere so far inland as Perrier Pass.

To avoid the inconvenience of the ascent to the Perrier portage, a diverging route called White Pass, a little to the eastward of Perrier Pass route, has recently been explored.

Speculators interested in the gold mines in the interior, and in transit of miners and their goods, have for some time had their attention turned to the desirability of opening up the White Pass route.

The greater part, if not all, of this divergent line is, it is contended, within British territory; and as affecting the principles which are ultimately to determine the whole of the British-Alaskan boundary, as well as seriously affecting a British route which may hereafter, with advantage of the greatest importance, be opened through the Taku river valley, it is submitted that the United States contention should be emphatically protested against.

No. 5.

The Marquis of Salisbury to Sir L. West.

(No. 207.)

SIR, *Foreign Office, August* 31, 1888.

WITH reference to your despatch, No. 20, of the 20th January last, I transmit, for your information, a copy of a letter addressed to the Colonial Office by Sir Charles Tupper, the High Commissioner for Canada, enclosing a correspondence he had received from the Canadian Premier relative to a rumour that a Charter is about to be granted by the Alaskan authorities of the United States for certain privileges in that part of Alaska which is claimed by this country.

I have to request that you will inform Mr. Bayard that this report has reached Her Majesty's Government, and that it is presumed to be unfounded, as the territory in question is part of Her Majesty's dominions.

I am, &c.,

(Signed) SALISBURY.

No. 6.

Foreign Office to Colonial Office.

SIR, *Foreign Office, August* 31, 1888.

IN reply to your letter of the 21st instant, I am directed by the Marquess of Salisbury to transmit to you, to be laid before Secretary Lord Knutsford, a copy of a despatch to Her Majesty's Minister at Washington, instructing him to call the attention of the United States Government to the rumour which has reached the Dominion Government of an intended grant of a charter by the Alaskan authorities of the United States for certain privileges in that part of Alaska which is claimed by this country.

I am, &c.,

(Signed) P. CURRIE.

No. 7.

Sir L. West to the Marquess of Salisbury. (*Received October* 9.)

(No. 309.)

MY LORD, *Beverly* (*Massachusetts*), *September* 21, 1888.

WITH reference to Your Lordship's despatch, No. 207, of the 31st ultimo, I have the honour to enclose herewith to Your Lordship, copy of a note which I addressed to the Secretary of State, as well as copy of his reply thereto, on the subject of a charter which it is said is about to be granted by the authorities in Alaska for certain privileges in territory claimed by Great Britain.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

Enclosure 1 in No. 7.

Sir L. West to Mr. Bayard.

SIR, *Beverly* (*Massachusetts*), *September* 10, 1888.

I HAVE the honour to inform you that the Marquess of Salisbury has requested me to bring to your notice a rumour which has reached Her Majesty's Government that a charter is about to be granted by the authorities of Alaska for certain privileges in a part of that country which is claimed by Great Britain.

Her Majesty's Government presume that this rumour is unfounded, as the territory in question is part of Her Majesty's dominions.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

Enclosure 2 in No. 7.

Mr. Bayard to Sir L. West.

SIR, *Department of State, Washington, September* 15, 1888.

I HAVE the honour to acknowledge the receipt of your note of the 10th instant, in which, at the request of the Marquess of Salisbury, you bring to my notice a rumour which has reached Her Majesty's Government that a charter is about to be granted by the authorities in Alaska for certain privileges in territory claimed by Great Britain. The rumour to which you refer is, as stated by you, certainly vague and indefinite, and has not come to the notice of this Department, which is wholly without information in regard to the granting of such a charter as you mention, or to the locality of the territory to which it is said to apply.

A copy of your note will at once be transmitted to the Secretary of the Interior.

I have, &c.,

(Signed) T. F. BAYARD.

No. 8.

Sir L. West to the Marquess of Salisbury. (*Received October* 12.)

(No. 317.)

MY LORD, *Beverly* (*Massachusetts*), *September* 29, 1888.

WITH reference to my despatch, No. 309, of the 21st instant, I have the honour to enclose to Your Lordship herewith a further note which I have received from the Secretary of State on the subject of the proposed grant of certain privileges to the Alaska Company.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

Enclosure in No. 8.

Mr. Bayard to Sir L. West.

SIR, *Department of State, Washington, September* 25, 1888.

IN further reply to your note of the 10th instant, relating to a rumour which had reached Her Britannic Majesty's Government to the effect that a charter was about to be granted by the authorities in Alaska for certain privileges in territory claimed by Great Britain, I have the honour to inform you that the Department is in receipt of a communication from the Secretary of the Interior, to whom your enquiry was referred, to the effect that the Department of the Interior has no information as to any proposed action of the character described.

I have, &c.,

(Signed) T. F. BAYARD.

APPENDIX No. XI.

EXTRACT FROM A LETTER ADDRESSED BY THE SUPERINTENDENT OF THE UNITED STATES COAST AND GEODETIC SURVEY TO THE HON. THE SECRETARY OF THE TREASURY, DATED SEPTEMBER 25, 1883.

* * * * * * * *

Pending the action of Congress upon the appropriations, there has of course been no formulation nor approval of plans or projects for such preliminary survey. For reasons, however, which are rendered sufficiently apparent by the contents of Senate Ex. Doc. No. 143, 49th Congress, 1st Session, it is obvious that, except as to a portion of the frontier line which is coincident with the meridian line of the 141st degree of west longitude, it would be impossible for a survey to definitely and authoritatively locate the boundary or frontier line. From some informal discussion of the matter, it is understood that the Hon. Secretary of State will be likely to require that the preliminary survey shall among other things accurately establish in latitude and longitude and permanently mark such a number of accessible points at certain distances from the coast or along certain mountain summits as, together with such topographical reconnaissance as may be practicable, will afford the geographical information requisite to the proper negotiation of a Treaty establishing the boundary. To obviate during such negotiations all controversy as to the accuracy of such geographical information, it would seem desirable that both parties should be represented in the operations of the preliminary survey by competent surveyors and astronomers, whose concurrence in the determination of points in latitude and longitude and in the delineation of topographical features would ensure acceptance of their work by the negotiators and avert one possible occasion of controversy and delay in the conclusion of a boundary Treaty.

The interval of six months or more which under existing conditions must elapse before it will be practicable to place our surveying parties in the field in Alaska, would doubtless enable the Canadian Government to arrange and equip three or four surveying parties to meet our parties at some rendezvous on the Pacific coast in April next, and join in a rapid prosecution of such preliminary survey. The desired result might be as well accomplished, though at disproportionately small expense for the Canadian Government by the detailing of a single Canadian surveyor and astronomer to accompany each of our full parties, of which there will probably be four.

Except as it may be necessarily interrupted by climatic or other causes, it is expected that the survey, once begun, will be continuously prosecuted, and that the parties will not return from Alaska until its completion within three or probably two years from the actual commencement of work in the field.

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LETTER ADDRESSED BY THE SUPERINTENDENT OF THE UNITED STATES COAST AND GEODETIC SURVEY TO THE HONOURABLE THE MINISTER OF THE INTERIOR OF CANADA.

WASHINGTON, 14th December, 1888.

SIR,—Some time ago in response to an inquiry from this office, Mr. G. M. Dawson of the Geological and Natural History Survey of Canada, referred me to you as the proper official with whom to communicate directly and informally in relation to a subject upon which some time may possibly be saved by anticipating the result of formal correspondence between the Government of the United States and that of Great Britain.

At its last session Congress made an appropriation with which to begin the work of a preliminary survey of the frontier line between Alaska and British Columbia and assigned the work to this Survey. The appropriation, however, became available at too late a date to permit anything except the task of preparation to be undertaken before next spring. It is obvious that—except as to a portion of the frontier line which is coincident with the meridian line of the 141st degree of west longitude—it would be impossible for a survey to definitely and authoritatively locate the boundary or frontier line. From some informal discussion of the matter it is understood that the Hon. Secretary of State will be likely to require that the preliminary survey shall, among other things, accurately establish in latitude and longitude and permanently mark such a number of accessible points at certain distances from the coast or along certain mountain summits, as, together with such topographical reconnaissance as may be practicable, will afford the geographical information requisite to the proper negotiation of a Treaty establishing a boundary. To obviate during such negotiation, all controversy as to the accuracy of such geographical information it would seem to be desirable that both parties to the negotiation should be represented in the operations of the preliminary survey, by competent surveyors and astronomers whose concurrence, in the determination of points in latitude and longitude and in the delineation of topographical features, would ensure acceptance of their work by the negotiators and avert one possible occasion of controversy and delay in the conclusion of a boundary Treaty. The interval of four months or more which, under existing conditions, must elapse before it will be practicable to place our surveying parties in the field, in Alaska, would doubtless enable the Canadian Government to arrange and equip three or four surveying parties to meet our parties at some rendezvous on the Pacific Coast, in April next, and join in a rapid prosecution of such preliminary survey. The desired result might as well be accomplished, though at disproportionately small expense for the Canadian Government, by the detailing of a single Canadian surveyor and astronomer to accompany each of our full parties, of which there will probably be four. Except as it may be necessarily interrupted by climatic or other causes, it is expected that the survey, once begun, will be continuously prosecuted and that the parties will not return from Alaska until its completion within three years, and probably two years from the actual commencement of work in the field.

In view of the foregoing considerations it is understood that the expediency of such joint action by surveyors, &c., of the two Governments as is above outlined, has been made the subject of correspondence between the two Governments.

I have ventured to bring the matter to your attention now inasmuch as the shortening of the time prior to the opening of the working season renders it desirable that all the interval should be rendered available to you for provisional or contingent selection of surveyors, &c., in anticipation of the formal action of your Government which it is hoped may be favourable to such joint work by the surveyors and astronomers of both Governments.

Any expression of your views in the premises, with which you deem it proper to favour me, will be duly appreciated by

Very respectfully,

Your obedient servant,

F. M. THORN,

Superintendent.

Hon. E. DEWDNEY,
Minister of the Interior,
Dominion of Canada,
Ottawa.

APPENDIX No. XII.

DEPARTMENT OF THE INTERIOR.

TOPOGRAPHICAL SURVEYS BRANCH,

OTTAWA, December 14th, 1891.

SIR,—I have the honour to submit the report of my visit to the coast of Alaska, made under your instructions dated 11th August last.

I left Victoria on the steamboat "Princess Louise" on the 29th of August, and landed at Metlakahtla on the 3rd of September. Here I procured the small steamboat "Vigilant," belonging to the Indian Department, in which, after making the necessary preparations for the trip, I started for the Alaska Coast on the 7th of September.

In order to make the required "examination of the coast of Alaska between Portland Channel and Chilkat Inlet for the purpose of ascertaining the number and extent of the settlements on the coast and their position" (with reference to the boundary line between British and United States territory), I followed the continental shore as closely as the navigable channels would permit between the junction of the Pearse Canal of the charts with Portland Channel to Pyramid Harbour in Chilkat Inlet.

I also entered many of the principal inlets, and approached close enough to the entrances of the others to form a good idea of the main topographical features of the country.

On the completion of my work, I handed the steamboat over to Mr. Todd, the Indian Agent at Metlakahtla, and returned to Victoria by the steamer "Islander" of the Canadian Pacific Navigation Company's line. I reached Victoria on the 14th of October.

Before speaking of the settlements on or near the coast, I shall endeavour to trace out the boundary line as laid down by the treaty of St. Petersburg, which describes it thus :—

"Commencing at the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes, north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude."

On the chart herewith, United States Coast and Geodetic Survey chart, No. 899, which is the latest and most accurate chart yet published showing the whole coast, I have sketched the principal mountain ranges, and have marked the boundary by a red line.

This line is laid down in accordance with the above quoted clause of the treaty, under the following interpretations :—

The line is run from the head of Portland Canal in a direct line to the point where the 56th parallel crosses the summit of the mountains parallel to the coast.

As the 56 parallel crosses these mountains more than once, that intersection which lies nearest to the head of Portland Canal must be taken.

The definition of a mountain is a summit rising above the timber line.

The words "la crête des montagnes," translated, the "summit of the mountains," do not require a continuous ridge or watershed. The summit ridge of each mountain is to be taken, and the valleys between the individual mountains must be crossed by straight lines from "crest" to "crest," whether they contain streams, rivers, or such arms of the sea as do not form part of the ocean.

The "coast" is understood to be the general coast line of the continent not including the shores of inlets which are less than six miles wide.

The mountains nearest the coast must be taken and not the high interior range.

The word "parallel" in "mountains parallel to the coast" is not to be taken in its strict geometrical sense as implying equidistance. It is unnecessary to search for mountains which are all at precisely the same distance from the coast, for Article IV. of the treaty admits the possibility of these mountains "situated parallel to the coast" being sometimes more and sometimes less than ten marine leagues from it.

TOPOGRAPHICAL DESCRIPTION.

Throughout its entire length the coast is bordered by a range of mountains 3,000 to 5,000 feet high. Their peaks are steep and rocky. Snow, at the time of my visit (September), lay in many of their sheltered ravines, but the exposed summits were generally bare, by which mark these mountains may be distinguished by an observer on the water from the higher mountains behind.

The summits of these mountains are not more than five or six miles in distance from the sea, and in many places they approach much nearer. This range is in general regular and continuous, except where it is cut through by the inlets and rivers. It is fronted on the seaward side by wooded hills, rising from the sea shore to heights varying from a few hundred feet to three thousand or more. These foothills slope off into points (such as Point Fitzgibbon, at the mouth of Burrough's Bay, Cape Fanshaw and many others) and are cut by innumerable bays and harbours, which give the coast line the irregular outline shown on the charts. The mountains, however, keep a much more regular course. They are separated from the foothills by but a slight depression. Near Juneau and at the head of Lynn Canal the foothills vanish almost entirely and the rocky summits rise from the sea. These mountains are separated from the higher interior ranges by a generally well-defined depression. The interior mountains are much higher and are snow-covered. They abound in glaciers, some of them of large size. The range is also much wider than the coast range, being in fact, as far as my

observation extended, a succession of ranges parallel to the coast and rising to the eastward. None of the inlets, so far as I know, cut through these mountains, but many of them after penetrating the coast range spread out along the depression behind it, forming T-shaped inlets, so common on this coast.

Having made these preliminary general remarks, I shall now proceed to state in detail the results of my observation of the coast.

Both sides of the upper part of Portland Canal are bordered by high mountains rising immediately from the water's edge. The range on the west side continues southward without break along the shore to Gap Mountain, behind Pearse Island, where it begins to recede, and wooded hills come between it and the above. These hills rise to a sufficient height to hide the mountains from an observer on the water, but wherever a valley occurs in the foothills, the rocky range is seen close behind.

When passing the mouth of the small channel east of Fillmore Island the mountains are seen at the head of the channel coming down to the water's edge on the continental shore. The small inlet running north-east from the northern end of Fillmore Island appears to cut into them. The range continues along the shore north of Fillmore Island, which is a low, wooded island, with irregular and discontinuous hills, 400 to 500 feet in height, covered with small trees; the range can be seen over it.

The mountains now turn to the north along the east side of Nakat Inlet. The peaks called, on the Admiralty Chart (No. 2431), Nakat Mountain and Shed Mountain are in this range. The latter summit is about 2 miles east of Nakat Inlet. From it the range extends in a direction about N. 15° W. past the head of Nakat Inlet to the Boca de Quadra.

The other side of Nakat Inlet is bordered by wooded hills and at the head of the inlet a depression extends between these hills and the mountains to the Boca de Quadra, a distance of about 5 miles.

The west side of Nakat Inlet is formed by the Cape Fox peninsula. A high ridge, called Peninsula Ridge, forms the backbone of this peninsula. The southernmost summit is called Harry Saddle, 2,066 feet high, bare, or nearly so, of vegetation at its summit. This ridge continues north to Boca de Quadra, running parallel with the rocky mountains spoken of above.

Between South Quadra and North Quadra Mountains the ridge is broken by Boca de Quadra Inlet, but it continues on the other side in the same direction as before by North Quadra, Backbone and Behm Mountains until it is again interrupted by Behm's Canal. The same ridge appears to continue by Alava Ridge and connecting ridges along the south-west shore of Revillagigedo Island, and it, perhaps, appears again on the mainland in the heights in the southern part of Cleveland Peninsula.

But to return to the mountain range which I have traced northward from Nakat Inlet to the shore of Boca de Quadra.

Our course led us along Revillagigedo Channel west of Cape Fox Peninsula at a distance from shore of two to three miles.

The mountains were seen as a continuous range of rocky summits rising above the lower heights of Peninsula Ridge. When opposite the mouth of Boca de Quadra and looking up the narrow gap between South Quadra (1,764 feet) and North Quadra Mountain (2,353 feet) we see the rocky range three or four miles behind. These mountains evidently come down to the great bend in the inlet, which is so situated with reference to our point of observation that the gap in the range through which the inlet passes is not visible. Boca de Quadra widens out between the mountains and the Peninsula Ridge, and its long north-eastern arm evidently lies in a valley behind the rocky range, and separates that range from those behind.

Passing Point Sykes we enter Behm's Canal. The foothills slope down from Behm Mountain to this point. For about 10 miles from here to the entrance to Smeaton Bay, the hills seen from the water do not rise above the timber line, and probably do not exceed 1,500 feet in height.

At Smeaton Bay, the range we have been considering comes much nearer the shore. The summits appear to be not more than three or four miles back from the entrance to the inlet which cuts through them.

The Pacific Coast Pilot of 1883, published by the United States Coast and Geodetic Survey, says of Smeaton Bay:

"The surrounding country consists of steep, barren, rocky mountains, whose summits appear to be above the snow line. Except at its head, where the land is low, these mountains rise abruptly from the water's edge, sparsely wooded with small trees." The fact that the land is low at the head of the inlet indicates that the mountains spoken of, the coast range, are a distinct range and are separated from the interior mountains by a depression in which lies the upper part of the inlet.

Looking northward from off the entrance to Smeaton Bay, these rocky mountains are seen to follow the coast very closely, fronted only by a narrow range of wooded foothills, until the view is bounded on the north by the massive mountains at the head of Behm's Canal.

Following Behm's Canal we pass the remarkable Eddystone Rock 250 feet high, and only 50 yards in circumference at its base, and come to Rudyerd inlet, a T-shaped inlet, whose entrance cuts cañon-like through the coast range, and whose arms lie in a depression behind this range and are backed by the higher mountains of the interior.

Walker Cove is a narrow inlet cutting through the coast range.

The next inlet is the estuary of Chickamin (locally known as Stewart) River. The estuary is about 1½ miles wide at its mouth, between high and steep, wooded hills, and extends 6 or 7 miles back to the mouth of the river proper. It is filled with sand bars, covered by only a few feet of water at low tide, and between which the current of the river cuts a tortuous passage. About three miles from its mouth the estuary is somewhat narrowed by a large rocky mountain on the north shore, part of the range under discussion. Chickamin River is large enough to colour with its mud, the waters of the whole bay and even of Behm Canal, outside the entrance.

Half-way between Chickamin River and Burroughs Bay the mountains come nearer to the shore, and the foothills decrease in height, until they run down to the cross-shaped Point Fitzgibbon, at the entrance to Burroughs Bay. The end of the mountain range is opposite to a point of the shore

of Burroughs Bay, some two miles east of Point Fitzgibbon. The mountains here, as is usual with this range in crossing an inlet, do not come abruptly to the shore, but slope down by a steep, wooded ridge.

About two miles further up the Bay, we come to the month of Klaheena River, where a cannery is situated. This is at the foot of a small wooded hill, forming the westerly point between the river and the bay. To the south, the hills slope gradually up towards a high rocky summit of the coast range, some three or four miles away. Across Klaheena River is another wooded hill, forming the point between Klaheena and Unuk Rivers. This hill rises behind to very high mountains, with summits partially snow-clad; the nearest of them being, perhaps, five or six miles away. Far up Unuk River are seen glacier mountains. Across the bay and on the north side of Unuk River are wooded hills with bare and rocky summits, 3,000 feet or more in height.

There is, along the north side of Burroughs Bay and its continuation, Behm's Canal, a range of rocky, steep and wooded hills, whose summits are generally, but not always, bare rock. Immediately behind these are high, bare mountains with patches of snow in their upper ravines.

It is difficult to decide where the continuation on the north side of Burroughs Bay of the coast range, which comes down to the south shore between Klaheena River and Point Fitzgibbon, begins, but probably the long narrow inlet shown on the chart as running north from Burroughs Bay may be considered as the dividing line between these mountains and those of the interior. On account of the sudden turn in the shore there is some confusion in the mountain ranges here.

Be this as it may, their certainly exists a continuous succession of mountains along the north shore of Behm's Canal, and we are not concerned, as far as regards the boundary line, with the question whether these mountains are the same range as those south of Burroughs Bay, for the mountain boundary begins here, the 56th parallel passing close to the mouth of Klaheena River and crossing the mountains on the north side of Burroughs Bay. The only point to be noted is that the mountains up Klaheena River are *not* the coast range.

According to the chart, the 56th parallel crosses the mountains between Burroughs Bay and the Bell Arm of Behm's Canal. The mouth of Klaheena River is shown as lying exactly on the parallel.

The red line, denoting the treaty boundary, I have drawn on the chart from the head of Portland Canal to a point of the mountains near the Bell Arm. This places the cannery in Canadian territory, if the latitude on the chart is correct. These channels to the east and north of Revillagigedo Island appear not to have been fully surveyed by the coast survey until this year.

Vancouver gave 56° 01·5 as the latitude of the head of Burroughs Bay. From Vancouver's chart this point appears to be at the edge of the mud flats at the mouth of Unuk River, and the latitude then agrees with that on the Coast Survey chart.

At the time of my visit the rivers were high and these mud flats were covered. The discolouration of the water was distinguishable throughout Burroughs Bay and for several miles along Behm's Canal.

Nearly opposite Point Fitzgibbon the mountains north of the bay recede from the shore and are hidden by high wooded hills (2,000 to 2,500 feet.) These hills themselves afterwards recede and a sloping continuation of them forms Point Lees.

At Point Lees is the entrance of the channel which runs around Bell Island. This channel is called the Bell Arm of Behm's Canal.

Looking up it as we pass the entrance, the mountain range can be seen at its head, rising, as well as can be judged at several miles distance, steep from the water's edge.

The mountains are now hidden by Bell Island, height 1,000 to 1,500 feet, and we pass through a very narrow channel which widens out after we pass the western end of Bell Island. Looking up Bell Arm again we see the rocky mountains, apparently forming a wall along the north shore of the channel. From the same point a view is obtained up Bailey Bay, to and around the head of which the mountains come close down. The narrow point between Bell Arm and Bailey Bay is formed by a steep, rocky, projecting ridge of the mountains terminating in high and steep wooded hills.

To the west of Bailey Bay the rocky summits come close down to the shore of Behm's Canal.

Three or four miles from the western end of Bell Island is Yes Bay (called McDonald Bay on the old charts). The entrance to this inlet is about one mile wide between the mountains which here border the coast.

On the north side of Yes Bay, about three miles from its mouth, is a cannery. Two or three miles north-west of the cannery is seen a high isolated peak. Probably this is the terminus of the high rocky range seen at the head of Bailey Bay, and marks the point where it turns to the west and north-west, for this range does not go further south in Cleveland Peninsula.

The rocky ridge along the shore of Behm's Canal, through which Yes Bay cuts its way, and which has now become our coast range, is a spur, leaving the other range at Bailey Bay.

Looking south-west from the cannery, this ridge appears to decrease in height towards the interior of the peninsula, and it is generally not so high to the south of Yes Bay as it is to the north.

South of Yes Bay four or five miles we pass the month of Spacious Bay, a wide and extensive bay, at the head of which a flat extends a long distance back. Far beyond is seen a mountain range which is not on Cleveland Peninsula, but on Prince of Wales Island beyond Clarence Strait.

There is here a complete break in the mountains of Cleveland Peninsula; from Spacious Bay across to Vixen Inlet this low tract extends, and no great change in the sea level would probably make an island of the southern part of the peninsula.

South of Spacious Bay, around the head of Port Stewart, the mountains rise high again. Wooded heights are seen backed by some bare summits, but the weather when I passed was rainy and unfavourable for close observation. From here we ran into Naha Bay, in Revillagigedo Island, and lay at the wharf at Loring till late next morning, when, the weather having cleared, we set out to round Cape Caamano.

Some miles up Helm Bay are seen high rocky mountains, guarding the bay on each side. These

mountains run behind the wooded hills which slope down to Cape Caamano, and reappear about three miles north-west of the latter, as high rocky mountains, rising from the water's edge. These mountains are wooded nearly to the top, and resemble those on the shore near the mouth of Yes Bay. They run northward along the peninsula, receding somewhat from the shore, from which they are separated by high, bold hills.

Ship Point, about 10 miles west of Cape Caamano, is at the base of a wooded mountain, with moss-covered rock summit. The height of this mountain is given on the Coast Survey Chart, No. 709, as 2,883 feet, and that of another summit close behind it as 3,345 feet.

From here northward, the hills near the shore are lower, and timbered to their tops. From a summit, height 2,269 feet, due south of the head of Union Bay the hills slope down to the long, low spit called Le Mesurier Point, which divides Clarence Strait from Union Bay and Ernest Sound.

East of Point Le Mesurier lies Union Bay. It is about four miles from the point to the head of the bay, where a small river enters. This river is about 75 feet wide, expanding into a shallow estuary before it enters the bay. It flows in a wide valley between the height above mentioned, behind Point Le Mesurier, and a somewhat higher hill to the east. Up the valley no hills are seen. Since this valley extends in the direction of Helm Bay, and the ground at the head of the latter is shown on the chart as low, it is possible that a depression extends across here, through the mountains of the southern part of Cleveland Peninsula. Along the banks of the river above the estuary is a strip of ground covered with coarse grass; such as would be called a "prairie" in the Fraser River Valley.

East of the high hills which skirt the east side of Union Bay stands a mountain at no great distance with a rounded top of red rock.

A few miles north of Union Bay is Vixen Inlet. The hills here recede, and none are seen behind the head of the inlet, but a flat extends in the direction of Spacious Bay. Snow-clad mountains were indeed seen in the distance, but they were very far off, and must lie on Revillagigedo Island.

North of Vixen Inlet the mountains come again close to the shore, and are fronted by wooded hills rising precipitously from deep water. The depth of water close to the shore at the cape of the mainland which forms the eastern headland of the narrow part of Ernest Sound is given as 309 fathoms. From the vicinity of Niblack Islands, some distance further north, looking back, the hills backing this cape are seen rising very high to sharp-peaked mountains.

Over Deer Island, which rises in wooded hills to 2,000 feet or more, are seen high, rocky, snow-streaked mountains, estimated to be 12 to 15 miles away. This must be the inner range which passes the head of Bradfield Canal, and which will be further spoken of when I treat of that inlet.

After passing Deer Island we get a better view of the coast looking south-east up Seward Channel. A range of high moss-topped hills rises precipitously from the water. Close behind these are rocky mountains. The range close to the shore continues all the way to Point Warde.

The extremity of Point Warde is comparatively low, but about half a mile behind it the shore range rises abruptly. Here the channel turns easterly towards the entrance to Bradfield Canal.

Three and a half miles further we round another point and enter Bradfield Canal. At this point the hills are lower than those at Warde Point, but rise to the level of the latter about a mile back, and a range of wooded hills extends along the shore of the bay between this and Point Warde. Midway between these two points a small stream enters the bay. A house was seen on the shore at its mouth, probably a fishing station.

East of the last point lies Anan Bay, and east of the latter is a prominently projecting point. The hills which border the south side of the canal are at this point very steep and rise from the point to a rock-summit, snow-streaked, about 1½ miles back from the shore, which lies in a range of rocky summits extending in a south south-easterly direction.

In a direction approximately north north-west from the last-mentioned point of the south shore is a similar point of the north shore, and behind this the hills rise steep to rocky mountains, which are a continuation of those on the south side, running in a distinct ridge in the same direction.

From some miles further up the canal we get a more distinct view of this range than we do from the west. They carry much snow in their northerly ravines. For some miles east from this range until the glacier mountains are reached, Bradfield Canal runs through a much less elevated country. The hills on either side are sloping, wooded, and only a few hundred feet in height. It is a distinct valley between the two ranges. Three or four streams of considerable size enter, which are evidently fed by the glaciers seen in the valleys of the inner range. There are probably, from appearances, glaciers also in the outer range.

At Duck Island the inlet cuts into the glacier range. These mountains are high and steep masses of rock, rising precipitously from the waters of the inlet to a much greater height than the outer range. There seems to be more than one range of them. The inlet cuts a deep navigable channel completely through the first and appears to be terminated in glaciers in the second of these ranges. The second range contains Mount Tyee, a very high peak of conical form. This and Mount Kapho, in the first range, are very prominent features as seen from the entrance to Bradfield Canal. The main axial range is probably that in which stands Mount Tyee.

Returning to the entrance to the canal, Ham Island is about three miles west of the point where the coast range comes down to the north shore of the canal. The shore between these points is very high and steep, rising to moss-topped summits. I have traced on the chart the boundary as following the summits of the coast range, but it might well be claimed that the line should follow the summits of these hills along the shore south of Warde Point and north of Ham Island. These hills are true foothills of the rocky mountains close behind them which I call the coast range, and are not much inferior to them in height. The dividing line between these hills and the coast range is marked by a small stream which flows from the north into Bradfield Canal about a mile and a half east of Ham Island. There is no well-marked valley between these two ranges.

From the northern end of Ham Island, looking south-easterly across Bradfield Canal the coast range is seen over the foothills as a range of massive mountains with many snow-filled ravines.

Blake channel is very narrow; it is bordered by the high and steep foothills, which hide the coast range except where a valley affords a glimpse of the rocks behind.

The coast range appears again at the head of the small bay which terminates Blake Channel to the north, and turns more to the west to follow the general trend of the coast, though receding somewhat from it. Up a valley opening northward, east of the narrows of Eastern Passage, the range is seen at an estimated distance of four miles, and again up several valleys for some ten miles north of Point Madan, always at about the same distance. The foothills along here are not so abrupt and are well wooded. I was unable to trace at this time the connection of Wrangell Peak with this range, but I afterwards obtained, from about ten miles out in Sumner Strait, a good view of the range, part of it being nearly "end on." It appeared well defined, with a depression between it and the glacier range of the Stikine, and seemed to pass behind Wrangell Peak, which appeared to be the end of a spur from it.

North-east of Wrangell Peak the range continues until it crosses the Stikine. The valley cut by the river through it is plainly seen, as of considerable width, and the mountains are not bold to the river, but slope considerably down to the valley. Behind this is the high Glacier Range of the Stikine in which can be seen the outlet of the narrow valley through which the river passes.

From the same point of view (near Vank Island in Sumner Strait) the whole northern and eastern horizon is bounded by massive mountains covered with snowfields and glaciers. Many mountains are carved into fantastic shapes; the most remarkable is one in the north, supposed to be Church Peak at the head of the Patterson Glacier. Due east from my point of view is a long and high white crest, about midway between Mount Tyee and Mount Whipple, which, owing to the clearness of the atmosphere, appears to rise close behind the houses of the town of Wrangell, although it must be at least twenty-five miles from them.

I have sketched on the chart the boundary line as following the coast range behind Wrangell Peak, and crossing the Stikine not far above the last island of the delta. About this range the Alaska Coast Pilot says (page 111): "About five miles above the delta islands the valley narrows and the river appears only two or three hundred feet in width. The depth in the channel to this point is nowhere less than seven and will average over twelve feet. The appearance of the high land on either side is as if ranges trending north-west and south-east were abutting obliquely upon the river." This agrees with my observation. The above description is evidently that of a person ascending the river, who, on account of the sloping and wooded nature of the faces of the mountains towards the river, would not see the rocky peaks as well as I did from a better point of view. Mr. Joseph Hunter, of the Canadian Pacific Railway staff, in 1877, made a traverse and reconnaissance of the Stikine River for the purpose of indicating the position of the boundary line. On his plan he shows the boundary as following the glacier range, from Mount Whipple westerly to a mountain near the river valley; thence nearly north, crossing the river at its great southern bend, and about seven miles south of the junction of the Iskoot River, the principal easterly branch of the Stikine. His crossing he gives as distant from Rothesay Point 24·74 miles by the course of the river, and from the coast line, assumed to be a line bearing N. 32° W. through Rothesay Point, 19·13 miles.

I may remark, *en passant*, that Mr. Hunter does not seem to have placed any mark at this point where he supposed the mountain boundary to cross the Stikine, but he did place a monument at a point of the river 29¼ miles above this, or 53·99 miles from Point Rothesay by the course of the river, at the point where by his traverse he found that the river would be crossed by a line N. 32° W., parallel to the assumed line of the coast through Point Rothesay, and ten marine leagues distant from that line.

I presume, however, that it is understood that the Canadian Government is not bound by by Mr. Hunter's action, which seems not to have been authorised by the instructions under which he was working.

On Mr. Hunter's plan is also shown the line which Sir Matthew Begbie considered the summit of the coast range. This line crosses the river several miles below Mr. Hunter's and near the head of the delta, and agrees very nearly with that indicated by me.

From the point of view in Sumner Strait the appearance north of the Stikine is as if a spur of the coast range, similar to the spur ending in Wrangell Peak, comes down to the Wilkes range, (see United States Coast and Geodetic Survey chart No. 705), and west of this the range is much broken by glacier valleys from the high mountains which approach within six or eight miles the shore of Frederick Sound. The outer range, however, can still be traced, though sometimes with difficulty, up to Cape Fanshaw. This part of the line I have indicated by a red line on chart No. 705, which is on a large scale and shows many of the mountain peaks. The line after crossing the Stikine at the little glacier runs to and then along the Wilkes range south-east of Le Conte Bay. The mountains from which Le Conte Glacier flows appear to be in the Stikine Glacier range. The coast range is much broken between Le Conte Bay and Thomas Bay, and the next peaks of it appear to be Thunder Mountain and the summits behind Horn Cliffs. Thence the line turns northward to the mountains on the east side of Thomas Bay.

Horn Cliffs rise precipitously from the water's edge, to a height of 1,800 feet or more, and behind their escarpment rises the pinnacle of Horn Mountain. As seen from across the sound, near the mouth of Wrangell Strait, behind Horn Cliffs there appears to be a plateau, out of which rise this mountain and the other peaks eastward from it, including Thunder Mountain. The plateau, as well as these peaks, nearly to their summit, is sparsely wooded, and seems to extend back to the base of the Glacier Mountains. Between it and them is the appearance of a valley, through which possibly the discharge of the large glacier shown on the chart south-east of Patterson Glacier flows to Le Conte Bay. I was unable, however, to verify this conjecture.

From Horn Mountain the line runs to the summit of the "small glacier" of the chart, which, I think, discharges into Brown Cove, east of Point Agassiz. This seems to be the glacier referred to on page 127 of the Alaska Coast Pilot. "On the eastern side of Point Agassiz an immense glacier comes down to a good-sized bay which is usually encumbered by mimic bergs from the foot of the glacier." The description, however, in the Pilot of the topography here, as well as along the northern shore of Frederick Sound generally, is inaccurate. The glacier is not of large size, although by a distant observer, unless in a very clear atmosphere, it might be confounded with the extensive glacier behind it.

Wood Point and Point Agassiz are promontories of a low, flat, wooded peninsula, which separates Thomas Bay from the Sound. The north side of the entrance to the bay is guarded by a similar though small peninsula terminated by Point Vandeput. Close behind these flats rise the peaks of the coast range, which now becomes again a continuous range, distinct from the mountains behind.

A very striking feature of the coast range is the mass of rock which rises from the eastern shore of Thomas Bay behind the discharge channel of the Patterson Glacier. The face of this mountain is grooved by rock-slide channels from top to bottom. It is marked on the chart as "Land Slide." From off the mouth of Thomas Bay the Patterson and associated glaciers present a magnificent spectacle —the seaward faces and summit ridges of the mountains are covered by a vast field of snow and ice, out of which project rocky peaks. Another great glacier—Baird Glacier—comes down to the head of the northern arm of Thomas Bay. From the Land Slide to Powell Peak, on the other side of the bay, the direction is nearly parallel to the coast. The range then continues well marked to Spoon Knoll on the east side of Farragut Bay, and appears to be continued on the other side of Farragut Bay by Jamestown Peak and the unnamed mountains east of it, but a spur range runs out to Bay Point Knoll, Cyane Peak, Man of War Peak, and Tangent Peak. These are peaks rising from the summit of a high and massive wooded ridge with straight-cut ends, which is a very prominent feature in the landscape as we turn Cape of the Straits coming west.

The ridge appears to be cut off from the other mountains by valleys little above the sea level.

The point between the two arms of Farragut Bay is occupied by a high hill, wooded to its top, which is on the line of the coast range.

West of Tangent Peak, looking over the lower land which lies west of the great ridge are seen Mount Fanshaw and the massive rock summit of Mount Dahlgreen. Of the former I did not obtain a good view, and I cannot say that it is not wooded to the summit, although its height (2,818 feet) indicates that it rises above the timber line.

Cape Fanshaw is a long, low, wooded point. The shore north of it, and easterly into the mouth of Port Houghton, is bordered by wooded hills, of varying height up to 1,000 feet, perhaps.

I was unfortunate while here in the weather, which was too cloudy and rainy to permit me to trace distinctly the connection between the mountains at Port Houghton and those south-east of Cape Fanshaw. We lay at anchor in Port Houghton for thirty-six hours during a heavy rainstorm, and but little could be seen of the mountains in this neighbourhood. The weather was also bad when I passed on the return journey. The anchorage is on the south shore of the port, about three and a half miles in, just west of the cluster of small islands. About two miles south of this anchorage stands a cloven rock mountain peak. South of this again is a large conical mountain, which is probably Dahlgreen Mountain. These mountains are the continuation of the range which I have noticed as crossing Farragut Bay, and turning northward from there. This range is continued in the same direction on the other side of Port Houghton in the high and precipitous wooded hills of Point Hobart (1,500 feet), Point Windham (2,000 feet), &c. I could not see, however, any bare summits of these hills for several miles north of Port Houghton, and hence have traced the line as passing north-east across the inlet to a mountain of the range next behind that containing Mount Dahlgreen, *i.e.*, the range containing Mount Garfield, Lincoln Peak, &c., from which branches the Dahlgreen range, between Thomas and Farragut Bays. This range is not the glacier range; that is seen at the head of the inlet 10 miles from our anchorage. The mountain on the north side of the inlet through which I have drawn the boundary line was seen during a break in the clouds as a massive snow-capped mountain rising from the shore of the inlet 4 or 5 miles N.E. from our anchorage.

The next inlet north of Port Houghton is Hobart Bay. Looking up this from its entrance, the coast range can be seen about five miles back coming down to the shore behind the inlet where it turns north. There is a slight break in these mountains through which at a much greater distance is seen a range of jagged peaks.

Up Windham Bay the coast range is again seen five or six miles from the coast. These mountains probably cross the inlet but the opening is not sufficiently wide or straight to show the jagged range behind. Between the snow-clad peaks of the coast range here and the coast, is a range of wooded hills with rocky summits. These are very similar to the foothills already noticed which line the shores of Blake Channel and of Ernest Sound south of Bradfield Inlet.

Between Hobart and Windham Bays the hills next the coast are not so high nor so precipitous as the bold promontories of Point Hobart and Point Windham.

The peninsula between Windham Bay and the southern arm of Holkham Bay terminates to the west in two points, Point League and Point Windham, the latter being about two miles north-west of the other.

Mount Windham, 2,000 feet high, bare on its top and on part of the seaward face appears to be the culminating point of the mountains between Holkham and Windham Bays. There is a rocky summit between Mount Windham and the entrance of Holkham Bay, and high and steep wooded foothills follow the shore of the latter from Point Astley east and south-east up the southern arm of the bay. Similar hills rise behind Point Coke, but neither from the mouth of Tracy Arm nor from Port Snettisham could any rock summit be seen nearer than about five miles north of Point Coke, though the range from that point northerly is very distinct. Looking up the south arm of Holkham Bay, large snow-clad mountains can be seen about its head. Rocky summits of less height come down on the east shore of the bay between the north and south arms. A small glacier is seen in a ravine of these nearly due east from Point Coke.

Rocky mountains also come down to the Plains between Tracy Arm and its short western branch. From the head of this branch a low wooded flat extends to the southern arm of Port Snettisham. Harbour Island and the other islands in Holkham Bay are low.

The entrance to Port Snettisham is guarded by the promontories of Point Anmer and Point Styleman on the south and north respectively. From Point Coke to Point Anmer the hills along the shore are high and bold. "The land between Point Coke and the present promontory is backed by lofty and rather bare mountains, their sides scarred by avalanches, and displaying, about three miles E. S. E. from Point Anmer, a remarkable cascade, which falls from a ravine into the sea." Coast Pilot, page 168.

Going into Port Snettisham, a view of these mountains from behind is obtained. The summits fronting on Port Snettisham are higher than those seen from the sea. They rise to 3,500 or 4,000 feet, being far above the timber line, and are in a very regular range. As above mentioned, however, the rocky summits end, or at least are obscured by the wooded foothills some distance north of Point Coke.

The southern arm of the port is about two miles wide and five long, and terminates in a flat of the same width, which evidently continues to the north-western arm of Holkham Bay.

Looking up this valley, snow-clad mountains are seen at the apparent distance of 20 to 25 miles; these must be the mountains about the south-eastern arm of Holkham Bay.

The coast range comes down to the south shore of the entrance of Port Snettisham in a well defined ridge, ending in a point of the shore about two miles west of where the southern arm turns off. Opposite to this, on the north side, the range is equally well defined. It passes north-westerly from here, behind Taku Harbour to the shore of Taku Inlet.

East of the two arms of Port Snettisham is a high rocky range which rises rapidly to the east to still higher mountains, through which are cut the valleys of Speel and Whiting Rivers.

These mountains come west of the mouth of Speel River almost to the coast range from which they are separated by a narrow valley only.

We followed the estuary of Whiting River for about three miles up to a short distance below its first bend. The mountains here come down precipitously to the water on each side. The estuary is similar to that of Chickamin River, being filled with sand bars nearly to its mouth. These are uncovered at low tide, leaving a narrow and crooked channel for the swift waters of the river which is of considerable volume.

Speel River I did not examine. Passing along Stephens passage north of Port Snettisham, the coast range is seen behind Limestone Inlet and Taku Harbour, rocky and snow-patched, five or six miles back from the coast with some nearer foothill peaks.

Five miles north of Taku Harbour, another small inlet cuts south-easterly through the high hills along the shore. At the head and to the east of this the coast range is well seen running parallel to the general line of the coast. The mountains are very high, with some remarkable precipitous ridges and cloven peaks, but they slope down to the shore of Taku Inlet in such a way that I cannot say, since I did not go into this inlet, precisely where they strike the shore, but they seem to narrow the inlet somewhat about five miles from its mouth, probably at the point shown on the chart about that distance in. They appear on the other side of Taku Inlet, opposite to this point, as a massive rocky range.

Taku Inlet is bordered on both sides by mountains, of much the same height as the coast range, except at its head where the serrated peaks of stupendous glacier mountains are piled up in confusion.

From my point of observation, the mouth of the inlet, the nature of the dividing valleys between the ranges nearer the coast could not be distinguished, but the impression was given that the ridges run parallel to the coast and are cut at right angles by the inlet, especially on the west side, where there seemed to be a distinct valley beyond the coast range.

This range continues north-westerly parallel to the shore of Gastineau Channel for several miles and at a distances of 5 or 6 miles therefrom. But between it and the shore the wooded foothills south of Taku Inlet are continued as a range of mountains rising from the water's edge to far above the timber line. These are shown as spur ridges from the range behind on a map of Harris Mining District, made by Mr. Garside, a surveyor of Juneau, but from what I could see from the valley of Gold Creek in the vicinity of Silver Bow Basin, I am inclined to believe that they are distinct mountains, separated from one another by the valleys of numerous streams which run from the inner range to the sea, and connected with that range only by comparatively low ridges.

The Silver Bow Basin is a basin about half mile in diameter, nearly surrounded by high ridges of the inner range and covered in front by spurs from the coast mountains. Gold Creek rises in this basin, and flowing through a narrow valley reaches the sea just north of the town of Juneau.

There is another, but smaller basin, on the course of the creek below the Silver Bow.

The height of the rocky summit just across Gold Creek from Juneau is stated to be 3,500 feet. A mile or two further back another peak of the same mountain must be 500 feet higher. Opposite to this last summit is the equally high peak of the mountain behind Juneau. The straight line joining these peaks will probably cross the lower basin near the centre. About three miles south-east of Juneau is the mouth of Sheep Creek, at the head of which there is said to be a basin similar to Silver Bow Basin.

From Juneau, as the western part of Gastineau Channel is unnavigable on account of sandbars, we have to travel back to the head of Stephens Passage and thence along the south and west sides of Douglas Island, and thence east of Shelter and Lincoln Islands into Lynn Canal. On account of the high mountains of Douglas Island, the mainland is not seen until the western end of that island is reached.

The continental shore opposite this point is deeply indented by inlets out of one of which the Auk Glacier discharges. Along the northern shore of Gastineau Channel is seen the range of high mountains close to the water, like those at Juneau. This range is cut through by the inlets mentioned, and behind them is seen a lofty range of mountains perhaps 10 miles back, from which the Auk Glacier seems to come, forcing its way through the cleft in the coast range, its foot almost at the sea level.

The coast range is fronted by wooded foot-hills, but they are dwarfed by the massive mountains behind them.

Nearly opposite Gull Island, Eagle Glacier is seen on the eastern shore of the canal. The appearance here is similar to that at the Auk Glacier, except that the coast range seems higher and the glacier mountains nearer.

All the peaks of the coast range north from here are snow-covered (20th September). Many small glaciers are seen in the ravines. High mountains also follow the western shore of Lynn Canal.

Passing Berners Bay, Point Bridget and Point St. Marys appears as sloping foot-hills, running

out from the mountains close behind them. The peninsula from Point St. Marys to Point Sherman becomes steep towards the sea in the vicinity of the latter. The head of Berners Bay seems to run in behind the coast range and the rugged glacier range is seen at the head of the bay not covered by any front range. The coast range is continued in the massive mountains north-east from Point Sherman.

The "Coast Pilot" (page 195) says of these points:

"Point St. Marys lies N.W. ¾ N., 4½ miles from Point Bridget, like which it is low and wooded, while its axis rises inland to mountains covered with snow, attaining to a considerable height, and constituting a part of the coast ranges which have been repeatedly alluded to.

"From this point about five miles N.W. by W. lies Point Sherman, named by Meade, apparently low and wooded, from which the north-eastern shore of Lynn Canal extends high, steep and rocky, at the base of the imposing mountains above mentioned, some twenty miles in a N.W. by N. direction."

The west shore is similar in appearance to the east. Point Whidbey peninsula looks like a foot-hill spur from the mountains which keep their course parallel to the coast and distant two or three miles from it.

Point Whidbey is described in the Coast Pilot (page 195) as "a rather remarkable high, steep, wooded promontory whose face is about three miles in length in a N.N.W. and S.S.E. direction, and which projects from the western shore of the canal to the extent of about three miles in an E.N.E. direction."

From the southern extremity of the promontory of Point Bridget to the southern extremity of Point Whidbey the distance across Lynn Canal seems to be less than six marine miles.

The Admiralty Chart No. 2431 makes it more than six miles, but the Coast Survey Chart 899, printed in March, 1891, and containing probably the best information makes it only about five.

Hence, Lynn Canal north of this ceases to be part of the ocean, and the line connecting these points becomes the coast line. The boundary line will then pass from the mountain behind Point Bridget across the canal to that behind Point Whidbey.

Even if the mountain boundary were discarded and a line ten marine leagues from the ocean were taken the ten-league line would cross Chilkat and Chilkoot Inlets about the latitude of the Davidson Glacier, and place the greater part of both these inlets in Canadian Territory.

North of Whidbey Point, Lynn Canal is wider than six miles until it branches into the two inlets, Chilkat and Chilkoot, so that if it proves to be wider than six miles at Point Whidbey, the coast line is at Point Seduction. This point is the southern extremity of the peninsula between the two inlets. The peninsula is covered with low sloping hills and the first mountain on it is that W.S.W. from the mouth of Taiya Inlet and nearly north from Pyramid Harbour, and south from River Chilkoot Lake.

Two or three miles south of this mountain the "Portage Road," about a mile in length, crosses a depression in the peninsula from inlet to inlet.

North of Point Sherman the range of mountains east of Lynn Canal rises directly from the water's edge. There appear to be no foot-hills, but on the western side the mountains are fronted by a range of foot-hills of fairly regular height. Seventeen miles north of Point Whidbey, Endicott River cuts a cañon through the mountains of the west shore.

Every ravine on both sides of the upper part of Lynn Canal is filled with snow and there are many glaciers, the most prominent of which is the Davidson Glacier, whose terminal moraine projects into Chilkat Inlet in a wide flat point, covered with trees of large size.

North of this glacier the foot-hills on the west side vanish, and the mountains rise direct from the shore.

Pyramid Island Harbour, on the west side of Chilkat Inlet, two or three miles below the mud flats at the mouth of Chilkat River is the most northerly and westerly point which I reached. Here accordingly my description of topography ends.

It has been assumed throughout, in marking the boundary line on the map that inlets are not part of the ocean, nor their shores part of the coast line. If it be decided otherwise, Portland Canal is also part of the ocean, and the boundary line must run from its head to the summit of the range which runs along its western shore; thence southerly along this range to Gap Mountain, and thence north along the chain of mountains I have described to Burroughs Bay. This would give to Canada the whole interior of the peninsula between Portland Canal and Behm's Canal, but at the expense of the loss of the heads of all the inlets.

I understand that the United States legal authorities in Alaska claim jurisdiction as far inland as ten marine leagues from *tide water*. There is, of course, no authority for this in the treaty, the limit of tide water being a very different thing from the coast line.

I submit with this report the following charts and maps—United States Coast and Geodetic Survey chart No. 899, upon which I have sketched in the principal mountain ranges, and indicated the treaty boundary by a red line. Mr. Hunter's line at the Stikine is shown by a blue line, and the alternative ten marine league line at Lynn Canal by a dotted red line.

United States Coast and Geodetic Survey Chart No. 709, showing Cleveland Peninsula on a arger scale.

United States Coast and Geodetic Survey Chart No. 706, a large scale chart to illustrate my remarks upon the coast between Union Bay and the mouth of the Stikine.

United States Coast and Geodetic Survey Chart No. 705, showing the north shore of Frederick Sound.

Map of Harris Mining District and mines near Juneau, made by G. W. Garside, of Juneau, United States Deputy Surveyor.

United States Navy Chart No. 904, which will illustrate the vicinity of Portland Channel, &c.

I may mention here, although this is a matter outside my instructions, that the last-mentioned chart shows Cape Muzon in latitude 54° 40′ almost exactly, Cape Chacon in 54° 41′·6, and the mouth of Portland Channel, just south of the small island on which is situated Fort Tongass, in latitude 54° 46′.

At the time when the treaty was made it was not known, though suspected, that Capes Muzon

and Chacon were on different Islands; "Prince of Wales Island," of the treaty is to be understood as including both the present "Prince of Wales Island" of which Cape Chacon is the southernmost point, and Dall Island, which terminates in Cape Muzon which is further south than Cape Chacon.

Hence the initial point of the treaty description is Cape Muzon. A straight line drawn from this cape to the north of Portland Channel will cut off a small portion of Cape Chacon.

By Article IV. of the treaty the whole of Prince of Wales Island is to be included in Russian territory. Hence instead of one straight line from Cape Muzon to Portland Channel, we must have a straight line from Cape Muzon to Cape Chacon and another from the latter to Portland Channel.

The former of these lines seems to touch the small island called Bean Island which lies west of Cape Chacon. The other line crosses no land.

The channel called Portland Channel, or Canal, by Vancouver, which begins south of old Fort Tongass and runs inland between the mainland and Kannaghunut, Sitklan, Wales and Pearse Islands, is not the intricate and tortuous passage it is sometimes represented to be. It is deep and straight, though narrow, from its mouth to the southern point of Fillmore Island.

Between Fillmore and Wales Islands are the only obstructions in the passage—a group of rocks and rocky islands which make caution necessary (in navigating an uncharted passage) for a mile or two only.

After this the channel widens out, and a few miles past the south-western end of Pearse Island becomes of the same width as the upper part of Portland Canal with which it is continuous in direction.

Fisheries, &c., on the Coast.

On a small island about four miles east of Cape Fox, and north of the entrance to Vancouver's Portland Channel, is Fort Tongass. This was a United States military station after the purchase of Alaska from Russia, and for many years the port of entry for the whole of "South-Eastern" Alaska. Many of the old barrack buildings are still standing, but there is only one man living here, who is engaged in salting salmon. On the east side of Nakat Inlet about three miles from its head, stand a small house, lately occupied by another man in the same business, but now deserted. I was informed that there was another man resident on the shore of the channel north of Pearse Island, also engaged in salmon fishing, but I did not see the house. Along the upper part of Portland Canal there are no settlements whatever, except possibly Indians.

There are no settlements upon Pearse and Wales Islands, as no minerals have been found there, and these islands are uninviting for other pursuits.

On the shore of Cape Fox Peninsula, half way between Foggy Point and the entrance to Boca de Quadra, is a good-sized village of the Cape Fox Indians. At the entrance to Boca de Quadra a salmon cannery was started in 1883, but I believe it is not working now.

The cannery at Burroughs Bay belongs to the Boston Fishing and Trading Company, which also owns the cannery at Yes Bay and that at Bartlett Bay, which is at the south-eastern corner of Glacier Bay, west of Lynn Canal.

At the cannery at Burroughs Bay they packed 12,000 cases of salmon last year (4 doz. one pound cans to the case). This year they have done nothing, the reason given being that it costs too much to catch the fish, on account of the scarcity and high price of labour. They have been doing some fishing, however, for the Yes Bay cannery in Klaheena River and Stewart (or Chickamin) River. They were using a very large net, which they placed across the mouth of the river (Klaheena) in such a way as to guide the fish into a trap.

At Yes Bay the pack this year is about 18,000 cases, employing about eight whites and 30 Chinamen in the cannery, besides Indians to do the fishing. Bartlett Bay cannery was not worked this year.

On the north shore of Naha Bay, on the west side of Revillagigedo Island, is the large cannery of the Alaska Salmon Packing and Fur Company. They have packed this year 24,000 cases. The full capacity of the cannery is upwards of 30,000 cases, but they find it difficult to get enough fish. There is a post office here called Loring. It is a point of call for the Alaska mail steamboats on their fortnightly trips.

There is a cannery at Point Highfield, at the north end of Wrangell Island, about two miles from Fort Wrangell, with a capacity of 12,000 to 15,000 cases, and another on the mainland shore south of the mouth of the Stikine River near Point Rothesay, but I believe that this is now idle. North of this there are no canneries until Chilkat Inlet is reached.

At Pyramid Harbour, on the western side of the latter inlet, is a large cannery belonging to the Pyramid Harbour Canning Company. The capacity is stated at 40,000 cases, but this year they have packed only 25,000. Most of their fish are caught in Chilkat River.

There is a post office here called Chilcat. The mail steamers call here fortnightly during the summer months or packing season, and less frequently in winter.

Across the inlet, almost opposite, is the cannery of the Chilcat Canning Co. They have packed 19,000 cases this year.

About two miles south from this cannery is that of the Chilcat Packing Co., which is idle this year, owing to the collapse of the roof of the main building last winter from the weight of snow.

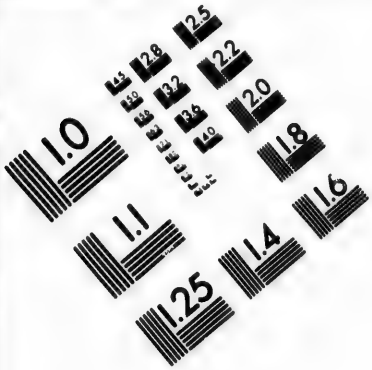
The Bartlett Bay cannery, already referred to, is at Bartlett Bay on the eastern side of Glacier Bay, which lies west of Lynn Canal. Its capacity I do not know. It was not worked this year.

Glacier Bay appears to be about six miles wide at its mouth, but an accurate survey has not been made, and the charts differ considerably. If it is less than six miles wide, and if the mountainous character of the shores of Lynn Canal continues along Icy Strait, Bartlett Bay will be in Canadian territory.

So also with the three canneries on Chilkat Inlet, as has been already shown, under the contention that inlets less than six miles wide are not part of the ocean.

Similarly with the Yes Bay cannery if the mountains nearest the sea are followed.

At Klaheena River the jurisdiction depends upon the position of the line from Portland Canal to



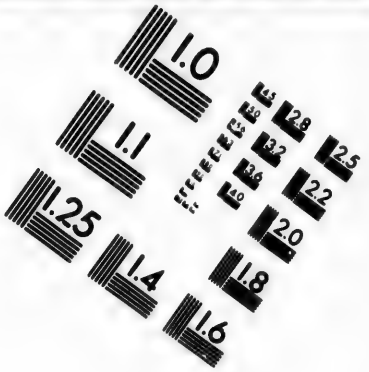
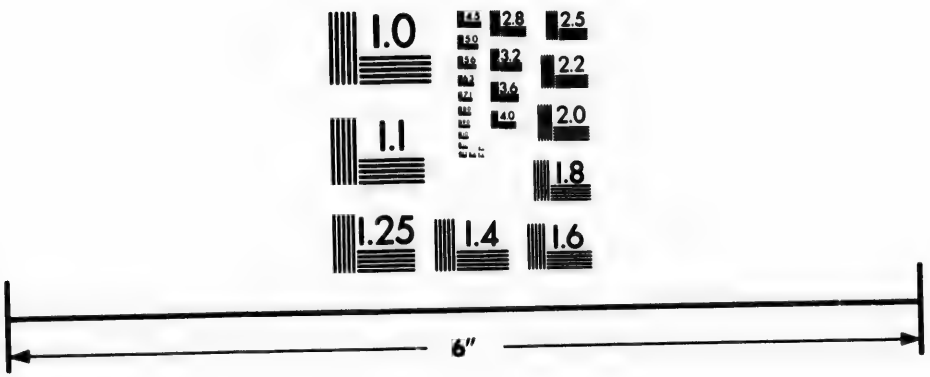
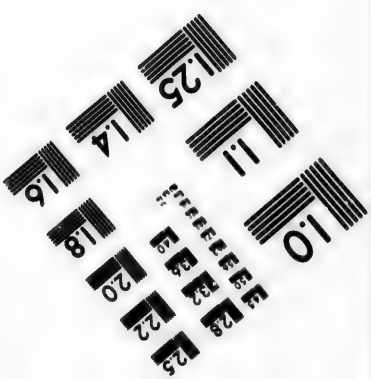


IMAGE EVALUATION TEST TARGET (MT-3)







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the 56th parallel. If the cannery is in latitude 56° or more, it certainly lies in Canadian territory, but if its latitude is less than 55° 59′ it is probably in Alaska.

There is no doubt that the canneries at Loring, Point Highfield and Point Rothesay are in Alaska, the two former being on islands, and the latter on a straight portion of the continental shore.

Huts were seen in several places on the shore at the mouths of small rivers, probably belonging to Indians or others engaged in drying salmon.

Many other kinds of fish besides salmon are found in the waters of Alaska, although the latter only are the basis of organised industry along the coast strip.

The species which came more particularly under my notice were flounders, halibut, "bull-heads," dog-fish, porpoises, and whales, the last abounding in Stephens Passage.

A great many hair-seals were seen, especially in Union Bay on the west coast of Cleveland Peninsula, which is also remarkable for its abundance of fish and fowl.

Mines.

Chickamin River derives its name from the Chinook word for "metal" or "money," which seems to indicate mineral wealth. I could not, however, find anyone who knew anything of it, or hear of any miners having prospected there.

Miners have been up Unuk River. I have been told that 40 miles up from the mouth there is a cañon 12 miles long, and that rich gold deposits are found in this cañon, wherever the miners can get down to the water. My informant, however, got his information at second hand, and the distances are probably not to be relied upon.

The man in charge of the Burroughs Bay cannery told me that five miners went up this river this season, but one of them, falling sick, shortly afterwards returned with one of his companions. The remaining three are supposed to be doing well. The two who returned walked out from the mines in nine days.

There seems to be no mining between this river and the Stikine.

The mines of the Stikine are far inland and are too well known to need description here. There are said to be comparatively few miners in that district at present, many having gone on to the Yukon.

Fort Wrangell, which was a thriving town, of the usual frontier stamp, during the palmy days of Cassiar, now presents much of the appearance of a deserted village.

From Cape Fanshaw, northward, the coast appears to be rich in minerals, especially gold and silver quartz.

Little capital, however, has been expended in development, except in the immediate vicinity of the town of Juneau.

Leaving out of consideration the great Treadwell mine, which, being on an island, does not concern our present purpose, the largest mining operations in Alaska are carried on in the valley of Gold Creek, behind Juneau.

A general description of the topography of this region has been already given.

At the furthest point of the Silver Bow Basin, about five miles from Juneau, is the 10-stamp mill of the Eastern Alaska Co. They get their rock from the summit of a high ridge to the south-east by means of a cable with slung buckets.

About ½ mile west of this are the hydraulic works of the Silver Bow Basin Mining Co. The bottom of the basin is composed of gravel containing much gold, profitably worked by water brought from a great elevation. Above the gravel banks on the mountain side is another stamp mill.

A comparatively low wooded ridge separates the upper from the lower basin. On the east side of the latter is another stamp mill, and a fourth stands in the valley of Gold Creek below the lower basin. Up on the mountain side all along the valley of the creek are the houses of the smaller miners. A good waggon road connects Juneau with the mines.

The line connecting the summits of the mountains of the coast will probably cross the lower basin and place the upper three mills and the hydraulic works in Canada. A survey, however, will have to be made to establish this.

At the small basin at the head of Sheep Creek, two miles south-east of Juneau, silver and lead are found. There has been a good deal of development done here also.

At Port Snettisham two or three miners' cabins were noticed on the shore. The *Juneau City Mining Record* of 24th September, 1891, says of this region:—

"On the south side of Snetishane Bay are located a number of large bodies of two grade ore which compare favourably with the Paris Lode. The silver belt strikes the bay near its mouth, and, running south-east, crosses the range at its highest point and continues through Sumdum and Shuck districts.

"Between Snetishane and Sumdum bays lies Argenta Basin wherein a number of claims have been located. . . . The basin lies about three miles east of Stephen's Passage and about two miles west of the south arm of Snetishane Bay, and is in extent about equal in size to Sheep Creek Basin, and is easily accessible from either side, a waggon-road grade being easily obtained. The ore found on the west side of the basin is mostly a grey copper ore which runs high in silver and could be easily concentrated. On the east side of the basin a 20-foot ledge was recently discovered by Snow, Miller & Company, which was traced for the distance of a mile. The vein is well defined, lying between the black and prophyritic slates. The ore is a heavy galena and sulphurets rock, and carries both gold and silver. Further down the creek towards Snetishane lies the location recently made by Frank Rapid and partner, which is very rich in gold, assays from which run into thousands of dollars."

It is to be noticed that the mountains in which this basin is stated to lie are those between Stephens Passage and the arms of Port Snettisham along the summits of which the boundary line runs.

Sumdum, spoken of in the above extract, is the local name for Holkham Bay. On the south shore of this bay at the anchorage, a short distance in from Stephens Passage, I saw two short drifts

which had been run into the mountain side. This rock is stated to have assayed $700 to the ton, but the vein appears to be very thin.

Shuck district, also mentioned by the *Mining Record*, is said to be somewhere near Cape Fanshaw. I could find no one who knew the exact locality. There is said to be a river called by that name, possibly the river shown on the maps as entering Port Houghton from the south, five or six miles from Stephen's Passage. Placer diggings are reported here, and it is said that several miners have done well.

Several places where minerals have been found are indicated on Mr. Garside's map.

There is also a miners' camp of half a dozen houses on the east shore of Lynn Canal, under the high mountain north of Port Sherman. I did not stop here to make any inquiries. Some recent discoveries are reported by the *Mining Record* in Berner's Bay.

I understand that there are now no miners up Taku River, nor on the shores of Taku Inlet.

Surveys.

No surveys of the interior appear to have been made by the United States Government except Lieut. Schwatka's explorations of the Yukon and the country behind the St. Elias Alps. East and south of Lynn Canal their surveys have been confined to the coast, the inlets and the islands.

This year the Coast Survey steamboat "Carlile Patterson" was engaged during most of the season in surveying Behm Canal and Boca de Quadra. The coast surveys are probably now completed as far as the continental shore is concerned.

The survey of the boundary line, if confined to the coast range of mountains, ought not to be a difficult or very expensive task, the mountains being so readily reached from the sea. The photographic process will greatly abridge the labour and cost, especially in the northern part of the coast, where the determination of the line is most urgently needed, for there the timber line, below which photography is only partially available, is at a less height above the sea.

If any of the interior ranges are taken as the dividing line the labour and cost will be incalculably increased.

The best season for survey operations is probably from May to August inclusive. September is a very wet and stormy month, as I found it. October is considered uncertain. Fresh snow was noticed after the equinoctial storms on the mountains nearest the coast, but not south of Revillagigedo Island. A marked rise of temperature was noticed in passing south from Frederick Sound.

I have the honour to be, Sir,

Your obedient servant,

W. F. KING,

Chief Astronomer.

E. DEVILLE, Esq.,
Surveyor General,
Ottawa.

APPENDIX No. XIII.

No. 1.

Colonial Office to Foreign Office (*Received May* 6).

Sir, *Downing Street, May* 5, 1891.

I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor General of Canada, with its enclosure, requesting that the Government of the United States may be reminded that some difference of opinion exists as to the marking of the boundary line between Alaska and British Columbia, which can only properly be determined by an International Commission; and I am to suggest for Lord Salisbury's consideration, that a communication should be addressed to the Government of the United States in the sense indicated by the Government of the Dominion.

I am, &c.,

JOHN BRAMSTON.

Enclosure in No. 1.

Lord Stanley of Preston to Lord Knutsford.

My Lord, *Government House, Ottawa, April* 17, 1891.

I have the honour to forward herewith a copy of an approved Minute of the Privy Council calling attention to an extract from the Report of the United States Coast and Geodetic Survey with reference to the marking of the boundary line between Alaska and British Columbia, and requesting that the United States Government may be reminded that some difference of opinion exists as to this boundary which can only be properly determined by an International Commission.

I have, &c.,

STANLEY of PRESTON.

Enclosure 2 in No. 1.

Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council on the 15th April, 1891.

On a report dated the 18th March, 1891, from the Minister of the Interior, stating that his attention has been called to the fact that in the last published report of the United States Coast and Geodetic Survey the Director says, page 3 :—

"By recent Congressional enactment a preliminary survey of the frontier line between Alaska and British Columbia, in accordance with plans or projects approved by the Secretary of State, has been placed in charge of this Bureau. Such a preliminary survey, involving the determination of a number of points in geographical position, and their complete marking by permanent monuments, will have to be carried from Cape Mason, *through the Portland Canal*, to the 50th degree of north latitude, thence north westwardly, following, as nearly as may be practicable, the general trend of the coast, at a distance *of about 35 miles from it*, to the 141st degree of west longitude, and thence due north to the Arctic Ocean, a total distance of about 1,400 miles."

The Minister recommends that the necessary steps be taken to call the attention of the Government of the United States to the fact that the question of the boundary at this point is, at the present time, the subject of some difference of opinion and of considerable correspondence, and he recommends that steps be taken to point out to the Government of the United States that the actual boundary line can only be settled by an International Commission.

The committee concurring, in the above, advise that Your Excellency be moved to communicate this Minute to the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted for Your Excellency's approval.

JOHN J. McGEE.

Clerk, Privy Council.

No. 2.

The Marquis of Salisbury to Sir J. Pauncefote.

(No. 114.)

Sir, *Foreign Office, May* 16, 1891.

With reference to your despatch No. 131 of the 7th October last, and previous correspondence, I transmit to you herewith a copy of a letter from the Colonial Office,* enclosing a despatch from the Governor General of Canada requesting that the United States Government may be reminded that some difference of opinion exists as to the marking of the boundary line between Alaska and British Columbia, which can only be properly determined by an International Commission.

I have to request you to address a communication to the United States Government in the sense desired by the Government of the Dominion.

I am, &c.,

SALISBURY.

* No. 1.

No. 3.

Sir J. Pauncefote to the Marquis of Salisbury (*Received June* 11).

(No. 126.)

Washington, June 9, 1891.

My Lord,

With reference to Your Lordship's despatch, No. 114, of the 16th ultimo, received on the 2nd instant, I have the honour to transmit to Your Lordship herewith copy of a note which, in conformity with instructions, I have addressed to the United States Secretary of State, pointing out that the boundary line between Alaska and British Columbia can only be properly determined by an International Commission.

I have, &c.,

JULIAN PAUNCEFOTE

Enclosure in No. 3.

Sir J. Pauncefote to Mr. Blaine.

Washington, June 5, 1891.

Sir,

The Governor General of Canada has lately brought under the notice of Her Majesty's Government the following passages in the last published report of the "United States Coast and Geodetic Survey," in which the director writes as follows :—

"By recent Congressional enactments a preliminary survey of the frontier line between Alaska and British Columbia, in accordance with plans or projects approved by the Secretary of State, has been placed in charge of this Bureau. Such a preliminary survey, involving the determination of a number of points in geographical position and their complete marking by permanent monuments, will have to be carried from Cape Muson *through the Portland Canal* to the 56th degree of north latitude, thence north westwardly, following, as nearly as practicable, the general trend of the coast at a distance of *about 35 miles from it*, to the 141st degree of west longitude, and thence due north to the Arctic Ocean, a total distance of about 1,400 miles."

The Dominion Government have expressed the desire that the United States Government may be reminded that the question of the boundary at this point is, at the present time, the subject of some difference of opinion and of considerable correspondence, and that the actual boundary line can only be properly determined by an International Commission.

I have accordingly been instructed by the Marquis of Salisbury to call your attention to the above extract, and to the observations of the Dominion Government thereon.

I have, &c.,

JULIAN PAUNCEFOTE.

APPENDIX No. XIV.

CONVENTION BETWEEN GREAT BRITAIN AND THE UNITED STATES, RESPECTING THE BOUNDARY BETWEEN THE TWO COUNTRIES (ALASKA AND PASSAMAQUODDY BAY) SIGNED AT WASHINGTON, 22ND JULY, 1892.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America being equally desirous to provide for the removal of all possible cause of difference between their respective Governments hereafter in regard to the delimitation of the existing boundary between Her Majesty's Possessions in North America and th United States in respect to such portions of said boundary as may not in fact have been permanently marked in virtue of Treaties heretofore concluded, have resolved to conclude a Convention in furtherance of these ends, and for that purpose have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable Michael H. Herbert, Chargé d'Affaires *ad interim* of Great Britain; and

The President of the United States, John W. Foster, 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.—The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary-line of the Dominion of Canada and the United States of America dividing the Province of British Columbia and the north-west territory of Canada from the territory of Alaska, from the latitude of 54° 40′ north to the point where the said boundary-line encounters the 141st degree of longitude westward from the meridian of Greenwich, by Commissions to be appointed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary-line in accordance with the spirit and intent of the existing Treaties in regard to it between Great Britain and Russia and between the United States and Russia.

Application will be made without delay to the respective Legislative Bodies for the appropriations necessary for the prosecution of the survey, and the Commissions to be appointed by the two Governments shall meet at Ottawa within two months after said appropriations shall have been made, and shall proceed as soon as practicable thereafter to the active discharge of their duties.

The respective Commissions shall complete the survey and submit their final Reports thereof within two years from the date of their first meeting.

The Commissions shall, so far as they may be able to agree, make a joint Report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

Each Government shall pay the expenses of the Commission appointed by it.

Each Government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commissions, may be conducted within its territory by the Commission of the other.

The High Contracting Parties agree that as soon as practicable after the Report or Reports of the Commissions shall have been received, they will proceed to consider and establish the Boundary-line in question.

Article II.—The High Contracting Parties agree that the Governments of Her Britannic Majesty in behalf of the Dominion of Canada and of the United States shall, with as little delay as possible, appoint two Commissioners, one to be named by each party, to determine upon a method of more accurately marking the boundary line between the two countries in the waters of the Passamaquoddy Bay in front of and adjacent to Eastport, in the State of Maine, and to place buoys or fix such other boundary marks as they may determine to be necessary.

Each Government shall pay the expenses of its own Commissioner, and cost of making the boundary in such manner as shall be determined upon shall be defrayed by the High Contracting Parties in equal moieties.

Article III.—The Present Convention shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at Washington within 12 months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries have signed this Convention, and have hereunto affixed our seals.

Done in duplicate at Washington, the 22nd day of July, 1892.

[L.S.] MICHAEL H. HERBERT.
[L.S.] JOHN W. FOSTER.

CONVENTION BETWEEN GREAT BRITAIN AND THE UNITED STATES, EXTENDING THE TERM PROVIDED IN THE CONVENTION OF 22ND JULY, 1892, FOR THE SURVEY OF THE ALASKA BOUNDARY LINE. SIGNED AT WASHINGTON, 3RD FEBRUARY, 1894.

The Governments of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and of the United States of America, being credibly advised that the labours of the Commission organized pursuant to the Convention which was concluded between the High Contracting Parties at Washington, July 22, 1892, providing for the delimitation of the existing boundary between Her Majesty's Possessions in North America and the United States, in respect to such portions of said boundary line as may not, in fact, have been permanently marked in virtue of Treaties heretofore concluded, cannot be accomplished within the period of two years from the first meeting of the Commission as fixed by that Convention, have deemed it expedient to conclude a supplementary Convention extending the term for a further period, and for this purpose have named as their respective Plenipotentiaries :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Excellency Sir Julian Pauncefote, G.C.B., G.C.M.G., Ambassador Extraordinary and Plenipotentiary of Great Britain ; and

The President of the United States, Walter Q. Gresham, 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 upon the following Articles :—

Article I.—The third paragraph of Article I. of the Convention of July 22, 1892, states that the respective Commissions shall complete the survey and submit their final reports thereof within two years from the date of their first meeting. The Joint Commissioners held their first meeting November 28, 1892 ; hence the time allowed by that Convention expires November 28, 1894. Believing it impossible to complete the required work within the specified period, the two Governments hereby mutually agree to extend the time to December 31, 1895.

Article II.—The present Convention shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof ; and the ratifications shall be exchanged at Washington at the earliest possible date.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done in duplicate at Washington, the 3rd day of February, 1894.

[L.S.] JULIAN PAUNCEFOTE.
[L.S.] W. Q. GRESHAM.

NOTE BY W. F. KING, M.A., ON ARTICLE I. OF THE CONVENTION OF 1892.

By this Article the High Contracting Parties covenanted, not merely to make a certain survey, but also to proceed to the permanent delimitation. (*See* last paragraph of the article.)

The main points in the Article are :—

(*a*) That the ascertainment of certain facts are "necessary" to the permanent delimitation.

(*b*) That these facts are such as could be ascertained by "a joint or co-incident survey," that is, they are *topographical* facts.

(*c*) That the High Contracting Parties will use the report or reports of the Commissioners ; that is, will use these topographical facts in considering and determining the boundary line in question.

(*d*) That the permanent delimitation is to be in accordance with the "spirit and intent" of the treaties as understood in the light of these topographical facts.

(*e*) (By implication) that, in the final discussion and agreement, the High Contracting Parties will discard all considerations which would tend to render nugatory the ascertainment of the topographical facts.

Hence, any claim by the United States on the ground of "possession" of any territory which is not theirs by the treaties (as interpreted by the topographical facts) is barred. For, if the possession was before 1892, they have renounced their title ; if after, occupation would not confer legal title, for the matter has been ever since *sub judice*.

It may be argued against this that the Russians acquired title by possession and occupation ; that this title was intended to be conveyed to the United States by the treaty of 1867, and that therefore the "spirit and intent" of the treaty of 1867 would give the United States all that Russia held by possession.

However, the words of the convention are the "treaties," not the "treaty," and thus the spirit and intent of the treaty of 1825 must also be considered, and it was manifestly not then intended that Russia should acquire by possession anything beyond the limits assigned by the treaty. The above argument would make the "spirit and intent" of one of the treaties nullify that of the other.

Again, a line ten leagues from the heads of inlets has been argued for on the evidence of maps, old and new, "the general usage of geographers," &c. The general usage would be evidence of the interpretation put upon the treaty of 1825 by geographers, but hardly evidence of the intent of the treaty itself.

It may be open for the United States to argue that, owing to the alleged failure of the surveys of 1892–1895 to prove the existence of the mountains spoken of in the treaty of 1825, the ten league line must be taken, but the *a priori* argument for the ten league line on the ground of general usage falls to the ground.

For the whole purpose of Article I. of the Convention of 1892 was to make a preliminary survey to ascertain the necessary facts, &c. Now, if the ten league line had been the true line, a preliminary survey would have been quite useless. The agreement of the United States to a preliminary and not a final survey amounts therefore to a waiver of the *a priori* claim to the ten leagues.

W. F. KING.

OTTAWA, 11th August, 1899.

APPENDIX No. XV.

REPORT OF MESSRS. DUFFIELD AND KING, 31ST DECEMBER, 1895.

The undersigned, William Ward Duffield, on behalf of the United States of America, and William Frederick King, on behalf of Her Britannic Majesty, duly appointed Commissioners under and by virtue of the First Article of the Convention of July 22nd, 1892, between the United States and the United Kingdom of Great Britain and Ireland, have the honour to submit the following joint report of our proceedings and transactions under the said First Article of the Convention, which reads as follows :—

"The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary line of the United States of America and the Dominion of Canada dividing the territory of Alaska from the Province of British Columbia and the North-West Territory of Canada, from the latitude of 54° 40' North, to the point where the said boundary line encounters the 141st degree of longitude westward from the meridian of Greenwich, by Commissioners to be appointed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary line, in accordance with the spirit and intent of the existing treaties in regard to it between Great Britain and Russia and between United States and Russia.

"Application will be made without delay to the respective legislative bodies for the appropriations necessary for the prosecution of the survey, and the Commissioners to be appointed by the two Governments shall meet at Ottawa within two months after said appropriation shall have been made, and shall proceed as soon as practicable thereafter to the active discharge of their duties.

"The respective Commissions shall complete the survey and submit their final reports thereof within two years from their first meeting.

"The Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

"Each Government shall pay the expenses of the Commission appointed by it.

"Each Government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commissioners, may be conducted within its territory by the Commission of the other.

"The High Contracting Parties agree that, as soon as practicable after the report, or reports, of the Commissioners shall have been received, they will proceed to consider and establish the boundary line in question."

The first meeting of the Commissioners appointed under this Article was held in Ottawa on the 28th day of November, 1892. By the supplementary Convention of the 3rd February, 1894, the time for the completion of the work and the submission by the Commissioners of their joint or separate reports, which, by the former Convention, expired two years from the date of the first meeting of the Commissioners, that is to say, on the 28th November, 1895, was extended to the 31st December, 1895.

The Treaties relating to and defining the international boundary line between Canada and the United States of America in the region in question are the Treaty between Great Britain and Russia, dated 28–16 February, 1825, and the Treaty between the United States and Russia, dated 30th March, 1867.

Our Commission, under said Article 1 of the Convention of 1892, applies only to that portion of the boundary described in these Treaties from the southernmost point of Prince of Wales Island to the 141st meridian.

With a view to the performance of the duty imposed upon the Commissioners under the Convention of ascertaining the facts and data necessary to the permanent delimitation of the boundary line, and under the option allowed them of making either a coincident or joint survey, Dr. Thomas C. Mendenhall, at the time Commissioner for the United States (since replaced by the undersigned, William Ward Duffield), together with the undersigned British Commissioner, having considered the large extent of unknown territory involved and the comparatively short time allowed for the survey, determined that it was advisable to make the survey a joint one ; that is, to partition among the officers working under them respectively the territory to be surveyed, arranging at the same time that each Commissioner should detail attachés to accompany the several surveying parties of the other, for the purpose of observing and verifying their work.

The United States Commissioner undertook to make surveys of as precise a nature as practicable of the principal water courses which traverse the coast strip ; and the British Commissioner undertook to make a photo-topographical survey of the mountainous regions lying between these various water courses.

A preliminary trigonometrical survey of the principal deep water passages, including the continental shore line from Portland Canal to Lynn Canal, had already been completed by the United States Coast and Geodetic Survey, and careful determinations of the geographical positions of Mount St. Elias (as hereinafter given), and of various mountain peaks in that region were made by the same organization in 1892, at which time a partial survey of the shore line of Yakutat Bay was also made. This completed work helped to co-ordinate the detached surveys of the various parties sent out by the two Commissioners.

In pursuance of this plan, during the year 1893, the following gentlemen were given parties on behalf of the United States, namely :—

Mr. Dickins, on the Unuk River.
Mr. Tittmann, on the Stikine River.
Mr. McGrath, on the Taku Inlet.
Mr. Ogden, on the Taku River.

Their duties were to make surveys of these waterways, and to procure as much information as possible as to the topography of the adjacent regions. Mr. Driscoll accompanied Mr. Ogden, as attaché appointed by the British Commissioner, and Mr. Robertson accompanied Mr. Tittmann in a like capacity. Mr. Dickins' survey of the Unuk River was made in conjunction with Mr. Saint Cyr, of the British Commission, who, besides making a traverse of the Unuk River, paid particular attention to the mountainous regions on either side of the river.

On behalf of the British Commission, the following gentlemen were placed under instructions to make topographical surveys as full and complete as their means would allow :—

Mr. Saint Cyr, the Unuk River and the mountainous regions on either side of it.
Mr. Klotz, adjoining him to the west and north-west, towards Bradfield Canal.
Mr. Talbot, to the south and east of the Stikine.
Mr. Gibbons, to the west of the Stikine.
Mr. Brabazon, at Holkham Bay, on the east side of Stephen's Passage.
Mr. McArthur, at Snettisham Bay, and thence to Taku Inlet and Taku River.
Mr. Ogilvie, to the north and west of Taku Inlet, and east of Lynn Canal.

The attachés of the United States Commissioner accompanying them were as follows :

Mr. Flemer with Mr. Talbot.
Mr. Pratt with Mr. Gibbons.
Mr. Ritter with Mr. Brabazon.
Mr. Welker with Mr. McArthur.
Mr. Hodgkins with Mr. Ogilvie.
Mr. Dickins, working with Mr. Saint Cyr, as above stated.

In addition to the above, the United States Commissioner stationed Mr. Morse at Sitka to make astronomical observations for the determination of chronometric differences of longitude between Sitka as a base station and the observatories established by Mr. Dickins at Burroughs Bay with Dr. Edmonds as observer, by Mr. Tittmann at Fort Wrangell with Mr. Putnam as observer, and by Mr. Ogden at the mouth of the Taku River with Mr. French as observer. At each of the above stations latitude and longitude were also determined. The United States steamer "Hassler" was employed throughout the season in making the necessary exchanges of time, the chronometers being in charge of Mr. Lord.

The parties were on the ground and the work begun in the middle of May ; and the early snow falls rendering mountain work impossible, it was found necessary to retire from the field in September.

During the following year, 1894, the following parties were placed in the field, on behalf of the United States Commission :—

Mr. Pratt on the Chilkat Inlet and River and on Chilkoot and Taiya Inlets and Taiya River, he being engaged chiefly in triangulation.
Mr. Dickins on Unuk River and Chilkat Inlet.
Mr. Flemer on Chilkoot and Taiya Inlets.
Mr. Ritter on Chilkat Inlet and River.
Mr. McGrath on the coast westward from Yakutat Bay and at Lituya Bay.
Mr. Morse at Sitka longitude station.

Latitude and longitude were determined at the observatory at Anchorage Point, Pyramid Harbour, the steamer "Hassler" making the necessary chronometer trips as before.

Mr. Hayford made the observations at Pyramid Harbour and Mr. Page had charge of the chronometers on the "Hassler."

On behalf of the British Commission :—

Mr. Saint Cyr at the head of the Portland Canal and thence to the Chickamin River.
Mr. Klotz around Bradfield Canal.
Mr. Gibbons on the north of Frederick Sound from Horn Cliffs to Port Houghton.
Mr. Ogilvie on the east side of Lynn Canal, also on the outer coast beyond Cape Spencer.
Mr. McArthur at the north end of Lynn Canal and later on the outer coast at Lituya Bay.
Mr. Talbot on the west side of Lynn Canal towards Glacier Bay.
Mr. Robertson accompanied Mr. Pratt's party as attaché for the British Commissioner.

Except in this instance the system of attachés was discontinued by mutual consent of the Commissioners.

During the winter of 1894–95, a party under Mr. Ogilvie ascended the Taku River for the purpose of gaining additional information as to the region extending thence to the vicinity of White and Taiya Passes, which lead from Lynn Canal to the interior, but on account of tempestuous weather the expedition was obliged to return, having accomplished nothing beyond a traverse survey of part of Taku River.

During the season of 1895, Mr. Brabazon was detailed by the British Commissioner to the region lying between the mouth of the Alsek River and Yakutat Bay.

Mr. Welker and Mr. Dickins were sent by the United States Commissioner to connect the surveys made in former years by the United States Coast and Geodetic Survey in Portland Canal with those in Revillagigedo Channel, and to determine more accurately the longitude of the stations along the Canal.

Mr. Dickins and Mr. Welker were placed in charge of parties in Alaska and Mr. Morse was stationed at Seattle as astronomer for the redetermination of the differences of longitude between that

point and the observatories at Port Simpson, B.C., at Mary Island, Alaska, and at a station at the head of Portland Canal. The observations for latitude and longitude were made by Mr. French at Port Simpson, by Mr. Dickins, at Mary Island, and by Mr. Welker at Lion Point, Portland Canal.

Mr. Young was in charge of the chronometers carried by the steamer "City of Topeka," between Seattle and the stations at Port Simpson and Mary Island.

Comparisons between Port Simpson and Lion Point were effected by the United States launch "Fuca."

The results of all these surveys are exhibited in the accompanying maps, namely, sheets Nos. 1 to 24, made on a scale of $\frac{1}{15840}$ with contour lines of elevations 250 feet apart, from the surveys of the British Commission; and in maps Nos. 1 to 12 of the United States Commission, made on the same scale.

These maps have been agreed to by us, subject to the limitations hereinafter set forth, as correct representations of the topographical features, and have been signed by us to testify thereto. In submitting two sets of maps which cover the same ground, and which, to a large extent, have been prepared independently in the offices of the respective Commissioners at Washington and Ottawa, it is understood that wherever there is a difference between the maps, either from different methods of representing the topography or from discrepancy as to the position of natural features or otherwise, such difference is to be interpreted by reference to the hereinbefore described scheme of partition of the survey work between the respective Commissions; and where the surveys cover the same or nearly the same ground, the maps are to be taken as mutually explanatory, having regard to the conditions under which each survey was made. The continental shore line, from latitude 54° 40′ to Point Coverden, at the south-westerly entrance to Lynn Canal, having been surveyed by the United States Coast and Geodetic Survey, the United States map shall, in case of discrepancy, govern as to the shore line; so also from Yakutat Bay to the 141st meridian. But from Point Coverden north-westerly to Yakutat Bay, including Glacier Bay and the other Bays, which, with the exception to the entrance to Lituya Bay, have not been so surveyed, the maps of the British Commission shall govern. The shore line of the islands of the Alaskan Archipelago have been mapped according to the surveys of the United States Coast and Geodetic Survey, wherever such survey has been made; elsewhere the best information available has been used.

To show the topographical features of the country in another way, we herewith submit photographic views, being contact prints from the photographic negatives of the officers of the British Commission, whose work was largely executed as to the detail or "filling in" by means of these views, according to the method known as photo-topography, the framework being laid out by triangulations which are shown in sheets Nos. 25, 26, 27 and 28 of the British Commission. These views will also serve as a permanent record of the field work. Plans of the triangulation executed by the officers of the United States Commission are submitted herewith on sheet No. 13 of the United States Commission.

Besides the information contained in the maps, we have to report as to the point of commencement named in the Treaty of 1825, that the latitudes of Capes Muzon and Chacon as determined by the British observers are as follows:—

Cape Muzon 54° 39′ 50″.
Cape Chacon 54° 41′ 25″.

As determined by the United States observers these latitudes are:—

Cape Muzon 54° 39′ 48″.
Cape Chacon 54° 41′ 22″.

These results are so nearly alike that there is no practical discrepancy between them.

Also, the summit of Mount St. Elias is by the best determination in latitude 60° 17′ 35″·10 and longitude 140° 55′ 47″·32, being 28·830 nautical miles from the line of coast west of Yakutat Bay, and 2·41 statute miles east of the 141st meridian.

We conceive it unnecessary for us, having prepared maps showing so much detail, to enter into a lengthy description of the topography. It may be well, however, to add some remarks upon the mode of occurrence of timber, since this is not shown on the maps.

Speaking broadly we may say that the average altitude of the timber line between Burrough's Bay and Lynn Canal is 2,500 feet, being a little higher in the south and a little lower in the north. Timber line is primarily a matter of heat, so that altitude and latitude have similar effects. However in a country of which so much has but recently been uncovered from glaciers, timber line is affected by another factor, and that is the presence of soil for trees to take root. As the foot of a mountain is first exposed, the forest starts there, and in time, as exposure and consequent disintegration take place, creeps upwards. Now there are many points in the area above referred to where this process of forest creeping has not reached the limit set by climatic conditions, and hence we find timber lines near each other, but varying in altitude by hundreds of feet. This is most noticeable on the west side of Lynn Canal. Naturally we would expect the timber line in the south to be higher than in the north, but as a matter of fact it is the reverse there, being scarcely 2,000 feet for the former, and nearly 3,000 feet for the latter. In general the timber line on the east side of Lynn Canal is somewhat higher than on the west side. Around Juneau the timber line does not reach the 2,000 feet limit. Between the entrance of Glacier Bay across Dundas and Taylor Bays and Cape Spencer the timber line may be put at 2,000 feet above the sea. In Glacier Bay, northward from the entrance, the timber line rapidly descends and in the northern part the forest practically disappears altogether. In fact along many of the smaller bays there no wood whatever is found. This phenomenon is plainly indicative of the recent recession of the vast complex of glaciers. On the outside, between Lituya Bay and Cape Spencer, the line is barely 2,000 feet, while in Yakutat Bay it is 1,500 feet. Most of the mountains between Yakutat Bay and Lituya Bay are not timbered at all, but this is probably due—up to 2,000 feet—to the fact already stated, *i.e.*, that the recession of the glaciers is too recent to admit of the necessary disintegration for vegetation to spring up, as well as to the effect upon the temperature of the nearness of the existing glaciers.

The altitude of the timber line at various points is as follows:—

Place.	Maximum.	Average.
Portland Canal	2,600	2,500
Unuk River	2,900	2,600
Burrough's Bay	2,800	2,500
Bradfield's Canal	2,700	2,500
South of Stikine	2,700	2,500
North of Stikine	—	2,500
Thomas Bay	—	2,500
Endicott Arm	2,500	2,300
Snettisham Bay	2,700	2,400
Taku Inlet	—	2,200
East side Lynn Canal	2,900	2,500
Head of Lynn Canal	3,000	2,500
West side of Lynn Canal	2,400	2,000
Outside, east of Cape Spencer	1,500	—

It is understood and agreed that in signing this joint report and signing and accepting the maps they have submitted, it is not therefore affirmed or admitted by the Commissioners that there is authority for the application of the names used to designate the various places, mountains, bays, channels, islands, &c.

In witness whereof we have hereunto set our hands at Albany, New York, this thirty-first day of December, 1895.

(Signed) W. W. DUFFIELD,
United States Commissioner.

(Signed) W. F. KING,
Her Majesty's Commissioner.

APPENDIX No. XVI.

PROPOSALS EXCHANGED BETWEEN LORD HERSCHELL AND SENATOR FAIRBANKS.

MEMORANDUM RESPECTING FIXING THE BOUNDARY IN ALASKA.

(Received from Senator Fairbanks, 14th December, 1898.)

The Joint High Commission, in pursuance of the stipulation contained in the last clause of Article I. of the Convention of the 22nd July, 1892, "will proceed to consider and establish the boundary line in question."

To this end they will consult the report and surveys of the Commission appointed under the said Convention, and agree upon the points by longitude and latitude where the eastern boundary line crosses the rivers named in the proposed surveys mentioned in the correspondence between the two Governments in 1873–75 (see Canadian Sessional Papers, Vol. xi, No. 125, 1878, pp. 10, 28, 37, &c.) and such other rivers and points as may be agreed upon.

They will further provide for the fixation and marking by a Joint Commission of experts of the said points of the boundary agreed upon.

DRAFT OF AN ARTICLE RESPECTING THE USE OF HARBOURS IN THE LYNN CANAL.

(Received from Senator Fairbanks, 14th December, 1898.)

It is further agreed, on the part of the United States, that all commercial vessels of the Dominion of Canada shall have free ingress and egress to and from the Lynn Canal in the territory of Alaska, and to and from any port or harbour thereof, as freely, and on the same terms, and subject to the same conditions as the commercial vessels of the United States, and subject to no other charges or restrictions than those applied to like vessels of the United States. All merchandise arriving at any port established on said canal and destined to any place in the Dominion of Canada may be landed at such port for transit across the intervening territory of Alaska without the payment of duty, under such proper regulations of the Secretary of the Treasury of the United States as shall be required for the protection of the revenue. For the greater facility of such transit trade, it is further agreed that the Dominion of Canada may establish at such port an office, with necessary agents, for the supervision of such transit, and (if so desired) for the collection of Canadian customs duties on all merchandise in transit as aforesaid.

In like manner, all merchandise arriving from Canada at the inland frontier of Alaska and destined for export by way of said canal to any foreign country, or to any Canadian port, may be transported from said frontier to the port of exportation on the said canal, and may be thence exported without the payment of duties ther on, under such proper regulations for the protection of the revenue as the Secretary of the Treasury of the United States shall prescribe.

The Secretary of the Treasury of the United States and the Minister of Trade and Commerce of the Dominion of Canada may, by common accord, make such additional regulations for giving effect to the foregoing provisions as they shall find appropriate and expedient.

MEMORANDUM RESPECTING THE LYNN CANAL.

(Given to Senator Fairbanks, 16th December, 1898.)

The proposed Article in reference to the Lynn Canal assumes the boundary to be so fixed as, in accordance with the contention of the United States and contrary to the contention of Great Britain, to give the whole of the shores of the Lynn Canal to the United States.

It thus decides the entire question there at issue in favour of the United States, and gives only certain very limited commercial concessions in relation to the ports on the canal to Canada.

The British members of the Committee are unable to regard this as a fair and equitable settlement of the question of boundary. They propose, in lieu thereof, that it should be agreed that the United States should have the whole of the land bordering on the Lynn Canal, except Pyramid Harbour and a strip of land from that harbour to the boundary line, such as to secure access thereto by the Dalton Trail. This would give almost the whole of the disputed territory in that region to the United States, and even supposing the force of the claim of the United States to that territory to be considerably stronger than that of Great Britain, would seem to be a just and equitable settlement by way of compromise of the dispute.

As regards Pyramid Harbour, the British Commissioners would assent to an agreement giving equal rights to United States and Canadian vessels in that harbour.

If this should not be accepted the British Commissioners propose, as an alternative, that provision should be made for the delimitation of the boundary by legal and scientific experts, with a stipulation that, should Great Britain be found entitled to the land bordering on the upper part of the Lynn Canal, Dyea and Skagway, with a strip behind them to the present provisional boundary line, should, nevertheless, belong to the United States, whilst, on the other hand, should the United States be found entitled to the land bordering on the upper part of that canal, Pyramid Harbour and a strip of land securing access to the boundary by Dalton Trail should belong to Canada.

Should neither of these proposals be acceptable, there seems to be no alternative but to leave the question of boundary to be determined according to the true construction of the Treaty of 1825 (and a consideration of other circumstances if, and so far as, they affect that determination) by legal experts.

MEMORANDUM RESPECTING THE ALASKA BOUNDARY.

(*Given to Senator Fairbanks, 16th December*, 1898.)

The question of the boundary in the neighbourhood of the Lynn Canal having been separately dealt with from the rest of the boundary in dispute, it has been thought convenient to continue this separate treatment for the moment.

It is to be observed that, whilst as regards the Lynn Canal there is to be a complete surrender of all territorial claims by Great Britain, the proposals made offer no concession to the British view in other parts of the boundary, although, in the opinion of the British members of the Committee, their position as to the territory in dispute there is very greatly stronger than the position of the United States in claiming the territory round the Lynn Canal.

They are unable to understand the object of the proposal that the boundary should be determined only at points where it was thought desirable a quarter of a century ago that the boundary should be fixed, and at any other agreed points. The circumstances at the present time are, in their opinion, altogether different, and the obligation appears to be imposed on them to provide for a delimitation of the whole of the boundary from its southernmost point to the point where the boundary line encounters the 141st degree of longitude. Any other course appears to them open to the gravest objections. They are quite willing to endeavour to fix this boundary by agreement with the United States Commissioners, but this will be impracticable if it can only be attained by a surrender throughout of what they believe to be the rights of Great Britain. It can only be accomplished on the basis of concessions on both sides, which can be regarded as fair equivalents. If no agreement is possible, the only mode of making "provisions for the delimitation and establishment of the Alaska-Canadian boundary" seems to them to be by means of legal and scientific experts.

MEMORANDUM WITH RESPECT TO THE POINTS FOR FIXING THE ALASKAN BOUNDARY.

(*Received from Senator Fairbanks, 20th December*, 1898.)

The proposition as to the fixation and marking of the eastern boundary on the rivers and at the points to be agreed upon is modified or enlarged, so as to provide :—

1. For a submission to arbitration of the question whether the line drawn from the southernmost point of Prince of Wales Island in the parallel of 54.40, to and along the Portland Canal, passes to the south or to the north of Wales and Pearse's Islands ; and

2. In case of failure to agree upon the place on the rivers and other points indicated where the eastern boundary crosses them, such matter of difference shall likewise be submitted to arbitration.

MEMORANDUM AS TO PROPOSED AGREEMENT FOR FIXING THE ALASKAN BOUNDARY.

(*Sent to Senator Fairbanks, 22nd December*, 1898.)

I am not sure that I understand the new proposal, but I gather that it is intended to limit the "fixation and marking" of the Alaskan boundary to certain points to be agreed upon, and also to limit it to the eastern boundary, thus excluding, as I understand, the northern boundary. Moreover, there is no provision as to what is to be done if an agreement is not arrived at as to the points where the boundary is to be fixed.

The proposal appears to me quite inadmissable as a solution of the question. The protocol on this subject which describes the purpose for which the High Commissioner was appointed is in these terms : "Provisions for the delimitation and establishment of the Alaska-Canadian boundary by legal and scientific experts, if the Commission shall so decide, or otherwise."

This appears to me to render it our duty to make provisions for the delimitation and establishment of the boundary between Canada and Alaska throughout, and not merely at particular places. To adopt the latter course would be, as it seems to me, to fail to discharge the duty in terms imposed upon us. Moreover, it would, in my opinion, be very mischievous to leave the boundary in part undetermined and without any provision for its delimitation. It would be to court future differences which the very object of our mission is to render impossible. In a case of disputed boundary between two countries, there seems to me to be only two ways in which a difference of opinion can be adjusted. Those ways are : agreement between the parties, or an adjustment of their legal rights by independent persons. If the former be impossible, the latter seems the only alternative open, and it is one which was unquestionably in contemplation as possible.

It has been suggested that the view of Great Britain that the upper part of the Lynn Canal is within her boundary is an afterthought, and only recently adopted. This is quite a mistake.

In a report made in 1886 by an official who had been instructed by the British Government to investigate and report on the question of the Alaskan boundary, reasons were stated at great length for coming to the conclusion that the upper part of the canal was within British territory. More recently an official of the Colonial Office, reporting on the question, whilst not adopting in its entirety the Canadian view as to the boundary generally, maintained strongly, and gave his reasons for so doing, that the upper part of the Lynn Canal was within the British boundary.

DRAFT ARTICLE RESPECTING THE ALASKA BOUNDARY, HANDED TO AMERICAN COMMISSIONERS, 2ND FEBRUARY, 1899.

"The line commencing at Cape Chacon, which is the most southern point of Prince of Wales Island, shall ascend northerly to the entrance of Portland Canal, west of Wales and Pearse Islands, thence upwards through the centre of said canal to the mouth of Bear River, thence from a peak on

the right bank of Bear River northerly to another peak on the 56th degree of north latitude; thence by intervisible peaks, as much as possible in a straight line to Big Mountain, thence in the same way to Kate's Needle, thence in the same way to a peak 7,109 feet high in the vicinity of the junction of the Tolusque River with the Taku, thence in the same way to the White Pass, thence in the same way to the Chilkoot Pass, thence in the same way to a peak 7,300 feet high east of the 136th degree of longitude, thence in the same way to Black Mount, which lies about three miles east of the same degree of longitude, and about 59° 6′ of north latitude, thence in the same way to a peak lying at the northern extremity of John Hopkins' Glacier, thence in the same way to Mount Pinta, thence in the same way to Mount Cook, thence in the same way to Mount St. Elias.

There shall be granted to Her Britannic Majesty the possession of Pyramid Harbour on Chilkat Inlet of Lynn Canal, and a strip of territory along the Chilkat River, the whole to be inclosed in the following limits: Commencing on the sea-shore at the 59° 10′ of north latitude, and thence west in a straight line to the summit of the hills at a point where the said degree 59° 10′ of north latitude is intersected by the degree 135° 30′ of longitude, and thence upwards by intervisible peaks along the range of mountains parallel to the valley of the Chilkat River, to the point of intersection of the above described boundary line. Reverting to the above mentioned starting point on the sea-shore, the line shall proceed to Pyramid Island including the same, thence in a straight line to a peak on the hills of the right bank of the Chilkat River, overlooking the Canstyaskali village, from the said peak upwards by intervisible summits, along the range of mountains parallel to the valley of the Chilkat River, to the point of intersection of the above described boundary line.

The said port and territory within the above limits shall be subject to the exclusive jurisdiction of the Dominion of Canada, and of its laws civil and criminal. It is agreed, however, that the rights of individuals and corporations heretofore acquired in the said port and territory shall be respected.

It is further agreed that should the Canadian Government cease to maintain a custom-house at said port or a police force sufficient to preserve order in said port and territory, the privileges above granted shall terminate and the said port and territory shall revert to the United States, but all concessions of land made and all rights and privileges previously granted by the Canadian Government shall be respected.

It is stipulated that vessels of the United States and of British or Canadian register shall have equal treatment in the harbours of Pyramid, Skagway and Dyea.

MEMORANDUM RECEIVED FROM THE UNITED STATES COMMISSIONERS, 9TH FEBRUARY, 1899.

ARTICLE. ALASKAN BOUNDARY.

In order to facilitate the final adjustment of all points in difference in respect to the boundary line between the territory of Alaska and the British territory adjacent thereto, the high contracting parties mutually agree upon the following provisions:—

1. It is admitted that the territorial line dividing the said possessions of the respective Governments is to be ascertained and established as early as possible in accordance with the definition thereof contained in Articles III. and IV. of the Convention between Russia and Great Britain, dated the 28th (16th) February, 1825, and reproduced in Article I. of the Convention between Russia and the United States, dated the 30th March, 1867.

2. A Commission to consist of four members—two to be named by each Government, one to be a legal expert and one an expert of established reputation in the science of geography and geodesy—shall be appointed. Their duty shall be to examine all the facts, topographical or historical, submitted to them on the part of either Government and which bear upon the true application and meaning of the definitive clauses of said convention of 1825 as accepted by the parties thereto.

Said Commissioners shall make oath in writing to perform their duties under this article without fear, partiality or favour. They shall have liberty to visit the localities in dispute if they deem it necessary, and to take evidence.

3. They shall make joint report in quadruplicate, one for each of the Governments and for the Commissioners of each party, upon all points at issue upon which they shall agree.

4. They shall also make report upon all points on which they fail to agree, showing distinctly their differences in respect to said line of demarcation.

5. If they cannot under their oaths agree upon the true conventional boundary line, and can establish and accord upon a convenient compromise line intermediate of the opposing views of said Commissioners, they shall carefully define and report such intermediate line in a special report to each of the two Governments over their signatures.

6. Upon receipt of said reports, the respective Governments will enter into direct negotiations for a convention establishing a permanent line of boundary.

Said Commissioners shall be appointed within two months from the date of the ratification of this Treaty; shall meet and organize within two months thereafter; and thenceforward shall proceed with all dispatch.

Each of the High Contracting Parties shall present its case in writing for the consideration of said Commission.

Each Government shall pay one-half of the joint expenses of the Commission, including such assistance as they may need, and shall compensate its own Commissioners and pay all expenses incurred in its own behalf.

Said Commission shall make the report or reports hereinbefore required of them within two years from their first meeting.

ALASKA CANADIAN BOUNDARY.

MEMORANDUM SENT TO UNITED STATES COMMISSIONERS, 9TH FEBRUARY, 1899.

That provisions for the delimitation and establishment of the Alaska-Canadian boundary be made in the following manner, that is to say :—

That it be referred to an eminent jurist to be appointed by the President of the United States and an eminent jurist to be appointed by Her Britannic Majesty on the nomination of the Judicial Committee of the Privy Council, and a third eminent jurist (to be named) or (to be agreed upon by the jurists appointed as aforesaid), or in default thereof to be appointed by ( ), to determine what is the line of demarcation between the possessions of the High Contracting Parties commencing from the southernmost point of the island called Prince of Wales' Island as far as Mount St. Elias; that the jurists appointed as aforesaid shall be assisted by such scientific experts as they see fit to appoint to the end that such line of demarcation as aforesaid may be delimited and established by the jurists appointed as aforesaid in accordance with the legal rights of the High Contracting Parties under or by virtue of the Treaty of 1825.

Provisional arrangements shall be made by the High Commission covering the period until the line is determined as aforesaid.

ALASKA BOUNDARY.

MEMORANDUM COMMUNICATED BY AMERICAN COMMISSIONERS, 11TH FEBRUARY, 1899.

Proposition for Treaty Provision as to Alaska Boundary.

A Commission shall be appointed consisting of
to determine and delineate upon suitable maps, the boundary line between the territory of Alaska and the Dominion of Canada from the southernmost point of Prince of Wales' Island to Mount St. Elias, in accordance with the Treaty between Russia and Great Britain of the 28th February, 1825, under the following terms and conditions :—

1. The Commission shall consider and determine whether the line, to be drawn from the southernmost point of Prince of Wales' Island in the parallel of 54.40, along the Portland Channel to the 56th degree of latitude, passes to the south or to the north of Wales and Pearse Islands.

2. The Commission shall consider and determine where the boundary line, departing from the point on the 56th degree of latitude above indicated, crosses the Skoot, Stikine, and Taku Rivers, the mountain passes north of the head of Lynn Canal, the Chilkat, Tatshenshini, and Alsek Rivers.

3. Between the points to be determined, as indicated in the last above paragraph, and also between the Alsek River and Mount St. Elias, the Commission shall delineate the boundary as near as may be following intervisible mountain peaks.

The determination and award of the Commission shall be accepted by the Governments of the United States and Great Britain as final and conclusive.

NOTES ON PROPOSITION.

As a convention has been entered into and is now pending in the Senate respecting the boundary line between Mount St. Elias and the Arctic Ocean, no action as to that portion of the boundary is necessary on the part of the Joint High Commission.

The territory which is proposed above to be submitted to arbitration, especially in paragraph two, is substantially in accord with an arrangement which was proposed by the United States in 1873, and approved by the British Government (*see* "Canadian Sessional Papers," vol. xi., No. 125, 1878, pp. 10 to 37).

MEMORANDUM SENT TO UNITED STATES COMMISSIONERS, 11TH FEBRUARY, 1899.

The British Commissioners are unable to accept the proposal made, inasmuch as it assumes in favour of the United States a matter in dispute and limits the arbitration to a portion of the disputed boundary.

They have already stated in previous communications that, in their opinion, they are entitled, in default of an Agreement, to have the whole of the disputed boundary referred to arbitration. By the Protocol in pursuance of which this Commission assembled, provision was to be made for the delimitation and establishment of the Alaska-Canadian boundary, that is, the whole boundary without limitation. In the opinion of the British Commissioners, such provision can only be made in the terms of the Protocol (in default of agreement as to the boundary) by an agreement for some steps to be taken, which will, if taken, necessarily result in a delimitation of the whole boundary, and they know of no other steps which will accomplish this except a reference to arbitration.

DRAFT ARBITRATION TREATY SUBMITTED BY THE BRITISH COMMISSIONERS, 16TH FEBRUARY, 1899.

ARTICLE I.

An Arbitral Tribunal shall be immediately appointed to determine the boundary line between the Territory of Alaska and the Dominion of Canada within the limits defined in Article III.

ARTICLE II.

The Tribunal shall consist of three jurists of repute—one on the part of Great Britain, nominated by the members for the time being of the Judicial Committee of Her Majesty's Privy Council; one on the part of the United States, nominated by the President; and of a third jurist, to be selected by the two persons so nominated, or, in the event of their failure to agree within three months of the exchange of ratifications of the present Treaty, to be selected by

In case of the death, absence, or incapacity to serve of either of the two Arbitrators nominated

as aforesaid, or in the event of either of such Arbitrators omitting or declining or ceasing to act as such, another jurist of repute shall be forthwith substituted in his place. If such vacancy shall occur in the case of the Arbitrator nominated by Great Britain, the substitute shall be appointed by the members for the time being of the Judicial Committee of Her Majesty's Privy Council. If such vacancy shall occur in the case of the Arbitrator nominated by the United States, he shall be appointed by the President. In the case of the death, absence, or incapacity to serve of the third Arbitrator selected as aforesaid, or in the event of such Arbitrator omitting or declining or ceasing to act as such, another jurist of repute shall be forthwith substituted in his place who shall be selected by the two other Arbitrators, or in the event of their failure to agree within one month of such vacancy occurring, by

ARTICLE III.

The Tribunal shall determine and delineate on suitable maps the boundary line between the Territory of Alaska and the Dominion of Canada from the southernmost point of Prince of Wales Island to Mount St. Elias, in accordance with the Treaty between Russia and Great Britain, of the 28th February, 1825.

ARTICLE IV.

In deciding the matters submitted, the Arbitrators shall ascertain all facts which they deem necessary to a decision of the controversy, and shall be governed by the following rules, which are agreed upon by the High Contracting Parties as Rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to be applicable to the case :—

RULES.

(*a.*) Adverse holding or prescription during a period of fifty years shall make a good title. The Arbitrators may deem exclusive political control of a district, as well as actual settlement thereof, sufficient to constitute adverse holding, or to make title by prescription.

(*b.*) The Arbitrators may recognize and give effect to rights and claims resting on any other grounds whatever valid according to international law, and on any principles of international law which the Arbitrators may deem to be applicable to the case, and which are not in contravention of the foregoing Rule.

(*c.*) In determining the boundary line if territory of one Party be found by the Tribunal to have been at the date of this Treaty in the occupation of the subjects or citizens of the other Party, such effect shall be given to such occupation as reason, justice, the principles of international law, and the equities of the case shall, in the opinion of the Tribunal, require.

ARTICLE V.

The Arbitrators shall meet at within sixty days after the delivery of the printed Arguments mentioned in Article VIII., and shall proceed impartially and carefully to examine and decide the matters submitted to them as herein provided on the parts of the Governments of Her Britannic Majesty and the United States of America respectively.

Provided always that the Arbitrators may, if they shall think fit, hold their meetings, or any of them, at any other place or places which they may determine.

All questions considered by the Tribunal, including the final decision, shall be determined by a majority of all the Arbitrators.

Each of the High Contracting Parties shall name one person as its Agent to attend the Tribunal, and to represent it generally in all matters connected with the Tribunal.

ARTICLE VI.

The printed case of each of the two Parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators, and to the Agent of the other party as soon as may be after the appointment of the members of the Tribunal, but within a period not exceeding months from the date of the exchange of the ratification of this Treaty.

ARTICLE VII.

Within months after the delivery on both sides of the printed case, either Party may in like manner deliver in duplicate, to each of the said Arbitrators and to the Agent of the other Party, a Counter-case and additional documents, correspondence and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other Party.

If, in the case submitted to the Arbitrators, either Party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof, within thirty days after the delivery of the case, and the original or copy so requested shall be delivered as soon as may be, and within a period not exceeding forty days after the receipt of notice.

ARTICLE VIII.

It shall be the duty of the Agent of each Party, within months after the expiration of the time limited for the delivery of the Counter-Case on both sides, to deliver in duplicate to each of the said Arbitrators, and to the Agent of the other Party, a printed argument showing the points and referring to the evidence upon which his government relies.

The Arbitrators may, if they desire any further elucidation, with regard to any point, require oral argument by counsel upon it, or a written or printed statement or argument, but in such case the other Party shall be entitled to reply either orally or by written or printed statement or argument, as the case may be.

ARTICLE IX.

The Arbitrators may, for any cause deemed by them sufficient, enlarge the periods fixed by Articles VI., VII., and VIII., or any of them, by the allowance of thirty days additional.

ARTICLE X.

The decision of the Tribunal shall, if possible, be made within three months from the close of the arguments on both sides.

It shall be made in writing, and dated, and shall be signed by the Arbitrators who may assent to it. The decision shall be in duplicate, one copy whereof shall be delivered to the Agent of Great Britain for his Government, and the other copy shall be delivered to the Agent of the United States of America for his Government.

ARTICLE XI.

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them. They may also employ any scientific experts whose assistance they may deem necessary for the discharge of the duty intrusted to them.

ARTICLE XII.

Each Government shall pay its own agent, and provide for the remuneration of the Counsel employed by it, and of the Arbitrators appointed on its behalf, and for the expense of preparing and submitting its case to the Tribunal. All other expenses connected with the arbitration shall be defrayed by the two Governments in equal moieties.

ARTICLE XIII.

The High Contracting Parties engage to consider the result of the proceedings of the Tribunal of Arbitration as a full, perfect, and final settlement of all questions referred to the Arbitrators.

ARTICLE XIV.

The present Treaty shall be duly ratified by Her Britannic Majesty and by the President of the United States by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged in London or in Washington within months of the ratification thereof.

COUNTER PROJET OF ARTICLES OF ARBITRATION TREATY SUBMITTED BY THE UNITED STATES COMMISSIONERS, 18TH FEBRUARY, 1899.

ARTICLE I.

An Arbitral Tribunal shall be immediately appointed to determine the boundary line between the territory of Alaska and the Dominion of Canada within the limits defined in the following Article III. :—

ARTICLE II.

The Tribunal shall consist of six impartial jurists of repute, three on the part of Great Britain, nominated by the members for the time being of the Judicial Committee of Her Majesty's Privy Council, and three on the part of the United States, nominated by the President.

In case of the death, absence, or incapacity to serve of either of the Arbitrators nominated as aforesaid, or in the event of either of such Arbitrators omitting or declining or ceasing to act as such, another impartial jurist of repute shall be forthwith nominated in his place by the same authority which appointed his predecessor.

ARTICLE III.

The Tribunal shall determine and if practicable delineate on suitable maps the boundary line between the territory of Alaska and the Dominion of Canada from the southernmost point of Prince of Wales Island to Mount St. Elias, in accordance with the Treaty between Russia and Great Britain, dated the 28th (16th) February, 1825, and the Treaty of cession from Russia to the United States, dated the 30th March, 1867, or, as the same shall be established by said Tribunal under the Rules hereinafter provided.

ARTICLE IV.

Before deciding the matters submitted, the Arbitrators shall ascertain all geographical, historical and other facts which they deem necessary to a decision of the controversy, and shall be governed by the following rules, which are agreed upon by the High Contracting Parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to be applicable to the case.

RULES.

(*a.*) Adverse holding or prescription during a period of fifty years shall make a good title. The Arbitrators may deem exclusive political control of a district, as well as actual settlement thereof, sufficient to constitute adverse holding, or to make title by prescription.

(*b.*) The Arbitrators may recognize and give effect to rights and claims resting on any other ground whatever valid according to international law, and on any principles of international law which the Arbitrators may deem to be applicable to the case, and which are not in contravention of the foregoing rule.

(*c.*) In considering the "coast," referred to in the said Treaties mentioned in Article 3, it is understood that the coast of the continent is intended. In determining the boundary, if territory of one party shall be found by the Tribunal to have been at the date of this Treaty in the occupation of

the subjects or citizens of the other party, such effect shall be given to such occupation as reason, justice, the principles of international law, and the equities of the case shall, in the opinion of the Tribunal, require; and all towns or settlements on tide-water, settled under the authority of the United States and under the jurisdiction of the United States at the date of this Treaty, shall remain within the territory and jurisdiction of the United States.

ARTICLE V.

The Arbitrators shall meet at within sixty days after the delivery of the printed arguments mentioned in Article 8, and shall proceed impartially and carefully to examine and decide the matters submitted to them as herein provided on the parts of the Governments of Her Britannic Majesty and the United States of America respectively.

Provided always that the Arbitrators may, if they think fit, hold their meetings, or any of them, at any other place or places which they may determine.

All questions considered by the Tribunal, including the final decision, shall be determined by a majority of all the Arbitrators.

Each of the High Contracting Parties shall name one person as its Agent to attend the Tribunal, and to represent it generally in all matters connected with the Tribunal.

ARTICLE VI.

The printed case of each of the two Parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators, and to the Agent of the other Party, as soon as may be after the appointment of the members of the Tribunal, but within a period not exceeding months from the date of the exchange of the ratifications of this Treaty.

ARTICLE VII.

Within months after the delivery on both sides of the printed Case, either Party may, in like manner, deliver in duplicate to each of the said Arbitrators, and to the Agent of the other Party, a Counter Case and additional documents, correspondence and evidence, in reply to the Case, documents, correspondence, and evidence so presented by the other Party.

If, in the case submitted to the Arbitrators, either Party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof; and either Party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within thirty days after the delivery of the Case, and the original or copy, as requested, shall be delivered as soon as may be, and within a period not exceeding forty days after the receipt of notice.

ARTICLE VIII.

It shall be the duty of the Agent of each Party within months after the expiration of the time limited for the delivery of the Counter Case on both sides, to deliver in duplicate to each of the said Arbitrators and to the Agent of the other Party, a printed statement or argument showing the points and referring to the evidence upon which his Government relies. The other Party may submit reply thereto.

The Arbitrators may, if they desire further elucidation with regard to any point, require oral argument by Counsel upon it, or a written or printed statement or argument, but in such case the other Party shall be entitled to reply either orally or by written or printed statement or argument, as the case may be.

ARTICLE IX.

The Arbitrators may, for any cause deemed by them sufficient, enlarge the periods fixed by Articles VI., VII., and VIII., or any of them, by the allowance of thirty days additional.

ARTICLE X.

The decision of the Tribunal shall, if possible, be made within three months from the close of the arguments on both sides.

It shall be made in writing, and dated, and shall be signed by the Arbitrators who may assent to it. The decision shall be in duplicate—one copy whereof shall be delivered to the Agent of Great Britain for his Government, and the other copy shall be delivered to the Agent of the United States of America for his Government.

ARTICLE XI.

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them. They may also employ any scientific experts whose assistance they may deem necessary for the discharge of the duty entrusted to them.

ARTICLE XII.

Each Government shall pay its own Agent and provide for the remuneration of the Counsel (if any) employed by it, and of the Arbitrators appointed on its behalf, and for the expense of preparing and submitting its case to the Tribunal. All other expenses connected with the arbitration shall be defrayed by the two Governments in equal moieties.

ARTICLE XIII.

The High Contracting Parties engage to consider the result of the proceedings of the Tribunal of Arbitration as a full, perfect, and final settlement of all questions referred to the Arbitrators.

APPENDIX No. XVII.

No. 25.

(Mr. S. Canning to Mr. G. Canning.—Received June 12.)

(No. 47.)

WASHINGTON, May 3, 1823.

SIR,—The Russian Envoy, Baron Tuyll, who arrived here about three weeks ago, has proposed to the American Government, in the name of his court, to send instructions, to Mr. Middleton at St. Petersburg for the purpose of enabling him to negotiate an arrangement of the differences arising out of the claims asserted by the Emperor of Russia to an exclusive dominion over the north-west coast of America, and the neighbouring seas as far as the 51st degree of north latitude. The proposal, I conceive to be similar to that which was made by Count Nesselrode to His Majesty's Plenipotentiary at Verona relative to the same object, as it effects Great Britain. The American Secretary of State, in apprising me of the communication received from Count Tuyll, expressed a desire that I would mention it to His Majesty's Government, and stating that Mr. Middleton would, in all probability, be furnished with the necessary powers and instructions suggested whether it might not be advantageous for the British and American Governments, protesting as they did against the claims of Russia, to empower their Ministers at St. Petersburg to act in the proposed negotiation on a common understanding. He added that the United States had no territorial claims of their own as high as the 51st degree of latitude, although they disputed the extent of those advanced by Russia, and opposed the right of that power to exclude their citizens from trading with the native inhabitants of those regions over which the sovereignty of Russia had been for the first time asserted by the late edict of the Emperor, and most particularly the extravagant pretension to prohibit the approach of foreign vessels within 100 Italian miles of the coast.

At the same time that he submitted this overture for the consideration of His Majesty's Government, Mr. Adams informed me that he had received an account similar to that which lately appeared in the newspapers, and which has already been forwarded to your office, of an American trading vessel having been ordered away from the north-west coast by the command of a Russian frigate stationed in that quarter. He did not appear, however, to apprehend that any unpleasant consequences were likely to result from that occurrence, as it was understood that provisional instructions of a less exceptional tenour had been dispatched from St. Petersburg in compliance with the representations of foreign powers.

In bringing under your notice this overture of the American Government, respecting which I cannot presume to anticipate the sentiments of His Majesty's Cabinet, I have only to add that on asking Mr. Adams whether it was his intention to enter more largely upon the subject at present, I was informed in reply, that it would be desirable for him previously to know in what light the British Government was disposed to view the suggestion which he had offered. He appeared to be under an impression that the instructions and powers requisite for acting separately in this affair had already been transmitted to Sir Charles Bagot.

I have, &c.,

(Signed) STRATFORD CANNING.

No. 27.

(Mr. G. Canning to Sir C. Bagot.)

(No. 12.)

FOREIGN OFFICE, July 12, 1823.

SIR,—I have the honour to enclose, for Your Excellency's information, the copy of a despatch received from His Majesty's Minister in America upon the subject of the Russian Ukase relating to the north-west coast of America, also of a letter from the Shipowners' Society upon the same subject, and of a memorandum of my reply to that letter.

Your Excellency will observe, from Mr. Stratford Canning's despatch, that the Government of the United States are desirous to join with that of His Majesty in bringing forward some proposition for the definite settlement of this question with Russia.

We have no precise information as to the views of the American Government, Mr. Rush not having received any instructions upon the subject. It seems probable, however, that the part of the question in which the American Government is peculiarly desirous of establishing a concert with this country, is that which concerns the extravagant assumption of maritime jurisdiction. Upon this point, it being now distinctly understood that Russia waives all her pretensions to the practical exercise of the rights so unadvisedly claimed, the only question will be as to the mode and degree of disavowal with which Great Britain and the United States might be respectively satisfied.

Upon this point, therefore, such a concert as the United States are understood to desire will be peculiarly advantageous; because, supposing the disavowal made, there is no disposition on the part of His Majesty to press hard upon the feelings of the Emperor of Russia, and it certainly would be more easy for His Majesty to insist lightly on what may be considered as a point of national dignity, if he acted in this respect in concert with another Maritime Power, than to exact any less degree, either of excuse for the past or of security for the future, than that other Power might think necessary.

Great Britain and the United States may be satisfied jointly with smaller concessions than either power could accept singly, if the demands of the other were likely to be higher than its own.

I therefore think it best to defer giving any precise instructions to Your Excellency on this point until I shall have been informed of the views of the American Government upon it.

In the meantime, however, you will endeavour to draw from the Russian Government a proposal of their terms, and we should undoubtedly come much more conveniently to the discussion, and be much more likely to concert an agreement upon moderate terms with the American Government, if a proposal is made to us, than to agree in originating one which would be satisfactory at once to both Governments and to Russia.

The other part of this question which relates to territorial claim and boundary is perhaps susceptible of a separate settlement. Of the two principles on which the settlement could be made, viz., joint occupancy or territorial demarcation, the latter is clearly preferable. A line of demarcation drawn at the 57th degree between Russia and British settlers would be an arrangement satisfactory to us, and would assign to Russia as much as she can pretend to be due to her. Your Excellency will therefore bring this suggestion forward, and acquaint me how far a formal proposition on this basis would be agreeable to His Imperial Majesty's Government. The arrangement might be made, if more agreeable to Russia, for an expirable period of ten or fifteen years.

I am, &c.,

(Signed) GEORGE CANNING.

P.S.—July 13th. Since this despatch was written I have received from Mr. S. Canning the despatch of which I enclose a copy, by which Your Excellency will learn that instructions are to be sent to Mr. Rush to enter into discussion here (among other matters), upon the subject of the Ukase. There is nothing in this communication to vary the instructions herein given to Your Excellency.

G. C.

No. 30.

(Sir C. Bagot to Mr. Canning.—Received September 28.)

(No. 36.)

ST. PETERSBURG, August 14, 1823.

SIR,—Count Nesselrode being upon the eve of setting out to join the Emperor upon his journey through the interior, and it being probable that he will not return to St. Petersburg before the middle of November, I have thought it advisable, even in the absence of those further instructions, which you lead me to expect in your despatch No. 12 of the 12th of last month, to apprize him of the probability of Mr. Middleton and myself being soon instructed to act jointly in negotiating with him some proposition for the definite settlement of that part at least of the question growing out of the Imperial Ukase of the 4/16 September, 1821, which regards the maritime jurisdiction assumed by Russia in the North Pacific Ocean.

I have been induced to acquaint Count Nesselrode thus early with the fact, partly with the desire of ascertaining, so far as I could, the manner in which a combined measure of this kind would be viewed by the Imperial Government; and partly to ascertain whether his own absence would necessarily delay our negotiations upon this subject.

In respect to the first of these objects, I am happy in being able to state that the proposed concert of measures between His Majesty and the United States, so far from being unacceptable to Count Nesselrode, is considered by him, and principally for the same reasons which are assigned in your despatch as the most agreeable mode in which the question could be brought under discussion.

In regard to the second object, finding that Count Nesselrode received so favourably my intimation of the course we were about to pursue, I thought that I should best learn whether the Russian Government was prepared to proceed immediately to negotiate if I suggested to him, as I did, the facilities which it would probably afford to all parties if, instead of leaving to His Majesty the perhaps difficult task of originating a proposition upon the subject, which would be at the same time satisfactory both to the United States and to Russia, the Imperial Government themselves should propose some arrangement for our consideration, which, while it might protect the legitimate commercial interests of His Imperial Majesty's subjects, might also effectually save what was the great object of the negotiation—the dignity and rights both of His Majesty and the other maritime powers of the world.

Count Nesselrode received this suggestion exactly as I could have wished, and he seemed fully sensible of the delicacy shown towards the Imperial Government in proposing such a course. He said that he thought that he should probably receive His Imperial Majesty's orders to intrust M. Poletica (who, from his long residence in America, and his repeated discussions with the Government of the United States upon the subject, is supposed to be the person here who is most conversant with the whole question) to prepare during the absence of the Emperor, such materials as may enable the Imperial Government, immediately upon the Emperor's return to St. Petersburg, to shape some such proposition as that which I had suggested, but he did not give me any reason to suppose that M. Poletica would be authorized to conclude an arrangement, or that anything could be definitely settled until after his own return.

In the meantime, the American Minister here has not yet received his instructions referred to by Mr. Stratford Canning in his letter to you of the 3rd May, a copy of which is inclosed in your despatch No. 12. I have, however, apprized him of the wish of his Government to act in concert with that of His Majesty in this business, of His Majesty's readiness to accede to this wish, and of the probability of his receiving, in the course of a very short time, precise instructions upon the subject. From the few general conversations which I have had with Mr. Middleton, he does not seem at all desirous of pressing hardly upon the Imperial Government, and he appears to think that, if any sufficient public disavowal of the pretensions advanced in the Ukase can be obtained, his own Government will be perfectly ready to lend themselves to whatever course may best save the feelings and the pride of Russia.

Mr. Middleton now tells me what I was not before aware of, that he had last year, by the direction of the President, several interviews with Count Nesselrode and Count Capodistrias upon the subject of this Ukase, and that it was at length agreed that he should inquire officially what were the intentions of the Imperial Government in regard to the execution of it, an assurance being previously given that the answer which he should receive would be satisfactory. Mr. Middleton has been good enough to furnish me with a copy of this answer, which I now enclose. As, however, he considers the communication of the paper as personally confidential, I take the liberty of requesting that no public use may be made of it.

In regard to the second part of this question, that which relates to the territorial claim advanced by Russia in respect to the north-west coasts of North America, I have explained to Count Nesselrode that the United States making no pretension to territory so high as the 51st degree of north latitude, the question rests between His Majesty and the Emperor of Russia alone, and becomes therefore a matter for separate settlement by the respective Governments.

I have suggested to him that this settlement may perhaps be best made by Convention, and I have declared our readiness to accede to one framed either upon the principle of joint occupancy or demarcation of boundary as the Russian Government may itself prefer, intimating, however, that in our view the latter is by far the most convenient. Count Nesselrode immediately and without hesitation declared himself to be entirely of that opinion, and he assured me that the chief if not the only object of the Imperial Government was to be upon some certainty in this respect.

This conversation took place before I had received your private letter in cypher of the 25th of last month, which reached me on the 11th instant by post. I had, however, taken upon myself to abstain from bringing forward any suggestion that the territorial arrangement should be made for an expirable period, as I thought it possible that such an arrangement might, in the end, be found to be inconvenient, and as it appeared to me that it was a proposition which I should at all events reserve for a later period of the discussion, when it might, in case of difficulties, be found an useful instrument of negotiation.

In a second interview which I have had with Count Nesselrode upon the subject of this separate negotiation, I told him that our pretensions had, I believed, almost extended to the 59th degree of north latitude, but that a line of demarcation drawn at the 57th degree would be entirely satisfactory to us, and that I believed that the Russian Government had in fact no Settlements to the southward of that line. I am not, however, quite sure that I am right in this last assertion, as the Russian Settlement of Sitka, to which I am told that the Russian Government pretends to attach great importance, is not laid down very precisely in the Map published in 1802 in the Quarter-Master-General's Department here, or laid down at all in that of Arrowsmith, which has been furnished to me from the Foreign Office. Be this, however, as it may, Count Nesselrode did not appear to be at all startled by the proposition. He said that he was not enough acquainted with the subject to give an immediate answer to it, but he made a memorandum of what I said, and I hope shortly to be able to ascertain how far this Government may be inclined to accept a more formal proposition founded upon t' is basis.

I have, &c.,

(Signed) CHARLES BAGOT.

P.S.—Since writing the above I have again seen Count Nesselrode, who has informed me that he has received the Emperor's commands to put M. Poletica in direct communication with Mr. Middleton and myself upon the subject of that part of the Ukase in which it is proposed that we should act conjointly whenever Mr. Middleton shall have received the instructions which he expects from his Government.—C.B.

No. 31.

(Sir C. Bagot to Mr. G. Canning.—Received November 17.)

(No. 48 CONFIDENTIAL.)

ST. PETERSBURG, OCTOBER $\frac{17}{29}$ 1823.

SIR—Mr. Hughes, the American Chargé d'Affaires at Stockholm, arrived here on the 16th instant, and has delivered to Mr. Middleton the instructions which I had already led him to expect from his Government upon the subject of the Imperial Ukase of the 4th September, 1821, and upon the concert of measures which the United States are desirous of establishing with Great Britain in order to obtain a disavowal of the pretensions advanced in that Ukase by this country.

As Mr. Hughes was the bearer of instructions upon the same subject to the American Minister in London, I may, I am aware, presume that Mr. Rush will have already communicated to you the view taken of this question by the United States, and I think it probable that you may have already anticipated this despatch by framing for my guidance such further instructions as, under that view, it may be thought necessary that I should receive. It may, nevertheless, be very desirable that I should lose no time in reporting to you the substance of some conversations which Mr. Middleton has held with me since the arrival of Mr. Hughes, and it is principally for this purpose that I now despatch the messenger Walsh to England.

Although Mr. Middleton has not communicated to me the instructions which he has received, I have collected from him, with certainty, what I had long had reason to suspect, that the United States, so far from admitting that they have no territorial interest in the demarcation of boundary between His Majesty and the Emperor of Russia to the north of that degree are fully prepared to assert that they have at least an equal pretension with those powers to the whole coast as high as the 61st degree, and an absolute right to be parties of any subdivision of it which may now be made.

Unless I greatly misconceive the argument of Mr. Middleton, it is contended by the American Government that, in virtue of the Treaty of Washington, by which the Floridas were ceded by Spain to the United States, the latter are become possessed of all claims, whatever they might be, which Spain had to the north-west coast of America, north of the 42nd degree of north latitude, and that when Great Britain, in the year 1790, disputed the exclusive right of Spain to this coast, the Court of Russia (as, indeed, appears by the declaration of Count Florida Blanca, and as it would,

perhaps, yet more clearly appear by reference to the archives of the Foreign Department here) disclaimed all intention of interfering with the pretensions of Spain, and, consequently, all pretensions to territory south of the 61st degree, and that, therefore, any division of the coast lying between the 42nd and 61st degree ought in strictness to be made between the United States and Great Britain alone.

Mr. Middleton, however, admits that the United States are not prepared to push their pretensions to this extent. He says that they are ready to acknowledge that no country has any absolute and exclusive claim to these coasts; and that it is only intended by His Government to assert that, as heirs to the claims of Spain, the United States have, in fact, the best pretensions which any of the three powers interested can urge.

Assuming, upon these grounds, their right to a share in the division, the United States it seems, desire that, the division being made, the three Powers should enter into a joint convention mutually to grant to each other, for some limited period, renewable at the pleasure of the parties, the freedom of fishery and of trade with the natives, and whatever other advantages the coasts may afford; and Mr. Middleton has confidentially acquainted me that he has in fact received from his Government the "projet" of a tripartite convention to this effect, and he has communicated to me a copy, which I now inclose, of the full powers with which he has been furnished to negotiate such convention with the Plenipotentiaries of Great Britain and Russia.

As neither the instructions nor the powers which I have received in regard to this question were framed in contemplation of any such pretension as that which is now put forward by the American Government, I have explained to Mr. Middleton how impossible it is for me to proceed further with him in the business until I shall have received fresh instructions from you, and I have, with this knowledge, informed M. Poletica that I must, for the present, suspend the conferences (upon the territorial part of the question at least) into which he and I had already entered.

I cannot disguise from myself that, judging from the conversations which I have had, both with Count Nesselrode and M. Poletica, upon the general subject of the Ukase, these new, and, I must think, unexpected pretensions of the United States are very likely to render a satisfactory adjustment of this business a matter of more difficulty than I at first apprehended.

A full disavowal by Russia of her pretension to an exclusive maritime jurisdiction in the North Pacific Ocean, will, I have no doubt, be obtained; but I am strongly inclined to believe that this Government will not easily be brought to acknowledge the justice of any claim of the United States to any part of the territory in question north of the 51st degree, and, I am still more strongly inclined to believe that, division once made, this Government will never permit the United States, if they can prevent it, either to fish, settle, or trade with the natives, within the limits of the territory which may be allotted to Russia.

I take this opportunity of enclosing to you a copy of the note which I received from Count Nesselrode the day before he left St. Petersburg, acquainting me that the Emperor had appointed M. Poletica to enter into preliminary discussion with Mr. Middleton and myself, upon the different questions growing out of the Ukase.

As it appeared by this note that M. Poletica was not empowered to treat, or indeed to pledge his Government to any precise point, I have abstained from entering with him as fully into the matter as I should have done had his powers been more extensive.

I had, however, two conversations with him previously to Mr. Middleton's receipt of his last instructions, upon the subject of territorial boundary as it regarded ourselves, and I then gave him to understand that the British Government would, I thought, be satisfied to take Cross Sound, lying about the latitude of 57½°, as the boundary between the two Powers on the coast, and the meridian line drawn from the head of Lynn Canal, as it is laid down in Arrowsmith's last map, or about the 135th degree of west longitude, as the boundary in the interior of the continent.

M. Poletica, not being authorized to do more than take any suggestion of this kind *ad referendum*, I am of course not yet able to inform you, as I am instructed to do by your Despatch No. 12, how far a more formal proposition on this basis, or on the basis of a line drawn at the 57th degree, as suggested in that Despatch, might be agreeable to the Imperial Government. M. Poletica seemed to suggest the 55th degree as that which, in his opinion, Russia would desire to obtain as her boundary: and he intimated that it would be with extreme reluctance that Russia would, he thought, consent to any demarcation which would deprive her of her Establishment at Sitka, or rather at Novo-Archangelsk.

Still, I should not altogether have despaired of inducing this Government to accept Cross Sound as the boundary; and though I am aware that in suggesting this point I put in a claim to something more than I am instructed to do in your Despatch above referred to, I thought that it might be for the advantage of the negotiation if I reserved the proposition of the 57th degree to a later period of it, and, judging from the map, it appeared to me that it might be desirable to obtain, if possible, the whole group of Islands extending along the coast.

But the discussion of this and all other points connected with settlement of boundary, seems necessarily to be suspended for the moment by the nature of Mr. Middleton's late instructions, and I shall not think it safe to venture further into the question until I shall have learnt the opinion of His Majesty's Government upon the pretensions advanced in those instructions by the United States.

I have, &c.,

(Signed) CHARLES BAGOT.

No. 40.

(Mr. G. Canning to Sir C. Bagot.)

(No. 2.)

FOREIGN OFFICE, January 15, 1824.

SIR,—A long period has elapsed since I gave Your Excellency reason to expect additional instructions for your conduct in the negotiations respecting the Russian Ukase of 1821.

That expectation was held out in the belief that I should have to instruct you to combine your proceedings with those of the American Minister; and the framing such instructions was, of

necessity, delayed until Mr. Rush should be in possession of the intentions of his Government upon the subject.

Upon receipt of Your Excellency's despatch No. 48, reporting the arrival of Mr. Hughes at St. Petersburg, with the instructions of the Government of the United States to Mr. Middleton, I applied to Mr. Rush for information as to the tenour of those instructions. I then found, what I had not before been led to suspect, that Mr. Rush had himself authority to enter into negotiations with us as to the respective claims of Great Britain and the United States on the north-west coast of America; although he does not appear to have been instructed to invite such negotiation here, if we should prefer leaving it to be conducted at St. Petersburg.

It seemed, however, that it would greatly facilitate Your Excellency's task at St. Petersburg if we could come to some satisfactory understanding with Mr. Rush on the principles and leading points of the negotiation, and that, at all events, it was advisable to ascertain so much from Mr. Rush as might enable us to judge whether it would or would not be expedient to agree to the proposal of the United States for combining our several negotiations with Russia into one.

Such a combination had indeed already been proposed to us with respect to so much of our respective discussions with Russia as turned upon the maritime pretension of the Russian Ukase. But that proposal had not been made in contemplation of the territorial question to which the pretensions of the United States have given a new and complicated character.

The object in applying jointly to Russia for a disavowal or qualification of her maritime pretension was at once to simplify and to soften to Russia that act of qualification or disavowal, by enabling Russia to satisfy both powers at once, without special and separate concession. But as, in the question of territorial limits, Russia, at whatever point her pretensions might be stopped, could have but one of the two Powers for her neighbour, there did not seem to be any obvious advantage in bringing both to bear upon her together in the settlement of those limits.

It is true that as, while we confine upon the Russian territory to the north, we also confine upon that of the United States to the south, we must at one time or other come to a settlement with each of those powers. But there is no obvious or cogent necessity for making those settlements simultaneous, especially as we have already a convention subsisting with the United States which suspends the necessity of any definite settlement with that Government for five years yet to come.

Whether, therefore, Your Excellency should be empowered, according to the desire of the Government of the United States, to negotiate and conclude a tripartite arrangement with Russia and the United States, or should be instructed to pursue that negotiation with Russia singly, according to the tenour of your present powers, was a question to be determined in a great measure by the more or less probability of a satisfactory understanding between Great Britain and the United States as to their relative as well as their joint concerns in such negotiation.

Now we have good reason to believe that, in respect to the question of territorial dominion between us and Russia, an arrangement may be agreed upon which will satisfy the wishes and secure the convenience of both parties by a line of demarcation to be drawn between the southernmost settlement of Russia and the northernmost post of the North-west Company.

The most southern establishment of Russia on the north-west coast of America is Sitka, which is not laid down in our latest maps with sufficient exactness, but which appears by the Russian map published in 1807 to be situated, as the enclosed copy of a letter from Mr. Pelly, chairman of the Hudson's Bay Company, also represents it, in latitude 57°, and not (as the map of which a copy was inclosed to Your Excellency indicates) on the continent, but on a small island of the same name at the mouth of Norfolk Sound; the larger island contiguous thereto, forming (what is called by Vancouver) King George's Archipelago, are separated from each other by a strait, called Chatham Strait, and from the mainland by another strait, called Stephen's Strait or passage. Whether the Russians have extended their settlements to these larger islands, is not known, but Mr. Pelly positively avers that they have no settlement on the mainland, nor any commerce to the eastward of the coast. He suggests, therefore, either the channel between the islands, or that between the islands and the mainland, as the most desirable line of demarcation to the eastward, which being agreed to, the line to the southward might be drawn so as to comprehend Sitka and all the Russian settlements upon the islands. If this agreement could be obtained, it would effectually prevent all danger of a collision with Russia; and the United States not intending, as it is understood, to urge any claim in opposition to that of actual occupancy, whether on the part of Russia or Great Britain, in the latitudes in which the claims of Great Britain and Russia come in contact, the intervention of the United States in such an arrangement could be necessary only as an umpire.

Such an intervention in this case is not likely to be required, on account of an irreconcilable conflict between Great Britain and Russia; nor would a Power whose pretensions are (theoretically at least) in conflict with both parties be the fittest for such an office.

Your Excellency's despatch No. 48 describes latitude 55° as the point at which M. Poletica appeared to wish that the line of demarcation between Russia and Great Britain should be drawn. By a Memorandum which I have received from Mr. Rush of what his Government would propose as a general settlement, it appears that latitude 55° is the point which the United States likewise have proposed for that same line of demarcation.

This coincidence certainly argues either a foregone understanding between Russia and the United States, or a disposition on the part of the United States to countenance and promote what they know to be the desire of Russia.

When to this statement I add that the United States propose, according to the aforesaid Memorandum of Mr. Rush, to draw the line of demarcation between themselves and Great Britain at latitude 51°, the point at which the Russian pretension, as set forth in the Ukase of 1821, terminates, it does not seem very uncharitable to suppose that the object of the United States in making a selection, otherwise wholly arbitrary, of these two points of limitation for British Dominion, was to avoid collision with Russia themselves, and to gratify Russia at the expense of Great Britain. There is obviously no great temptation to call in such an Arbiter, if the partition between Russia and ourselves can be settled; as no doubt it can, without arbitration.

By admitting the United States to our negotiation with Russia, we should incur the necessity of discussing the American claim to latitude 51° at the same time that we were settling with Russia our respective limits to the northward.

But the question of the American claim is for the present merged in the Convention of 1818; and it would be a wanton increase of difficulties to throw that Convention loose, and thus to bring the question which it has concluded for a time into discussion precisely for a purpose of a coincidence, as embarrassing as it is obviously unnecessary.

If Russia, being aware of the disposition of the United States to concede her the limit of latitude 55°, should on that account be desirous of a joint negotiation, she must recollect that the proposal of the United States extends to a joint occupancy also, for a limited time, of the whole territory belonging to the three Powers; and that the Convention now subsisting between us and the United States gives that joint occupancy reciprocally to us in the territory to which both lay claim.

To this principle it is understood the Russian Government object; nor, so far as we are concerned, should we be desirous of pressing it upon them; but as between ourselves and the United States we are not prepared to abandon it, at least for the term for which the Convention of 1818 has to run. There would be some awkwardness in a tripartite negotiation which was not to be conducted and concluded in all its parts upon an uniform principle.

These reasons had induced us to hesitate very much as to the expediency of acceding to the proposition of the United States for a common negotiation between the three Powers; when the arrival of the Speech of the President of the United States at the opening of the Congress supplied another reason at once decisive in itself, and susceptible of being stated to Mr. Rush with more explicitness than those which I have now detailed to Your Excellency, I refer to the principle declared in that Speech, which prohibits any further attempt by European Powers at colonization in America.

Upon applying to Mr. Rush for an explanation of this extraordinary doctrine, I found him unprovided with any instructions upon it. He said, indeed, that he had not heard from his Government since the opening of the Congress, and had not even received officially a copy of the President's Speech.

His conviction, however, was, that against whatever Power the President's doctrine was directed, it could not be directed against us. He appealed in support of that conviction to the existence of the Convention of 1818, by which we and the United States hold for a time joint occupancy and common enjoyment of all the territory on the north-west coast of America above latitude 42°.

It was obviously the impression on Mr. Rush's mind that this pretension on the part of his Government was intended as a set-off against the maritime pretension of the Russian Ukase.

I do not mean to authorize your Excellency to report this construction at St. Petersburg as that of the American Minister, but you will have no difficulty in stating it is one to which we think the President's Speech liable, as that indeed which appears to us to be by far the most probable construction of it; as such, it furnishes a conclusive reason for our not mixing ourselves in a negotiation between two parties whose opposite pretensions are so extravagant in their several ways as to be subject not so much of practical adjustment as of reciprocal disavowal.

Mr. Rush is himself so sensible of the new consideration which is introduced into the negotiation by this new principle of the President's that although he had hitherto urged with becoming pertinacity the adoption of the suggestion of his Government, he has, since the arrival of the President's Speech, ceased to combat my desire to pursue the course already begun of a separate negotiation at St. Petersburg, and has promised to write by this messenger to Mr. Middleton to prepare him for Your Excellency's continuing to act upon your former instructions.

It remains, therefore, only for me to direct your Excellency to resume your negotiation with the Court of St. Petersburg at the point at which it was suspended in consequence of the expected accession of the United States, and to endeavour to bring it as speedily to an amicable and honourable conclusion.

The questions at issue between Great Britain and Russia are short and simple.

The Russian Ukase contains two objectionable pretensions; first, an extravagant assumption of maritime supremacy; secondly, an unwarranted claim of territorial dominion.

As to the first, the disavowal of Russia is, in substance, all that we could desire. Nothing remains for negotiation on that head but to clothe that disavowal in precise and satisfactory terms. We would much rather that those terms should be suggested by Russia herself than have the air of pretending to dictate them; you will therefore urge Count Nesselrode to furnish you with his notion of such a declaration on this point as may be satisfactory to your Government. That declaration may be made the preamble of the Convention of limits.

As to the territorial question, I have already stated that the line of demarcation the most satisfactory to us would be one drawn through "Chatham Strait," the channel separating the island on which Sitka is situated from the island to the eastward of it, or if the Russians have establishments on that island also, then through the channel called "Stephen's Passage," which separates the whole archipelago from the mainland. If one or the other of these channels cannot be obtained as the boundary, then the line must be drawn on the mainland to the north of the northernmost post of the North-West Company from east to west till it strikes the coast, and thence may descend to whatever latitude may be necessary for taking in the island on which Sika stands.

It does not appear from your Excellency's despatch how far the line proposed by M. Poletica to be drawn at latitude 55° was intended to run to the eastward. If to the Rocky Mountains it, obviously, would be wholly inadmissible by us, inasmuch as the communication of the North-West Company from Canada through those mountains with the whole of the north-west country is in a higher latitude than 55°.

Neither has Russia any claim whatever to any inland territory approaching that latitude. She has no occupancy inland. Mr. Pelly's Report denies that she has any even on the coast. And it is to the coast alone that discovery could, in the nature of things, give any title.

It is absolutely essential, therefore, to guard against any unfounded pretension, or any vague expectation of Russia to the eastward, and for this purpose it is necessary that whatever degree of latitude be assumed, a definite degree of longitude should also be assigned as a limit between the territorial rights of the two Powers.

If your Excellency can obtain the strait which separates the islands from the mainland as the boundary, the prolongation of the line drawn through that strait would strike the mainland near

Mount Elias—the lowest point of unquestioned Russian discovery. But if that were too much to insist upon, the 135th degree of longitude, as suggested by your Excellency, northward from the head of Lynn's Harbour, might suffice.

It would, however, in that case, be expedient to assign with respect to the mainland southward of that point, a limit, say, of 50 or 100 miles from the coast, beyond which the Russian posts should not be extended to the eastward. We must not on any account admit the Russian territory to extend at any point to the Rocky Mountains. By such an admission, we should establish a direct and complete interruption between our territory to the southward of that point, and that of which we are in possession to the eastward of longitude 135° along the course of the Mackenzie River.

As your Excellency had already made so much way in previous discussion, it is to be hoped that, on resuming the negotiation, very little time need be required to bring it to a conclusion. It is extremely important to conclude it as quickly as possible.

It being once decided not to negotiate jointly with the United States, we must take care to be out of the way while the discussions between Russia and the United States are going on: and the example of having come to agreement with us promptly and amicably on both points of litigation would, perhaps, be not less valuable to Russia in her subsequent discussions with the United States, than would have been the facility which we had in contemplation for Russia when we originally proposed that her disavowal of the maritime principle should be addressed simultaneously to us both.

At that time our claim to such disavowal and the claim of the United States were precisely alike; Russia had nothing to plead against either of us as a compensation for those claims. The principle put forth by the President of the United States has introduced a difference between the respective situations of the United States and Great Britain with respect to Russia which did not exist before. In the former state of things it might have been expedient, both for ourselves and for the United States, as well as less distasteful to Russia, to return an answer common to us both; but, as things stand now, Russia might naturally wish to qualify her answer to the United States with some reciprocal demand of explanation.

The only point of view in which the United States could now insist upon interfering with, or even taking cognizance of, the negotiation between us and Russia would be in order to see that the pretensions on the north-west coast of America derived to the United States from Spain, through the Treaty of 1819, were not prejudiced by our separate agreement.

That object cannot be more effectually provided for than by inserting into our Convention with Russia, as a protection for the claims of the United States, that part of the IIIrd article of the Convention concluded by us with the United States in 1818, which was inserted in that Convention for the protection of the claims of Spain herself in the rights which she had not then ceded. By that Article it is stipulated that the agreement between the two Contracting Parties "should not be taken to affect the claims of any other Power or State in any part of the said country." Such a clause Your Excellency will voluntarily propose to insert in the Convention which you are to conclude with Count Nesselrode; and you will apprize Mr. Middleton of your intention of proposing that insertion.

I am, &c.,

(Signed) GEORGE CANNING.

Enclosure 1 in No. 40.

(Hudson's Bay Company to Mr. G. Canning.)

HUDSON'S BAY HOUSE, LONDON, January 8, 1824.

SIR,—In reference to the conversation which I had the honour of having with you on Monday last, I beg to call your attention to my letter of the 25th September, 1822, on the subject of the trading stations of the Hudson's Bay Company in the countries on the north-west coast of America.

In addition to what is therein stated, I have to inform you that it appears, by the intelligence received this last season, that our traders are extending their posts still farther to the northward in the country to the west of the Rocky Mountains.

It may be proper for me also to mention, that the Hudson's Bay Company have a chain of trading posts on the McKenzie's river as far north as about 67° north latitude, and that Indians trade at those posts who come from the countries lying to the west of that River and to the north of 60° north latitude, and that our traders are extending their posts to the westward into that country.

The Russian station called "Sitka" is an island, and can give no claim by occupation to any part of the continent. But, even if they had stations on the sea coast of the continent, this could not be held to give to Russia a better claim to a southern boundary on a line of latitude eastward than our stations in 67° north latitude gives to Great Britain to one on a line of latitude westward.

From a want of accurate knowledge of the courses of the rivers or ranges of mountains, it is difficult to suggest any satisfactory boundary in the interior of the country in question, and (if consistent with your views) it might, perhaps, be sufficient at present to settle a boundary on the coast only and the country 50 or 100 miles inland, leaving the rest of the country to the north of that point and to the west of the range of mountains which separate the waters which fall into the Pacific from those which flow to the east and north, open to the traders of both nations.

In this case, I would suggest the northern end of the inlet called Chatham Straits as the most southern point at which the coast boundary ought to be fixed. This is but a little (if at all) to the north of the most northern trading station in the country to the west of the Rocky Mountains.

The islands lying to the west of Chatham Straits may be given to Russia; but the Russians not to trade either on the coast or in the interior south of the boundary, and the British not to trade on the coast north of it.

If it is considered proper to fix at present the interior boundary, I would suggest a line drawn from the above-mentioned point at Chatham Straits due north, until it strikes the range of mountains which separate the waters (being the supposed continuation of the range called the Rocky Mountains), and thence to follow the ridge of these mountains to the Frozen Ocean.

This is the greatest concession which I think it would be advisable to make to Russia with regard to the interests of the British fur trade, and it would be desirable, as a means of preventing the risk of collision between the traders of the two nations, if Mount Elias on* the coast at 60° north latitude was taken as the boundary point, from whence the line of longitude should be drawn.

I have, &c.,

(Signed) J. H. PELLY.

MEMORIAL.

RELATING TO THE NORTH-WEST COAST OF AMERICA.

The principal settlements of the Russian Fur Company in the North Pacific Ocean are on the Aleutian or Fox Islands, the island of Kodiak being the great entrepôt or magazine of the peltries, which are collected in the neighbouring islands and from Cook's Inlet, Prince William Sound, where, however, it does not appear the Russians have establishments inland, but the furs are collected by a coasting trader in the "baidarkat" or canoes.

Mr. G. S. Langsdorff, who accompanied Captain Krusenstern in his voyages in the years 1803, 1804, 1805, 1806, and 1807, in giving an account of the fur trade, gives the following statement and history of the settlement of Lichta:

"The constant decrease in the number of sea otters upon the coast of Kamschatka induced the Russians to extend their possessions eastward, first to the islands between the coasts of Asia and America and finally to the north-west coast of America.

Norfolk Sound appearing to present a favourable spot for an establishment, it was considered expedient to take possession of it. A fortress with proper warehouses and dwelling houses were built.

* * * After a time, the natives rose upon the Russians and killed almost the whole party.

In the year 1804 the director, M. de Rosanoff, again took possession of it with a large force, building a fortress and giving it the name of Kerr Archangel.

If present occupation gives to a government the right of possession, the occupancy of Norfolk Sound could not give to Russia a claim to the coast bordering on the islands or the interior mainland, and it does not appear that Russia has any ports or settlements on the north-west coast of America which would give to Russia any right of claim to the country by present occupancy, except at a settlement called Bodega, which is on the coast of New Albion, in latitude 38° 30'.

The country of New Albion is covered with oak-ash pine timber of large dimensions, fit for ship-building, and on the coast of California a very fine description of hemp is found. The land is capable of the highest state of cultivation, producing excellent wheat, potatoes, hemp, and all kinds of vegetables.

The Russians build vessels of large burden at their settlement, and under the pretext of encouraging the fur trade, have encroached so far south; and in the year 1805 they sent a M. de Resankoff to negotiate with the Spanish Government for permission to form an establishment in New California, which negotiation, however, failed.

The Russian Government have, however, never lost sight of this place, and it is supposed are endeavouring to purchase the Californias from Spain; the possession of which would not only enable the Russian Government to form a naval arsenal in the Pacific, and, under the pretext of encouraging the fur trade, to form a hardy race of seamen and bold adventurers, but would give to that Government the power of interfering with the liberties of South America.

Russia can have no claim to the country of New Albion by the right of first discovery. This right is claimed by Great Britain and Spain, but from various authorities it belongs, beyond a doubt, to Great Britain, which it would be of great importance to establish, should Spain have ceded this country to Russia.

In the year 1574, Abraham Ortelius, the geographer of the King of Spain, acknowledged that the north-west coast of America was quite unknown, and a few years after this declaration Queen Elizabeth sent Sir Francis Drake on an expedition round Cape Horn, which he named Queen Elizabeth's Foreland, and he sailed as high as 48°, if not higher, landing at different places, and taking possession of the country, which he called New Albion, and which has been so named ever since.

It would thus appear the Russians have no claim to the coast, or to the mainland on the north-west coast of America, except to the land about Bodega, either by present occupancy or from first discovery, the land, which Icherikoff made in 1741, being the coast of Norfolk Sound and Island, and divided from the mainland by a broad channel, and as it does not appear that Russia has anywhere establishments or posts on the north-west coast of America lower than Prince William's Sound, except Bodega which could give her the claim to present occupancy.

Great Britain has, however, establishments of posts up to 37°, trading with Indians to the northward, and a post on the Mackenzie River as high as 67°, which are increasing by expeditions of discovery, and it may fairly and with great reason be hoped that Captain Franklin in his expedition will discover and take possession, if no treaty to the contrary is made, of all the coast and country to the westward of Mackenzie River as far as Icy Cape.

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* Qy. or.

No. 40.

(Hudson's Bay Company to Mr. G. Canning.)

Mr. Polly presents his compliments to Mr. Secretary Canning, and, as in the conversation he had with Mr. Canning he seemed to consider Mr. Faden's map as the most authentic (an opinion which in so important a question as that of settling a national boundary, it may, perhaps, be dangerous hastily to admit), Mr. Polly has had the posts of the Hudson's Bay Company, in that part of the territory under consideration, marked on it; he has likewise had coloured the proposed line from Lynn Canal, the northern extremity of Chatham Strait, as well as the less objectionable one from Mount Elias.

The map is sent herewith, and likewise a copy of G. H. von Langsdorff's account of his voyage on the north-west coast of America, in the 4th chapter of which is a full description of Sitcha.

Mr. Secretary Canning will observe that Sitcha in this map is properly placed in Norfolk Sound on the island, called by us "King Geo. III Archipelago," and by the Russians "New Archangel." From occupation the Russians may be considered entitled to this Island, and probably to those of the north-west; but as the Russians have no settlement on any of the islands to the eastward, it is confidently expected by the Hudson's Bay Company that Chatham Strait will form the eastern boundary.

Hudson's Bay House, London, January 16, 1824.

No. 44.

(Sir C. Bagot to Mr. G. Canning.—Received April 13.)

(No. 23.)

ST. PETERSBURG, March 1/13, 1824.

SIR.—It is with a feeling of considerable disappointment that, after a constant negotiation for more than six weeks, after having gone to the utmost limit of your instructions—and after having taken upon myself to go even far beyond them—I should nevertheless have to acquaint you that I have entirely failed in inducing the Russian government to accede to what I consider to be a fair and reasonable adjustment of our respective pretensions on the north-west coasts of North America, or to the adoption of any line of territorial demarcation which appears to me to be reconcilable under the spirit of your instructions, with our legitimate interest in that quarter of the world.

In order that I may put you in complete possession of the whole course of my negotiation upon this subject, and may explain the precise grounds upon which I have felt myself compelled to suspend, for the present, all further proceedings in this business, it will, I fear, be necessary, that I should enter into a detail of some length, and that I should load this despatch with several papers which are now become of importance.

It was on the 16th of last month that I had my first conference upon this question with the Russian Plenipotentiaries, Count Nesselrode and M. Poletica. I opened this conference by explaining to the Plenipotentiaries the reason for which His Majesty had judged it advisable to treat separately upon this matter, rather than, as it had been originally intended, in concert with the government of the United States. I then laid before them Count Lieven's note to you of the 31st January, 1823, proposing that the question of strict right should be provisionally waived on both sides, and that the adjustment of our mutual pretensions should be made upon the sole principle of the respective convenience of both countries.

This basis of negotiation being willingly accepted by all parties, I stated that, so far as I understood the wishes and interests of Russia, her principal object must be to secure to herself her fisheries upon the islands and shores of the north-west coasts of North America, and the posts which she might have already established upon them; that, on the other hand, our chief objects were to secure the posts upon the continent belonging to the Hudson's Bay Company, the embouchures of such rivers as might afford an outlet for our fur trade in the Pacific and the two banks of the Mackenzie River; that, in the belief that such were our respective objects, I would propose as our boundary a line drawn through Chatham Straits to the head of Lynn Canal, thence north-west to the 140th degree of longitude west of Greenwich, and thence along that degree of longitude to the Polar Sea.

This proposal was made by me verbally, and was taken for consideration by the Russian Plenipotentiaries, who, at our next meeting offered a *contre-projet*, which I afterwards requested might be reduced to writing, and of which I inclose a copy. (Inclosure.)

In offering this *contre-projet*, Count Nesselrode seemed to intimate that, however disposed the Emperor might be to retract pretensions advanced by himself which might be thought to conflict with the interests of other Powers, it would be asking too much of the Imperial dignity to require that pretensions advanced twenty-five years ago by the Emperor Paul, and which had been hitherto undisputed, should be now renounced. I thought it my duty, upon an intimation of this kind being made, to declare at once that all considerations of such a nature were incompatible with the stipulated basis of our negotiations, and that if the question of national dignity was to be touched, I, too, should have much to say upon that head, and should probably find it quite impossible to make those concessions which, upon the simple ground of mutual convenience, I might perhaps without difficulty do. This explicit declaration had its desired effect, and the Russian Plenipotentiaries engaged not to introduce again arguments of this kind into our discussions.

As the *contre-projet* offered to me appeared to be, generally speaking, entirely inadmissible, I drew up such a modification of my original proposal as would, I thought, meet the only reasonable objection made to it (an objection made in conversation by the Russian Plenipotentiaries), viz., the inconvenience which Russia might experience by vessels of the United States claiming a right under their Convention with Great Britain, to visit the waters lying between King George's Archipelago and the islands and continent to the eastward of it, and which might, in this manner, seriously annoy the subjects of His Imperial Majesty in their pursuits and occupations upon those shores.

This modification of my first proposal will be found in the inclosed paper (Inclosure 2), which I delivered to the Russian Plenipotentiaries at our next Conference.

You will observe that in making the proposal so modified, I, in fact, exceeded, in some degree, the strict letter of your instructions by assigning to Russia the islands lying between Admiralty Island to the north, and Duke of York and Prince of Wales Islands to the south, but I entertained sanguine expectations that such a proposal, coupled with the concession of a line of coast extending 10 marine leagues into the interior of the continent, would have been considered as amply sufficient for all the legitimate objects which Russia might have in view, and quite as much as she could pretend to with any shadow of real claim or justice.

So far, however, from this being the case, my amended proposal was met at our next Conference by observations which I again requested might be reduced to writing, and which will be found in inclosed paper (Inclosure 3).

As, in this paper, parts of the main continent to which Russia cannot by possibility have ever acquired any claim, and of which Great Britain is at this moment actually in partial occupation, are offered to His Majesty in the light of concessions, it became necessary for me to reject any such offers as a boon in the most explicit terms, and you will find that I have not failed to do so in the inclosed paper (Inclosure 4) with which I replied to the paper in question.

As, however, I felt strongly the importance of adjusting this business, if possible, at the present moment, and as I felt also that, although the Russian Plenipotentiaries had, in consequence of my former remarks, agreed to waive altogether all question of national dignity in discussing it, His Imperial Majesty might yet possibly feel an invincible repugnance to retract from the pretensions advanced by the Emperor Paul in the Charter given to the Russian-American Company in 1799 (however unacknowledged by other Powers such pretension might have been), I thought that I should not act in opposition to the spirit at least of my instructions if, in deference to such a sentiment on the part of the Emperor, and with a view to finish the business quickly, I ventured to make yet one other proposition which, while it saved this point of dignity to Russia by giving to her the 55th degree of latitude as her boundary upon the islands, might preserve also uninterrupted our access to the Pacific Ocean, and secure to His Majesty the 56th degree of north latitude as the British boundary upon the coast.

The proposition by which I had hoped to effect these objects will also be found in the paper (Inclosure 4), in delivering which I gave it clearly to be understood that it contained my ultimate proposition.

It was not till the day before yesterday, that is, nearly ten days after I had given in this paper, that I was invited to another Conference, when I was informed that the Imperial Government had, after anxious consideration, taken their final decision and that they must continue to insist upon the demarcation as described by them in the first paper (Inclosure 1).

Finding this to be the case, I repeated that I had already gone far beyond the utmost limit of my instructions, and that I was sorry to say that I must now consider our negotiations as necessarily suspended, so far at least as the question of territorial demarcation was concerned.

Count Nesselrode then inquired whether I should object to transmit to my Court the final decision of himself and M. Poletica as it is declared in the inclosed paper (Inclosure 5), and whether I did not think that His Majesty's Government, seeing how slight our disagreement was, might not be disposed to furnish me with such further instructions as would enable me to meet the views of the Russian Government, informing me, at the same time, that it was intended to acquaint Count Lieven by the courier, who is to be dispatched to-night to London, with the course which the negotiation had taken, and to instruct him to hold some conversation with you upon the subject.

I told Count Nesselrode that I should of course feel it to be my duty to transmit this and all other papers connected with the negotiation to you without loss of time, but that I could not by any means take upon myself to say what might be the opinion of His Majesty's Government as to the pretensions so tenaciously adhered to by the Imperial Government, further than by saying that certainly they were such as had never been contemplated by my Court in the instructions with which I had been as yet furnished, and that if a territorial arrangement perfectly satisfactory to both parties could not now be made, it might possibly be thought by my Government that our respective pretensions might still remain without any serious inconvenience in the state in which they had before stood, and that it would only be necessary for the present to confine their attention to the adjustment of the more urgent point of the maritime pretension—a point which would not admit of equal postponement.

In reply to this observation Count Nesselrode stated, to my extreme surprise, that if the territorial arrangement was not completed, he did not see the necessity of making any agreement respecting the maritime question; and I found myself most unexpectedly under the necessity of again explaining very distinctly, both to him and to M. Poletica, that the maritime pretension of Russia was one which, violating as it did the first and most established principles of all public maritime law, admitted neither of explanation nor modification, and that my Government considered themselves possessed of a clear engagement on the part of Russia to retract in some way or other a pretension which could neither be justified nor enforced.

Here the matter rested; but I ought to state that, notwithstanding this unexpected observation of Count Nesselrode, I do not at all believe that, had we been able to agree upon our southern line of demarcation, we should have found any real difficulty either as regards the retraction of the maritime pretension, or as regards our western boundary or any of the other minor details which we should have been called upon to adjust; but the observation was made, and considering what has already passed upon this subject both here, in London and in America, considering also the delicacy with which His Majesty had left it to the Russian Government themselves to frame the terms in which their retraction of this preposterous pretension should be made, His Majesty's Government may perhaps think it advisable that Count Lieven should be again given clearly to understand that it is a point to which no slight importance is attached by His Majesty, and that the pretension as it now stands will admit of no remedy but that of public, formal, and precise retraction in some shape or another.

Such has been the course of my late negotiation upon this question, and such the grounds upon which I have thought it my duty to suspend it for the present.

I know full well the inconvenience of breaking off such a negotiation in such a stage and upon a point which, judging only by the map, might perhaps appear of so little real importance to His Majesty's present interests, but when I consider by how much I have already exceeded my instructions, how more than doubtful is the real right of this Government to any part of the territory in most immediate dispute, and how much more exorbitant are their pretensions upon the north-west continent of America than I had before had reason to suspect, I certainly could not venture to take upon myself the heavy responsibility of making any further concessions of a territory the value and possible local advantages of which I had no means of estimating and which I believe are as yet so imperfectly known.

It is somewhat remarkable that whilst the Russian pretension of maritime jurisdiction stands unrecalled among the Ukases of the Imperial Government, a note such as that of which I herewith inclose a copy should have been addressed to me in the midst of our negotiations asking protection for a Russian ship to navigate in safety those very seas and visit those very shores which the Court of Russia has by such high-handed Decrees declared to be a part of her exclusive dominions, and a part, too, which the other Powers of the world are forbidden to approach.

I have not yet answered this note, but if I am pressed to do so before I can receive the instructions of His Majesty's Government in respect to it, I shall certainly grant the certificate required as was done in a former and similar instance by Lord Cathcart.

I have, &c.,

(Signed) CHARLES BAGOT.

Inclosure 1 in No. 44.

(*Counter-Draft by Russian Plenipotentiaries.*)

Les propositions faites par les Plénipotentiaires de Russie à Sir Charles Bagot, et que son Excellence a été priée de prendre en mûre considération, tendoient à faire admettre le 55e degré de latitude septentrionale comme ligne de démarcation entre les possessions respectives sur la côte nordouest de l'Amérique.

Cette même limite a déjà été assignée aux possessions Russes par la Charte que feu l'Empereur Paul 1er accorde à la Compagnie Américaine.

Comme le parallèle du 55e degré coupe l'Ile du Prince de Galles dans son extrémité méridionale, laissant en dehors deux pointes de terre, les Plénipotentiaires de Russie ont proposé que ces deux pointes fussent comprises dans les limites Russes, voulant éviter par là une division de territoire également incommode aux deux parties intéressées.

Pour compléter la ligne de démarcation et la rendre aussi distincte que possible, les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte.

De ce point, la limite remonteroit le long de ces montagnes parallèlement aux sinuosités de la côte, jusqu'à la longitude du 139e degré (méridien de Londres), degré dont la ligne de prolongation vers le nord formeroit la limite ultérieure entre les possessions Russes et Angloises au nord, comme à l'est.

Le motif principal qui force la Russie à insister sur la souveraineté de la lisière indiquée plus haut sur la terre ferme depuis le Portland Canal jusqu'au point d'intersection du 63e avec le 139e de longitude, c'est que, privée de ce territoire, la Compagnie Russe-Américaine n'auroit aucun moyen de soutenir les Etablissemens qui seroient dès lors sans point d'appui, et qui ne pourroient avoir aucune solidité.

En revanche la Russie se feroit un devoir d'ouvrir aux sujets de Sa Majesté Britannique la libre navigation de tous les fleuves qui aboutissent à l'Océan dans cette même lisière.

Pour donner une dernière preuve de son empressement à aller au devant des vœux du Gouvernement Anglois, elle ouvriroit aussi au commerce des sujets de Sa Majesté Britannique et à leurs vaisseaux, le port de Novo-Archangelsk, dans le cas où les propositions ci-dessus seroient acceptées.

Inclosure 2 in No. 44.

(*Amended Proposal by Sir C. Bagot.*)

Comme il a été convenu de prendre pour base de négociation les convenances mutuelles des deux pays, il est à remarquer, en réponse à la proposition faite par les Plénipotentiaires Russes, qu'une ligne de démarcation tracée de l'extrémité méridionale de l'Ile du Prince de Galles jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme, de là jusqu'aux montagnes qui bordent la côte, et de là le long de ces montagnes jusqu'à la longitude du 139e degré, etc., céderoit à Sa Majesté Britannique la souveraineté de toutes ces anses et de ces petites baies qui se trouvent entre les latitudes 56e et 54° 45′ dont plusieurs (à ce qu'il y a tout lieu à croire) communiquent directement aux Etablissemens de la Compagnie de Hudson's Bay, et seroient par conséquent d'une importance essentielle pour son commerce, tandis que de l'autre côte la Compagnie Russe-Américaine ne possède aucun établissement sur la terre ferme entre les deux parallèles susmentionnées, ni même sur l'Ile du Prince de Galles, ni sur les îles qui sont situées entre celle-ci et la terre ferme.

En acceptant la proposition faite par Sir Charles Bagot dans sa première conférence avec les Plénipotentiaires Russes, il n'y auroit (à ce qu'il paroît) qu'un seul inconvénient pour la Russie celui qui pourroit résulter du droit que réclameroient peut-être les États-Unis, en vertu de leur Convention avec la Grande-Bretagne de l'année 1818, de naviguer librement dans tous les parages

entre l'Ile du Roi George et la terre ferme, et de gêner ainsi de quelque sorte le commerce des sujets de Sa Majesté Impériale dans ces eaux.

Pour obvier à cet inconvénient et pour assurer à la Russie l'entière souveraineté de ces parages, ainsi que toutes les îles et les côtes où il y effectivement des Etablissemens Russes, la Grande-Bretagne proposeroit de prendre pour ligne de démarcation entre les territoires des deux Puissances une ligne tracée de l'ouest vers l'est, par le milieu du canal qui sépare les Iles du Prince de Galles et du Duc d'York de toutes les îles situées au nord des dites îles jusqu'à ce qu'elle touche la terre ferme.

De là se prolongeant dans la même direction sur la terre ferme jusqu'à un point distant de la côte de 10 lieues marines, la ligne remonteroit de ce point vers le nord et le nord ouest, parallèlement aux sinuosités de la côte, et toujours à la distance de 10 lieues marines du rivage, jusqu'au 140° degré de longitude (de Greenwich) dont elle suivroit alors du prolongement jusqu'à la Mer Polaire.

Inclosure 3 in No. 44.

(Observations of Russian Plenipotentiaries on Sir C. Bagot's amended Proposal.)

Le motif qui a fait propose: l'adoption du principe des convenances mutuelles, et le premier avantage de ce principe, c'est d'empêcher que les Etablissemens respectifs sur la côte nord-ouest ne puissent se nuire les uns aux autres et entrer en collision.

Les Etablissemens Anglois de la Compagnie de la Baie de Hudson et du Nord-Ouest tendent à se porter vers l'ouest par les 53e et 54e degrés de latitude septentrionale.

Les Etablissemens Russes de la Compagnie Américaine tendent à descendre au sud vers le 55e parallèle, et au-delà, car il est à remarquer que si la Compagnie Américaine n'a point encore formé d'Etablissemens fixe sur la ligne mathématique du 55e degré, il n'en est pas moins vrai qu'en vertu de son privilège de 1799, contre lequel aucune Puissance n'a jamais réclamé, elle exploite la chasse et la pêche dans ces parages, et que régulièrement elle occupe les îles et les côtes avoisinantes dans la saison qui lui permet d'y envoyer ses chasseurs et ses pêcheurs.

Il étoit donc de la convenance mutuelle des deux Empires d'assigner de justes limites à des progrès réciproques qui ne pouvaient qu'occasionner avec le temps les plus fâcheuses complications.

Il étoit aussi de leur convenance mutuelle de déterminer ces limites d'après les séparations naturelles qui forment toujours les frontières les plus distinctes et les plus certaines.

C'est par ces raisons que les Plénipotentiaires de Russie ont proposé pour limites sur la côte du continent au sud, le Portland Canal, dont l'origine dans les terres est par le 56e degré de latitude nord, et, à l'est, la chaîne de montagnes, qui suit à une très petite distance les sinuosités de la côte.

D'après les Cartes les plus récentes et les meilleures publiées en Angleterre, les Etablissemens de la Compagnie de la Baie de Hudson ne se rapprochent des côtes que par le 53e et le 54e degré, et l'on ne sauroit prouver que sur aucun point ils arrivent jusqu'au grand Océan.

Cependant, d'après le principe des convenances mutuelles, le projet d'arrangement des Plénipotentiaires de Russie, laisse ouverts à l'extension successive des Colonies Anglaises :—

1. Toute la partie de la côte située entre l'embouchure du Portland Canal et le 51e degré de latitude nord, envisagée comme des possessions Russes dans l'Oukase du 4 Septembre, 1821.

2. Tout le territoire situé entre les Etablissemens Anglois au 54e parallèle et l'origine du Portland Channel, qui est au 56e parallele.

3. Tout le territoire situé derrière la chaîne de montagnes dont il a été question ci-dessus, jusqu'au point d'intersection du 139e degré de longitude, méridien de Greenwich.

Les Plénipotentiaires de Sa Majesté Impériale, prévoyant même le cas où, sur la lisière de la côte qui appartiendroit à la Russie, il se trouveroit des fleuves au moyen desquels les Etablissemens Anglois pourroient communiquer avec l'Océan, se sont empressés d'offrir, par une stipulation éventuelle, la libre navigation de ces fleuves.

Ils ont, en outre, annoncé à Son Excellence Sir Charles Bagot que le port de Novo-Archangelsk sera ouvert au commerce des sujets de Sa Majesté le Roi de la Grande-Bretagne.

D'autre part, les Plénipotentiaires de Russie ont l'honneur de lui observer itérativement, que sans une lisière sur la côte du continent à partir du Portland Channel, les Etablissements Russes des îles du voisinage n'auroient aucun point d'appui; qu'ils seroient à la merci de ceux que des étrangers formeroient sur la terre ferme, et que tout arrangement semblable, loin d'être fondé sur le principe des convenances mutuelles, ne présenteroit que des dangers à l'une des Parties et des avantages exclusifs à l'autre.

On ne parlera point ici des deux pointes de l'Ile du Prince de Galles, qui sont situées au-dessous de la ligne du 55e degré de latitude nord. Ces deux pointes ne pourroient être d'aucune utilité à la Grande-Bretagne, et si les neuf-dixièmes de l'Ile du Prince de Galles appartiennent à la Russie, il est évidemment d'un intérêt réciproque que l'île appartienne tout entière.

Ce court exposé suffit pour justifier le projet que les Plénipotentiaires de Sa Majesté Impériale ont remis à Sir Charles Bagot, et sur la teneur duquel ils ne peuvent qu'insister.

Ils espèrent, au reste, que les intentions qui ont dicté ce projet seront appréciées tant par l'Ambassadeur de Sa Majesté Britannique que par son Gouvernement.

Enclosure 4 in No. 44.

(Reply by Sir C. Bagot to Observations of Russian Plenipotentiaries.

La découverte ou la simple occupation de quelques îles situées sur la côte d'un continent ne peut donner aucun droit à la souveraineté de la terre ferme voisine, principe qui n'est pas moins fondé sur l'opinion reconnue des juristes les plus célèbres, que sur l'usage universellement observé entre les nations.

C'après ce principe, Sir Charles Bagot a constamment soutenu dans les Conférences qu'il a eu l'honneur d'avoir avec les Plénipotentiaires de Russie, que Sa Majesté Britannique ne sauroit admettre que les droits de la Russie sur la côte nord-ouest du Continent d'Amérique puissent s'étendre vers le midi sur ce continent au-delà du point où la Russie actuellement formé des Etablissemens.

Il n'a jamais été affirmé par les Plénipotentiaires de Sa Majesté Impériale que la Russie possède des Établissements quelconques sur la terre ferme au sud du 60e ou 59e degré de latitude nord, mais ils ont déclaré que, privée d'une lisière sur la terre ferme, la Compagnie Russie-Américaine n'auroit aucun moyen de soutenir ses Établissemens sur les îles, qui seroient dès lors sans point d'appui et ne pourroient avoir aucune solidité.

Tout argument fondé sur la considération de la convenance pratique de la Russie ne pouvoit être que de plus grand poids, et le Plénipotentiaire de Sa Majesté Britannique n'hésita pas d'abandonner, en conséquence de cette observation des Plénipotentiaires de Russie, la ligne de démarcation qu'il avoit d'abord proposée, savoir, celle qui devoit passer par le milieu de Chatham Straits jusqu'à l'extrémité septentrionale de Lynn Canal et de là à Mont Elias, ou à l'intersection du 140e degré de longitude, et d'en proposer une autre qui assureroit à la Russie non seulement une lisière sur le continent, vis-à-vis de l'Établissement le plus méridional qu'elle possède sur les îles, mais qui lui assureroit aussi la possession de toutes les îles et les eaux qui l'avoisinent, ou qui se trouvent placées entre cet Établissement et la terre ferme, la possession enfin de tout ce qui pourroit devenir, par le suite, de quelque utilité, ou pour sa solidité ou pour sa prospérité.

Mais le Plénipotentiaire de Sa Majesté Britannique ne peut pas admettre que la Russie accorderoit ou assureroit à Sa Majesté Britannique un nouvel avantage par sa renonciation à la partie de la côte située entre l'embouchure du Portland Canal et le degré de latitude envisagé comme limite des possessions Russes dans l'Oukase de 1821, ni même par sa renonciation à toute partie du continent au midi des Établissemens qui y ont été déjà formés: car, quand même Sa Majesté Britannique eût jamais reconnu ce degré de latitude comme formant la ligne de démarcation en autant qu'il regarde les îles, elle ne pourroit, d'après le principe énoncé plus haut, l'avoir reconnu comme limite sur le continent voisin, sur lequel la Compagnie de la Baie de Hudson avoit déjà établi plusieurs de ses postes les plus importants.

Cette Compagnie a en effet des Établissemens même près de la côte, au nord du 55e degré; Sa Majesté Britannique ne pourroit donc sans sacrifier les intérêts de la Compagnie renoncer à ses droits à la souveraineté de la côte, et des îles qui en dépendent immédiatement, jusqu'à la hauteur de 56° 30′ de latitude nord, quel que soit le degré de latitude que l'on pourra définitivement convenir de prendre pour limite entre les deux Puissances, en autant qu'il concerne les îles situées plus à l'ouest.

L'origine du Portland Canal peut être, comme il y a lieu de croire, l'embouchure de quelque fleuve qui coule par le milieu du pays occupé par la Compagnie de la Baie de Hudson, et il est par conséquent d'une importance majeure à la Grande-Bretagne d'en posséder la souveraineté des deux rives.

Ce fut dans l'espoir de pouvoir concilier ces objets indispensables avec ceux du Gouvernement Impérial, et déterminer sans plus de délai une question, qu'il paraissoit être également de l'intérêt des deux parties d'arranger définitivement au moment actuel, que le Plénipotentiaire de Sa Majesté Britannique eût l'honneur de proposer dans sa dernière Conférence avec les Plénipotentiaires de Russie, une ligne de démarcation, qui tout en conservant à la Russie pour limite méridionale sur les îles le degré de latitude désigné par l'Oukase de 1799, assigneroit en même tems à la Grande-Bretagne pour limite sur la côte de la terre ferme la latitude de 56° 30′ nord.

Il semble qu'une ligne tracée de l'extrémité méridionale du détroit nommé "Duke of Clarence's Sound" par le milieu de ce détroit, jusqu'au milieu du détroit qui sépare les Isles du Prince de Galles et du Duc d'York de toutes les îles situées au nord des dites îles, de là, vers l'est par le milieu du même détroit jusqu'à la terre ferme, et se prolongeant ensuite dans la direction, et de la manière déjà proposées par le Plénipotentiaire de Sa Majesté Britannique jusqu'à Mont Elias, ou à l'intersection du 140e degré de longitude, formeroit une ligne de démarcation qui concilieroit les convenances mutuelles des deux Parties, et qui assureroit peut-être d'une manière satisfaisante les intérêts réciproques tant actuels que futurs des deux Empires dans cette partie du globe.

Inclosure 5 in No. 44.

(Final Decision of Russian Plenipotentiaries.)

Les Plénipotentiaires de Russie ont porté à la connoissance de l'Empereur, leur Maître, les dernières propositions que leur ont été faites par Sir Charles Bagot, relativement à la ligne de démarcation qui sépareroit les possessions Russes des possessions Angloises sur la côte nord-ouest du Continent de l'Amérique.

Attentivement examinées par Sa Majesté Impériale, ces propositions ne lui ont point paru de nature à pouvoir être acceptées.

L'Empereur charge ses Plénipotentiaries de déclarer itérativement à M. l'Ambassadeur d'Angleterre:

Que la possession de l'Île du Prince de Galles, sans une portion de territoire sur la côte située vis-à-vis de cette île, ne pourroit être d'aucune utilité à la Russie.

Que tout Établissement formé sur la dite île, ou sur celles qui l'environnent, se trouverait en quelque sorte tourné par les Établissemens Anglois de la terre ferme, et complettement à la merci de ces derniers.

Qu'en conséquence un arrangement semblable ne serait nullement conforme au principe des convenances mutuelles.

Qu'au reste, d'après le témoignage des Cartes les plus récentes publiées en Angleterre, il n'existe aucun Établissement Anglais ni sur la côte même du continent ni au nord du 54e de latitude septentrionale.

Qu'ainsi, quand les limites fixées aux possessions Russes par la Charte de 1799, n'auraient point eu leur faveur depuis vingt-cinq ans le consentement tacite de toutes les Puissances, encore la Russie exerceroit-elle sur cette partie de la côte précisément les mêmes droits que la Grande-Bretagne, d'où il résulte que la question devrait toujours être résolue, non d'après les intérêts exclusifs d'un des deux Empires, mais de manière à concilier leurs intérêts réciproques.

Qu'enfin, quant à la navigation des fleuves, la Russie croyait avoir offert à la Grande-Bretagne tous les avantages et toutes concessions que celle-ci peut désirer.

Et que dans cet état de choses les Plénipotentiaires de Sa Majesté Impériale avoient ordre d'insister sur leurs propositions antérieures, propositions dont ils ont amplement développé les motifs à son Excellence M. le Chevalier Bagot.

L'Empereur espère que ces motifs seront appréciés par le Gouvernement de Sa Majesté Britannique, et que M. l'Ambassadeur d'Angleterre les fera valoir avec ce désir de rapprocher les opinions respectives qu'il a manifesté dans tout le cours de cette négociation.

Sa Majesté Impériale est au regret de ne pas la voir terminée dès à présent; mais elle se flatte que les résolutions définitives du Cabinet de Londres empêcheront sans doute ces pourparlers de demeurer stériles.

SAINT-PETERSBOURG, le $\frac{17}{29}$ Mars, 1824.

Enclosure 6 in No. 44.

MEMORANDUM.

La Compagnie Russe-Américaine a été munie à différentes époques de la part des Missions étrangères accréditées près la Cour Impériale de Russie de certificats destinés à assurer appui et protection aux navires que la dite société dirige vers les contrées soumises à la domination des Puissances amies.

Sachant apprécier tous les avantages d'une assistance aussi efficace, la Compagnie vient de s'adresser au Ministère Impérial dans le but d'obtenir par son intervention une lettre de protection d'usage pour le vaisseau "*Hélène*," commandé par le Lieutenant de la Marine Tchistiakoff.

Ce bâtiment, dont la destination est de porter des provisions aux Colonies de la Compagnie, s'occupera en même tems de recherches scientifiques dans les parages vers lesquels il dirige sa course.

En conséquence, le Soussigné a l'honneur de prier Son Excellence M. le Chevalier de Bagot, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, de vouloir bien lui transmettre, à l'usage du Lieutenant Tchistiakoff, un certificat lequel, en spécifiant le but de l'expédition, réclamerait en faveur du commandant et de l'équipage un accueil hospitalier, et s'ils se trouvaient dans le cas d'y avoir recours, une assistance efficace de la part des autorités Britanniques.

Le Soussigné se plairait à reconnaître dans un accueil favorable à la demande qu'il vient d'exprimer au nom de la Compagnie Russe-Américaine une nouvelle preuve des relations amicales qui existent entre les deux Cours, et il saisit, etc.

(Signé) NESSELRODE.

ST. PÉTERSBOURG, le 12 Mars 1824.

(Count Nesselrode to Count Lieven.)

SAINT-PÉTERSBOURG, le 17 avril 1824.

M. LE COMTE,—Par mes dépêches du 17 de ce mois, j'ai fait connoître à votre Excellence les résultats peu satisfesans de nos négociations avec Sir Charles Bagot, relatives aux frontières qui doivent séparer les possessions Russes des possessions Angloises par la côte nord-ouest de l'Amérique.

Aujourd'hui, M. le Comte, je vous développerai les motifs qui ne nous ont pas permis d'accepter les propositions de l'Ambassadeur d'Angleterre.

Pour ne pas entrer sans nécessité dans de trop longs détails, je me bornerai à discuter ici le point de la question sur lequel nous n'avons pû tomber d'accord.

L'Oukase du $\frac{4}{16}$ Septembre 1821, avoit porté jusqu'au 51° de latitude septentrionale les limites des domaines de la Russie sur la côte nord-ouest du Continent Américain. Cependant l'Empereur s'étant convaincu que presqu'à la même époque la Compagnie Angloise de la Baie d'Hudson avoit formé des Etablissemens par les 53° et 54° de latitude septentrionale, et que ces Etablissemens n'étoient même plus très éloignés de la côte, nous autorisa à donner, dès l'ouverture des négociations, une preuve de ses intentions conciliantes, en déclarant à Sir Charles Bagot que nous nous tiendrions aux limites assignées à nos possessions Américaines par la Charte de l'Empereur Paul, qu'en conséquence la ligne du 55° degré de latitude septentrionale, constitueroit au midi la frontière des Etats de Sa Majesté Impériale, que sur le continent et vers l'est, cette frontière pourroit courir le long des montagnes qui suivent les sinuosités de la côte jusqu'au Mont-Elie, et que de ce point jusqu'à la Mer Glaciale nous fixerions les bornes des possessions respectives d'après la ligne du 140° degré de longitude ouest méridien de Greenwich.

Afin de ne pas couper l'Ile du Prince de Galles, qui selon cet arrangement devoit rester à la Russie, nous proposions de porter la frontière méridionale de nos domaines au 54° 40′ de latitude et de la faire aboutir sur le Continent au Portland Canal, dont l'embouchure dans l'Océan est à la hauteur de l'Ile du Prince de Galles et l'origine dans les terres entre le 55° et 56° de latitude.

Cette proposition ne nous assuroit qu'une étroite lisière sur la côte même, et elle laissoit aux Etablissemens Anglois tout l'espace nécessaire pour se multiplier et s'étendre.

Vous verrez, M. le Comte, par les pièces ci-jointes, qu'en outre nous annonçions l'ouverture du port de Novo-Archangelsk et que nous promettions la libre navigation des fleuves qui se trouveroient sur notre territoire.

Après quelques discussions, les dernières contre-propositions de Sir Charles Bagot furent de comprendre toute l'Ile du Prince de Galles dans les possessions de la Russie, mais de stipuler que notre frontière suivroit de cette île la passe dite *Duke of Clarence's Sound*, et qu'elle n'aboutiroit à la côte qu'au-dessus du 56° de latitude septentrionale.

Cette différence, si on la considère sur la Carte, paroît insignifiante au premier coup d'œil ; elle est néanmoins si essentielle pour nous, qu'il nous est absolument impossible d'adhérer au plan de démarcation tracé par le Plénipotentiaire de Sa Majesté Britannique.

Nous lui avons exposé, dans notre réponse à sa seconde note verbale et dans notre réplique du 18 Mars, des considérations, que nous ne pouvons perdre de vue et qui nous semblent décisives. L'Empereur vous charge, M. le Comte, d'inviter le Cabinet de St. James à les peser avec la plus mûre attention, et Sa Majesté se flatte qu'à la suite d'un examen impartial il s'empressera lui même d reconnoître combien nos raisons sont graves et légitimes.

En premier lieu, aucun État n'a réclamé contre la Charte de l'Empereur Paul, et ce silence universel peut et doit être envisagé comme une reconnoissance de nos droits.

On nous objecte que nous n'avons pas formé d'Établissemens établis sur la côte nord-ouest au-dessous du 57° de latitude. Cela est vrais, mais dans la saison de la chasse et de la pêche la côte et les eaux avoisinantes sont exploitées par notre Compagnie Américaine bien au-delà du 55° et du 54° parallèle. Ce genre d'occupation est le seul dont ces parages soient susceptibles, ou du moins le seul qui soit nécessaire lorsqu'un peu plus au nord on a fondé et organisé des Colonies. Nous sommes donc pleinement en droit d'insister sur la continuation d'un bénéfice que notre commerce s'est assuré dès l'année 1799, tandis que les Compagnies Angloises de la Baie d'Hudson et du Nord-Ouest ont à peine atteint depuis trois ans le voisinage de ces latitudes, tandis qu'elles d'occupent encore aucun point qui touche à l'Océan, et qu'il est notoire que c'est pour l'avenir seulement qu'elles cherchent à s'y ménager les profits de la chasse et de la pêche. Ainsi nous voulons *conserver*, et les Compagnies Angloises veulent *acquérir*. Cette seule circonstance suffit pour justifier nos propositions. Elle ne sont pas moins conformes au principe des convenances mutuelles, qui devoit servir de base à la négociation.

Si l'Ile du Prince de Galles nous demeure, il faut qu'elle puisse nous être de quelque utilité. Or, d'après le plan de l'Ambassadeur d'Angleterre, elle ne seroit pour nous qu'une charge et presque un inconvénient. Cette île, en effet, et les Établissemens que nous y formerions, se trouveroient entièrement isolés, privés de tout soutien, envelloppés par les domaines de la Grande-Bretagne et à la merci des Établissemens Anglois de la côte. Nous nous épuiserions en frais de garde et de surveillance dont aucune compensation n'allégeroit le fardeau. Un arrangement pareil reposeroit-il sur le principe des convenances mutuelles ?

Nous invoquons toutefois ce principe avec d'autant plus de justice que l'Angleterre elle même a prouvé par un acte authentique qu'elle regardoit comme douteux ses droits sur le territoire dont elle demande l'abandon. La Convention passée le 20 Octobre, 1818, entre la Cour de Londres et les États-Unis, déclare propriété commune des deux Puissances pour dix ans toute l'étendue de pays comprise entre les *Rocky Mountains*, l'Océan Pacifique, et les possessions Russes. Les titres des États-Unis à la souveraineté de ce pays sont donc aussi valables que ceux de l'Angleterre. Cependant le Cabinet de Washington a reconnu que nos limites devoient descendre jusqu'au 54° 40'. Il l'a reconnu par une transaction formelle que nous venons de parapher avec son Plénipotentiaire, et cette reconnoissance n'a point pour conséquence unique de fortifier nos argumens, elle nous procure d'autres résultats auxquels nous attachions avec raison, le plus haut intérêt.

Tranquilles de ce côté, nous n'avons maintenant aucune crainte à nourrir, et le Cabinet de Londres conviendra sans doute qu'un tel état de choses augmente le prix des sacrifices que nous lui offrons. Déjà il existe une différence de près de quatre degrés entre la démarcation de l'Oukase du 4 Septembre 1821, et celle que nous indiquons aujourd'hui. Les Établissemens des Compagnies Angloises peuvent occuper cet intervalle. A l'est ils peuvent unir les deux côtes de l'Amérique ; au midi rien n'empêche qu'ils n'acquièrent une extension considérable. Pour nous, nous bornons nos demandes à celle d'une simple lisière du continent, et afin de lever toute objection, nous garantissons la libre navigation des fleuves, nous annonçons l'ouverture du port de Novo-Archangelsk.

La Russie ne sauroit pousser plus loin ses concessions. Elle n'en fera pas d'autres, et elle est autorisée à en attendre de la part de l'Angleterre ; mais encore une fois, elle ne réclame que des concessions négatives. On ne peut effectivement assez le répéter, d'après le témoignage des Cartes les plus récentes, l'Angleterre ne possède aucun Établissement, ni à la hauteur du Portland Canal, ni au bord même de l'Océan, et la Russie, quand elle insiste sur la conservation d'un médiocre espace de terre ferme, n'insiste au fond que sur le moyen de faire valoir, nous dirons plus, de ne pas perdre les îles environnantes. C'est la position dont nous parlions toute à l'heure ; nous ne rechercherons aucun avantage, nous voulons éviter de graves inconvéniens.

En résumé, M. le Comte, si l'on consulte le droit dans cette négociation, la Russie a celui qu'assurent, d'une part, un consentement tacite, mais incontestable, de l'autre, une exploitation paisible depuis vingt-cinq ans et qui peut être considérée comme équivalente à une occupation continue.

Si l'on invoque le principe des convenances mutuelles, la Russie laisse au développement progressif des Établissemens Anglois, une vaste étendue de côte et de territoire ; elle leur assure de libre débouchés ; elle pourvoit aux intérêts de leur commerce, et pour compenser tant d'offres dictées par le plus sincère esprit de conciliation, elle se réserve uniquement un point d'appui, sans lequel il lui seroit impossible de garder une moitié de ses domaines.

De telles vues n'ont besoin que d'être présentées dans leurs vrai jour pour qu'un Gouvernement comme celui de la Grande-Bretagne sache les apprécier. Douter de son adhésion dans cette circonstance, ce seroit douter de sa justice ; et il vous sera facile, l'Empereur se plaît à le croire, d'obtenir le consentement définitif de l'Angleterre à une transaction qui rempliroit nos vœux et nos espérances, en prévenant toute discussion ultérieure.

Recèves, etc.,

(Signé) NESSELRODE.

No. 45.

(Hudson's Bay Company to Mr. G. Canning.—Received, April .)

HUDSON'S BAY HOUSE, LONDON, April 19, 1824.

SIR,—I have this morning laid before the Committee of the Hudson's Bay Company Sir Charles Bagot's despatch and papers connected with it, which you did me the honour to intrust to me on Saturday morning, and I am to state that if His Majesty's Government consider it advisable in other respects to accede to the last proposition made by the Russian Government for the arrangement of a line of demarcation between the possessions of Russia and Great Britain on the coast of North America, they see no reason to object to it, as it will affect their particular interests, and more especially as it appears to secure to them a free access to the sea for the purposes of their trade on the whole coast to the eastward of the 139th degree of longitude.

They beg me, however, to suggest the expediency of some more definite demarcation on the coast than the supposed chain of mountains contiguous to it, and they conceive there can be no difficulty in arranging this point from the expression in the proposition of the Russian negotiators: "La chaîne des montagnes, qui sont à une très petite distance des sinuosités de la côte."

Neither party have any very accurate geographical information with respect to the country in the immediate neighbourhood of the sea, and if the intentions of the Russian Government are fairly to be inferred from the words used in their proposal, the most satisfactory manner of settling this point probably would be by inserting in any article providing for the boundary on the mainland the nearest chain of mountains, not exceeding a few leagues of the coast.

I am desired by the committee further to beg, if these negotiations should be brought to a satisfactory issue, that you would have the goodness to state to the Russian Government their great desire to promote a good understanding and a reciprocity of good offices between the subjects of both nations trading in those remote and inhospitable countries.

I have, etc.,

(Signed) J. H. PELLY.

No. 46.

(Mr. George Canning to Sir C. Bagot.)

(No. 18.)

FOREIGN OFFICE, April 24, 1824.

SIR,—Your despatches to No. 23 inclusive received here on the 14th instant by the messenger Draffen (after an unusually expeditious journey), have been laid before the King.

The courier whom Your Excellency mentioned as being despatched to Count Lieven at the same time with Draffen has not yet arrived—at least, so I learn from Count Lieven, who denies having yet received the instructions which he is promised.

I take advantage of the departure of Sir Alexander Malet, whom His Majesty has been pleased to allow to be attached to Your Excellency's Embassy (Mr. Bloomfield, whose assistance I had so long ago promised, not being yet able to leave England), to acknowledge the receipt of your late despatches, but I must refer Your Excellency for any detailed observations upon them to what I shall write to you by a messenger, whom I intend to dispatch so soon as I shall have conferred with Count Lieven on the contents of his promised instructions.

I will not, however, defer till that opportunity the informing Your Excellency that your conduct in suspending the negotiation with respect to the north-west coast of America, when you found that the modifications, which you judiciously took upon yourself to make in your instructions, were not met by corresponding concessions on the part of the Russian Government, has received His Majesty's gracious approbation.

I have referred the whole question of this negotiation anew to the Governors of the Hudson's Bay Company, whose Report I expect shortly to receive.

I have some reason to think that that Report will recommend the policy of closing with the Russian proposals rather than leaving the points in dispute unsettled for an indefinite time. It will then remain to consider, after I shall have learned the tenour of the instructions sent to Count Lieven, whether it may be most expedient for the King's service to carry on the ulterior discussions with the Russian Ambassador here, or to authorise Your Excellency to resume and conclude the negotiation.

I am, &c.,

(Signed) GEORGE CANNING.

No. 47.

(Mr. G. Canning to Count Lieven).

FOREIGN OFFICE, 29th May, 1824.

[*Extract.*]

After mature consideration of the two despatches from Count Nesselrode to Your Excellency on the 5th ultimo, copies of which Your Excellency had the goodness to put into my hands, I have the satisfaction to acquaint Your Excellency that I shall be enabled shortly to send to His Majesty's Ambassador at St. Petersburg such instructions on the subject matter of both as shall meet, in a great degree, the wishes of your Court.

1. As to the line of demarcation to be drawn between Russian and British occupation on the north-west coast of America; Sir Charles Bagot's discretion will be so far enlarged as to enable him to admit, with certain qualifications, the term last proposed by the Russian Government.

The qualifications will consist chiefly in a more definite description of the limit to which the strip of land required by Russia on the continent is to be restricted; in the selection of a somewhat more western degree of longitude as the boundary to the northward of Mount Elias; in precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas, straits, and waters which the limits assigned to Russia may comprehend.

It can hardly be expected that we should not also put in our claim for the like privileges of trade as are, or may be, stipulated with Russia by any other nation; and we take for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean, which were put forward in the Ukase of September, 1821, are to be altogether withdrawn.

No. 49.

(*Mr. G. Canning to Sir C. Bagot.*)

(No. 22.)

FOREIGN OFFICE, May 29, 1824.

SIR,—I transmit to Your Excellency a copy of a letter which I have addressed to Count Lieven upon the subject-matter of two despatches from Count Nesselrode to Count Lieven, which that Ambassador communicated to me, and copies of which I also enclose.

Your Excellency will learn from my letter to Count Lieven that you may expect definite instructions very shortly, both for the conclusion of the negotiation relating to the north-west coast of America, and to the proposed Conference on the pacification of Greece.

I hope to despatch a messenger to Your Excellency with these instructions in the course of the next week.

Meantime the enclosed paper will put Your Excellency generally in possession of the sentiments of His Majesty's Government upon these several subjects. But Your Excellency will not take any step upon them until you shall have received my promised instructions.

I am, &c.,

(Signed) GEORGE CANNING.

No. 50.

(*Mr. G. Canning to Sir C. Bagot.*)

(No. 26.)

FOREIGN OFFICE, July 12, 1824.

SIR,—After full consideration of the motives which are alleged by the Russian Government for adhering to their last propositions respecting the line of demarcation to be drawn between British and Russian occupancy on the north-west coast of America; and of the comparative inconvenience of admitting some relaxation in the terms of Your Excellency's last instructions, or of having the question between the two Governments unsettled for an indefinite time, His Majesty's Government have resolved to authorise Your Excellency to consent to include the south points of Prince of Wales' Island within the Russian frontiers, and to take as the line of demarcation a line drawn from the southernmost point of Prince of Wales' Island from south to north through Portland Channel, till it strikes the mainland in latitude 56; thence following the sinuosities of the coast, along the base of the mountains nearest the sea to Mount Elias, and thence along the 139th degree of longitude to the Polar Sea.

I inclose the draft of a projet of Convention founded upon these principles, which Your Excellency is authorized to sign previously to your quitting St. Petersburg.

The advantages conceded to Russia by the line of demarcation traced out in this Covention are so obvious, as to render it quite impossible that any objection can reasonably be offered on the part of the Russian Government to any of the stipulations in our favour.

There are two points which are left to be settled by your Excellency:—

In fixing the course of the eastern boundary of the strip of land to be occupied by Russia on the coast, the seaward base of the mountains is assumed as that limit; but we have experience that other mountains on the other side of the American Continent, which have been assumed in former Treaties as lines of boundary are incorrectly laid down in the Maps; and this inaccuracy has given rise to very troublesome discussions. It is therefore necessary that some other security should be taken that the line of demarcation to be drawn parallel with the coast, as far as Mount Elias, is not carried too far inland.

This is done by a proviso that that line should in no case (*i.e.*, not in that of the mountains which appear by the Map almost to border the coast, turning out to be far removed from it) be carried further to the east than a specified number of leagues from the sea. The utmost extent which His Majesty's Government would be disposed to concede would be a distance of 10 leagues; but it would be desirable if Your Excellency were enabled to obtain a still more narrow limitation.

2. Article 5 of the "Projet" is copied from Article IV. of the Convention between Russia and the United States of America. By the American Article the right of visiting respectively and resorting to each other's possessions is limited to ten years. This limitation is left in blank in the "Projet."

We should have no objection to agree to the Article without any limitation of time. We should prefer a longer period (say twenty years) to that stipulated by the Americans. Your Excellency will obtain either of these extensions if you can, but you must not agree to a shorter term than ten years.

Your Excellency will be careful to make it understood that this limitation of time cannot in any

case extend to the use by Great Britain of the harbour of New Archangel, still less of the rivers, creeks, &c., on the continent, the use of all which is in the nature of a compensation for the perpetual right of territory granted to Russia, and, therefore, must be alike perpetual. If your Excellency shall, as I cannot doubt, conclude and sign this Convention before your departure, you will make it a point to bring with you the ratification of the Russian Government to be exchanged by Count Lieven against that of His Majesty.

I have, &c.,

(Signed) GEORGE CANNING.

Enclosure in No. 50.

Draft Convention.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer the ties of friendship and good understanding which unite them by means of an Agreement which shall settle, upon the basis of reciprocal convenience, the different points connected with the commerce, navigation and fisheries of their subjects on the Pacific Ocean, as well as the limits of their possessions and establishments on the north-west coast of America; their said Majesties have named their Plenipotentiaries to conclude a Convention for this purpose, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c., &c., &c.;

And His Majesty the Emperor of all the Russians, &c., &c., &c.;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, et Sa Majesté l'Empereur de Toutes les Russies, désirant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui règleroit, sur le principe d'une convenance réciproque, différens points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions et établissemens sur la côte nord-ouest de l'Amérique; leurs dites Majestés ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir.

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, etc., etc., etc.;

Et Sa Majesté l'Empereur de Toutes les Russies, etc., etc., etc.;

Lesquels, après s'être réciproquement communiqués leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

Article I.

It is agreed between the High Contracting Parties that their respective subjects shall enjoy the right of free navigation along the whole extent of the Pacific Ocean, comprehending the sea within Behring Straits, and shall neither be troubled nor molested in carrying on their trade and fisheries, in all parts of the said ocean, either to the northward or southward thereof.

It being well understood that the said right of fishery shall not be exercised by the subjects of either of the two Powers, nearer than 2 marine leagues from the respective possessions of the other.

Article I.

Il est convenu entre les Hautes Parties Contractantes que leurs sujets respectifs navigueront librement dans toute l'étendue de l'Océan Pacifique, y compris la Mer au dedans du Détroit dit de Behring, et ne seront point troublés ni molestés en exerçant leur commerce et leurs pêcheries, dans toutes les parties du dit océan, tant au nord qu'au sud.

Bien entendu, que la dite liberté de pêcherie ne sera exercée par les sujets de l'une des deux Puissances qu'à la distance de 2 lieues maritimes des possessions respectives de l'autre.

Article II.

The line which separates the possessions of the two High Contracting Parties upon the continent and the Islands of America to the north-west, shall be drawn in the manner following:—

Commencing from the two points of the Island called "Prince of Wales' Island," which form the southern extremity thereof, which points lie in the parallel of 54° 40', and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly along the Channel called Portland Channel, till it strikes the coast of the continent lying in the 56th degree of north latitude. From this point it shall be carried along that coast, in a direction parallel to its windings and at or within the seaward base of the mountains by which it is bounded, as far as the 139th degree of longitude west of the said meridian. Thence the said meridian line of 139th degree of west longitude in its

Article II.

La ligne séparative entre les possessions des deux Hautes Parties Contractantes sur le continent et les Isles de l'Amérique du nord ouest, sera tracée de la manière suivante:—

En commençant des deux points de l'isle dite du Prince de Galles qui en forment l'extrémité méridionale, lesquels points sont situés sous le parallèle de 54° 40', et entre le 131° et le 133° degré de longitude ouest (méridien de Greenwich), la ligne de la frontière, entre les possessions Britanniques et Russes, remontera, au nord, par la passe dite le Portland Channel jusqu'à ce qu'elle touche à la côte de la terre ferme située au 56 degré de latitude nord. De ce point elle suivra cette côte, parallélement à ses sinuosités, et sous ou dans la base vers la mer des montagnes qui la bordent, jusqu'au 139e degré de longitude ouest du dit méridien. Et de là, susdite ligne méridionale du 139e degré de longitude ouest, en sa prolongation jusqu'à la Mer Glaciale, formera la limite des

extension as far as the Frozen Ocean, shall form the boundary of the British and Russian possessions on the said Continent of America to the north-west.

ARTICLE III.

It is, nevertheless, understood, with regard to the stipulations of the preceding Article :—

1. That the said line of coast on the Continent of America, which forms the boundary of the Russian possessions, shall not, in any case, extend more than marine leagues in breadth from the sea towards the interior, at whatever distance the aforesaid mountains may be.

2. That British subjects shall for ever freely navigate and trade along the said line of coast, and along the neighbouring islands.

3. That the navigation and commerce of those rivers of the continent which cross this line of coast shall be open to British subjects, as well as to those inhabiting or visiting the interior of this continent, as to those coming from the Pacific Ocean, who shall touch at these latitudes.

ARTICLE IV.

The port of Sitka or Nove Archangelsk shall be, and shall for ever remain, open to the commerce of the subjects of His Britannic Majesty.

ARTICLE V.

With regard to the other parts of the north-west coast of America, and of the islands adjacent thereto, belonging to either of the two High Contracting Parties, it is agreed that, for the space of years from the April, 1824, their respective vessels, and those of their subjects, shall reciprocally enjoy the liberty of visiting, without hindrance, the gulfs, havens, and creeks of the said coast, in places not already occupied, for the purposes of fishery and of commerce with the natives of the country.

It being understood :—

1. That the subjects of either of the High Contracting Parties shall not land at any spot where there may be an establishment of the other, without the permission of the Governor or other authority of the place, unless they should be driven thither by stress of weather or other accidents.

2. That the said liberty of commerce shall not include the trade in spirituous liquors, in fire-arms, swords, bayonets, &c., gunpowder, or other warlike stores. The High Contracting Parties reciprocally engaging not to permit the abovementioned articles to be sold or transferred, in any manner whatever, to the natives of the country.

ARTICLE VI.

No establishment shall, in future, be formed by British subjects, either upon the coast or upon the borders of the continent comprised within the limits of the Russian possessions designated in Article II. ; and, in like manner, no such establishment shall be formed by Russian subjects beyond the said limits.

ARTICLE VII.

Such British and Russian vessels navigating these seas, as may be compelled by stress of weather, or by any other accident, to take shelter n the respective ports, shall be at liberty to refit

possessions Britanniques et Russes, sur le dit Continent de l'Amérique du nord-ouest.

ARTICLE III.

Il est convenu néanmoins, par rapport aux stipulations de l'Article précédent :—

1. Que la susdite lisière de côte sur le Continent de l'Amérique, formant la limite des possessions Russes, ne doit, en aucun cas, s'étendre en largeur depuis la mer vers l'intérieur, au delà de la distance de lieues maritimes, à quelque distance que seront les susdites montagnes.

2. Que les sujets Britanniques navigueront et commerceront librement à perpétuité sur la dite lisière de côte, et sur celle des isles qui l'avoisinent.

3. Que la navigation et la commerce des fleuves du continent traversant cette lisière, seront libres aux sujets Britanniques, tant à ceux habitant ou fréquentant l'intérieur de ce continent, qu'à ceux qui aborderont ces parages de côte de l'Océan Pacifique.

ARTICLE IV.

Le port de Sitka ou Nove Archangelsk sera et restera ouvert au commerce des sujets de Sa Majesté Britannique.

ARTICLE V.

Par rapport aux autres parties des côtes du continent de l'Amérique du nord-ouest, et des isles qui l'avoisinent, appartenantes à l'une et à l'autre des deux Hautes Parties Contractantes, il est convenu que pendant l'espace de dix ans à compter du Avril, 1824, leurs vaisseaux respectifs, et ceux de leurs sujets, pourront réciproquement fréquenter, sans entrave, les golphes, havres, et criques des dites côtes, dans des endroits non déja occupés, afin d'y faire la pêche et le commerce avec les naturels du pays.

Bien entendu :—

1. Que partout où il se trouvera un établissement de l'une des Hautes Parties Contractantes, les sujets de l'autre ne pourront y aborder, sans la permission du Commandant ou autre préposé de cet endroit, à moins qu'ils n'y seront forcés par tempêtes ou quelque autre accident.

2. Que la dite liberté de commerce ne comprendra point celui des liqueurs spiritueuses, ni des armes à feu, des armes blanches, de la poudre à canon, ou d'autres espèces de munitions de guerre. Tous lesquels articles les deux Puissances s'engagent réciproquement de ne point laisser vendre ni transférer, en manière quelconque, aux indigènes de ces pays.

ARTICLE VI.

Dorénavant il ne pourra être formé par les sujets Britanniques aucun établissement, ni sur les côtes ni sur la lisière du continent compris dans les limites des possessions Russes désignées par l'Article II. ; et de même, il n'en pourra pas être formé aucun par des sujets Russes hors des dites limites.

ARTICLE VII.

Les vaisseaux Britanniques et Russes navigant dans ces mers, qui seront forcés par des tempêtes, ou par quelque autre accident, à se réfugier dans les ports respectifs, pourront s'y radouber et s'y

therein, to provide themselves with all necessary stores, and to put to sea again, without the payment of any duties except port and lighthouse dues not exceeding those paid by national vessels. In case, however, the master of such ship should be obliged to dispose of some of his merchandise in order to defray his expenses, he shall conform himself to the regulations and tariffs of the place where he may have landed.

ARTICLE VIII.

In every case of complaint on account of an infraction of the articles of the present convention, the officers employed on either side, without previously engaging themselves in any violent or forcible measures, shall make an exact and circumstantial report of the matter to their respective courts, who will arrange the same, according to justice, in a friendly manner.

ARTICLE IX.

The present convention shall be ratified, and the ratifications shall be exchanged at within the space of months, 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 the day of , in the year of Our Lord 1824.

pourvoir de toutes choses nécessaires, et se remettre en mer librement, sans payer aucun droit hors ceux de port et des fanaux, qui n'excéderont pas ce que payent les navires indigènes. A moins que le patron d'un tel navire ne se trouveroit dans la nécessité de vendre quelque marchandise pour défrayer ses dépenses: au quel cas, il sera tenu de se conformer aux Ordonnances et Tarifs de l'endroit où il aura abordé.

ARTICLE VIII.

Dans tous les cas de plainte par rapport à l'infraction des Articles du présent accord, les officiers et employés de part et d'autre, sans se permettre au préalable aucune violence ni voye de fait, seront tenus de rendre un rapport exact de l'affaire et de ses circonstances, aux Cours respectives, lesquelles la termineront selon la justice et à l'amiable.

ARTICLE IX.

La présente Convention sera ratifiée, et les ratifications en seront échangées à dans l'espace de mois, ou plustôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à le l'an de Grâce 1824.

No. 51.

(*Mr. G. Canning to Sir C. Bagot.*)

(No. 29.)

FOREIGN OFFICE, 24th July, 1824.

SIR,—The "projet" of a Convention which is enclosed in my No 26 having been communicated by me to Count Lieven, with a request that His Excellency would note any points in it upon which he conceived any difficulty likely to arise, or any explanation to be necessary, I have received from His Excellency the Memorandum a copy of which is herewith enclosed.

Your Excellency will observe that there are but two points which have struck Count Lieven as susceptible of any question. The first, the assumption of the base of the mountains, instead of the summit as the line of boundary; the second, the extension of the right of the navigation of the Pacific to the sea beyond Behring's Straits.

As to the first, no great inconvenience can arise from Your Excellency (if pressed for that alteration) consenting to substitute the summit of the mountains instead of the seaward base, provided always that the stipulation as to the extreme distance from the coast to which the *lisière* is in any case to run, be adopted (which distance I have to repeat to Your Excellency should be made as short as possible), and provided a stipulation be added that no forts shall be established or fortifications erected by either party on the summit or in the passes of the mountains.

As to the second point, it is, perhaps, as Count Lieven remarks, new. But it is to be remarked, in return, that the circumstances under which this additional security is required will be new also.

By the territorial demarcation agreed to in this "Projet," Russia will become possessed, in acknowledged sovereignty, of both sides of Behring Straits.

The Power which could think of making the Pacific a *mare clausum* may not unnaturally be supposed capable of a disposition to apply the same character to a strait comprehended between two shores of which it becomes the undisputed owner; but the shutting up of Behring's Straits, or the power to shut them up hereafter, would be a thing not to be tolerated by England.

Nor could we submit to be excluded, either positively or constructively, from a sea in which the skill and science of our seamen has been and is still employed in enterprises interesting not to this country alone, but to the whole civilized world.

The protection given by the Convention to the American coasts of each power may (if it is thought necessary) be extended in terms to the coasts of the Russian Asiatic territory; but in some way or other, if not in the form now prescribed, the free navigation of Behring's Straits and of the seas beyond them must be secured to us.

These being the only questions suggested by Count Lieven, I trust I may anticipate with confidence the conclusion and signature of the Convention, nearly in conformity to the "Projet," and with little trouble to your Excellency. The long delay of the ship makes it peculiarly satisfactory to me to have reduced your Excellency's task in this matter within so small a compass.

I have, &c.,

(Signed) GEORGE CANNING.

No. 52.

(*Memorandum from Count Lieven on the North-West Coast Convention.*)

Le Projet de Convention rédigé par le Cabinet Anglais fait courir la limite des possessions Russes et Anglaises sur la côte nord-ouest d'Amérique au sud du Mont Elie: *le long de la base des montagnes qui suivent les sinuosités de cette côte.* Il est à observer qu'en thèse générale, lorsqu'une chaîne de montagnes sert à fixer une limite quelconque, c'est toujours la *crête* de ces montagnes qui forme la ligne de démarcation. Dans le cas dont il s'agit ici le mot de *base* par le sens indéfini qu'il présente, et le plus ou moins d'extension qu'on peut lui donner, ne paraît guère propre à mettre la délimitation à l'abri de toutes contestations ultérieures, car il ne serait point impossible, vû le peu de certitude des notions géographiques que l'on possède encore sur ces parages, que les montagnes désignées pour limite s'étendissent par une pente insensible jusqu'aux bords même de la côte.

Quant à la clause du même "Projet," ayant pour but d'assurer aux vaisseaux Anglais l'entrée libre dans la Mer Glaciale par le Détroit de Behring, il semble en premier lieu que cette condition, entièrement nouvelle, est par sa nature étrangère à l'objet spécial de la négociation; et les termes généraux dans lesquels elle est conçue feront peut-être hésiter le Gouvernement Impérial à l'admettre sans en modifier l'énoncé actuel pour ne point exposer les côtes de ses possessions Asiatiques dans la Mer Glaciale aux inconvéniens qui pourraient naître de la visite des bâtimens étrangers.

No. 53.

(*Mr. Addington to Mr. G. Canning.—Received September* 8.)

(No. 39.)

WASHINGTON, August 2, 1824.

SIR,—A Convention concluded between this Government and that of Russia for the settlement of the respective claims of the two nations to the intercourse with the north-western coast of America reached the Department of State a few days since.

The main points determined by this instrument are, as far as I can collect from the American Secretary of State, (1) the enjoyment of a free and unrestricted intercourse by each nation with all the settlements of the other on the north-west coast of America; and (2) a stipulation that no new settlements shall be formed by Russia south, or by the United States north of latitude 54° 40'.

The question of the *mare clausum*, the sovereignty over which was asserted by the Emperor of Russia in his celebrated Ukase of 1821, but virtually, if not expressly, renounced by a subsequent declaration of that sovereign, has, Mr. Adams assures me, not been touched upon in the above-mentioned treaty.

Mr. Adams seemed to consider any formal stipulation recording that renunciation as unnecessary and supererogatory.

I have, &c.,

(Signed) H. U. ADDINGTON.

No. 54.

(*Sir C. Bagot to Mr. G. Canning.—Received September* 9.)

(No. 41.)

ST. PETERSBURGH, August 12, 1824.

SIR,—You will certainly learn with considerable surprise that, so far from having it in my power, as I had confidently hoped that I should have, to bring with me, on my return to England, a treaty signed and ratified by the Russian Government upon the subject of the north-west coasts of America, I am already enabled to acquaint you that, after only two meetings with the Russian Plenipotentiaries, I have ascertained that it is totally impossible to conclude with them any arrangement upon the subject which is at all reconcilable with the "Projet" transmitted to me in your despatch No. 26 of the 12th of last month, even if I were to take upon myself to exercise, upon several points of it, a discretion which is not given to me by your instructions.

To satisfy His Majesty's Government upon this subject, it seems only necessary that I should transmit to you the inclosed copy of a "Contre-Projet" offered to me by the Imperial Plenipotentiaries on the day after our first meeting, viz., on Saturday last, the 21st instant.

The differences between this "Contre-Projet" and the "Projet" which I had given in are, in many respects, unimportant, consisting either in unnecessary changes in the expressions or in the order of the Articles, or in other minor points, none of which, as I have reason to think, would have been tenaciously adhered to, and of which some might have been safely admitted. But there are three points upon which the differences appear to be almost, if not altogether, irreconcilable.

These points are:

1. As to the opening *for ever* to the commerce of British subjects, of the port of Novo-Archangelsk.

2. As to the liberty to be granted to British subjects to navigate and trade *for ever* along the coast of the *lisière* which it is proposed to cede to Russia, from the Portland Channel to the 60th degree of north latitude, and the islands adjacent.

3. As to the liberty to be given reciprocally to each Power to visit, for a term of years, the other parts of the north-west coasts of America.

As to the first of these points, the Russian Plenipotentiaries declare that, however disposed they might, and probably should be, to renew this liberty to His Majesty's subjects at the expiration of ten years, they can, under no circumstances, consent to divest themselves for ever of a discretionary power in this respect, by granting such a privilege in perpetuity.

Upon this point I reminded the Plenipotentiaries that the freedom of the port of Novo-Archangelsk was originally offered to Great Britain by themselves, unsolicited and unsuggested by me, in the first "Contre-Projet" which they gave to me in our former conferences; that the same offer had been repeated by Count Nesselrode in his depatch to Count Lieven of the 5th April last, and that upon neither occasion had it been accompanied by any restriction as to any period of time. It is admitted to me that no period of time was specified upon those occasions but that it was never intended to declare that the freedom should be perpetual, and that they could never be induced to grant it upon such terms.

As to the second point:—The Russian Plenipotentiaries declare that they are ready to grant to His Majesty's subjects for ten years, but for no longer period, the liberty to navigate and trade along the coast of the *lisière* proposed to be ceded to Russia, from the Portland Canal to the 60th degree of north latitude, and the islands adjacent; and that they are ready to grant *for ever* the right of ingress and egress into and from whatever rivers may flow from the American continent and fall into the Pacific Ocean within the above-described *lisière*, but that they can, under no circumstances, and by no supposed correspondent advantages, be induced to grant to any Power the privilege to navigate and trade in perpetuity within a country the full sovereignty of which was to belong to Russia; and that such perpetual concession was repugnant to all national feeling, and was inconsistent with the very idea of sovereignty.

As regards the third point, the Russian Plenipotentiaries declared that the coasts of North America extending from the 60th degree of north latitude to Behring's Straits, the liberty to visit which, under certain conditions, is stipulated in the "Projet" by Great Britain, in return for a similar liberty to be given, under the same conditions, to Russian subjects to visit the North American coasts belonging to His Imperial Majesty are, and have always been, the absolute and undisputed territory of His Imperial Majesty, and that it is not the intention of His Imperial Majesty to grant to any Power whatever for any period of time the liberty which is required.

These are the three principal points upon which I was yesterday distinctly given to understand that the Russian Government would consider it their duty to insist, and, consequently that, unless my instructions should enable me to modify the "Projet" so far as regarded them, the negotiations must be considered as at an end.

It is, I believe, scarcely necessary that, after having stated this, I should trouble you with any further observations upon the subject.

The other differences which exist between the "Projet" and the "Contre-Projet," though numerous, are, as I have said before, of minor importance, and such as would, I think, have been easily adjusted. What they are will be best shown by the "Contre-Projet" enclosed.

I hope that His Majesty's Government will give me credit for not having too hastily supposed that the objections urged by the Russian Plenipotentiaries were insurmountable. I am, I think, too well acquainted with, and have too long negotiated upon, this subject to have deceived myself in this respect, and I am fully persuaded, from what has passed between Count Nesselrode, M. Poletica and myself since the arrival of your instructions, that the determination of the Russian Government is now taken rather to leave the question unsettled between the two Governments for any indefinite time, than to recede from their pretensions so far as they regard the three points which I have particularly specified.

In closing yesterday the Conference, which assured me that all further chance of negotiation was, for the present at least, terminated, I thought it my duty to remind the Russian Plenipotentiaries that the maritime jurisdiction assumed by Russia in the Pacific, which he had hoped to see revoked in the simplest and least unpleasant manner by mixing it with a general adjustment of other points, remained, by the breaking off of our negotiations, still unretracted; and, that my Government would probably be of opinion that, upon that part of the question some arrangement must yet be entered into.

It would be proper to add that, in reference to the 6th Article of the "Contre-Projet," I gave the Russian Plenipotentiaries distinctly to understand that neither His Majesty's Government nor those of the other Maritime Powers of the world would, as I thought, be likely to accept the free navigation of Behring's Straits as a concession on the part of Russia.

I have, &c.,

(Signed) CHARLES BAGOT.

Enclosure in No. 54.

(Counter-Draft of the Russian Plenipotentiaries.)

Sa Majesté l'Empereur de Toutes les Russies et Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande voulant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord que règlerait d'après le principe des convenances réciproques, les limites de leurs possessions et Établissemens sur la côte nord-ouest de l'Amérique, ainsi que différens points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir, &c., lesquels, après s'être communiqués, &c., ont arrêté et signé les Articles suivans:—

Article I.

La ligne de démarcation entre les possessions des deux Hautes Parties Contractantes sur la côte nord-ouest de l'Amérique et les îles adjacentes, sera tracée ainsi qu'il suit:—

A partir des deux points qui forment l'extrémité méridionale de l'île dite du Prince de Galles, laquelle appartiendra tout entière à la Russie, points situés sous la parallèle du 54° 40′ de latitude nord,

et entre les 131° et 133° de longitude ouest (méridian de Greenwich) la ligne de la frontière entre les possessions Russes et les possessions Britanniques remontera au nord par la passe, dite le Portland Channel, jusqu'au point où cette passe se termine dans l'intérieur de la terre ferme au 56e de latitude nord. De ce point, elle suivra cette côte parallèlement à ses sinuosités jusqu'au 139° de longitude ouest (même méridien) et de là, la frontière entre les possessions respectives sur le Continent Américain sera formée par la ligne du susdit degré de longitude dans sa prolongation jusqu'à la Mer Glaciale.

ARTICLE II.

La lisière de la côte nord-ouest appartenante à la Russie depuis le Portland Channel jusqu'au point d'intersection du 139° de longitude ouest (méridien de Greenwich) n'aura point en largeur sur le continent plus de 10 lieues marines à partir du bord de la mer.

ARTICLE III.

Il est convenu—

1. Que dans les possessions des deux Puissances, telles qu'elles sont désignées aux Articles précédens et nommément jusqu'à la hauteur du 59° 30′ de latitude nord, mais point au delà, leurs vaisseaux respectifs, et ceux de leurs sujets auront pendant dix ans à compter du 5 (17) Avril, 1824, la faculté réciproque de fréquenter librement les golphes, hâvres, criques, dans les parties des îles et des côtes, qui ne seraient point occupées par des Etablissemens, soit Russes, soit Britanniques, et d'y faire la pêche et le commerce avec les naturels du pays.

2. Que partout où il y aura un Etablissement de l'une des Hautes Puissances Contractantes, les sujets de l'autre ne pourront y aborder sans la permission du Commandant ou préposé du lieu, sauf les cas d'accidens ou de tempête.

3. Que la liberté de commerce ci-dessus mentionnée ne comprendra ni les liqueurs spiritueuses, ni les armes à feu et armes blanches, ni la poudre à canon et autres munitions de guerre: tous articles que les Hautes Puissances Contractantes s'engagent réciproquement à ne pas laisser vendre par leurs sujets respectifs aux naturels de la côte et des îles nord-ouest de l'Amérique.

4. Que sur la lisière de la dite côte indiquée en l'Article II de la présente Convention comme appartenante à la Russie les sujets de Sa Majesté Britannique jouiront à perpétuité de la libre navigation des fleuves, soit qu'ils habitent l'intérieur du continent, soit qu'ils veulent y arriver de l'Océan Pacifique au moyen de ces mêmes fleuves.

5. Que le port de Sitka ou Novo-Archangelsk sera ouvert, pendant dix ans, au commerce étranger et qu'à l'expiration de ce terme cette franchise sera renouvelée suivant les convenances de la Russie.

ARTICLE IV.

A l'avenir ne pourra être formé aucun Établissement par les sujets de Sa Majesté Britannique dans les limites des possessions Russes désignées aux Articles I et II et de même il n'en pourra être formé aucun par les sujets de Sa Majesté l'Empereur de Toutes les Russies hors des dites limites.

ARTICLE V.

Les Hautes Puissances Contractantes stipulent en outre que leurs sujets respectifs navigueront librement, sur toute l'étendue de l'Océan Pacifique, tant au nord qu'au sud, sans entrave quelconque, et qu'ils jouiront du droit de pêche en haute mer, mais que ce droit ne pourra jamais être exercé qu'à la distance de 2 lieues marines des côtes ou possessions, soit Russes, soit Britanniques.

ARTICLE VI.

Sa Majesté l'Empereur de Toutes les Russies, voulant même donner une preuve particulière de ses égards pour les intérêts des sujets de Sa Majesté Britannique et rendre plus utile le succès d'entreprises, qui auraient pour résultat de découvrir un passage au nord du Continent Américain, consent à ce que la liberté de navigation mentionnée en l'Article précédent s'étende sous les mêmes conditions, au Détroit de Behring et à la mer située au nord de ce détroit.

ARTICLE VII.

Les vaisseaux Russes et Britanniques naviguant sur l'Océan Pacifique et la mer ci dessus indiquée, qui seroient forcés par les tempêtes ou par quelque avarie, de se réfugier dans les ports respectifs des Hautes Parties Contractantes, pourront s'y radouber, s'y pourvoir de tous les objets qui leur seront nécessaires et se remettre en mer librement, sans payer d'autres droits que ceux de port et de fanaux, lesquels seront fixés pour eux du même montant que pour les navires nationaux.

En pareilles occasions les patrons des bâtimens, soit Russes soit Britanniques, seront tenus de se conformer aux lois, Ordonnances, et tarifs en vigueur dans le port, où ils auront abordé.

ARTICLE VIII.

Dans tous les cas de plainte sur l'infraction des Articles du présent accord, les officiers et fonctionnaires publics s'abstiendront de part et d'autre de toute violence ou voye de fait, et rendront un compte exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles termineront le différend à l'amiable, et selon les principes d'une mutuelle justice.

ARTICLE IX.

La présente Convention sera ratifiée et les ratifications en seront échangées dans l'espace de mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait à St. Pétersbourg, le , 1824.

Count Nesselrode to Count Lieven.

MONSIEUR LE COMTE, Penza, le 4 Septembre, 1824.

Par sa dépêche No. 96, votre Exce. m'avait transmis un office que lui avait adressé Monsieur Canning après avoir discuté avec Elle les questions de limites et de jurisdiction maritime qu'il s'agissait de résoudre entre la Russie et l'Angleterre, sur la côte Nord-Ouest de l'Amérique.

Dans cet office M. Canning appréciant les dernières propositions que nous avions faites à Sir Charles Bagot, vous annonçait, Monsieur le Comte, qu'elles seraient acceptées sauf quelques nuances et quelques causes additionnelles qui ne changéraient en rien le fond de notre projet d'arrangement.

Ces clauses devaient consister dans la définition plus précise de la lisière que nous posséderions sur le Continent Américain, dans la fixation d'un dégré de longitude plus occidental à partir du Mont St. Elie, et dans la libre navigation des fleuves, mers, détroits et anses que comprendraient les domaines de S.M.I.

Comme nous avions déjà déclaré antérieurement que l'oukase du 4 (16) Sepbre. 1821, ne s'exécuterait pas en ce qui concernait l'étendue de cent milles en mer dont il interdisait la navigation aux vaisseaux étrangers, que d'une autre part nous nous étions empressés nous mêmes d'offrir aux sujets de S. M. Britannique dans nos négociations avec Sir Charles Bagot, la liberté de descendre et de rémonter tous les fleuves qui traverseraient notre territoire sur la côte Nord-Ouest; il nous parût que les modifications désirées par M. Canning ne donneraient lieu à aucune difficulté, et nous nous flattions qu'aussitôt que l'Ambassadeur d'Angleterre recevrait des instructions définitives, nous pourrions conclure avec lui, une transaction également conforme aux droits et aux intérêts des deux Puissances.

Notre confiance nous semblait d'autant plus fondée que Sir Charles Bagot nous avait déclaré à plusieurs réprises, et que M. Canning répétait dans son office ci-dessus mentionné, que l'Angleterre bornerait à demander pour son commerce dans ses parages les privilèges que la Russie accorderait ou qu'elle aurait accordés à d'autres Nations.* Ce point devait donc suivant toute probabilité, être aussi facile à régler que les autres.

Cependant trois mois s'écoulèrent sans que les instructions du Plenipotentiaire de la Cour de Londres, lui fussent expédiées et lorsqu'elles arrivèrent enfin par l'intermédiaire de Mr. Ward quelques jours avant notre départ, nous trouvâmes à notre grand régret qu'elles consistaient en un projet de Convention, qui sous plusieurs rapports très essentiels, était bien loin de remplir notre attente.

Vous en avez pris, M. le Comte, une lecture rapide, mais que pour que vous puissiez mieux le juger, je vous en adresse une copie. J'ai consigné dans des notes marginales quelques remarques de détail et je me réserve de vous développer dans cette dépêche les observations les plus importantes, celles que regardent des clauses qu'il nous est complètement impossible d'admettre.

Elles sont au nombre de trois:—

1. La liberté pour les sujets Anglais de faire la chasse, la pêche et le commerce avec les naturels du pays à perpetuité sur toute cette partie de la côte qui forme le sujet de la discussion et qui s'étend du 59° de latitude Nord au 54° 40'.

2. La liberté pour les sujets Anglais de faire la chasse, la pêche et le commerce avec les naturels du pays pendant dix ans sur une autre partie de nos côtes et de nos îles depuis le 59° de latitude Nord jusqu'au détroit de Behring.

3. L'ouverture à perpetuité du port de Sitka ou Nova Archangelsk.

Ad 1m. Le projet de Convention du Cabinet de Londres ne s'exprime pas avec une précision parfaite sur cet article et ce sont nos explications varbales avec Sir Charles Bagot qui nous ont appris que l'Angleterre réclamait le droit de chasse, de pêche et de commerce à perpetuité dans cette portion des domaines de la Russie, mais ces explications ont été si positives qu'elles ne nous ont laissé aucun doute sur les désirs du Cabinet Britannique.

Pour savoir si nous n'avions pas lieu d'en être étonnés et s'il nous est possible d'y condescendre il suffit de rélire d'un côté le passage de l'office de Mons. Canning que j'ai cité plus haut, et de jeter les yeux de l'autre sur notre Convention avec les États Unis.

Le Principal Sécrétaire d'État de S. M. B. vous à déclaré officiellement et par écrit que l'Angleterre reclamerait de notre part des privilèges de commerce semblables à ceux que nous accorderions à d'autres Puissances. Or les États Unis sont la seule Puissance à laquelle nous en ayons jamais accordé et ceux que nous leur avons garantis par la Convention du 5 (17) Avril de l'année courante ne doivent durer que dix ans.

Nous satisferions donc aux demandes que l'Angleterre elle même nous à énoncées, en lui garantissant pour le même espace de tems, les mêmes privilèges. Comment pourrions nous d'ailleurs, consentir sous ce rapport, en faveur des sujets Britanniques, à des prérogatives que nous venons de refuser aux sujets Américains? Les sujets Britanniques, nous ne saurions trop le répéter, n'ont jamais poussé ni leurs établissemens ni leurs opérations de commerce jusqu'à la côte Nord-Ouest. Le témoignage des cartes les plus récentes publiées en Angleterre révèle et démontre ce fait. Si les compagnies de la baie d'Hudson et du Nord-Ouest approchent de la côte, ce n'est que depuis trois ans à peine, tandis que les sujets Américains ont constamment fréquenté ces parages et que ce sont leurs entreprises qui ont fait naître les discussions que nous travaillons à terminer. Nous serait-il possible après cela, quand même nos intérêts nous le permettraient, de leur donner pour dix ans ce que nous donnerions à perpétuité aux sujets Britanniques?

Nous avons bien voulu supposer que malgré une prise de possession formelle, une longue occupation des points principaux, une exploitation paisible des sources de révenu et de richesses qu'offrent les contrées dont il s'agit, les droits de souveraineté de la Russie jusqu'au 51° de latitude Nord pouvaient être la matière d'un doute. Nous les avons bornés en conséquence au 54° 40', et pour qu'il ne pût s'élever à cet égard aucune réclamation nouvelle, nous avons permis que sur toute l'étendue de côte où nos droits avaient été contestés une des Puissances avec laquelle nous étions en litige partageât pendant dix ans les bénefices de la chasse de la pêche et du commerce avec les indigènes. Nous

* "It can hardly be expected that we should not also put in our claim *for the* LIKE *privileges* of trade as are or may be stipulated by Russia with any other nation."—Office de M. Canning en date du 29 Mai 1824.

offrons les mêmes avantages à l'Angleterre, mais les accorder à perpétuéte ce serait n'obtenir la reconnaissance de nos titres de souveraineté que pour en abdiquer l'exercice, ce seroit consentir à ne posséder désormais que de nom ce que nous possédons de fait aujourd'hui.

Le Ministère Anglais sera frappé de ces considérations et nous osons croire que dès lors il reduira les demandes renfermées dans son projet de Convention touchant les privilèges de commerce, aux termes de ses déclarations antérieures.

Ad 2m. Outre la faculté de faire la chasse, la pêche, et le commerce à perpetuité sur la partie de la côte Nord-Ouest qui nous appartiendrait depuis le 54° 40', de latitude Nord jusqu'au 59°, le Cabinet de St. James selon le sens que Sir Charles Bagot attachait à ses propositions réclame la même faculté pour dix ans sur la côte et les iles qui s'étendent du 59° au détroit de Behring.

Ici nous citerons encore l'office que M. Canning vous a adressé, M. le Comte, en date du 29 Mai. Il y est dit que l'Angleterre demanderait le libre usage de tous les fleuves qui traverséraient la lisière de côte appartenant à la Russie et de toutes les mers, détroits, baies, &c., qui se trouvéraient dans ses domaines . . . . quelques lignes plus bas l'office du Principal Sécrétaire d'État ajoute qu'il regarde comme entendu et stipulé que la Russie rétire toutes les prétentions exclusives qu'elle avait mises en avant dans l'oukaze de 1821 relativement à la navigation et à la jurisdiction de l'Océan pacifique du Nord.(1)

Quand on compare ces deux demandes qui se suivent de si près et qui s'éxpliquent et se complètent pour ainsi dire l'une par l'autre, il est difficile d'y trouver autre chose que la libre navigation des eaux et des mers qui baigneraient les possessions de la Russie, or cette liberté nous nous sommes toujours montrés prêts à la garantir. Des ordres différens de la teneur de l'oukaze du 4 (16) Sept. 1821, ont été expédiés à nos croisières dès l'ouverture des pourparlers et nous engagerions volontiers par des stipulations formelles à laisser désormais les vaisseaux étrangers naviguer sans entraves sur toute l'étendue de l'océan pacifique septentrional en circonscrivant l'exercice de nos droits de jurisdiction maritime à la distance de deux lieues marines de nos établissemens et de nos côtes jusques et y compris le détroit de Behring, comme le propose le projet de Convention envoyé par le Cabinet de St. James, mais quant à la chasse, à la pêche, et au commerce avec les naturels du pays nous ne pouvons nous empêcher d'établir une distinction importante.

Les titres de Souveraineté de la Russie sur la côte Nord-Ouest lui ont été disputés à partir du 59° de latitude Nord. En conséquence depuis ce dégré jusqu'à la parallèle qui formerait notre limite méridionale, nous nous sommes empressés d'offrir des avantages particuliers aux Puissances avec lesquelles nous étions en discussion. Nous avons accordé pour dix ans aux Américains le droit de pêche, de chasse et de commerce avec les naturels du pays nous souscrirons la même concession en faveur des sujets de S. M. Bque., mais il doit être bien entendu que cette concession ne comprendra que l'espace renfermé entre le 59° et la limite méridionale de notre territoire, c.a.d. le 54° 40' : car au Nord du 59° les titres de souveraineté de S. M. I. n'ont jamais été mis en doute non seulement dans aucun écrit officiel, mais encore dans aucun des articles que les feuilles d'Angleterre et d'Amérique ont publié sur cette question.

Pour peu qu'on veuille péser une circonstance aussi décisive, pretendra t-on que nous plaçions sur la même ligne les domaines disputés et ceux qui ne le sont pas, que nous nous soumettions pour les uns et les autres aux mêmes sacrifices, que nous excitions les justes alarmes de notre companie Américaine et qu'en ouvrant la chasse et la pêche et le commerce avec les naturels du pays pour dix ans, nous exposions à une ruine totale des établissemens dont le nombre augmente de jour en jour dans des contrées qui nous appartiennent à tous les titres, qu'assurant une première découverte, une occupation immédiate et réelle qui compte près d'un siècle et une possession paisible contre laquelle aucune Puissance n'a jamais réclamé. Certes dans cette partie de ses domaines, la Russie a bien le droit de ne prendre pour guide de ses réglemens de commerce, que ses propres besoins et ses propres convenances. Elle a bien les droits d'y recueillir librement tous les profits de la chasse et de la pêche et sauf à respecter et à observer les principes généraux des lois qui prononcent sur les rapports réciproques des nations, elle est maîtresse d'y adopter toutes les mesures qu'elle juge utiles ou nécessaires.

C'est ainsi qu'elle ne saurait consentir à y admettre la concurrence des commerçans, chasseurs et pêcheurs étrangers, mais qu'en interdisant le commerce, la chasse et la pêche elle n'interdira nullement la navigation et qu'elle bornera l'exercice de sa jurisdiction maritime à deux lieues marines de ses côtes et de ses îles.

Ad 3m. La troisième clause à laquelle nous ne saurions consentir dans le projet de Convention Britannique, concerne l'ouverture à perpetuité de port de Sitka ou Nova Archangelsk.

C'est nous mêmes qui, dans nos négociations avec Sir Charles Bagot, avons annoncé que le port de Sitka serait ouvert aux vaisseaux et au commerce étrangers. Nous persistons dans nos intentions à cet égard, mais il nous est impossible de contracter un engagement indéfini, de nous lier les mains pour avenir sans bornes : nous pourrions garantir que le port de Sitka ne serait pas fermé de dix ans ; il est probable que nous y laisserions subsister les réglemens que nous y aurions introduits.

Aller plus loin serait de notre côté une acte d'imprévoyance. Des conjonctures inattendues pourraient nous forcer à revoquer ou à modifier ces privilèges. C'est une latitude que tout gouvernement doit se réserver en pareille occasion.

Nous ne voyons pour nous aucune obligation d'y renoncer et nous n'y renoncerions pas sans nous exposer à de graves inconvenients. Nous ne saurions donc dans cette circonstance signer de stipulation perpetuelle.

Tels sont, Monsieur le Comte, les trois points du projet de Convention Britannique que l'Empereur n'a pas trouvés admissibles. Toutes les autres propositions de la Cour de Londres ont été acceptées, et nous avons remis à Sir Charles Bagot le contre-projet ci-joint. Ses instructions étoient trop précises pour qu'il pût consentir à des modifications. La seule dont il nous ait parlé se

(1) N.B.—"In precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier; and of all seas, straits, and waters which the limits assigned to Russia may comprehend . . . . and we take it for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean which were put forward in the Ukase of September, 1821, are to be altogether withdrawn."
Office de M. Canning, en date du 29 Mai, 1824.

reduisoit à stipuler l'ouverture de port de Sitka pour vingt ans, terme qui est encore trop long. Il ne nous est donc resté que la voie des explications directes et nous nous plaisons à espérer qu'elles ne seront pas infructueuses.

Notre centre-projet reporte nos limites du 51° de lat. N. au 54° 40'. Il laisse aux établissemens que les compagnies Anglaises pourront former un jour sur la côte Nord-Ouest tout le territoire situé au midi du Portland Channel. Il supprime la désignation des montagnes pour limites de la lisière de terre ferme qui la Russie posséderait sur le Continent Américain et borne la largeur de cette lisière à dix lieues marines d'après le désir de l'Angleterre. D'après son désir encore il ouvre aux sujets Britanniques la navigation de tous les fleuves qui traverseraient cette lisière, enfin il leur assure des avantages égaux à ceux qu'ont obtenus les sujets des États-Unis, et il annulle de fait l'oukaze du 4 (16) Septembre 1821, en déclarant d'une part que nous n'exercerons de jurisdiction maritime qu'à deux lieues de nos côtes et de nos îles sur toute l'étendue de nos possessions, et en stipulant d'une autre, qu'aucune entrave ne sera mise à la libre navigation de l'Océan Pacifique ni même au libre passage du détroit de Behring. Dans une négotiation qui devoit avoir pour base le principe des convenances réciproques, nous croyons qu'il était difficile de respecter plus scrupuleusement toutes celles de l'Angleterre.

Votre Excellence aura soin de faire apprécier à Monsieur Canning nos vues et notre constante modération. Elle lui représentera avec lequel empressement nous avons admis toutes les demandes de la Grande Brétagne qu'il nous étoit possible d'admettre, combien nous avons lieu de nous attendre maintenant à une juste réciprocité, combien notre projet est conforme aux déclarations renfermées dans l'office du Principal Sécrétaire d'État de S. M. Britannique en date du 29 Mai, et combien il serait utile en adoptant ce contre-projet (car nous ne saurions pousser plus loin nos sacrifices) de terminer entre les deux Gouvernemens des discussions toujours fâcheuses et dont on étoufferoit jusqu'au dernier germe. Votre Excellence est autorisée à donner lecture et Copie de la présente dépêche à M. Canning, et dans vos entretiens avec ce Ministre vous pourrez, M. le Comte, ajouter, l'observation que par notre Traité avec les États-Unis en date du 5 (17) Avril, nous n'avons jamais entendu leur accorder le droit de chasse, de pêche et de commerce avec les indigènes pour dix ans, que dans celles de nos possessions qui nous avoient (été) contestées, ou en d'autres termes dans l'espace compris entre le 54° 40' et le 59° 30' de latitude septentrionale.

Recevez, &c.,

(Signé) NESSELRODE.

FIRST DRAFT CONVENTION WITH RUSSIA ENCLOSED IN MR. CANNING'S LETTER TO SIR C. BAGOT OF 12TH JULY, 1824, WITH ANNOTATIONS BY COUNT NESSELRODE, REFERRED TO IN NESSELRODE'S LETTER TO LIEVEN 4TH SEPTEMBER, 1824.

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, et Sa Majesté l'Empereur de Toutes les Russies, désirant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui règlerait, sur le principe d'une convenance réciproque, différens points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions et établissemens sur la côte nord-ouest de l'Amérique, leurs dites Majestés ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir :—

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, etc. ;

Et Sa Majesté l'Empereur de Toutes les Russies, etc. ;

Lesquels, après s'être réciproquement communiqués leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans :—

Article I.

Il est convenu entre les Hautes Parties Contractantes que leurs sujets respectifs navigueront librement, dans toute l'étendue de l'Océan Pacifique, y comprise la mer au dedans du détroit dit de Behring, et ne seront point troublés ni molestés :—

1. En exerçant leur commerce et leurs pêcheries dans toutes les parties du dit océan, tant au nord qu'au sud.

Bien entendu que la dite liberté de pêcherie ne sera exercée par les sujets de l'une des deux Puissances qu'à la distance de 2 lieues maritimes des possessions respectives de l'autre.

1. Dans l'Article correspondant, les Plénipotentiaires de Russie ont supprimé les mots "en exerçant leur commerce," parce qu'il leur a paru que cet Article se rapporterait principalement à la navigation en haute mer, et qu'en haute mer il n'y a pas de commerce possible.

D'ailleurs, tout ce qui concerne les relations commerciales se trouve réglé par d'autres Articles.

ARTICLE II.

2. La ligne séparative entre les possessions des deux Hautes Parties Contractantes sur le continent et les îles de l'Amérique du Nord-Ouest, sera tracée de la manière suivante :—

En commençant des deux points de l'île dite du Prince de Galles, qui en forment l'extrémité méridionale, lesquels points sont situés sous la parallèle de 54° 40' et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la ligne de la frontière entre les possessions Britanniques et Russes remontera au nord, par la passe dite Portland Channel, jusqu'à ce qu'elle touche à la côte de terre ferme située au 56° degré de latitude nord. De ce point elle suivra cette côte parallèlement à ses sinuosités, et sous ou dans la base vers la Mer des Montagnes, qui la bordent, jusqu'au 139e de longitude ouest du dit méridien. Et de là la susdite ligne méridionale du 139e de longitude ouest, en sa prolongation jusqu'à la Mer Glaciale, formera la limite des possessions Britanniques et Russes sur le dit Continent de l'Amérique du nord-ouest.

ARTICLE III.

Il est convenu néanmoins, par rapport aux stipulations de l'Article précédent :—

1. Que la susdite lisière de côte sur le Continent de l'Amérique formant la limite des possessions Russes, ne doit, en aucun cas, s'étendre en largeur depuis la mer vers l'intérieur, au delà de la distance de lieues maritimes (3) à quelque distance que seront les susdites montagnes.

2. Que les sujets Britanniques navigueront et commerceront librement à perpétuité (4) sur la dite lisière de côte, et sur celle des îles qui l'avoisinent.

3. Que la navigation et le commerce des fleuves du continent traversans cette lisière, seront libres aux sujets Britanniques, tant à ceux habitans ou fréquentans l'intérieur de ce continent, qu'à ceux qui aborderont ces parages du côte de l'Océan Pacifique.

ARTICLE IV.

(5) Le port de Sitka ou Novo-Archangelsk sera et restera à jamais ouvert au commerce des sujets de Sa Majesté Britannique.

ARTICLE V.

(6) Par rapport aux autres parties des côtes du Continent de l'Amérique du nord-ouest et des îles qui l'avoisinent, appartenantes à l'une et à l'autre des deux Hautes Parties Contractantes, il est convenu que pendant l'espace de dix ans à compter du Avril, 1824, leurs vaisseaux respectifs, et ceux de leurs sujets, pourront réciproquement fréquenter, sans entrave, les golphes, havres, et criques des dites côtes, dans des endroits non déjà occupés, afin d'y faire la pêche et le commerce avec les naturels du pays.

Bien enterdu :—

1. Que partout où il se trouvera un établissement de l'une des Hautes Parties Contractantes, les sujets de l'autre ne pourront y aborder, sans la permission du Commandant, ou autre préposé de cet endroit à moins qu'ils n'y seront forcés par tempêtes ou quelqu'autre accident.

2. Que la dite liberté de commerce ne comprendra point celui des liqueurs spiritueuses, ni des armes à feu, des armes blanches, de la poudre à canon, ou d'autres espèces de munitions de guerre; tous lesquels articles les deux Puissances s'engagent

2. Article II.—Cet Article est le premier du contre-projet Russe :—

Comme dès l'ouverture des négociations l'exécution de l'Oukase de 1821 avait été suspendue en ce qui regarde l'exercice de la juridiction maritime, la question territoriale était la plus essentielle que les deux Puissances eussent à résoudre. C'est donc par définir les possessions respectives que nous commençons dans notre contre-projet. Les possessions une fois définies viennent naturellement les stipulations relatives aux droits qui s'y rattachent, et aux privilèges qui pourront y être exercés de part et d'autre. A ces clauses succèdent celles qui ont rapport à la navigation de l'Océan Pacifique, et qui se rangent toutes sous le même chef.

L'ordre des matières gagne à ce système de rédaction, et il nous semble en général que l'économie de notre contre-projet offrirait plus de clarté.

Nous avons, du reste, en changeant leurs places, conservé tous les Articles du projet Britannique

(3) Dans le premier paragraphe de cet Article comme dans l'Article II, nous avons supprimé toute mention des montagnes qui suivent les sinuosités de la côte. Elle devenait inutile, du moment où l'on fixait en lieues marines, la largeur de la lisière de terre ferme qui appartiendrait à la Russie.

(4), (5) et (6). Notre dépêche au Comte Lieven renferme toutes les explications nécessaires, quant aux passages soulignés dans ces divers Articles.

Tous les autres n'ont subi, dans notre contre-projet, que de légers changements de rédaction qui avaient pour but d'y rendre les stipulations encore plus précises et plus faciles à saisir dans leur vrai sens.

réciproquement de ne point laisser vendre ni transférer en manière quelconque aux indigènes de ces pays.

ARTICLE VI.

Dorénavant il ne pourra être formé par les sujets Britanniques, aucun établissement, ni sur les côtes, ni sur la lisière du continent comprises dans les limites des possessions Russes désignées par l'Article II ; et, de même, il n'en pourra pas être formé aucun par des sujets Russes hors des dites limites.

ARTICLE VII.

Les vaisseaux Britanniques et Russes navigans dans ces mers qui seront forcés par des tempêtes ou par quelqu'autre accident à se réfugier dans les ports respectifs, pourront s'y radouber et s'y pourvoir de toutes choses nécessaires, et se remettre en mer librement, sans payer aucun des droits, hors ceux de port et de fanaux, qui n'excèderont pas ce que payent les navires indigènes, à moins que le patron d'un tel navire ne se trouverait dans la nécessité de vendre quelque marchandise pour défrayer ses dépenses, auquel cas il sera tenu de se conformer aux ordonnances et tarifs de l'endroit où il aura abordé.

ARTICLE VIII.

Dans tous les cas de plainte par rapport à l'infraction des Articles du présent accord, les officiers et employés de part et d'autre, sans se permettre au préalable aucune violence ni voie de fait, seront tenus de rendre un rapport exact de l'affaire, et de ses circonstances aux Cours respectives, lesquelles la termineront selon la justice et à l'amiable.

ARTICLE IX.

La présente Convention sera ratifiée et les ratifications en seront échangées à dans l'espace de mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à , le , l'an de grâce 1824.

No. 55.

(*Mr. G. Canning to Count Lieven.*)

FOREIGN OFFICE, September 12, 1824.

M. LE COMTE.—It is with great regret, and, I confess, with some surprise, that I have learnt from Sir Charles Bagot that your Court have declined to conclude the Treaty, the project of which was sent out by the "Herald."

This refusal is the more unexpected, as the chief alterations made in the original "Projet" were introduced here (as your Excellency can bear witness) at the suggestion of the Russian Plenipotentiaries themselves.

I have not yet had time to give sufficient consideration to the "Contre-Projet" now presented on the part of those Plenipotentiaries, to be enabled to say positively whether it can be accepted in all its parts. But I would fain hope that the differences between us may be not insurmountable. And I do most earnestly entreat your Excellency to submit to your Court, by your first messenger, the expediency of sending to your Excellency instructions and full powers to conclude and sign the Treaty here.

This will save three months. It will enable us to conclude before the meeting of Parliament. And I do assure your Excellency that, after the expectations which have been so often held out to Parliament of a speedy and satisfactory termination of the discussions respecting the Ukase of 1821, I cannot look forward without uneasiness to the disappointment of those expectations.

I know that the Ukase is practically suspended; but we have no document to show that it is so; and we have, as your Excellency knows, purposely abstained from requiring any, in the hope that the subject of the Ukase would be merged in the larger arrangements respecting the north-west coast of America.

I write to Mr. Ward in the sense of this letter. And I most anxiously wish that no personal delicacy may prevent your Excellency from repeating and enforcing my suggestion.

I have, &c.,
(Signed) GEORGE CANNING.

No. 56.

(Mr. G. Canning to Mr. Ward.)

(No. 3.)

FOREIGN OFFICE, September 13, 1824.

Sir,—Sir Charles Bagot's despatches of the 26th August were received here on the 9th instant, and have been laid before the King.

The only point on which I have to instruct you, in consequence of their arrival, is that of the refusal of the Court of St. Petersburg to conclude and sign the Treaty respecting the north-west coast of America.

Nothing could be less expected than this refusal, and the grounds of it are the more unsatisfactory, as part at least of the stipulations to which objection is taken, was founded on suggestions of the Russian Plenipotentiaries themselves.

I did not, however, intend that you should enter into argument upon this subject with Count Nesselrode, or the Minister to whom the *Portefeuille* may be intrusted in his absence. What you are to represent, and earnestly to urge with the Russian Government, is that they should send to Count Lieven instructions and full powers to conclude and sign the Treaty here. By these means it will still be possible to bring it to a conclusion before the meeting of Parliament. And you will assure the Russian Minister that this consideration weighs with us most particularly, because the hope and promise of some amicable and satisfactory arrangement touching the Ukase of 1821, has been so often confidently held out to Parliament, that we look forward with great anxiety to the discussions which might arise upon a fresh disappointment of those expectations.

I am, &c.,

(Signed) GEORGE CANNING.

No. 58.

(Hudson's Bay Company to Foreign Office.—Received October 20.)

HUDSON'S BAY HOUSE, LONDON, October 20, 1824.

SIR,—I duly received Lord Francis Conyngham's letter of the 19th instant, with its inclosures, and it does not appear to me that the Counter-Project of Russia is so essentially different from the one which His Majesty's Ministers have considered it advisable to propose to Russia as far as the Hudson's Bay Company are concerned, to reject it, except in the 2nd Article, which should more accurately define the eastern boundary from the Portland Canal to the 61st degree of north latitude to be the chain of mountains at a "très-petite distance de la côte," but that if the summit of those mountains exceed 10 leagues, that the said distance be substituted instead of the mountains.

It certainly would have been a more advisable arrangement had it been practicable to have made the Streight between the mainland and the islands instead of the mountains the division not only as a more natural one, but would have prevented the possibility of collision of the traders of the two countries, and if this could be now obtained, relinquishing the proposed license of visiting and trading with the natives for a term of years in that part of the territory to which Russia is to be acknowledged as entitled to the sovereignty. I think it would be advisable, but if not, practicable, we should have the same privileges as were granted to the Americans. On a former occasion I proposed the Streight as the line of demarcation upon the principle of preventing collision, which was not only my idea, but you will recollect was one of the principal reasons stated by Russia for proposing a division of territory; and when it is considered the large tract that is conceded to the westward of the 139th degree of longitude to which Russia can have no better right than Great Britain, and which it is hoped Captain Franklin may be the first European who will explore, and that the only pretension she has to the coast between the 59th and 54th degree of latitude is the having made a grant of it to the Russian Fur Company which has not been objected to by any European State (for Russia neither discovered or has any Settlements on it, or on any part of the continent within those latitudes and our own, extend to the 57th degree, and trade with the natives who come beyond the 60th degree), I do not think it too much to require; at the same time the Committee of the Hudson's Bay Company do not attach so much importance to the object I have pointed out as to stand in the way of concluding the arrangement if in other points His Majesty's Government consider it desirable.

I have, etc.,

(Signed.) J. H. PELLY.

No. 59.

(Sir C. Bagot to Mr. G. Canning.—Received October 23.)

(No. 46.)

(Extract.) WASHINGTON, August 31, 1824.

The Count de Medem, a gentleman in the service of the Emperor of Russia, reached this place some days since as bearer to the Russian Envoy of the Convention relative to the trade in the North Pacific and coast of America, lately concluded at St. Petersburgh, between the Court of Russia and the United States. The inclosed extract from the *National Intelligencer*, which may be considered official, presents a synopsis of that Treaty, article by article.

Enclosure in No. 59.

Extract from the "National Intelligencer" of August 3, 1824.)

CONVENTION WITH RUSSIA.—Mr. Lucius Bull, who arrived in this city a few days ago, was the bearer of despatches from our Minister at St. Petersburg. By these it appears that a convention was concluded on the $\frac{5}{17}$ April last between Mr. Middleton, on the part of the United States, and Count Nesselrode and M. Poletica on the part of Russia. We understand that the Convention consists of six Articles, in which all the points in dispute between the two Governments are adjusted in a manner the most honourable and advantageous to this country.

The Ist Article authorizes the free navigation of the Pacific Ocean by both Parties, and recognizes the right of fishing and of landing on all points of the west coast not already occupied, in order to trade with the aborigines.

IInd Article provides that the citizens or subjects of neither country shall land at points occupied by either, without the permission of the Governor or Commandant.

IIIrd Article fixes the boundary line at 54°, north of which the United States are not to form Establishments, and south of which Russia cannot advance.

IVth Article allows free entrance to both Parties for ten years into all the gulphs, harbours, &c., of each for the purposes of fishing and trading with the natives.

Vth Article interdicts a trade in fire-arms and liquors, and provides that violations of this Article shall be punished, not by seizure of the vessel, but by penalties to be prescribed by each Government on its own citizens or subjects.

VIth Article prescribes that the ratification shall be changed within ten months from the date of the Treaty.

This convention may be regarded as a second signal effect of the manly and independent Message of our President to the late Congress. If the Emperor Alexander had left it to our own Government to fix the terms of the Treaty, it could not more completely have secured all our interests in the Pacific. We congratulate the country upon this new evidence of the excellence of the system which has been pursued by our present Administration.

No. 60.

(Mr. G. Canning to Count Lieven.)

ICKWORTH, October 25, 1824.

MY DEAR COUNT LIEVEN,—I cannot refrain from sending to your Excellency the inclosed extract from an American newspaper, by which you will see that I did not exaggerate what I stated to you, as the American construction of the Convention signed at St. Petersburg.

It is to this construction that I referred, when I claimed for England (as justly quoted by Count Nesselrode) whatever was granted to other nations.

No limitations here of 59°.

Believe me, &c.,

(Signed) GEORGE CANNING.

P.S.—May I trouble your Excellency to return this paper to Mr. Planta as (though only an extract from a newspaper) it is an inclosure in a despatch received to-day.—G. C.

No. 62.

Mr. G. Canning to Mr. S. Canning.

(No. 1.)

FOREIGN OFFICE, December 8, 1824.

SIR,—His Majesty having been graciously pleased to name you his Plenipotentiary for concluding and signing with the Russian Government a Convention for terminating the discussions which have arisen out of the promulgation of the Russian Ukase of 1821, and for settling the respective territorial claims of Great Britain and Russia on the north-west coast of America, I have received His Majesty's commands to direct you to repair to St. Petersburg for that purpose, and to furnish you with the necessary instructions for terminating this long protracted negotiation.

The correspondence which has already passed upon this subject has been submitted to your perusal, and I enclose to you a copy—

1. Of the "Projet" which Sir Charles Bagot was authorized to conclude and sign some months ago, and which we had every reason to expect would have been entirely satisfactory to the Russian Government.

2. Of a "Contre-Projet" drawn up by the Russian Plenipotentiaries, and presented to Sir Charles Bagot at their last meeting before Sir Charles Bagot's departure from St. Petersburg.

3. Of a despatch from Count Nesselrode, accompanying the transmission of the "Contre-Projet" to Count Lieven.

In that despatch, and in certain marginal annotations upon the copy of the "Projet," are assigned the reasons of the alterations proposed by the Russian Plenipotentiaries.

In considering the expediency of admitting or rejecting the proposed alterations, it will be convenient to follow the Articles of the Treaty in the order in which they stand in the English "Projet."

You will observe in the first place that it is proposed by the Russian Plenipotentiaries entirely to change that order, and to transfer to the latter part of the instrument the Article which has hitherto stood first in the "Projet."

To that transposition we cannot agree, for the very reason which Count Nesselrode alleges in favour of it, viz., that the "économie" or arrangement of the Treaty ought to have reference to the history of the negotiations.

The whole negotiation grows out of the Ukase of 1821.

So entirely and absolutely true is this proposition that the settlement of the limits of the respective possessions of Great Britain and Russia on the north-west coast of America was proposed by us only as a mode of facilitating the adjustment of the difference arising from the Ukase by enabling the Court of Russia, under cover of the more comprehensive arrangement, to withdraw, with less appearance of concession, the offensive pretensions of that Edict.

It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possessions on the Continent of America, but the pretensions of the Russian Ukase of 1821 to exclusive dominion over the Pacific could not continue longer unrepealed without compelling us to take some measure of public and effectual remonstrance against it.

You will therefore take care, in the first instance, to repress any attempt to give this change to the character of the negotiation, and will declare without reserve that the point to which alone the solicitude of the British Government and the jealousy of the British nation attach any great importance is the doing away (in a matter as little disagreeable to Russia as possible) of the effect of the Ukase of 1821.

That this Ukase is not acted upon, and that instructions have been long ago sent by the Russian Government to their cruisers in the Pacific to suspend the execution of its provisions, is true; but a private disavowal of a published claim is no security against the revival of that claim. The suspension of the execution of a principle may be perfectly compatible with the continued maintenance of the principle itself, and when we have seen in the course of this negotiation that the Russian claim to the possession of the coast of America down to latitude 59 rests in fact on no other ground than the presumed acquiescence of the nations of Europe in the provisions of an Ukase published by the Emperor Paul in the year 1800, against which it is affirmed that no public remonstrance was made, it becomes us to be exceedingly careful that we do not, by a similar neglect, on the present occasion, allow a similar presumption to be raised as to an acquiescence in the Ukase of 1821.

The right of the subjects of His Majesty to navigate freely in the Pacific cannot be held as matter of indulgence from any Power. Having once been publicly questioned, it must be publicly acknowledged.

We do not desire that any distinct reference should be made to the Ukase of 1821; but we do feel it necessary that the statement of our right should be clear and positive, and that it should stand forth in the Convention in the place which properly belongs to it, as a plain and substantive stipulation, and not be brought in as an incidental consequence of other arrangements to which we attach comparatively little importance.

This stipulation stands in the front of the Convention concluded between Russia and the United States of America; and we see no reason why upon similar claims we should obtain exactly the like satisfaction.

For reasons of the same nature we cannot consent that the liberty of navigation through Behring's Straits should be stated in the Treaty as a boon from Russia.

The tendency of such a statement would be to give countenance to those claims of exclusive jurisdiction against which we, on our own behalf and on that of the whole civilized world, protest.

No specification of this sort is found in the Convention with the United States of America, and yet it cannot be doubted that the Americans consider themselves as secured in the right of navigating Behring's Straits and the sea beyond them.

It cannot be expected that England should receive as a boon that which the United States hold as a right so unquestionable as not to be worth recording.

Perhaps the simplest course after all will be to substitute, for all that part of the "Projet" and "Counter-Projet" which relates to maritime rights and to navigation, the first two Articles of the Convention already concluded by the Court of St. Petersburgh with the United States of America, in the order in which they stand in that Convention.

Russia cannot mean to give to the United States of America what she withholds from us; nor to withhold from us anything that she has consented to give to the United States.

The uniformity of stipulations *in pari materiâ* gives clearness and force to both arrangements, and will establish that footing of equality between the several contracting parties which it is most desirable should exist between three Powers whose interests come so nearly in contact with each other in a part of the globe in which no other Power is concerned.

This, therefore, is what I am to instruct you to propose at once to the Russian Minister as cutting short an otherwise inconvenient discussion.

This expedient will dispose of Article I. of the "Projet" and of Articles V. and VI. of the "Contre-Projet."

The next Articles relate to the territorial demarcation, and upon them I have only to make the following observations:—

The Russian Plenipotentiaries propose to withdraw entirely the limit of the *lisière* on the coast which they were themselves the first to propose, viz., the summit of the mountains which run parallel to the coast, and which appear, according to the Map, to follow all its sinuosities, and to substitute generally that which we only suggested as a corrective of their first proposition.

We cannot agree to this change. It is quite obvious that the boundary of mountains, where they exist, is the most natural and effectual boundary. The inconvenience against which we wished to guard was that which you know and can thoroughly explain to the Russian Plenipotentiaries to have existed on the other side of the American Continent, when mountains laid down in a Map as in a certain given position, and assumed in faith of the accuracy of that Map as a boundary between the possessions of England and the United States turned out to be quite differently situated, a discovery which has given rise to the most perplexing discussions. Should the Maps be no more accurate as to the western than as to the eastern mountains, we might be assigning to Russia immense tracts of inland territory, where we only intended to give and they only intended to ask, a strip of sea coast.

To avoid the chance of this inconvenience we propose to qualify the general proposition, "that the mountains should be the boundary, with the condition if those mountains, should not be found to extend beyond 10 leagues from the coast." The Russian Plenipotentiaries now propose to take the distance invariably as the rule. But we cannot consent to this change. The mountains, as I have said, are a more eligible boundary than any imaginary line of demarcation, and this being their own original proposition the Russian Plenipotentiaries cannot reasonably refuse to adhere to it.

Where the mountains are the boundary, we are content to take the *summit* instead of the "seaward base" as the line of demarcation.

I omitted in my last instructions to Sir Charles Bagot, though I had signified to Count Lieven, that I intended to require a small extension of the line of demarcation from the point where the *lisière* on the coast terminates in latitude 59 to the northward. The extension required is from 139° to 141° west longitude, the latter being the parallel which falls more directly on Mount Elias.

With regard to the port of Sitka, or New-Archangel, the offer came originally from Russia, but we are not disposed to object to the restriction which she now applies to it.

We are content that the port shall be open to us for ten years, provided only that if any other nation obtains a more extended term, the like term shall be extended to us also.

We are content also to assign the period of ten years for the reciprocal liberty of access and commerce with each other's territories, which stipulation may be best stated precisely in the terms of Article 4 of the American Convention.

These, I think, are the only points in which alterations are required by Russia. And we have no other to propose.

A "Projet" such as it will stand according to the observation of this despatch is enclosed, which you will understand as furnished to you as a guide for the drawing up of the Convention, but not as prescribing the precise form of words, nor fettering your discretion as to any alterations, not varying from the substance of these instructions.

It will, of course, strike the Russian Plenipotentiaries that by the adoption of the American Article respecting navigation, &c., the provision for an exclusive fishery of two leagues from the coasts of our respective possessions falls to the ground.

But the omission is in truth immaterial.

The law of nations assigns the exclusive sovereignty of one league to each Power on its own coasts, without any specific stipulation, and though Sir Charles Bagot was authorized to sign the Convention with the specific stipulation of two leagues, in ignorance of what had been decided in the American Convention, at the time, yet, after that Convention has been some months before the world, and after the opportunity of consideration has been forced upon us by the act of Russia herself, we cannot now consent, in negotiating *de novo*, to a stipulation which, while it is absolutely unimportant to any practical good, would appear to establish a contract between the United States and us to our disadvantage.

Count Nesselrode himself has frankly admitted that it was natural that we should expect, and reasonable that we should receive, at the hands of Russia, equal measure, in all respects, with the United States of America.

It remains only, in recapitulation, to remind you of the origin and principles of this whole negotiation.

It is *not* on our part, essentially a negotiation about limits.

It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent; but a demand qualified and mitigated in its manner, in order that its justice may be acknowledged and satisfied without soreness or humiliation on the part of Russia.

We negotiate about territory to cover the remonstrance upon principle.

But any attempt to take undue advantage of this voluntary facility, we must oppose.

If the present "Projet" is agreeable to Russia, we are ready to conclude and sign the Treaty.

If the territorial arrangements are not satisfactory, we are ready to postpone them; and to conclude and sign the essential part, that which relates to navigation alone, adding an Article, stipulating to negotiate about territorial limits hereafter.

But we are not prepared to defer any longer the settlement of that essential part of the question, and if Russia will neither sign the whole Convention nor that essential part of it, she must not take it amiss that we resort to some mode of recording in the face of the world our protest against the pretensions of the Ukase of 1821, and of effectually securing our own interests against the possibility of its future operation.

I am, &c.,

(Signed) GEORGE CANNING.

DRAFT CONVENTION WITH RUSSIA EMBODYING CANNING'S FINAL INSTRUCTIONS TO STRATFORD CANNING (ENCLOSED IN CANNING'S LETTER OF 8TH DECEMBER, 1824).

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of All the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them by means of an Agreement which shall settle, upon the basis of reciprocal convenience, the different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their possessions on the north-west

coast of America, their said Majesties have named their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c.

And His Majesty the Emperor of All the Russias, &c.

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

ARTICLE I.

It is agreed that the respective subjects of the High Contracting Parties shall not be troubled or molested in any part of the Great Ocean, commonly called the Pacifick Ocean, either in navigating the same, in fishing there, or in landing at such parts of the coasts as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following Articles.

ARTICLE II.

In order to prevent the right of navigating and fishing exercised upon the Great Ocean by the subjects of the High Contracting Parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there shall be a Russian establishment, without the permission of the principal officer in authority there, and, on the other hand, that Russian subjects shall not land, without similar permission, at any British establishment on the north-west coast.

ARTICLE III.

The line which separates the possessions of the two High Contracting Parties upon the continent and the islands of America to the north-west, shall be drawn in the manner following:—

Commencing from the southernmost point of the island called "Prince of Wales" Island, which point lies in the parallel of 54° 40′, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly (the whole of Prince of Wales Island belonging to Russia) along the channel called "Portland Channel," till it strikes the coast of the continent in the 56th degree of north latitude. From the point where the line of demarcation strikes this degree it shall be carried along the summit of the mountains parallel to the coast as far as the 140th degree of longitude west of the said meridian; thence the said meridian line of 140th degree west longitude, in its extension as far as the Frozen Ocean, shall form the boundary of the British and Russian possessions on the Continent of America to the north-west.

Provided, nevertheless, that if the summit of the aforesaid mountains shall turn out to be, in any part of their range, at more than the distance of 10 marine leagues from the Pacifick, then that, for that space, the line of demarcation shall be a line parallel to the coast and its windings, at the said distance of 10 marine leagues therefrom, so that the said line of demarcation shall never extend farther than 10 leagues from the coast.

It is agreed that neither Party shall form any establishment within the limits assigned by this Article to the other Party.

No establishment shall in future be formed by British subjects either upon the coast, or upon the borders of the continent comprised within the limits of the Russian possessions designated in this Article; and in like manner no such establishments shall be formed by Russian subjects beyond the said limits.

ARTICLE IV.

It is understood that the subjects of His Britannick Majesty, as well as those who may come from the interior of the continent as those who may come from the Pacifick Ocean, shall enjoy for ever the free and unmolested navigation of all rivers or streams which in their course to the Pacifick may be found to cross the line of demarcation on the border of coast described in the foregoing Article.

ARTICLE V.

It is nevertheless, understood that, for the space of ten years from the signature of the present Convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, the inland sea, the gulfs, havens, and creeks on the coast mentioned in Article III, for the purposes of fishery and of commerce with the natives of the country.

ARTICLE VI.

The port of Sitka, or Nova Archangelsk, shall be open to the commerce and vessels of the subjects of His Britannick Majesty during the space of ten years from the date of the exchange of the ratifications of the present Convention. In case of a further extension of the term of ten years mentioned in the foregoing Article to any other Power, the like extension shall be granted also to Great Britain.

ARTICLE VII.

The said liberty of commerce shall not include the trade in spirituous liquors, in fire-arms, swords, bayonets, &c., gunpowder, or other warlike stores, the High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or transferred, in any manner whatever, to the natives of the country.

ARTICLE VIII.

Such British and Russian vessels navigating the Pacifick as may be compelled by stress of weather, or by any other accident, to take shelter in the respective ports, shall be at liberty to refit

therein, to provide themselves with all necessary stores, and to put to sea again without the payment of any duties, except port and lighthouse dues, not exceeding those paid by national vessels. In case, however, the master of such ship should be obliged to dispose of some of his merchandize, in order to defray his expenses, he shall conform himself to the regulations and tariffs of the place where he may have landed.

ARTICLE IX.

In every case of complaint on account of an infraction of the Articles of the present Convention, the officers employed on either side, without previously engaging themselves in any violent or forcible measures, shall make an exact and circumstantial report of the matter to their respective Courts, who will arrange the same, according to justice, in a friendly manner.

ARTICLE X.

The present Convention shall be ratified and the ratifications shall be exchanged at , within the space of months, 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 , the day of , in the year of our Lord .

No. 67.

(*Mr. S. Canning to Mr. G. Canning.*)

ST. PETERSBURGH, February 17, (March 1,) 1825.
(Received March 21).

SIR,—By the messenger Latchford I have the honour to send you the accompanying convention between His Majesty and the Emperor of Russia respecting the Pacific Ocean and north-west coast of America, which, according to your instructions, I concluded and signed last night with the Russian Plenipotentiaries.

The alterations which, at their instance, I have admitted into the "Projet" such as I presented it to them at first, will be found, I conceive, to be in strict conformity with the spirit and substance of His Majesty's commands. The order of the two main subjects of our negotiation, as stated in the preamble of the Convention, is preserved in the articles of that instrument. The line of demarcation along the strip of land on the north-west coast of America assigned to Russia is laid down in the Convention agreeably to your directions, notwithstanding some difficulties raised on this point, as well as on that which regards the order of the Articles, by the Russian Plenipotentiaries.

The instance in which you will perceive that I have most availed myself of the latitude afforded by your instructions to bring the negotiation to a satisfactory and prompt conclusion, is the division of the third article of the new "Projet" as it stood when I gave it in, into the third, fourth, and fifth articles of the Convention signed by the Plenipotentiaries.

This change was suggested by the Russian Plenipotentiaries, and at first it was suggested in a shape which appeared to me objectionable, but the articles as they are now drawn up I humbly conceive to be such as will not meet with your disapprobation. The second paragraph of the fourth article had already appeared parenthetically in the third article of the "Projet," and the whole of the fourth article is limited in its signification and connected with the article immediately preceding it by the first paragraph.

With respect to Behring Straits, I am happy to have it in my power to assure you, on the joint authority of the Russian Plenipotentiaries, that the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of those straits or of the seas to the north of them.

It cannot be necessary, under these circumstances, to trouble you with a more particular account of the several conferences which I have held with the Russian Plenipotentiaries, and it is but justice to state that I have found them disposed, throughout this latter stage of the negotiation, to treat the matters under discussion with fairness and liberality.

As two originals of the Convention prepared for His Majesty's Government are signed by the Plenipotentiaries, I propose to leave one of them with Mr. Ward for the archives of the embassy.

I have, &c.,

(Signed) STRATFORD CANNING.

No. 68.

(*Count Nesselrode to Count Lieven.*)

ST-PÉTERSBOURG, le 13 Mars 1825.
(Received 29 March /10 April.)

MONSIEUR LE COMTE :—Votre Excellence trouvera ci-joint la ratification de la Convention que nous avons conclue avec Mr. Stratford Canning, au sujet des possessions respectives de la Russie et de la Grande-Bretagne, sur la côte N.-O. de l'Amérique.

En échangeant cet instrument contre celui qui doit nous être remis par la Cour de Londres, l'Empereur désire, Monsieur le Comte, que Vous observiez à Mr. Canning, qu'il eût été plus conforme d'après l'opinion de Sa Majesté Impériale, et aux principes d'une mutuelle justice et à ceux des conve-

nances réciproques, de donner pour frontière à la lisière de côte que la Russie doit posséder depuis le 56e de latitude Nord, jusqu'au point d'intersection du 141° de longitude Ouest, la crête des montagnes qui suivent les sinuosités de la côte.

Cette stipulation en effet, eût assuré aux deux Puissances, une parfaite égalité d'avantages et une limite naturelle. L'Angleterre y eût trouvé son profit partout où les montagnes sont à moins de dix lieues marines de la mer, et la Russie, partout où la distance qui les en sépare est plus grande. Il nous semble que, touchant des contrées dont la géographie est encore peu connue, on ne pouvoit proposer de stipulation plus équitable. Votre Excellence ajoutera, que le Plénipotentiaire de S. M. Britannique ayant déclaré qu'il se trouvoit dans l'impossibilité d'accueillir les vœux que nous lui avons exprimés sous ce rapport, c'est uniquement pour donner au Roi d'Angleterre une preuve de Ses dispositions amicales, que notre Auguste Maître nous a permis de signer cet article tel qu'il existe dans la Convention actuelle.

L'Empereur Se flatte que S. M. Britannique appréciera un aussi sincère témoignage du désir qui nous animoit de terminer des discussions fâcheuses et d'en prévenir le retour par une transaction définitive.

Votre Excellence est autorisée à donner lecture de la présente à M. Canning et à une lui en laisser une copie, avec prière de la mettre sous les yeux du Roi.

Recevez, Monsieur le Comte, l'assurance de ma haute considération.

(Right Hon. Geo. Canning to Mr. S. Canning.)

(No. 8. Extract.) FOREIGN OFFICE, April 2, 1825.

SIR,—Your despatches by the messenger Latchford were received here on the 21st of March, and that of the 12th of March by the post on the 28th.

Having laid them before the King I have received his Majesty's commands to express His Majesty's particular satisfaction at the conclusion of the Treaty respecting the Pacific Ocean and North-west Coast of America in a manner so exactly conformable to your instructions, and to direct you to express to the Russian Government the pleasure which His Majesty derives from the amicable and conciliatory spirit manifested by that government in the completion of this transaction. • • • •

APPENDIX No. XVIII.

MAPS WHICH HAVE BEEN FOUND TO AGREE WITH THE BRITISH COLUMBIA CONTENTION OR TO FAVOUR IT.

Map published by the Quartermaster-General's Department, Russia, 1802.

This was transmitted to Foreign Office in London by Sir C. Bagot with his despatch of 17 November, 1821. Sir C. Bagot's MS. notes on the original.

This map shows the southern boundary of the Russian possessions running inland nearly at right angles to the coast from a point on the mainland nearly opposite the north-east angle of Revillagigedo Island, a few miles south of Burrough's Bay. The mountains and coast line copied from Vancouver or very nearly so. Mountains forming a practically continuous range following the coast at a small distance from it.

(Reproduced in Appendix IV., British Case, Behring Sea Arbitration.)

Carte Encyprotype de l'Amérique Septentrionale Dédiée et présentée à Monsieur par H. Brué, Ingénieur-Géographe de S. A. Royale, Paris, 1815.

In this the line of boundary shown on the coast to northward for British Possessions, gives Prince of Wales Archipelago to Russia, includes whole of Revillagigedo Island as British (running along channel to north of island) and strikes inland in a north-easterly direction from the head of Burroughs Bay.

(Brit. Mus. Library, 69915, 36.)

America, by R. Wilkinson, London, dated 1824. Engraved below title, republished by William Darton, 58 Holborn Hill, London (no date given for republication, but presumably a year or two later than original date, as the boundary between British and Russian Possessions is shown with "Boundary settled 1825" engraved along that part of line which follows the 141st Meridian. The line on the coast gives Prince of Wales Island, &c., to Russia and Revillagigedo Island to Britain, striking inland at right angles to the coast at Burroughs Bay. Thence running in a straight line in general parallelism to the coast to near the end of Lynn Canal. Then jogging to the west and next running straight in general parallelism to the coast to the 141st Meridian, which it follows northward. (British Museum Library, 69810, 16.)

America, Prof. J. M. F. Schmidt, Berlin, 1830. This map shows the boundary line going inland from Burroughs Bay, running direct, in general parallelism to coast to near head of Lynn Canal. There jogging to west, and then resuming straight course in parallelism to coast to long. 141°. Gives the whole of Prince of Wales Island to Russia, the whole of Revillagigedo to Britain. (British Museum Library, 69810, 56.)

Weltcharte in Mercator's Projection: von Christian Gottlieb Reichard, neue ausgabe, Murnberg bei Freide, Campe, 1839.

In this edition of Reichard's very carefully compiled map, the political boundaries of countries are coloured. The boundary between Russian and British possessions begins in the narrow neck of the promontory between Revillagigedo and Frederick's Sound. Runs thence away from coast, and then sweeps along in wide curves in general parallelism to coast nearly to Mount St. Elias, where it bends northward and ends indefinitely.

(The blue line here shown is thus not identical with others quoted, but shows independent opinion on the subject.)

Gives the whole of Prince of Wales Island to Russia. The whole of Revillagigedo to Britain. (British Museum Library, 920, 106.)

A. Carte Physique et Politique de l'Amérique Septentrionale par A. H. Brué, Géographe de S. A. R. Monsieur, Paris, 1821.

This shows the southern boundary of the Russian possessions running inland from Cape Fanshaw.

B. Carte de l'Amérique Septentrionale, etc., par L. Vivien, Géographe, Paris, 1825.

Shows the boundary running inland from about the same point as last.

C. Carte de l'Amérique Septentrionale Redigée par A. H. Brué, Paris, 1825.

Shows the boundary running up Clarence Strait and entering the mainland at Burroughs Bay. Marked "Limite fixée en 1825."

D. Carte Générale de l'Amérique Septentrionale, etc., par A. Brué, Géographe du Roi, Paris, 1828.

Same indication of boundary.

E. Another edition of the above, 1838.

Same indication of boundary.

F. Amérique Septentrionale, par F. Delamarche, Paris, 1833.

Shows (in colour only) boundary beginning on mainland about head of Burroughs Bay.

(The foregoing works marked A to F form part of a collection of North-west Coast literature in my own possession.)—G. M. D.

Compare also Russian American Company's charter of 1844, where it is said that commencing from the southernmost point of Prince of Wales Island "the above line runs *northward along the straits* named Portland Channel to that point of the mainland where it touches the 56th degree of north latitude." (United States Behring Sea Case. App. I., p. 29, Sec. 2.)

APPENDIX No. XIX.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 28th March, 1898.

The Committee of the Privy Council have had under consideration a despatch, hereto annexed, dated 8th March, 1898, from the Right Honourable Mr. Chamberlain, marked "secret," in which the proposition is made that Commissioners should be appointed under Article I. of the Convention of the 22nd July, 1892, to consider and establish the boundary line between Alaska and British Columbia, the Commissioners to be instructed in the first instance to define a provisional boundary in the Lynn Canal region.

The Minister of the Interior, to whom the despatch was referred, submits that, in his judgment, such action would be open to grave objection for the following reasons :—

1. Article 1 of the Convention of 1892 contemplates a permanent and final, not a provisional delimitation of the boundary line. The provisional line when marked out would acquire no validity from the fact that it had been marked out under the Convention ; and agreement between the Governments would be necessary to make it valid. Nor would it have moral force towards securing such agreement as would a permanent line agreed upon by Commissioners acting under the same provisions of the Convention. An agreement between Her Majesty's Ambassador at Washington and the Government of the United States to adopt a temporary line for the purposes of administration would secure all that is necessary at the present juncture to avoid conflict of jurisdiction.
2. The assent of the Government of Canada to an arrangement whereby Commissioners, appointed under a Convention which purports to aim at establishing a permanent line in accordance with the boundary treaties in regard to it, should establish a provisional line, might be construed into an admission on the part of Canada that the line described in those treaties is inconsistent with the topographical features of the region and therefore impracticable. The Government of Canada, on the other hand, has always held that it is quite practicable to survey and mark out the boundary in strict accordance with the treaty description.
3. In order to make plain the fact that the description of the line in the treaties is not inconsistent with the topographical features of the region, and to resolve existing differences of interpretation of the treaties, it appears essential that the line be considered as a whole. The determination of a part of it in accordance with merely local topographic conditions may defeat this object.

The Committee, on the recommendation of the Minister of the Interior, advise that Your Excellency be moved to inform the Right Honourable Her Majesty's Principal Secretary of State for the Colonies that the Government of Canada is unwilling, for the reasons stated, to agree to the determination of a provisional line under the Convention of 1892, but that this Government sees no objection to a provisional arrangement with the United States Government, whereby, pending the settlement of the boundary question, and as to the territory traversed by the mountain passes which lead from Taiya Inlet, each Government shall remain in possession of the territory now actually occupied by it, and that, for this purpose, a line drawn at the summit of the passes or the watershed between the rivers flowing into Taiya Inlet and the tributaries of the Yukon River would be satisfactory to Canada.

All of which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,

Clerk of the Privy Council.

The Honourable
The Minister of the Interior.

Extract from a report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 27th June, 1898.

The Committee of the Privy Council have had under consideration a despatch, hereto attached, dated 14th May, 1898, from His Excellency Her Majesty's Ambassador at Washington, transmitting herewith a copy of a *Pro Memoria* which, under instructions from the Marquis of Salisbury, he delivered to the United States Secretary of State, on the 18th of April, 1898, respecting a provisional delimitation of the Alaska boundary in the region of the Lynn Canal, and copy of a Note which he received from Mr. William R. Day in reply.

The Minister of the Interior, to whom the matter was referred, submits that the proposition of the United States Government, as stated therein, differs from the proposition set forth on behalf of Canada by Order of Your Excellency on the 28th of May, 1898, in certain important particulars. This proposition was that, pending the settlement of the boundary question and as to the territory traversed by the mountain passes which lead from Taiya Inlet, each Government shall remain in possession of the territory now actually occupied by it, and for this purpose a line drawn at the summit of the passes, or the watershed between the rivers flowing into Taiya Inlet and the tributaries flowing into the Yukon River, would be satisfactory to Canada.

The Minister submits that it is to be observed that the United States proposition as communicated by Secretary Day to Sir Julian Pauncefote, substitutes "Lynn Canal" for "Taiya Inlet." Accordingly Secretary Day, while acceding to the Canadian proposition to place the provisional line at the Taiya

summit, proposes to apply the principle of the watershed range between rivers flowing into Lynn Canal and rivers flowing into the Yukon River to the route commonly called the Dalton Trail, which leads from the head of Chilkat Inlet. The effect of this will be to place the boundary line much more than ten marine leagues from the nearest salt water, whereas, under the terms of the Convention between Great Britain and Russia of 1825, and of that between the United States and Russia of 1867, the United States, even if it be admitted that the coast spoken of in those Conventions is the shoreline of inlets (a claim which, however, is not admitted by Canada), can have no claim to any territory beyond ten leagues from salt water. Moreover, Canada is at the present time in effective possession of a portion of the territory on the seaward side of the summit of the Chilkat passes by a Mounted Police post and Custom House on a tributary of the Chilkat River.

The Minister suggests as a suitable and unmistakable natural feature for a provisional boundary on the Chilkat route, for the purpose of avoiding conflicts of jurisdiction, but without prejudice to the rights of either party when the boundary question is finally determined, the junction of the Klaheela (otherwise called Klehini) River with the Chilkat River.

The Minister states that as regards the marking of this point, as well as of the summits of the Chilkoot and White Passes, it does not appear that it is necessary that Commissioners should be appointed. The officers of the Government on the spot, either the Customs Officers, or the Military or Mounted Police Officers, could arrange the matter, planting posts, if necessary, in as satisfactory a manner as could Commissioners specially appointed.

The Committee advise that Your Excellency be moved to forward a certified copy of this Minute to Her Majesty's Secretary of State for the Colonies, and also to Her Majesty's Ambassador at Washington.

All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,

Extract from a memorandum by the Minister of the Interior of Canada, approved by His Excellency the Governor General in Council on the 28th February 1898.

The undersigned begs to point out that the boundary line as drawn upon this map (attached to original) in accordance with the provisions of the Convention of 1825, differs widely from that claimed by officials of the United States, who it is understood, assume that the jurisdiction of the United States extends over an area of the continent bounded by a line everywhere ten marine leagues distant from the nearest point of tidewater. On Lynn Canal a United States Customs subport has been established at Dyea in what is rightfully Canadian territory. In view of this fact as well as of the increasing importance of the whole territory adjacent to the boundary line, it appears desirable that the provision of the first Article of the Convention of 1892, by which "The High Contracting Parties agree that, as soon as practicable after the report, or reports, of the Commissioners shall have been received, they will proceed to consider and establish the boundary line in question," be acted upon.

The undersigned, therefore, has the honour to recommend that Your Excellency be moved to transmit the memorandum and map to Her Majesty's Government as a statement of the position of the Government of Canada in the matter, and to represent the advisability of entering into negotiations with the Government of the United States with a view to an early settlement and final demarcation of the line in question.

APPENDIX XX.

AGREEMENT BETWEEN THE HUDSON'S BAY COMPANY AND THE RUSSIAN AMERICAN COMPANY RESPECTING CERTAIN COMMERCIAL ARRANGEMENTS HEREINAFTER NOTICED, SIGNED AT HAMBURG SIXTH DAY OF FEBRUARY, 1839.

The Governor, Deputy-Governor, and Committee of the Hudson's Bay Company of London, and the Directors of the Russian American Company of St. Petersburg, being desirous of drawing still closer the ties of good understanding and friendship which unite them, by means of an Agreement which may settle upon the basis of reciprocal convenience and advantage, different points connected with the commerce of the said Hudson's Bay Company and the Russian American Company, have named agents to conclude an Agreement for this purpose; that is to say:—The Hudson's Bay Company of London have appointed Mr. George Simpson, Governor of their territories of Rupert's Land, to act in their behalf, and the Russian American Company have appointed His Excellency Baron Wrangell, Rear-Admiral in the service of His Majesty the Emperor of Russia, to act in their behalf; who, after having communicated to each other their respective full powers found in good and due form, have agreed upon and signed the following Articles:—

ARTICLE I.

It is agreed that the Russian American Company, having the sanction of the Russian Government to that effect, shall cede or lease to the Hudson's Bay Company for a term of ten years, commencing from the 1st of June, 1840, for commercial purposes, the coast (exclusive of the islands) and the interior country belonging to His Majesty the Emperor of Russia, situated between Cape Spencer, forming the north-west headland of the entrance of Cross Sound and latitude 54° 40′, or thereabouts, say the whole mainland, coast, and interior country belonging to Russia, together with the free navigation and trade of the waters of that coast and interior country situated to the southward and eastward of a supposed line to be drawn from the said Cape Spencer to Mount Fair Weather with the sole and entire trade or commerce thereof. And that the Russian American Company shall abandon all and every station and trading establishment they now occupy on that coast, and in the interior country already described, and shall not form any station or trading establishment during the said term of ten years, nor send their officers, servants, vessels or crafts of any description for the purposes of trade into any of the bays, inlets, estuaries, rivers or lakes in that line of coast and in that interior country. And shall not have any communication for the purposes of trade with any of the tribes of Indians occupying or inhabiting that coast or interior country. And shall not receive in trade, barter, or otherwise, any of the furs, peltries or produce whatsoever of the mainland, coast, or interior country already described. And shall in good faith and in spirit and to the letter relinquish in favour of, and cede and assign to, the Hudson's Bay Company the entire trade and commerce of the said coast and country, and by every means in their power protect the Hudson's Bay Company from all interference, encroachment, or competition in trade on the part of other Russian subjects, strangers, and foreigners whatsoever, during the said term of ten years as effectually as if the said coast and interior country had not been ceded and had been virtually occupied by themselves. And that the Russian American Company shall permit and afford facilities to the Hudson's Bay Company to take and retain possession of the Russian establishment of Point Highfield at the mouth of the Stekine River and to occupy by the formation of other stations, establishments, or otherwise, for the purposes of trade such other parts of the said coast and interior country as they may consider it desirable so to occupy. And in the event of this Agreement not being renewed after the expiration of the said term of ten years, it is agreed that the Hudson's Bay Company shall relinquish in favour of the Russian American Company the said establishment situated at Point Highfield and any other stations or posts they may in the meantime form on the Russian territory already described. And in consideration of such cession and protection, and of the commercial and other advantages the Hudson's Bay Company may derive from such cession and protection, it is agreed that the Hudson's Bay Company shall pay or deliver to the Russian American Company an annual rent of two thousand seasoned land otter skins (excluding cub and damaged skins) taken or hunted on the west side of the Rocky Mountains during the said term of ten years, the first payment of said rent to be by the delivery of the said two thousand otter skins on or before the 1st of June, 1841, to the agents of the Russian American Company on the north-west coast.

ARTICLE II.

It is further agreed that the Hudson's Bay Company shall not trade with Indians nor receive in trade or barter, nor hunt any furs or peltries on any other part of the Russian territory on the north-west coast or islands than that ceded to them under the provisions of the foregoing Article.

ARTICLE III.

It is further agreed that the Hudson's Bay Company do sell to the Russian American Company all the seasoned land otter skins they may collect on the west side of the Rocky Mountains, not exceeding 2,000 skins over and above the 2,000 skins agreed to be paid as rent under the provisions of the First Article for the said term of ten years, at the price of 23*s.* sterling per skin, deliverable

annually to their agent on the north-west coast, and that the Hudson's Bay Company do further sell to the Russian American Company 3,000 seasoned land otter skins taken or hunted on the east side of the Rocky Mountains, for the said term of 10 years, at the price of 32*s.* sterling per skin, deliverable annually in like manner to the agent of the Russian American Company on the north-west coast; the first delivery of skins under this Article likewise to be on or before the 1st June 1841, and the following deliveries of skins to be on or before the 1st June in every year.

ARTICLE IV.

It is further agreed that the Hudson's Bay Company shall supply the Russian American Company annually for a term of 10 years with wheat to the extent of 2,000 fenagos of 126 lbs. per fenago in 1840, and to the extent of 4,000 fenagos per annum afterwards at the price of 10*s.* 9*d.* sterling per fenago, and the whole or as much of the undermentioned articles as convenient in 1840, and the full quantities annually for a term of nine years afterwards at the prices affixed to those articles respectively, viz. :—

160 cwt. wheat flour at	18*s.* 5*d.*	per cwt.
130 cwt. pease at	13*s.*	"
130 cwt. grits and hulled pot barley, if it can be annually provided, at	13*s.*	"
300 cwt. salted beef at	20*s.*	"
160 cwt. salted butter at	56*s.*	"
30 cwt. pork hams at	6*d.*	per lb.

Provided nevertheless that if through any unforeseen cause it may not be possible for the Hudson's Bay Company to fulfil this part of the Agreement, then and in that case it is agreed that the Russian American Company shall send one of their vessels to the southern coast for the purpose of receiving the like supplies through the agency of the Hudson's Bay Company; any extra charge that may be incurred through such contingency to be defrayed by the Hudson's Bay Company.

ARTICLE V.

It being desirable for the Hudson's Bay Company to increase their shipping or tonnage from England to the north-west coast as a means of facilitating the transport of the wheat and other supplies they have under the foregoing Article of this Agreement undertaken to deliver to the Russian American Company. It is further agreed that whenever the Russian American Company may have occasion to forward to their settlements on the north-west coast British manufactured goods and other supplies of the like description as they have usually been in the habit of receiving from England and the United States of America they will forward the same on freight by the Hudson's Bay Company's annual ships from England at a freight of 13*l.* sterling per ton, the freight to be computed either by weight or measurement according to custom. It being provided nevertheless that when the Russian American Company may have occasion to send any of their own ships from St. Petersburg to the north-west coast they will in such cases forward their supplies by their own ships instead of the Hudson's Bay Company's ships.

ARTICLE VI.

It is further agreed that the purchase money for otter skins under the Third Article, the purchase money of wheat and other agricultural produce under the Fourth Article, the freight of goods under the Fifth Article of this Agreement, and the purchase money for any other articles that may be supplied to the Russian American Company by the Hudson's Bay Company from time to time, shall be paid from time to time on the delivery respectively of the said skins, wheat, and other agricultural produce, goods on freight and other articles to the agent of the Russian American Company at Fort Simpson, Sitka, or any other point more convenient to the Hudson's Bay Company on the north-west coast, north of the latitude of Fort Simpson, by bills of exchange in triplicate to be drawn by the said agent of the Russian American Company on the Directors of the Russian American Company at St. Petersburg in favour of the Governor, Deputy-Governor, and Committee of the Hudson's Bay Company or order at 60 days after sight, which the said Directors of the Russian American Company shall duly honour by acceptance and payment.

ARTICLE VII.

It is further agreed that should a declaration of war or hostilities unfortunately break out between Great Britain and Russia hereafter during the existence of this Agreement; then and in that case such national hostilities shall not become a pretext for the nonpayment on the part of the Russian American Company of the drafts of their agent on the north-west coast of America in favour of the Hudson's Bay Company; but that all pecuniary matters of account between the contracting parties shall be liquidated and discharged honourably and in good faith as if their respective nations were in the most perfect amity.

ARTICLE VIII.

It is further agreed that should a declaration of war or hostilities unfortunately break out between Great Britain and Russia hereafter during the existence of this Agreement, the Russian American Government shall guarantee and hold harmless the Hudson's Bay Company from all loss and damage arising from such hostilities in so far as to enable the Hudson's Bay Company to evacuate and abandon their possessions or trading stations within the Russian territory quietly and peaceably, and to remove their goods, furs, and other property within three months after receiving information of such hostility or declaration of war.

ARTICLE IX.

It is further agreed by the Hudson's Bay Company, in consideration of the arrangements entered into under the provisions of this agreement, that they shall relinquish their claim now pending on the Russian Government, the Russian-American Company, or whoever else it may concern, for injury and damage said to be sustained by the Hudson's Bay Company arising from the obstruction presented by the Russian Authorities on the north-west coast of America to an expedition belonging to the Hudson's Bay Company at the entrance of the River Stekine on the north-west coast of America in the year 1834, outfitted and equipped by the said Hudson's Bay Company for the purpose of forming a commercial station in the interior British territory on the banks of the said Stekine River.

In witness whereof we, the respective agents, sign, seal, and execute this agreement at Hamburg this 6th day of February in the year of our Lord 1839.

(Signed) GEO. SIMPSON
and
BARON FERDINAND WRANGELL.

APPENDIX No. XXI.

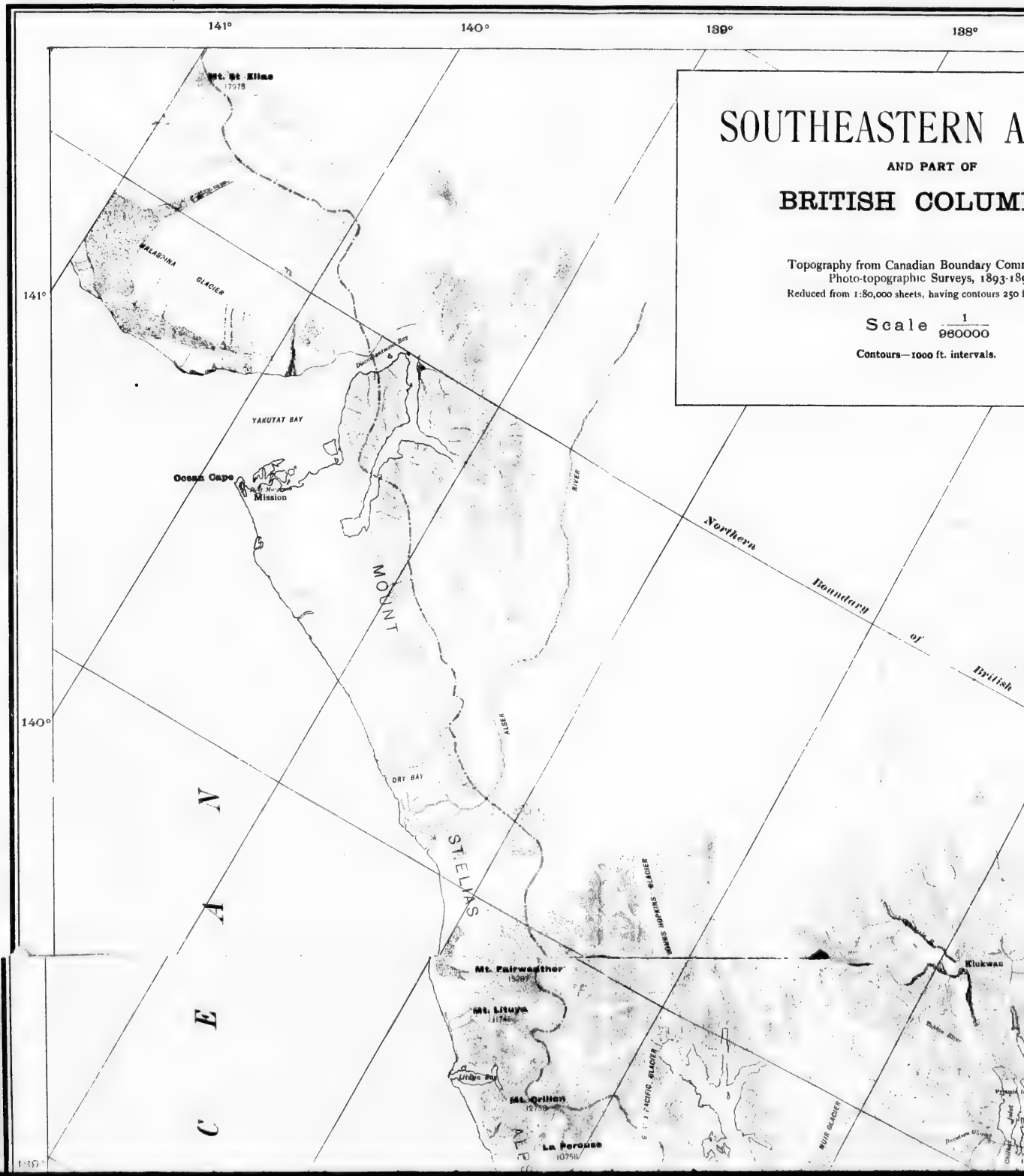
Description of the Mountain Boundary of the lisière according to the contention of Canada.

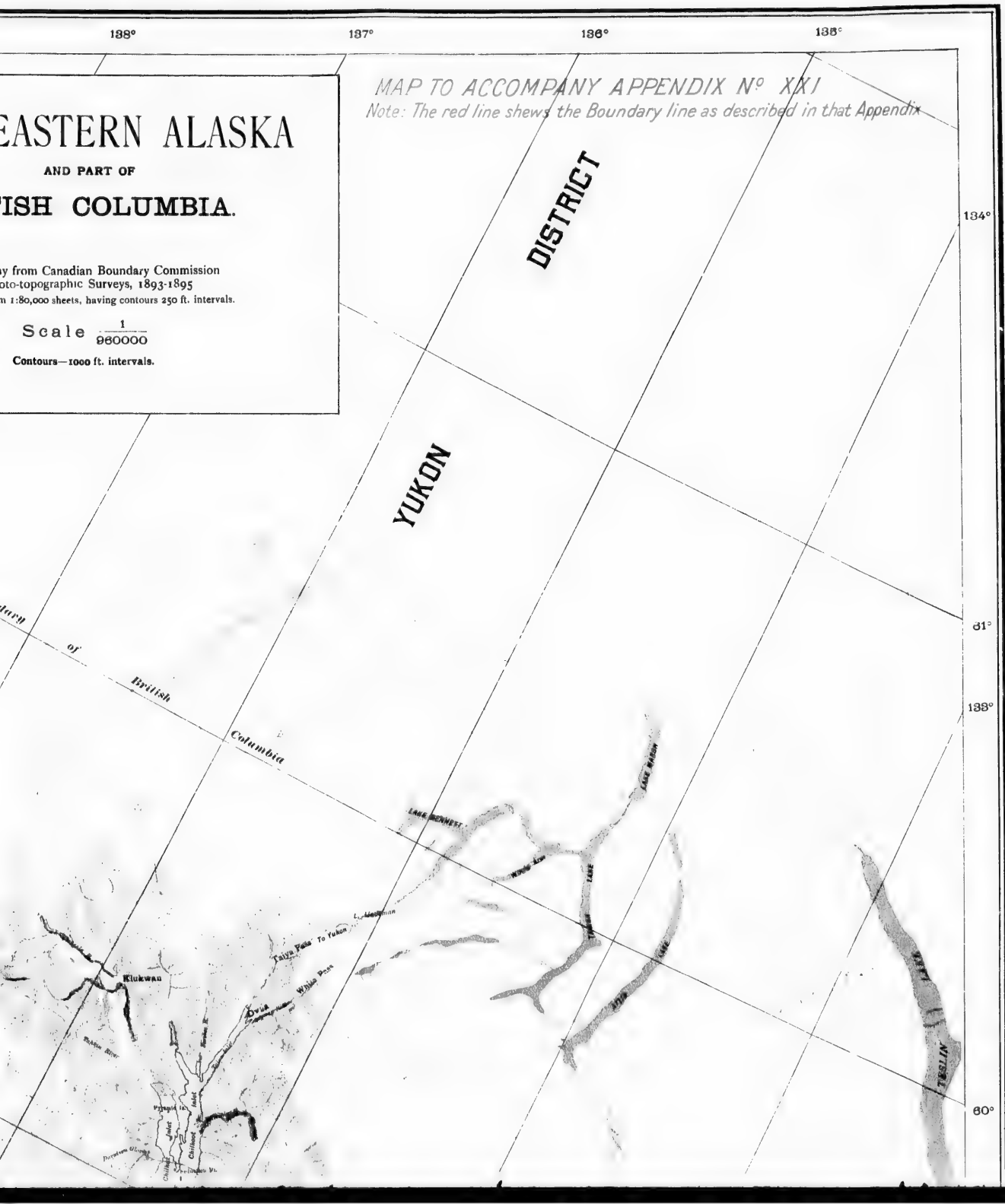
Beginning in 56° north latitude and in longitude 131° 42′ or thereabouts, on the southern slope of the mountain marked 4070 on Sheet No. 8 of the British Commission under the Convention of 1892; thence following the summit ridge of the mountains across said peak 4070, and peaks 3800 and 3700, and along the northerly ridge of the last to Bradfield Canal, and across the same to peaks marked 3400, 4150, 4600, 6200, 5543, 4800, 5980 and 4630 in succession, all on said Sheet No. 8. And across peaks marked 4250, 4535, 4037 and 2525 on Sheet No. 9; and continuing from last-mentioned peak, across the Stikine River, to and across peaks marked 3300, 4483, 5700, 3600, 5355, 5860, 5268, and 4812, all on Sheet No. 9. Thence to and across peaks 5050, 4881 and 4050 on Sheet No. 10. Thence to and across peaks 4072, 4052 and 5159 on Sheet No. 11. Thence along the mountain ridge separating Hobart Bay from Port Houghton and Endicott Arm to peak 5465. Thence across peaks marked 4400, 3910, 4290, and 3110. Thence along the ridge to the entrance to Holkham Bay; thence across said entrance to peaks 2710 and 3100. Thence to and across the entrance to Port Snettisham to peak 3748 on Sheet No. 12. Thence along the mountains between Stephens Passage and Speel River to peak 4300 on Sheet No. 13. Thence to and across Taku Inlet to peak 3441. Thence in succession across peaks 3300, 4175, 3630, 4960, 5385, 5640, 5540, 5100, 5124, 5790, 5986 and 5210 on Sheet No. 13, to the shores of Berner's Bay on the Lynn Canal. Thence across Lynn Canal to peaks 3452 and 3980 on Sheet No. 14; thence along the southern watershed of Endicott River to and across peaks 4800, 4650 and 5025. Thence across peaks 4740 and 4150 on Sheet No. 14 to the shores of Glacier Bay, and thence across Glacier Bay to the summit of the mountains lying north of Berg Bay. Thence along the watershed between the waters flowing into the said Berg Bay and those flowing into the western arm of Glacier Bay and along to the watershed between Dundas Bay and said west arm to peak marked 4010 on Sheet No. 15. Thence along the height of land between Brady Glacier and the north-western arm of Glacier Bay to peak marked 6860 on Sheet No. 15. Thence along the same watershed to Mount Crillon. Thence along the range known as the Fairweather Range, and approximately parallel to the ocean, to peak marked 4920 on Sheet No. 20. Thence across Alsec River to peak 3700. Thence along the mountains shown on said Sheet No. 20 to peak 5300. Thence to peaks 3790 and 3760. Thence to Mounts Unana, Tebenkof and Hendricson in succession. Thence to the mountain on the west shore of Disenchantment Bay and south of Dalton Glacier as shewn on Sheets Nos. 21 and 23. Thence along peaks 6350 and 7555 on said Sheet 23 to Mount Cook. Thence along the peaks marked on Sheet 24 13375, 11000, 6775, 5960, and 9950. Thence following the dividing ridge westerly to Mount St. Elias. Thence along the westerly ridge of the same to the 141st meridian. Thence north along said 141st meridian.

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Mt. St. Elias
17976
MALASPINA GLACIER
YAKUTAT BAY
Ocean Cape
Mission
MOUNT ST. ELIAS ALPS
DRY BAY
ALSEK RIVER
Northern Boundary of British
Mt. Fairweather
15287
Mt. Lituya
11740
Mt. Crillon
12726
La Perouse
10758
JAMES HOPKINS GLACIER
PACIFIC GLACIER
MUIR GLACIER
Klukwan
Chilkat River
Chilkat Inlet
Lynn Canal


138°
137°
136°
135°
MAP TO ACCOMPANY APPENDIX Nº XXI
Note: The red line shews the Boundary line as described in that Appendix
EASTERN ALASKA
AND PART OF
FISH COLUMBIA.
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LAKE BENNETT
LAKE MARSH
TAGISH LAKE
TESLIN LAKE
TESLIN
Klukwan
Taiya Pass To Yukon
White Pass
Dyea
Skagway
Chilkoot Inlet
Chilkoot Pass


Mt. Crillon
La Perouse
10752
Cape Spencer
Cross Sound
Yakobi
Island
Cape Cross
Sullivan Is
CANAL
Shelter Is
Douglas City
Juneau
CHICHAGOF IS.
ADMIRALTY IS.
STRAIT
KRUZOF IS.
Cape Edgecumbe
SITKA
BARANOF IS.
FREDERICK
SOUND
Cape Fanshaw
CHATHAM
KUIU IS.
KUPREANOF IS.
Cape Ommaney
SUMNER STRAIT
ZAREMBO IS.
PACIFIC OCEAN
139°
138°
137°


Sullivan Is
CANAL
LYNN
Shelter Is
DENDENHALL GLACIER
Douglas
Douglas City
Juneau
Lemon Creek
TAKU
INLET
TAKU
RIVER
ADMIRALTY
IS.
PASSAGE
STEPHENS
Holkham Bay
MT. Stamford
Windham Bay
SOUND
Port Houghton
Cape Fanshaw
SOUND
BAIRD
GLACIER
Thomas Bay
KUPREANOF
IS.
Wrangell Strait
MITKOF IS.
Dry I.
Farm I.
Nolsing
ZAREMBO IS.
Wrangell
132°
59°
131°
58°
130°


SUMNER STRAIT
ZAREMBO IS.
Coronation Is.
ISLAND
WALES
OF
PRINCE
STRAIT
ERNEST
CLARENCE
Cape Muzon
Pt. Nunez
Cape Chacon
DIXON ENTRANCE
NORTH
136°
135°
134°
133°
132°



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**IMAGE EVALUATION
TEST TARGET (MT-3)**

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