

Washington D.C.

9 Feb. 1888

Copied

Sir Charles Tupper & C^o M^{rs}

One of Her Majesty's Plenipotentiaries
at the Fisheries Conference.

Sir,

One of the principal difficulties met
with in arriving at any reasonable
Conventional line of boundary between the
Coast Strip of Alaska & 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 ten marine
leagues in width, while as a matter of
fact, in the language of the Convention,
ten 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
obtain. 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 54^{me}
degré, 40 minutes de latitude Nord,
et entre le 131^{me} et le 133^{me} degré

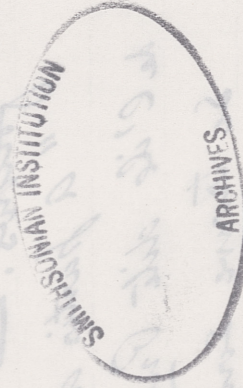
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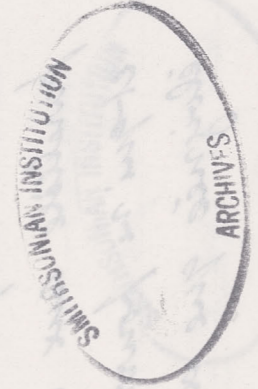


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de longitude Ouest (Mérïdien de
Greenwich) la dite ligne remontera au
Nord le long de la passe dite Portland
Channel jusqu'au point de la terre ferme
où elle atteint le 56^{me} degré de
latitude Nord, de ce dernier point la
ligne de démarcation suivra la Crête
des montagnes situées parallèlement
à la Côte, jusqu'au point d'intersection
du 141^{me} degré de longitude Ouest
(même Méridien) etc

"Que partant de la Crête des Montagnes
qui s'étendent dans une direction
parallèle à la Côte depuis le 56^{me}
degré de latitude Nord au point
d'intersection du 141^{me} degré de
longitude Ouest, le traitroit à la
distance de plus de dix lieues marines
de l'Océan, la limite entre les possessions
Britanniques et la terre de Côte mentionnée
Ciadessus, 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 dix lieues marines."

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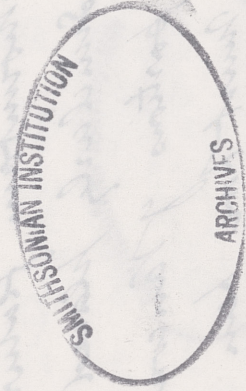
The use of the expression lisière de la Côte, it is submitted, shows that nothing more was stipulated for than a point d'appui for Russia on the mainland coast, & the known circumstances which led to the conclusion of the Convention afford additional evidence that this was all that Russia desired or 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 or an examination of Vancouver's charts & descriptions of the coast, which were at the time the best available. These charts show, strictly conventional & 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

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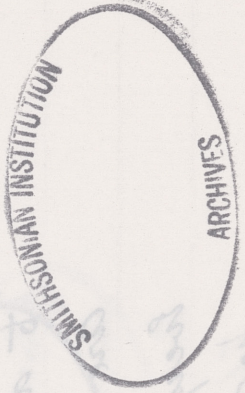


& the Existence of which could be confirmed
 by Reference to Vancouver's detailed description,
 is that which is represented as everywhere
 rising immediately from the Coast & which
 borders upon the sea. It is therefore to the
 summits of these Mountains immediately
 bordering the Coast that the words of the
 Convention must be understood to refer.

Only in the Case of the absence of Mountains
 is the ten degree Line limit admissible,
 & 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, &
 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 one 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, & are
 probably at an average distance of
 considerably less than five miles from it.



The following is a list of the
 names of the persons who have
 been appointed to the various
 positions in the Department of
 the Interior, under the
 administration of the
 President of the United States,
 from the year 1800 to the
 present time. The names are
 arranged in alphabetical order,
 and are given in full, with
 the date of their appointment,
 and the name of the President
 under whom they were
 appointed. The names of the
 persons who have held the
 same position successively
 are given in the same order,
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In respect to the important question as to what is intended by the expression la Côte, Major General P.R. Cameron's views, as expressed in a report on this point, may be substantially adopted, as follows. —

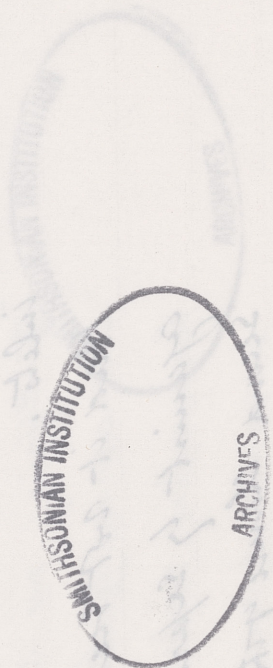
In the second clause of the 4th article provision is made for the case of the mountains being found at more than ten marine leagues inland, & it is there laid down that the measurements shall be made, not from inlets, but from the ocean.

The Convention stipulates, "Qui partent où la Crête des Montagnes, qui s'étendent dans une direction parallèle à la Côte xxx se trouverait à la distance de dix lieues marines de l'océan xxx la limite xxx sera formée par une ligne parallèle à la Côte, et que ne pourra jamais en être éloignée que de dix lieues marines."

The word océan 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 4th article of the Convention, & by the accepted principles of

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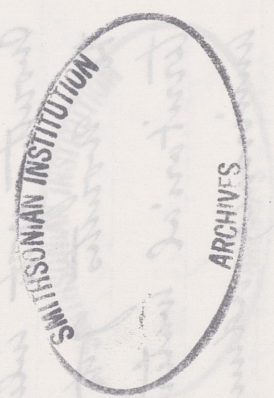


international law, it might, in the case of the absence of mountains, be argued that the breadth of the lisière should be measured from the sea water's edge wherever — in inlet or elsewhere — it outlined the Continent. And that this being the Coast line where no mountains exist within ten leagues, is equally the Coast line where it determines 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 & the meridian of 141° W. long. 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 well 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

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would be under analogous circumstances.

As far as Nov. Mountains as County
may extend - but within ten marine leagues
of the ocean - the islets are in fact included
by the Convention within la lisière de Côte
Arctique Arctique Arctique Arctique
à la Russie.

On the other hand, so much of these islets
as happen to be in mountainous territory,
or beyond ten marine leagues from the
ocean, together with the dry land about
them, is assigned to Great Britain as
much as are rivers & 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 of parcel of
the lisière. But if they were ^{really} part of a 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 & neighbouring mountain

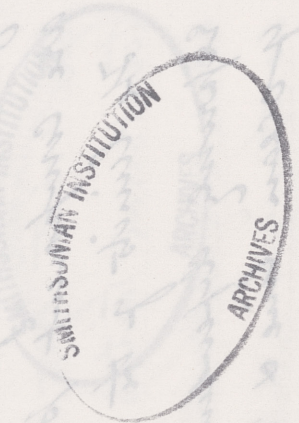
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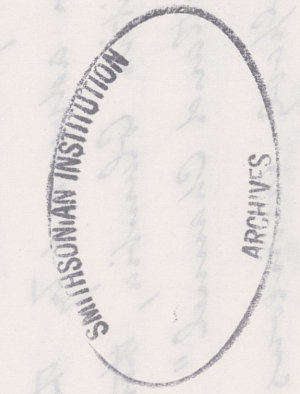
line. The only reference to inlets in the Convention (Art. III.) is in a form almost directly declaratory of assent to the doctrine of territorial authority over them.

If the sovereignty over inlets does not pass in accordance with the doctrine that they are part & parcel of the surrounding territory, there was an occasion for the Uci's vocal concession made in the VII article of a right to navigate these inlets.

Regarded from this point of view rivers & inlets are identical. As Monrope then would it be to hold that under the Convention the breadth of l'écure assigned to Russia is determined by the head-waters of rivers as that the head-waters of creeks & inlets regulate the breadth.

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

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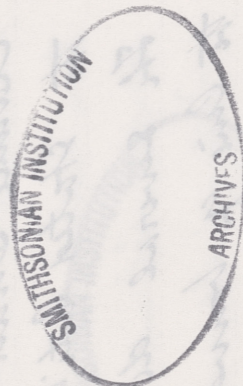
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The portion of the article in question reads,
 "A partir du point le plus meridional
 de l'île dite Prince of Wales X X X la dite
 ligne remonte au Nord le long de la
 passe dite Portlanda Channel jusqu'au
 point de la terre ferme où elle atteint
 le 56^{me} degré de latitude Nord" etc.

Now to reach the entrance of Portland
 Channel from the point first defined,
 the line must run about fifty miles
 East instead of North, & moreover, by
 ascending Portland Channel it
 cannot strike the mainland in latitude
 56° N., as that Channel terminates before
 reaching this latitude, & was known to
 terminate at the time of Vancouver's
 Survey.

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

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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 Wooley & 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 Sulet 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 & which has thereafter been followed & copied on other charts & maps.

It would appear, in view of all the facts, that some interchange leading to a modification 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 honor to be

Sir

Your obedient servant

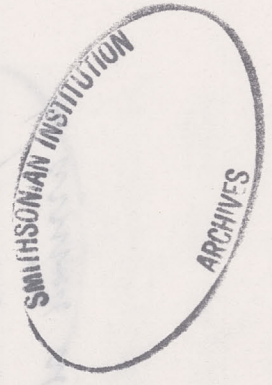
George M. Dawson

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