

**CASE PRESENTED ON THE
PART OF THE
GOVERNMENT OF HIS
BRITANNIC MAJESTY**

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Case presented on the part of the Government of His Britannic Majesty by Alaskan Boundary Arbitration

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ALASKAN BOUNDARY ARBITRATION

CASE PRESENTED ON THE PART OF THE GOVERNMENT OF HIS BRITANNIC MAJESTY

2004

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BOUNDARY BETWEEN THE DOMINION OF CANADA
AND THE TERRITORY OF ALASKA.

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CASE

PRESENTED ON THE PART OF THE

GOVERNMENT OF HIS BRITANNIC MAJESTY

TO THE

TRIBUNAL CONSTITUTED UNDER ARTICLE I OF THE
CONVENTION

SIGNED AT WASHINGTON, JANUARY 24, 1903,

BETWEEN

HIS BRITANNIC MAJESTY AND THE UNITED
STATES OF AMERICA.

LONDON:
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1903.

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BOUNDARY BETWEEN THE DOMINION OF CANADA
AND THE TERRITORY OF ALASKA.

CASE

PRESENTED ON THE PART OF THE GOVERNMENT OF HIS BRITANNIC
MAJESTY TO THE TRIBUNAL CONSTITUTED UNDER ARTICLE I
OF THE CONVENTION SIGNED AT WASHINGTON ON THE 24TH
DAY OF JANUARY, 1903, BETWEEN HIS BRITANNIC MAJESTY
AND THE UNITED STATES OF AMERICA.

Convention, 24th January, 1903.

ON the 24th day of January, 1903, a Convention was concluded between Great Britain and the United States of America in order to provide for a friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the Convention between Great Britain and Russia, signed under date of the 28th (16th) February, A.D. 1825, which clauses relate to the delimitation of the boundary-line between the territory of Alaska, now a possession of the United States, and the British possessions in North America.

Article I of the Convention provides that the Tribunal shall consist of six impartial jurists of repute, who shall consider judicially the questions submitted to them.

The other principal Articles of the Convention are the following :—

“ Article III. It is agreed by the High Contracting Parties that the Tribunal shall consider, in the settlement of the questions submitted to its decision, the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of the 28th (16th) February, A.D. 1825, and between the United States of America and the Emperor of All the Russias, concluded under date of the 18th (30th) March, A.D. 1867, and particularly the Articles

III, IV, and V of the first-mentioned Treaty, which in the original text are, word for word, as follows:—

“ III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du Continent et les Iles de l’Amérique Nord-ouest sera tracée ainsi qu’il suit:—

“ 1. A partir du point le plus méridional de l’île dite *Prince of Wales*, lequel point se trouve sous la parallèle du 54° 40’ de latitude nord, et entre le 131° et le 133° 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 56° degré 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 141° degré de longitude ouest (même méridien); et, finalement, du dit point d’intersection, la même ligne méridienne du 141° 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 56° degré de latitude nord au point d’intersection du 141° degré de longitude ouest se trouverait 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.

“ 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 précédents assignent aux possessions de l’autre. En conséquence, les sujets Britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu’elles sont désignées dans les deux Articles précédents; et, de même, nul établissement ne sera formé par des sujets Russes au delà des dites limites.’

“ The Tribunal shall also take into consideration any action of the several Governments or of their respective Representatives, preliminary or subsequent to the conclusion of said Treaties, so far as the same tends to show the original and effective understanding of the Parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said Treaties.

Questions.

" Article IV. Referring to Articles III, IV, and V of the said Treaty of 1825, the said Tribunal shall answer and decide the following questions :—

" 1. What is intended as the point of commencement of the line ?

" 2. What channel is the Portland Channel ?

" 3. What course should 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 the Portland Channel, and what course should it follow between these points ?

" 5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the Ocean then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the Ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich ?

" 6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière*, which was to belong to Russia, be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (a) from the line of the general

direction of the mainland coast, or (b) from the line separating the waters of the Ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

"7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary?"

The Convention was ratified on the 3rd March, 1903.

The full text of the Convention is set out in App. I, p. 1. the Appendix to this Case.

The accompanying Case, together with the documents, official correspondence, maps, and other evidence, on which the Government of Great Britain relies, contained in Appendices I, II, and III to the Case, is delivered pursuant to Article II of the Convention.

INTRODUCTION.

Treaty of 1825.

App. I, p. 87.

The Convention between Great Britain and Russia to be interpreted by the Tribunal was concluded on the 16th (28th) February, 1825.

Treaty of 1867.

Ib., p. 186.

By a Treaty between the United States and Russia concluded on the 18th (30th) March, 1867, Russia ceded to the United States all the territory and dominion then possessed by her on the Continent of America and in the adjacent islands within geographical limits therein described. In fixing the eastern limits 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 the 16th (28th) February, 1825, and as described in Articles III and IV of that Convention, was adopted word for word. An interpretation of the Treaty which will fix the line of demarcation between the British and Russian possessions in North America, as it was laid down in the Treaty of 1825, will delimit the boundary-line between those territories adopted by the Treaty of 1867, and as it continues to be at the present time.

On the cession of the territory to the United States, the name "Alaska" was substituted for "Russian America."

Province of British Columbia.

Throughout almost its entire length, that is to say, up to latitude 60°, the disputed territory adjoins the Province of British Columbia on its westward side. The boundaries of this portion of the British possessions in America were fixed by an Imperial Act of 1863, which specifies the western boundary to be the Pacific Ocean and the frontier of the Russian territories in North America, the north to be the 60th parallel of latitude, the east the 120th meridian of west longitude and the summit of the Rocky Mountains.

Yukon Territory.

The remaining portion in dispute adjoins the Yukon territory, and includes the easterly boundary of the coast strip from the vicinity of Yakutat Bay to the 141st meridian.