

**UNITED STATES. NO. 1
(1904). CORRESPONDENCE
RESPECTING THE ALASKA
BOUNDARY**

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UNITED STATES. No. 1 (1904).

Great Britain - Session of 1904

CORRESPONDENCE

RESPECTING THE

ALASKA BOUNDARY.

*Presented to both Houses of Parliament by Command of His Majesty.
January 1904.*

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Correspondence respecting the Alaska Boundary.

No. 1.

The Marquess of Salisbury to Mr. Choate.

Your Excellency,

Foreign Office, July 1, 1899.

THE correspondence which has passed between the United States' Government and that of Her Majesty, as well as the negotiations and other diplomatic intercourse which have taken place both here and at Washington, have left on the minds of Her Majesty's Ministers a strong impression that no effective progress will be made in coming to an agreement upon the subjects which divide the two countries without the assistance of arbitration. This appears to be especially the case with respect to the Alaska boundary. The different signification which the two Governments attach to the language of the Treaty of 1825 is not of a character which appears likely to be adjusted by the method of explanation or argument on the two sides. Some of the ablest men belonging to both nations have now for several months devoted the utmost erudition and acumen to this discussion, but the attainment of an agreement seems to be no nearer than when the communications began. Her Majesty's Government feel that no satisfactory agreement between the two countries can be arrived at until the difference with respect to the Alaska boundary has been adjusted, and that this adjustment can only be attained by the process of arbitration.

Much, of course, will depend upon the manner in which the subject of controversy is presented to the Tribunal selected for arbitration, and upon the conditions by which the Arbitrator's decisions are shaped and limited. Upon this matter some preliminary discussion has already taken place between the two Governments, but no formal expression of opinion on either side in this respect has as yet been arrived at. In order to ascertain whether any formal difference exists between them in this respect, and to pave the way, if possible, for an ultimate agreement, I have, on behalf of Her Majesty, to propose to your Excellency that the Treaty of Arbitration adopted between this country and Venezuela, with the assent, and largely at the instance of, the United States, shall be applied to the determination of the Alaska boundary which is now under discussion. That Treaty is now receiving its application at Paris, and during the three years which have elapsed since its conclusion no question as to its fairness or applicability has arisen between the Contracting Parties. I am not able to find in its terms anything which is inapplicable to, or which would be inconsistent with an equitable and conclusive solution of, the Alaskan controversy. It is possible that in some respects its details may be improved, but, such as they are, they appear to Her Majesty's Government to be adequate for the purpose which we have in hand; and I have to request that your Excellency will lay before the President the proposal of Her Majesty's Government that the Venezuela Treaty, as it stands, shall be applied to the determination of the Alaska boundary between the Dominion of Canada and the United States.

I have, &c.

(Signed) SALISBURY.

No. 2.

Mr. Choate to the Marquess of Salisbury.—(Received July 10.)

My Lord,

American Embassy, London, July 8, 1890.

I HAVE the honour to acknowledge the receipt of your Lordship's note of the 1st July, proposing an arbitration of the Alaskan Boundary question; and, in accordance with your Lordship's request, immediately upon its receipt I communicated the substance of it by cable, and by the first subsequent mail a full text of the note was transmitted to the Department of State.

I hope soon to have the pleasure of receiving and submitting to your Lordship the President's views.

I have, &c.
(Signed) JOSEPH H. CHOATE.

No. 3.

The Marquess of Salisbury to Mr. Tower.

Sir,

Foreign Office, August 2, 1890.

THE United States' Ambassador called upon me to-day in order to discuss the proposal recorded in my note to his Excellency of the 1st ultimo, that the Alaska boundary question should be submitted to arbitration, and that the Treaty of Arbitration adopted between Great Britain and Venezuela should be applied to the determination of the present case.

Mr. Choate said that this proposal was being attentively considered by his Government, but that on several grounds, which he proceeded to explain to me, the President felt unable to assent to the proposal as it stood, and desired a further exchange of views before formally responding to my communication.

As the question of the organization of the proposed Arbitral Commission is subordinate to that concerning the subject-matter to be arbitrated, and the terms and conditions on which its action is limited, and ought easily to be agreed upon when the latter are once settled, Mr. Choate said he would confine what he had to say to some of the reasons which, in the President's judgment, make the terms of the Venezuelan Treaty, as it stands, wholly inapplicable to the present subject of controversy, in which the issues involved are radically different.

The case of the Alaska boundary was, his Excellency said, entirely unlike the controversy with Venezuela, in that it was a new question, raised for the first time after the Joint High Commission had been agreed upon, up to which date the claim which it was now asked should be submitted to arbitration had never been put forward either by Great Britain or by Canada; whereas, in the case of Venezuela, the controversy originated a century and a-half ago, and had been in its entirety a subject of dispute and protest for sixty years.

The coast-line of the mainland (the *lisière* of the Treaty), including the inlets, had been in the possession, or under the control of, Russia and the United States since the Treaty between Russia and Great Britain in 1825, and the Settlements on the inlets, especially those about the head of the Lynn Canal, had been made with the authority, and under the jurisdiction of, the United States, without any protest or claim of territorial ownership on the part of Great Britain; whereas, in the Venezuelan case, the British occupation and Settlements involved were upon territory claimed by Venezuela, and against the constant protests of Venezuela, thus constituting, as Venezuela alleges, a series of advancing encroachments upon what that country claimed to be her territory.

In support of the proposition, that from the Treaty of 1825 to the cession to the United States in 1867, the Russian Government steadily maintained its claim to a strip of territory 30 miles in width on the mainland of the continent, beginning at 50° 40' and extending north-west around all the inlets and interior waters to the 141st degree of west longitude, his Excellency called attention to the maps issued by the Russian Government, to its lease or licence, contained in the Treaty with the United States of 1824, for the citizens of the latter to frequent with their ships, for ten years, "the interior seas, gulfs, harbours, and creeks upon the coast" for the purpose of fishing and trading with the natives, and to Russia's refusal in 1835 to renew the privilege.

During the whole period of Russia's occupation of this strip of territory, Great Britain had, Mr. Choate said, made no claim to it and entered no protest; on the contrary, there were acts on her part of express recognition of the claim of Russia. By the Treaty of 1825 she took from Russia the same privilege for British subjects to frequent the same inland seas, gulfs, harbours, and creeks, for ten years, as had been granted to American citizens by the Treaty of 1824, and, after the expiration of the ten years' privileges, British subjects and vessels were excluded from these interior waters, and the British Government acquiesced in this without a protest.

In the same connection his Excellency called attention to the case of the "Dryad," where the British Government presented and pressed upon the Russian Government a claim of the Hudson Bay Company for damages sustained by the detention of the vessel destined for some point on the Stikine River, which resulted in the Hudson Bay Company taking in 1839 a lease from the Russian-American Company (these two Companies representing their respective Governments in the control of the country along the north-west coast) of the strip of territory, or *lisière* of the Treaty, for ten years, in consideration of an annual rent and the extinction of the claim. This lease was made with the authority and approval of the two Governments. The Hudson Bay Company entered and occupied under it for the term of the lease, and for an extension of another term, and then surrendered possession without objection or protest from any one.

Mr. Choate also called my attention to the special Parliamentary inquiry into this transaction in 1857, to the map submitted to the Committee, and to the testimony of the Governor of the Hudson Bay Company, showing the strip leased to have been 30 miles in width, and to extend around the head of all the inlets, including Lynn Canal.

In the opinion of the President, the action of the two Governments during Russia's occupation of the strip of territory now in controversy makes a wholly different condition of affairs from that between Great Britain and Venezuela, and this difference has been maintained and made more distinct since the cession by Russia to the United States.

In support of this his Excellency called my attention to the map prepared and published by the United States in 1867 which delimited the boundary, and which traced the limits of the strip on the mainland in accordance with the uniform claim which Russia had made. Not only was no protest made against this map by the British Government, but the British map publishers and the Canadian Government had adopted the same boundary-line in their publications. And, in accordance with this delimitation, the United States had, he said, exercised acts of sovereignty—such as control of Indian tribes, establishment of post-offices and schools, and the policing of the waters of the inlets by Government vessels, and the enforcement of revenue and other Federal laws.

Mr. Choate then called attention to the fact that, up to a very recent period, the boundary-line has only twice been the subject of correspondence or discussion between our two Governments: first in 1873-74, when there was a movement for having the boundary-line marked by a Commission of scientific experts, and it was then understood that the boundary-line crossed the Rivers Skoot, Stikine, Taku, Islecat, and Chilcat at some place above the point where they respectively empty into the inlets of the ocean, and, shortly after that, when there was some question as to where the boundary crossed the Stikine.

His Excellency referred incidentally to the case of Peter Martin, 1877, the correspondence in respect to which appears in "Foreign Relations of the United States, 1877," pp. 266-271, and to the Provisional Agreement for Customs purposes in 1878, the correspondence in respect to which appears in "Foreign Relations of the United States, 1878," pp. 339-346.

The slight conflict of jurisdiction in the vicinity of Lake Lindeman, shortly after the discovery of gold in the Yukon district, seemed, he said, to have but little bearing, as it related to territory between Lake Lindeman and the White Pass.

It appeared clear that not until after the Joint High Commission was created (30th May, 1898) did either Great Britain or Canada ever advance the claim to any portion of territory lying adjacent to the inlets of the ocean, nor to the waters thereof; nor had they objected to the occupation of the same by the Government of the United States or its citizens, and at no time had any part of the territory so lately put in dispute been held or occupied by Canadian or British authorities.

The towns, settlements, and industries about the head of Lynn Canal and the other inlets embraced in this strip of territory having been established under these circumstances, a wholly different situation had, in the opinion of the President, been created in regard to them from that involved in the Venezuela Case, so utterly different