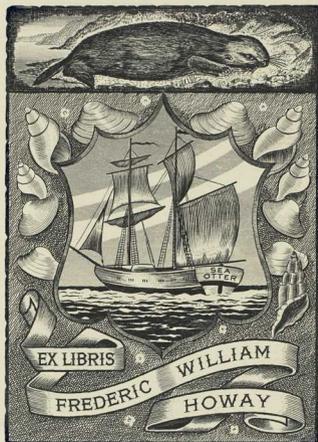
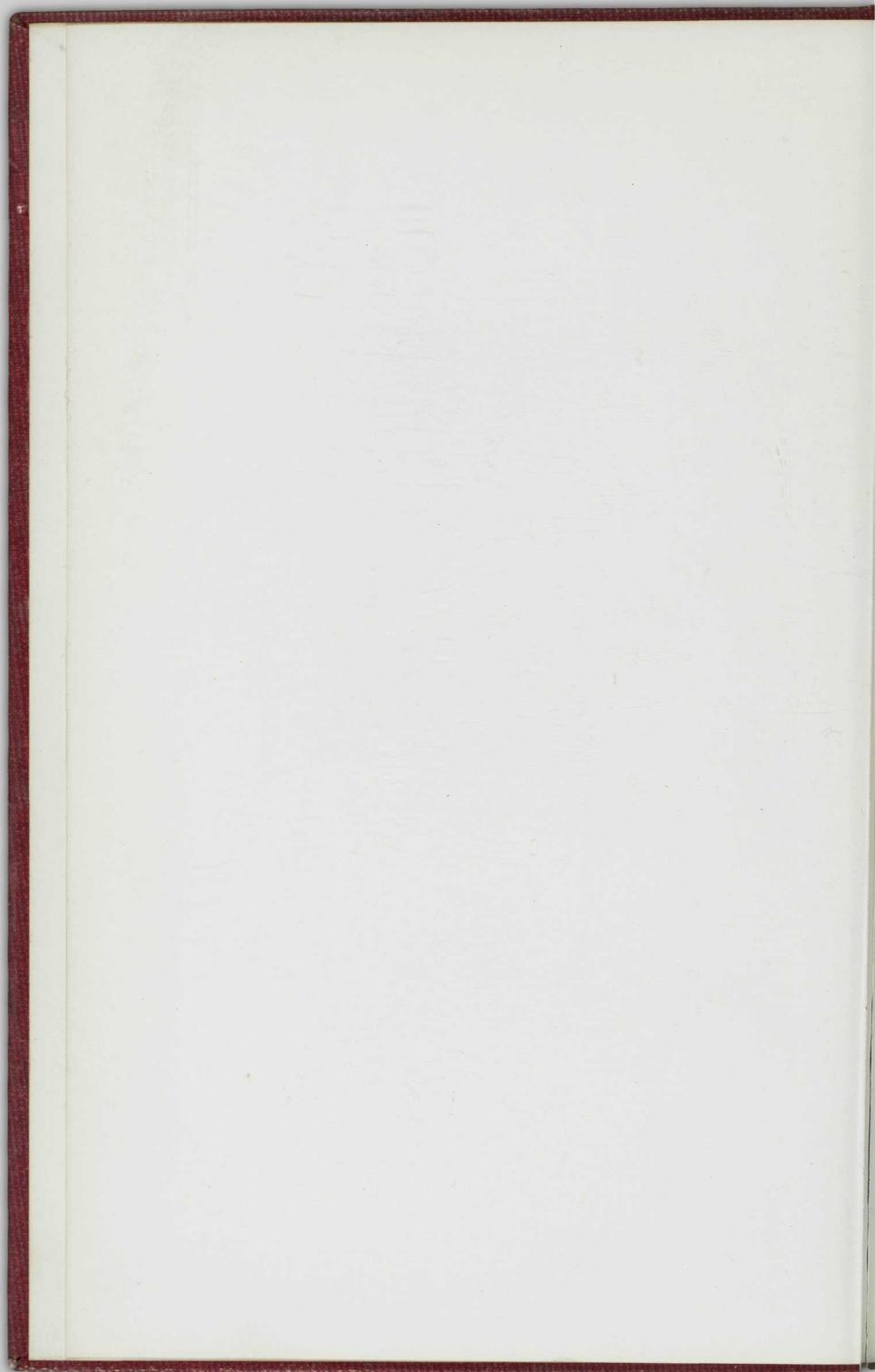


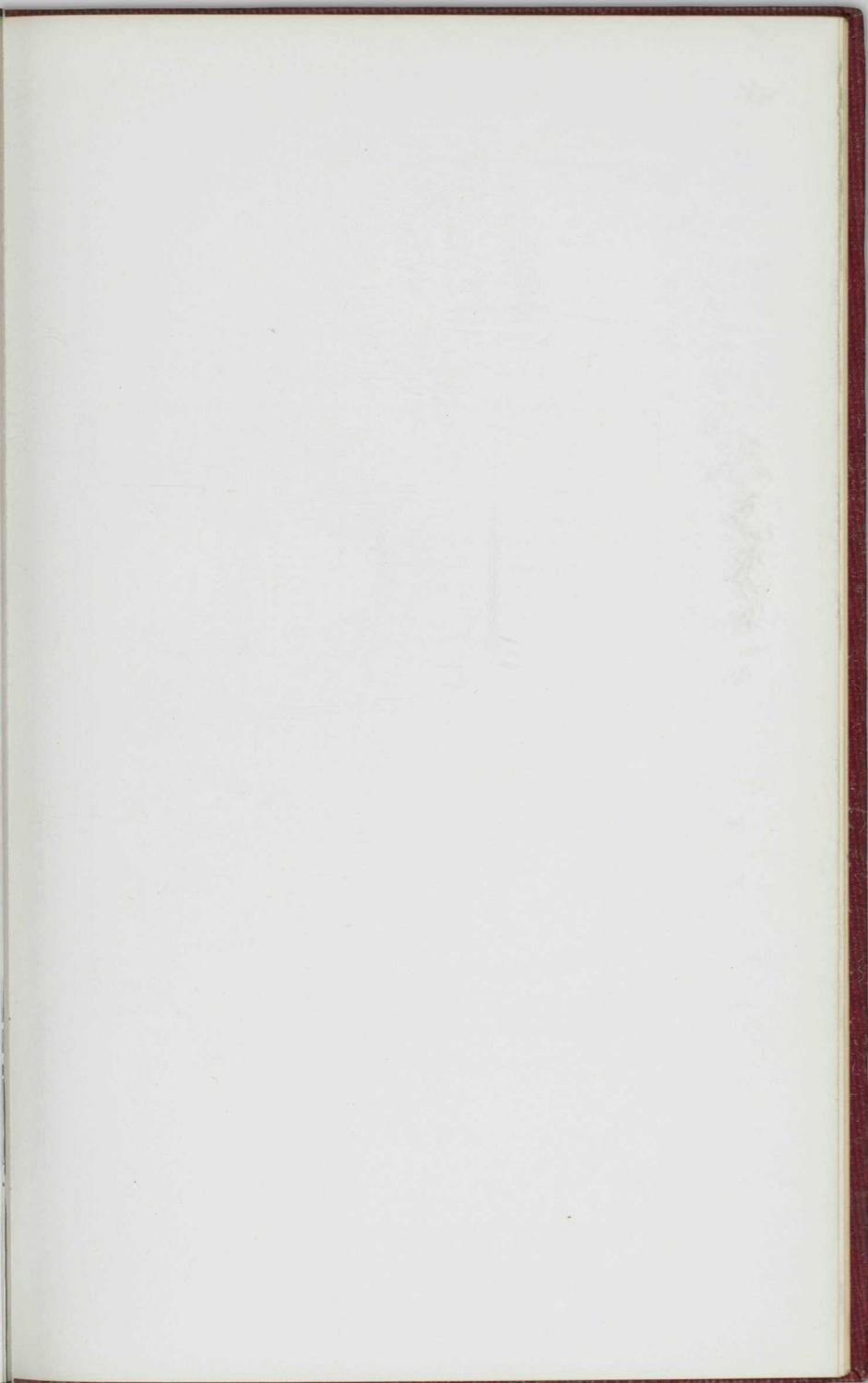
THE
ALASKO-CANADIAN
FRONTIER

THOMAS WILLING BALCH



*The F. W. Howay and R. L. Reid
Collection of Canadiana
The University of British Columbia*





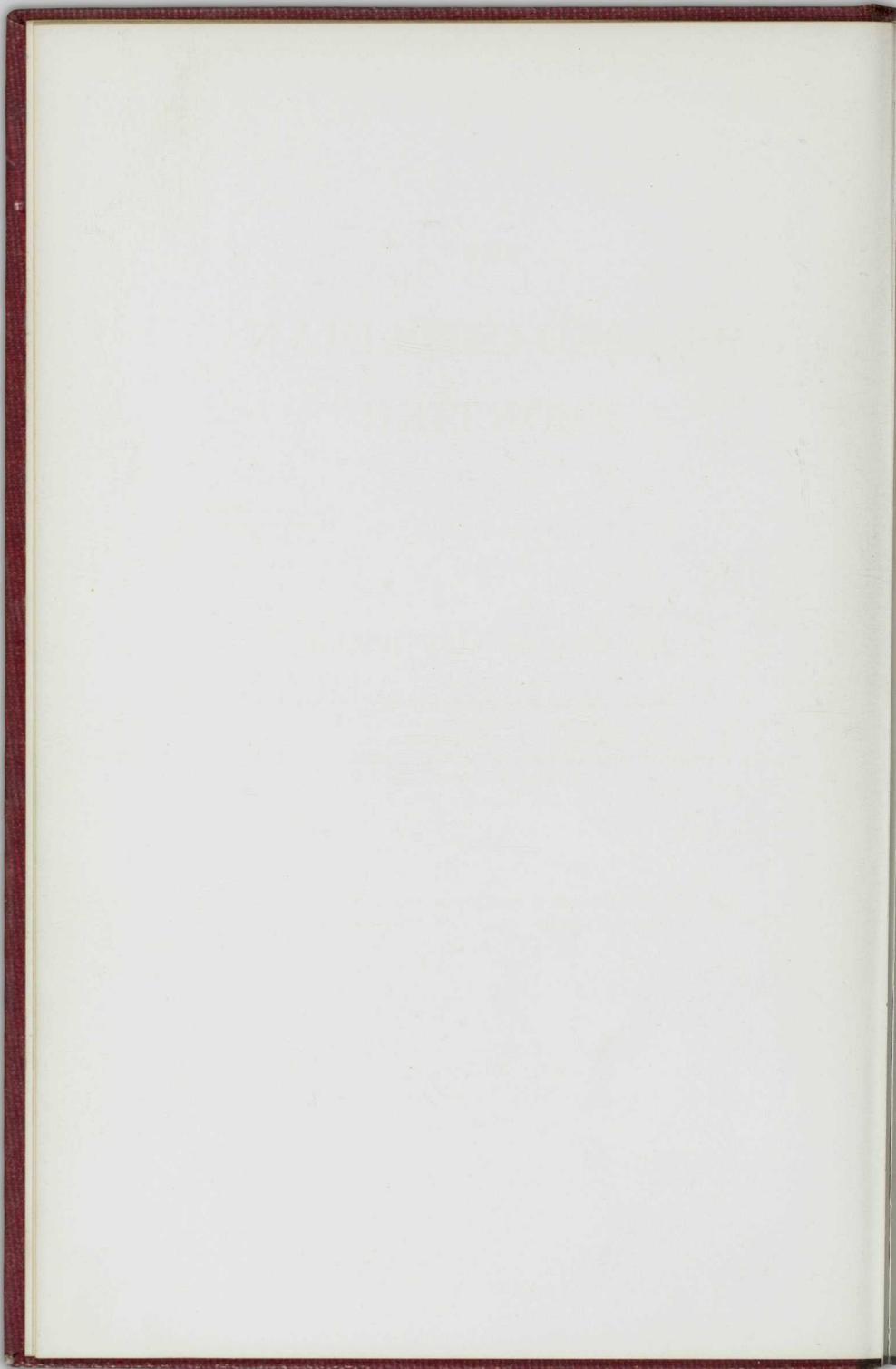


Prepared in the Office of the U. S. Coast and Geodetic Survey. Treasury Department.

UNITED STATES AND ENGLISH BOUNDARY CLAIMS.

MAP No. 1.

THE
ALASKO-CANADIAN
FRONTIER



Th. Howay

THE
ALASKO-CANADIAN
FRONTIER

Thus we wish to retain, and
the English Companies wish
to acquire.—*Count Nesselrode.*

BY

THOMAS WILLING BALCH

A. B. (HARVARD)
MEMBER OF THE PHILADELPHIA BAR
THE AMERICAN PHILOSOPHICAL SOCIETY
THE AMERICAN HISTORICAL ASSOCIATION, ETC.
AUTHOR OF "THE BROOKE FAMILY OF WHITCHURCH, HAMPSHIRE, ENGLAND"
"THE ALABAMA ARBITRATION," ETC.

READ AT THE ANNUAL MEETING OF THE FRANKLIN INSTITUTE, JANUARY 15TH, 1902,
AND REPRINTED FROM THE "JOURNAL OF THE FRANKLIN INSTITUTE"
FOR MARCH, 1902

PHILADELPHIA
PRESS OF ALLEN, LANE AND SCOTT
1902

Copyright, 1902, by

THOMAS WILLING BALCH

151,626
HR
F5049.2
B23

THE
ALASKO-CANADIAN FRONTIER

At the end of May, 1898, the United States and Great Britain agreed to appoint an Anglo-American Joint High Commission to consider and arrange upon a basis more favorable to both sides, such important problems as the regulations of the North Atlantic fisheries, commercial reciprocity, and the Behring Sea fishery question. Soon after, "For the first time a statement was presented by the British Government to the Government of the United States on the 1st of August, 1898, developing the fact that a difference of views existed respecting the provisions of the treaty of 1825" between the United States and the English Empire, concerning the meaning of the Alaska frontier, as defined in the Anglo-Russian treaty of 1825;¹ and on August 23d the British Government claimed² that the eastern

¹ *The Alaskan Boundary*, by the Hon. John W. Foster: *The National Geographic Magazine*, November, 1899: Washington, page 453. Mr. Foster, the able author of this article, was Secretary of State, 1892-93, in the Harrison Administration, and has been from the beginning one of the United States members of the Joint High Commission.

² See map No. 1. In collecting maps on the subject of the Alaskan frontier, I have received kind aid from Mr. P. Lee Phillips, chief of the Map Division of the Library of Congress, and Mr. Tittman and Mr. Andrew Braid, of the United States Coast and Geodetic Survey Office, at Washington, D. C.

boundary of Alaska should run from the extremity of Prince of Wales Island at fifty-four degrees forty minutes, along the estuary marked on recent maps as Pearse Canal, up to the top of the Portland Canal, from there straight to the coast, and then along the mountains on the mainland nearest to the shore and across all the sinuosities of the sea that advance into the continent up to Mount Saint Elias.³

By the treaty negotiated at Saint Petersburg and signed there on February 16/28, 1825,⁴ the Muscovite and the British Empires agreed in Articles III. and IV. of that treaty upon the following divisional line between their respective North American possessions.

“ARTICLE 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 northwest, 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 fifty-four degrees forty minutes north latitude, and between the one

³ *The Alaskan Boundary*, by the Hon. John W. Foster: *The National Geographic Magazine*, November, 1899: Washington, page 455.

⁴ *Fur Seal Arbitration*: Washington, Government Printing Office, 1895; Volume IV., pages 42-43.

hundred and thirty-first and the one hundred and thirty-third 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 fifty sixth 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 one hundred and forty-first degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the one hundred and forty-first 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.

“ARTICLE IV.

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

“First. That the island called Prince of Wales Island shall belong wholly to Russia.

“Second. That, wherever the summit of the mountains which extend in a direction parallel to the coast, from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first 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, shall be formed by a line parallel to the windings [*sinuosités*] of the coast, and which shall never exceed the distance of ten marine leagues therefrom.”⁵

⁵ Owing to the importance of the French text, which the British Government in its printed argument in the Bering Sea Seal Fisheries Case (*Fur Seal Arbitration*, Volume IV., page 500) recognized as the official version, and the fact that French is the diplomatic language of the world, which was probably much more the case in 1825 than to-day the French version is given here.

“ARTICLE 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 le parallèle du 54^e degré 40 minutes de latitude nord, et entre le 131^e et le 133^e 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^e 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^e degré de longitude ouest (même méridien), et, finalement, du dit point d'intersection, la même ligne méridienne de 141^e 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.

“ARTICLE IV.

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

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

“2^o. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56^e degré de latitude nord au point d'intersection du 141^e 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.”

The negotiations that resulted in the treaty of 1825 were originated by an Ukase issued in 1821 by the Emperor Alexander the First, in which, in addition to claiming exclusive jurisdiction for Russia in the waters of Behring Sea and a large part of the northern part of the Pacific Ocean, he extended also the territorial claims of Russia from the fifty-fifth degree, as claimed by the Ukase of 1799 issued by the Emperor Paul, down to the fifty-first degree of north latitude. The United States and Great Britain both protested against the pretensions of sovereignty asserted in the Ukase of 1821. In 1824 the United States and the Russian Governments signed a treaty in which, among other things, they agreed on the parallel of fifty-four degrees and forty minutes as the divisional line between their respective territorial claims: all below that line Russia agreed to leave to the United States to contest with Great Britain, and all above it the United States consented to leave to Russia to dispute with England.

Meanwhile, the course of negotiations between Russia and England did not progress as smoothly; but finally, in February 1825, nearly a year after the signing of the Russo-American Treaty, the Russian and the English plenipotentiaries signed the treaty containing the two articles above quoted. For more than half a century the British Empire never contested the interpretation openly proclaimed by both the Muscovite and the United States Governments

that under those two Articles, first Russia and later—after the cession of Russian America or Alaska in 1867 to the American Union—the United States were entitled to a strip of territory (*lisière*) on the mainland from the Portland Channel or Canal in the south up to Mount Saint Elias in the north so as to cut off absolutely the British possessions from access to the sea above the point of fifty-four degrees forty minutes. In August 1898, for the first time, the British Empire formally claimed at the Quebec Conference that the proper reading of those two articles entitled Canada to the upper part of most or all of the fiords between the Portland Canal and Mount Saint Elias.⁶

A review of the negotiations during the years 1822, 1823, 1824 and 1825 between Count Nesselrode and M. de Poletica in behalf of Russia, and first of Sir Charles Bagot and afterwards of Mr. Stratford Canning, later Lord Stratford de Redcliffe, for Great Britain, shows clearly that the agreement finally reached as embodied in the treaty of 1825 was to exclude the British North American territory from all access to the sea above the point of fifty-four degrees forty minutes. From the very inception of the negotiations, the Russians insisted upon the possession for Russia of a strip or *lisière* on the mainland from the Portland Canal up to Mount Saint Elias expressly

⁶ *The Alaskan Boundary* by the Hon. John W. Foster: *The National Geographic Magazine*, November, 1899, Washington, page 453.

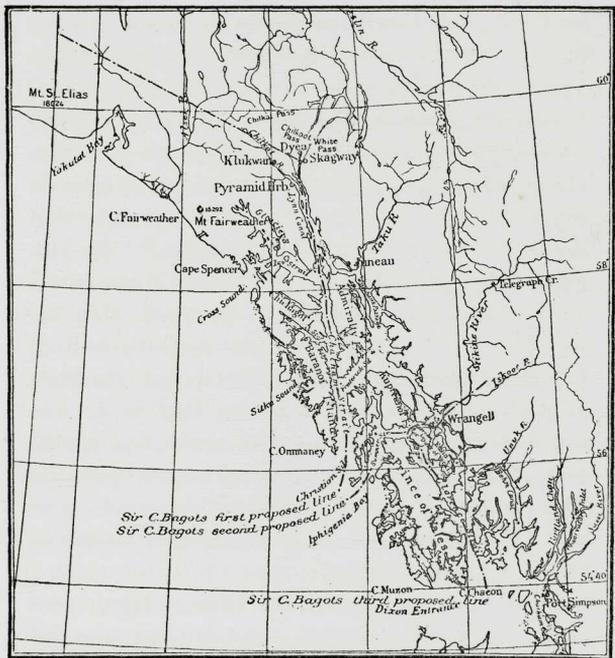
to shut off England from access to the sea at all points north of the Portland Canal. Sir Charles Bagot, on behalf of England, fought strenuously to keep open a free access to the sea as far north above the line of fifty-four degrees forty minutes as possible.⁷ First he proposed that the line of territorial demarcation between the two countries should run "through Chatham Strait to the head of Lynn Canal, thence northwest to the 140th degree of longitude west of Greenwich, and thence along that degree of longitude to the Polar Sea."⁸ To this Count Nesselrode and M. de Poletica replied with a *contre-projet* in which they proposed that the frontier line, beginning at the southern end of Prince of Wales Island, should ascend the Portland Canal up to the mountains, that then from that point it should follow the mountains parallel to the sinuosities of the coast up to the one hundred and thirty-ninth degree of longitude west from Greenwich, and then follow that degree of longitude to the north.⁹

At the next conference Sir Charles Bagot gave Count Nesselrode and M. de Poletica a written modification of his first proposition. In this new proposal he first stated that the frontier that they demanded would deprive Great Britain of sovereignty

⁷ See map No. 2.

⁸ *Fur Seal Arbitration*, Volume IV., page 424.

⁹ *Fur Seal Arbitration*, Volume IV., page 427.



Prepared in the Office of the U. S. Coast and Geodetic Survey. Treasury Department.

SIR C. BAGOT'S THREE PROPOSED BOUNDARIES, 1824.

MAP No. 2.

over all the *anses* and small bays that lie between the fifty-sixth degree and the fifty-fourth degree forty¹⁰ minutes of latitude; that owing to the proximity of these fiords and estuaries to the interior posts of the Hudson's Bay Company, they would be of essential importance to the commerce of that Company; while on the other hand, the Russian American Company had posts neither on the mainland between those degrees of latitude, nor even on the neighboring islands. Sir Charles proposed that the line of separation should pass through "the middle of the canal that separates Prince of Wales Island and Duke of York Island from all the islands situated to the north of the said islands until it [the line] touches the mainland." Then advancing in the same direction to the east for ten marine leagues, the line should then ascend towards the north and north-west, at a distance of ten marine leagues from the shore, following the sinuosities of the coast up to the one hundred and fortieth degree of longitude west from Greenwich and then up to the north.¹¹

At the next conference the Russian plenipotentiaries again insisted upon their original proposal that the frontier line should ascend the Portland Canal and then follow the mountains bordering the coast line.

¹⁰ In the American edition, *Fur Seal Arbitration*, Volume IV., page 428 "45'" is printed; this is probably a typographical error for "40'."

¹¹ *Fur Seal Arbitration*, Volume IV., page 428.

Sir Charles Bagot then brought forward a third boundary line that, passing up Duke of Clarence Sound and then running from west to east along the strait separating Prince of Wales Island and Duke of York Island to the north, should then advance to the north and the north-west in the way already proposed.¹²

But again the Russian diplomats insisted on their original proposition. On April 17th, 1824, Count Nesselrode addressed to Count Lieven, the Russian Ambassador at London, a long and exhaustive review of the negotiations with Sir Charles Bagot, and instructed Count Lieven to press the Russian views upon the English Cabinet. In that communication, after speaking of Russia's declaration at the beginning of the negotiations that she would not insist upon the claim to the territory down to the fifty-first degree put forward in the Ukase of 1821, and that she would be content to maintain the limits assigned to Russian America by the Ukase of 1799, he went on to say "that consequently the line of the fifty-fifth degree of north latitude, would constitute upon the south the frontier of the States of His Imperial Majesty, that upon the continent and towards the east, this frontier could run along the mountains that follow the sinuosities of the coast up to Mount Saint Elias, and that from that

¹² *Fur Seal Arbitration*, Volume IV., page 430.

point up to the Arctic Ocean we would fix the limits of the respective possessions according to the line of the one hundred and fortieth degree of longitude west from Greenwich.

"In order not to cut Prince of Wales Island, which according to this arrangement should belong to Russia, we proposed to carry the southern frontier of our domains to the fifty-fourth degree fortieth minute of latitude and to make it reach the coast of the continent at the Portland Canal whose mouth opening on the ocean is at the height of Prince of Wales Island and whose origin is in the lands between the fifty-fifth degree and fifty-sixth degree of latitude."

Russia, by limiting her demands to those set forth in the Ukase of 1799, simply defended claims against which, for over twenty years, neither England nor any other power had ever made a protest. England, on the contrary, sought to establish her right to territory which she had thus passively recognized as Russian, and which lay beyond any of her settlements. Count Nesselrode contrasted the policy of the two states in the pithy sentence: "Thus we wish to retain, and the English Companies wish to acquire."

The negotiators were thus brought face to face with their rival claims. The Russians insisted, on the one hand, that they must have possession of a *lisière* or strip of territory on the mainland in order to support the Russian establishments on the islands

and to prevent the Hudson's Bay Company from having access to the sea and forming posts and settlements upon the coast line opposite to the Russian Islands; while Sir Charles Bagot maintained, on the other hand, that Great Britain must have such part of the coast and inlets north of fifty-four degrees forty minutes as would enable the English Companies and the settlements back from the coast to have free access to the fiords and estuaries opening into the ocean.

After a few months, Mr. George Canning, the English Foreign Secretary, instructed Sir Charles Bagot to agree to the Portland Canal as part of the frontier line; but with the reservation, first, that the eastern line of demarcation should be so defined as to guard against any possibility, owing to subsequent geographical discoveries, that it could be drawn at a greater distance from the coast than ten marine leagues, and second, that the harbor of Novo-Archangelsk (now Sitka) and the rivers and creeks on the continent should remain open forever to British commerce.

During the course of the new negotiations between Count Nesselrode and M. de Poletica in behalf of Russia, and of Sir Charles Bagot for England, the second of these two points was the main object of discussion. Sir Charles was unable to conclude a treaty with the Russian diplomats, for the latter refused to agree to open forever the

port of Novo-Archangelsk to British commerce. Neither were they willing to grant to the subjects of England the right *forever* to navigate and trade along the coast of the *lisière* that it was proposed Russia should have. The British Ambassador, realizing that it was impossible for him to negotiate a treaty in accordance with his instructions, soon thereafter left Saint Petersburg.

In the latter part of the year 1824, Great Britain appointed Mr. Stratford Canning, later Lord Stratford de Redcliffe, one of the ablest of her diplomats, to continue the negotiations left unfinished between Sir Charles Bagot, and Count Nesselrode and M. de Poletica. When Canning took up the negotiations, Great Britain had receded from all contentions except as to the width of the *lisière*. In his instructions he received power to arrange for a line of demarcation that should run along the crest of the mountains, except where the mountains were more than ten marine leagues from the shore, in which case the frontier should follow, at a distance of ten marine leagues inland, the sinuosities of the shore. With these new instructions, Stratford Canning was able to conclude a treaty to which Sir Charles Bagot could not have agreed. And on the 16/28 of February 1825, Stratford Canning on behalf of Great Britain and Count Nesselrode and M. de Poletica for Russia, signed a treaty definitely dividing Canada and Russian America.

George Canning, towards the end of his instructions to Stratford Canning, showed what was the chief motive of England in the pending negotiations with Russia. He wrote :

“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.”¹³

Thus the chief concern of the English Government was to obtain from that of Russia an official disclaimer of the assertion in the Ukase of 1821 that the waters of Behring Sea and parts of the northern Pacific were exclusively Russian waters. Russia would not assent to formally recognize the right of English ships freely to navigate those seas, unless the boundary question was also arranged, and settled

¹³ *Fur Seal Arbitration*, Volume IV., page 448.

so as to insure to Russia an unbroken *lisière* from the Portland Canal up to Mount Saint Elias. And on this last point, England, after a long and stubborn resistance, finally yielded.

Much of the trouble that the negotiators of the Anglo-Muscovite treaty of 1825 had in agreeing upon the eastern boundary of the *lisière* was due to a lack of knowledge respecting the mountains along the northwest American coast. According to Vancouver's chart and other available information a mountain range ran along the coast not far from the sea. When Stratford Canning and Count Nesselrode and M. de Poletica finally agreed upon the mountain divide as the frontier between the two nations, Canning, acting upon instructions from his cousin, George Canning, who was British Secretary of Foreign Affairs, insisted that should the summit of the mountains prove to be, at any point, more than ten marine leagues from the shore, then the line of demarcation should be drawn parallel to the *sinuosities* of the shore at a distance of ten marine leagues. This ten league limit to the eastward was inserted on purpose, as George Canning stated in his instructions to Stratford Canning to guard England against a possibility of having her territory pushed back to the eastward a hundred miles or more from the sea in case the crest of the mountains was found in reality to lie far back from the coast instead of close to it as was then supposed.

Thus a review of the negotiations that culminated in the Anglo-Muscovite treaty of 1825 shows clearly that the negotiators of that treaty intended to include within the Russian territory a *lisière* on the mainland, stretching from the Portland Canal in the south up to Mount Saint Elias in the north, and extending between those points far enough inland to exclude the English possessions absolutely from access to the coast line above fifty-four degrees forty minutes.

The treaty was drawn in French, and an English copy was also prepared. In the French version, the language of diplomacy,¹⁴ it is said that the inland frontier of the *lisière* shall be a line drawn "parallèle aux sinuosités ["windings" in the English version] de la côte." The meaning of the phrase is made absolutely clear by the use of the word *sinuosités*. Littré, who was a member of *l'Académie Française*, defines in his *Dictionnaire de la Langue Française*, *sinuosités* as meaning: "Qualité de ce qui est sinueux. Cette rivière fait beaucoup de sinuosités. Il allait dans une chaloupe avec deux ingénieurs côtoyer les deux royaumes de Danemark et de Suède, pour mesurer toutes les sinuosités, Font. *Czar Pierre*. Les jeunes Déliens se mêlèrent avec eux [les Athéniens] pour figurer les sinuosités du labyrinthe de Crète,

¹⁴ *Fur Seal Arbitration*, Volume IV., page 500, et seq.

Principes du Droit des Gens par Alphonse Rivier: Paris, 1896, Volume II., page 19.

Introduction to the study of International Law by Theodore D. Woolsey: New York, 1888, fifth edition, page 270.

Barthél, *Anach.* ch. 76.”¹⁵ Webster defines *sinuosity* to mean; “1. The quality of being sinuous, or bending in and out. 2. A series of bends and turns in arches or other irregular figures; a series of windings. ‘A line of coast certainly amounting with its *sinuosities*, to more than 700 miles.’ S. Smith.”¹⁶

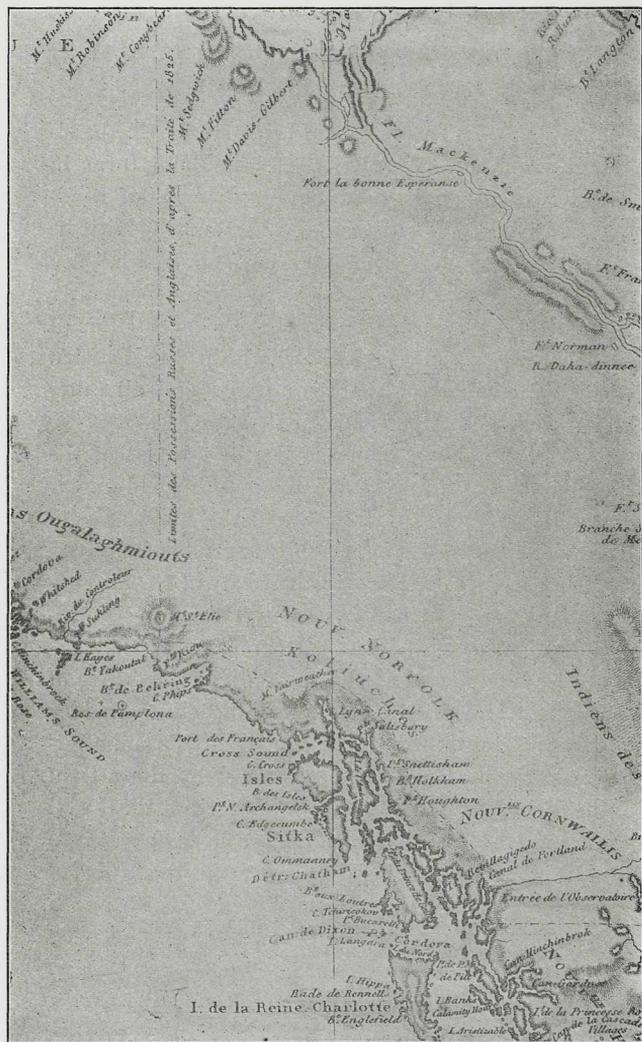
Thus the use of the word *sinuosités*, independently of all other evidence, shows that the negotiators of the treaty meant to include within the Russian *lisière* the whole of the Lynn Canal and all other fiords above the Portland Canal.

Aside, however, from the manifest intent of the negotiators as thus revealed, the meaning and understanding of both the British and the Russians as to the definite frontier for which they arranged between their respective Empires in the treaty of 1825 is conclusively proved; *first*, by the overwhelming multitude of maps of the best cartographers of the various leading powers of the world, including those of England and Canada, in sustaining the boundary always claimed in the beginning by Russia and afterwards by the United States; *second*, by the acts of the British and the Canadian authorities until well towards the close of the nineteenth century.

In the year 1825, shortly after the treaty defining the frontier between Russian and British North

¹⁵ Littré, Paris, Hachette et Cie, 1873.

¹⁶ *An American Dictionary of the English Language*, revised by Professors Goodrich and Porter of Yale: Springfield, Mass., 1876.



IMPERIAL RUSSIAN MAP: "DRESSÉ PAR M. DE KRUSENSTERN, CONTRE-AMIRAL * * *
PUBLIÉ PAR ORDRE DE SA MAJESTÉ IMPERIALE. SAINT PETERSBOURG, 1827."

MAP No. 3.

America became known, A. Brué, one of the leading French cartographers, published at Paris a map entitled: "Carte de l'Amérique Septentrionale; Rédigée par A. Brué, Géographe du Roi; Atlas Universel, pl. 38." On this map Brué drew the boundary of Russian America on the continent from the top of the Portland Canal at the distance of ten marine leagues from tide water round all the sinuosities up to the one hundred and forty-first degree of longitude, and then along that meridian to the north. Two years later, in 1827, the celebrated Russian Admiral and navigator, A. J. de Krusenstern, published at Saint Petersburg, "par ordre de Sa Majesté Impériale," a "Carte Générale de l'Océan Pacifique, Hémisphère Boréal."¹⁷ Krusenstern drew on the mainland the frontier of Russian America from the top of the Portland Canal round the sinuosities of the shore at a distance of ten marine leagues from tide water up to the one hundred and forty-first degree of longitude and then northward along that meridian. Along the line of the one hundred and forty-first degree is inscribed, "Limites des Possessions Russes et Anglaises d'après le Traité de 1825." Two years later, in 1829, there appeared at Saint Petersburg a map of the eastern extremity of Siberia and the north west coast of America. This was map "No. 58" (b)" of the "Atlas

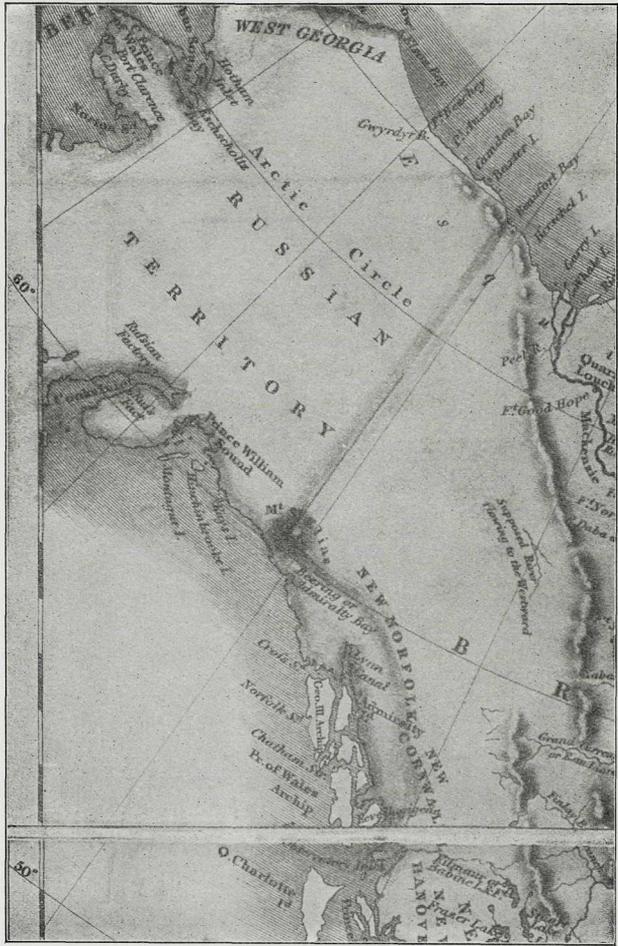
¹⁷ See map No. 3.

Géographique de l'Empire de Russie," etc., that was prepared by Functionary Piadischeff. On this map, Piadischeff drew the Russo-British frontier from Mount Saint Elias down to the top of the Portland Canal and then along that sinuosity down to the sea at fifty-four degrees forty minutes,¹⁸ thereby shutting off Britain from access to the sea above fifty-four degrees forty minutes.¹⁹

The British Government made no protest against the way Krusenstern and Piadischeff had marked the boundary. On the contrary, a few years later, in 1831, a map was prepared by Joseph Bouchette, Jr., "Deputy Surveyor General of the Province of Lower Canada," and published the same year at London by James Wyld, geographer to the King, and "with His Majesty's most gracious and special permission most humbly and gratefully dedicated

¹⁸ Map "No. 60" (a) of the atlas is entitled, "Carte Générale de l'Empire de Russie," etc. This is a map of the whole Russian Empire in 1829, and in the left hand lower corner the boundary of the Russian American *lisière* is given as on map "No. 58." Charles Sumner used this general map of the Empire, "No. 60," in preparing his speech in support of the purchase of Alaska in 1867. The copy that he used is now in the Harvard Library. The reproduction of map "No. 58" in this paper (see map No. 4) was made from a copy of Piadischeff's Atlas now in the possession of the writer that belonged to Prince Alexander of Hesse, the brother of the Empress Alexander the Second of Russia. The titles and nomenclature of the Atlas are given both in Russian and French. The French title is: *Atlas Géographique de l'Empire de Russie, du Royaume de Pologne et du Grand Duché de Finlande * * * par le Fonctionnaire de la 6^e Classe Piadischeff, employé au Dépôt Topographique militaire dans l'Etat-Major de Sa Majesté Impériale: Commencé en 1820 et terminé en 1827, revu et corrigé en 1834.*

¹⁹ See map No. 4.



CANADIAN MAP OF 1831: "COMPILED * * * BY JOSEPH BOUCHETTE, JR.,
DEPUTY SURVEYOR GENERAL OF THE PROVINCE OF LOWER CANADA."

MAP No. 5.

* * * to His Most Excellent Majesty King William IVth * * * compiled from the latest and most approved astronomical observations, authorities, and recent surveys."²⁰ It reaffirmed the boundary as given upon Krusenstern's Imperial map. Again in a "Narrative of a Journey Round the World, during the years 1841 and 1842, by Sir George Simpson, Governor-in-chief of the Hudson's Bay Company's Territories in North America" published at London in 1847,²¹ a map in volume one, showing the author's route, gives the line of demarcation between the Russian and the English territories as it was laid down by Krusenstern in his map of 1827.²²

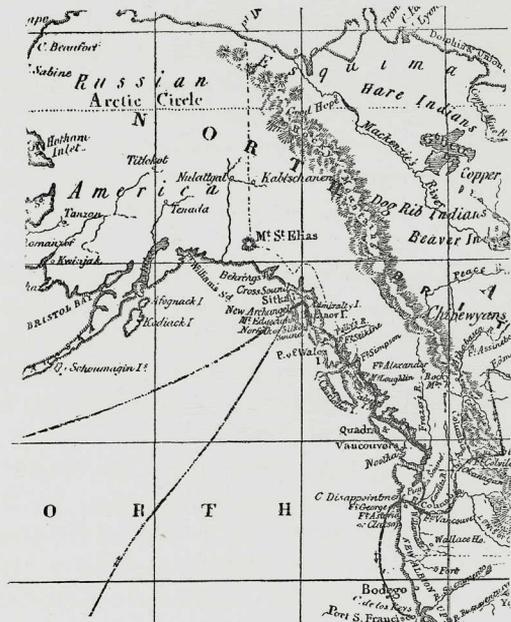
Ten years later, in 1857, an investigation into the affairs of the Hudson's Bay Company was held by a special committee of the House of Commons. At that investigation, Sir George Simpson, who was examined, presented a map of the territory in question, and, speaking for the Company, said: "There is a margin of coast, marked yellow on the map, from 54° 40' up to Cross Sound which we have rented from the Russian Company."²³ This map shows that the strip of land on the continent

²⁰ See map No. 5.

²¹ London; Henry Colburn, 1847: there is a copy in the British Museum.

²² See map No. 6.

²³ See map No. 7.



MAP IN "NARRATIVE OF A JOURNEY ROUND THE WORLD,"
 BY SIR GEORGE SIMPSON, LONDON, 1847.

MAP NO. 6.

extended far enough inland to include all the sinuosities of the coast so as to exclude, according to the United States claims, the British territory altogether from any outlet upon salt water above fifty-four degrees forty minutes.

Again, in 1867, about the time of the sale by Russia to the United States of Russian America—to which William H. Seward gave the name of Alaska²⁴—“Black’s General Atlas of the World” was published at Edinburgh. In the introduction of this work, the following description of Russian America is given :

“Russian America comprehends the N. W. portion of the continent, with the adjacent islands, extending from Behring Strait E. to the meridian of Mount St. Elias (about 141° W.), and from that mountain southward along the Maritime chain of hills till it touches the coast about 54° 40’.”

Then, on three maps of this atlas, “The World,” No. 2, “The World on Mercator’s Projection,” No. 3, and “North America,” No. 39, the Russian territory from Mount Saint Elias down to the end of the Portland Canal at fifty-four degrees forty minutes is marked so as to include within the Muscovite pos-

²⁴*Seward at Washington as Senator and Secretary of State*, by Frederick W. Seward: New York, 1891, Volume III., page 369.

Concerning the sale of Alaska by Russia to the United States, see *Speech of Hon. Charles Sumner of Massachusetts, on the cession of Russian-America to the United States; 1867, passim*; and *The Alabama Arbitration*, by Thomas Willing Balch, Philadelphia, 1900, pages 24–38.

sessions all the fiords and estuaries along the coast and thus cutting off the British territory *entirely* from all access to tide water above fifty-four degrees forty minutes. In addition there is given a small map marked at the top, "Supplementary sketch map, Black's General Atlas, for plate 41," and at the bottom, "United States after Cession of Russian-America, April 1867, Coloured Blue." On this sketch map the territory purchased by the United States is marked, "Formerly Russian America," and like the rest of the United States, is colored blue. And the boundary of the new territory of Alaska is given as upon the other three maps of this Atlas, Nos. 2, 3 and 39, already cited, according to Brué's map of 1825, and Krusenstern's map of 1827, and the Canadian and the English maps already referred to, and in accordance with the territorial claim that Russia and the United States have always maintained and acted upon.

Many other maps can be mentioned in addition to those above quoted against Britain's recent claim. For examples, Petermann's map in the *Mittheilungen* of April, 1869; Thomas Devine's map prepared and printed in 1877 at Toronto by order of the Canadian Government; Alexander Keith Johnston's map of "North America" in his *Handy Royal Atlas of Modern Geography* published at Edinburgh and London, in 1881; E. Andriveau-Goujon's map of "l'Amérique du Nord," published at Paris in 1887, and finally

the wall map (1897) of the "United States" by Edward Stanford,²⁵ an important map maker of London to-day, give to Alaska the limits always claimed since 1825 by Russia and the United States.

Some maps—for example, "The World" by James Gardner, published in 1825 and dedicated "To His Most Gracious Majesty George the IVth"; "Nord America, Entworfen und gezeichnet von C. F. Weiland," 1826; and a "Carte Physique et Politique par A. H. Brué," 1827—bring the Russian boundary on the mainland from Mount Saint Elias down only to a point about half way opposite Prince of Wales Island at about fifty-six degrees and then along the fiords so as to include all of Prince of Wales Island in the Russian Territory, instead of carrying the frontier to the top of the Portland Canal and then down to the sea at about fifty-four degrees and forty minutes. But for all the territory above the point on the continent about half way opposite Prince of Wales Island up to the one hundred and forty-first degree west from Greenwich, these maps give the divisional line between the Muscovite and the British territories far enough inland and around the sinuosities of the coast so as to cut off the British territory from all contact with tide water. Besides, Weiland, in a map of 1843 corrected his error in his map of 1826, in stopping a little short of the Port-

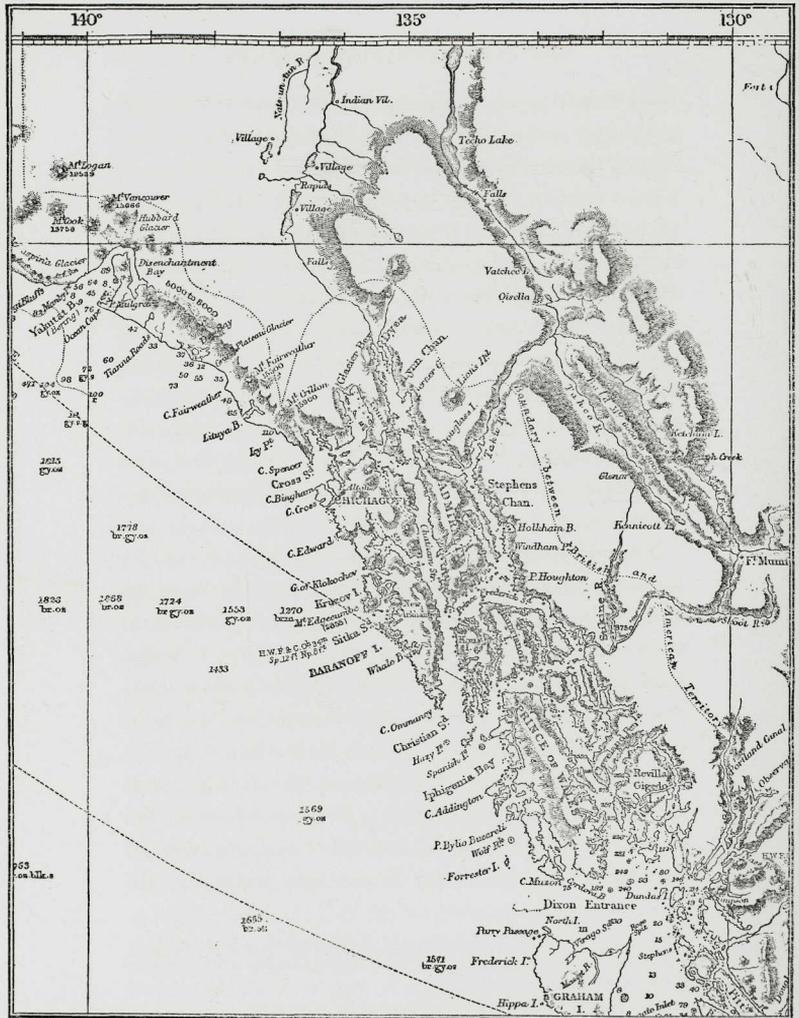
²⁵ *The United States*: London; published by Edward Stanford, 26 and 27 Cockspur St., Charing Cross, S. W., 15th July, 1897.

land Canal in marking the Russo-Canadian boundary; and in Brué's maps of 1833 and 1839 the divisional line is given as it was marked on his map of 1825. Gardner's map is overwhelmed by the multitude of English and Canadian maps—governmental and private—that followed Krusenstern's delineation of the line of demarcation. And additional proof of how far south the negotiators of the treaty of 1825 intended that the Russian *lisière* should extend when they used the phrase, "la dite ligne remontera au nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme ou elle atteint le 56° degré de latitude nord," is clearly shown by Vancouver's chart upon which he inscribed the name "Portland Canal."²⁶

Probably the most important English map as showing what the best geographers of the British Government thought, until very recently, was the true boundary, is the British "Admiralty Chart No. 787," giving the North-west coast of America from "Cape Corrientes, Mexico to Kadiak Island," prepared in 1876 by F. J. Evans, R. N., published in 1877 and corrected up to *April, 1898*.²⁷ On this Chart of the British Admiralty, the frontier of the United States descends the one hundred and

²⁶ A Chart showing part of the Coast of N. W. America with the tracks of His Majesty's Sloop *Discovery* and Armed Tender *Chatham* commanded by George Vancouver: London, 1798.

²⁷ See Map No. 8.



BRITISH ADMIRALTY CHART, PUBLISHED JUNE 21ST, 1877, UNDER THE SUPERINTENDENCE OF CAPTAIN F. J. EVANS, R. N., HYDROGRAPHER, AND CORRECTED TO APRIL, 1898.

MAP No. 8.

forty-first degree of longitude west from Greenwich, and then advancing on the continent but passing round the sinuosities of the coast so as to give a continuous *lisière* of territory cutting off the Dominion of Canada from all contact with any of the fiords or sinuosities that bulge into the continent between Mount Saint Elias and the Portland Canal, the frontier is drawn to the head of the Portland Canal at about fifty-six degrees, and then down that sinuosity, striking Dixon's Entrance at fifty-four degrees forty minutes. *Thus the British Admiralty itself upholds the territorial claims held and maintained by both the Russian and the United States Governments.*²⁸

The English and the Canadian Governments, through their official representatives, have again and again recognized the claim of Russia down to 1867, and since then that of the United States that the area of Russian America or Alaska comprises an unbroken strip of territory on the continent, extending from Mount Saint Elias in the north to the Portland Canal in the south; that this strip of land encircles all the sinuosities of the shore; and that by this strip the Dominion of Canada is cut off from all contact with the in-

²⁸ I bought the copy of this chart, from which Map No. 8. is reproduced, at Edward Stanford's, 26 and 27 Cockspur, Charing Cross, S. W., London, in September, 1901, showing that up to that date at least, the British Admiralty agreed with the United States as to the frontier.

dentations of the sea along the north west coast of the continent between the Portland Canal at about fifty-four degrees forty minutes north latitude and Mount Saint Elias. From these numerous official acts a few are presented here.

In 1857 a "Select Committee"²⁹ of the House of Commons of the British Parliament was appointed "to consider the state of those British Possessions in North America which are under the Administration of the Hudson's Bay Company, or over which they possess a License to Trade." The Committee consisted of nineteen members in all, among whom were Mr. Secretary Labouchere, the chairman, Lord John Russell, Lord Stanley, Mr. Edward Ellice, a native of Canada and a Director of the Hudson's Bay Company, Mr. Gladstone, Mr. Roebuck and Sir John Pakington. The Committee examined, among others, Sir George Simpson, who for thirty-seven years was the governor of the territories of the

²⁹ Parliamentary Papers, 1857.

Accounts a—Rep. XV.

Report from the Select Committee on the Hudson's Bay Company together with the proceedings of the Committee, minutes of evidence, Appendix and Index. Ordered, by the House of Commons, to be printed 31 July and 11 August, 1857.

Second Session, 1857.

Veneris, 8^o die maii, 1857.

Ordered, That a Select Committee be appointed "to consider the state of those British Possessions in North America which are under the Administration of the Hudson's Bay Company, or over which they possess a License to Trade," (page 11.).

Hudson's Bay Company. Part of Sir George Simpson's testimony was as follows :

" 1026. Besides your own territory, I think you administer a portion of the territory which belongs to Russia, under some arrangement with the Russian Company?—There is a margin of coast marked yellow in the map³⁰ from 54° 40' up to Cross Sound, which we have rented from the Russian American Company for a term of years.

" 1027. Is that the whole of that strip?—The strip goes to Mount Saint Elias.

" 1028. Where does it begin?—Near Fort Simpson, in latitude 54°; it runs up to Mount Saint Elias, which is further north.

" 1029. Is it the whole of that strip which is included between the British territory and the sea?—We have only rented the part between Fort Simpson and Cross Sound.

" 1030. What is the date of that arrangement?—That arrangement, I think, was entered into about 1839.

" 1031. What are the terms upon which it was made; do you pay a rent for that Land?—The British territory runs along inland from the coast about 30 miles; the Russian territory runs along the coast; we have the right of navigation through the rivers to hunt the interior country. A misun-

³⁰ See map No. 7.

derstanding existed upon that point in the first instance; we were about to establish a post upon one of the rivers, which led to very serious difficulties between the Russian-American Company and ourselves; we had a long correspondence, and, to guard against the recurrence of these difficulties, it was agreed that we should lease this margin of coast, and pay them a rent; the rent, in the first instance, in otters; I think we gave 2,000 otters a year; it is now converted into money; we give, I think, 1500£ a year."

It will be observed from the foregoing questions and the replies of Sir George Simpson, that the Hudson's Bay Company in 1839 recognized by an official act, to wit, a lease of Russian territory, that Russia had a *lisière* on the continent from Mount Saint Elias almost down to Fort Simpson, and that owing to this strip of land the British territory was pushed back about thirty miles "inland from the coast." In addition it will be noted that Sir George Simpson in describing the positions and extent of the land rented by his Company from the Russian company, referred to a map³¹ that he showed the committee, and upon which the *lisière* belonging to Russia was marked so as to include the sinuosities of the coast, the Lynn Canal and all the other fiords above fifty-four degrees forty minutes, *entirely*, and

³¹ See map No. 7.

so cutting off the British territory absolutely from all contact with tide water.

Subsequently, in the course of Sir George Simpson's examination, the question of the lease in 1839 by the Hudson's Bay Company of the Russian *lisière* again came up, and the following questions and answers were asked and given :

"1732. Chairman. I think you made an arrangement with the Russian Company by which you hold under a lease a portion of their territory?—Yes.

"1733. I believe that arrangement is that you hold that strip of country which intervenes between your territory and the sea, and that you give them 1500£ a year for it?—Yes.

"1734. What were your objects in making that arrangement?—To prevent difficulties existing between the Russians and ourselves; as a peace offering.

"1735. What was the nature of those difficulties?—We were desirous of passing through their territory, which is inland from the coast about 30 miles. There is a margin of 30 miles of coast belonging to the Russians. We had the right of navigating the rivers falling into the ocean, and of settling the interior country. Difficulties arose between us in regard to the trade of the country, and to remove all those difficulties we agreed to give them an annual allowance. I think, in the first instance, 2000 otter skins, and afterwards 1500£ a year.

* * * * *

"1738. During the late war [the Crimean] which existed between Russia and England, I believe that some arrangement was made between you and the Russians by which you agreed not to molest one another?—Yes, such an arrangement was made.

"1739. By the two companies?—Yes; and Government confirmed the arrangement.

"1740. You agreed that on neither side should there be any molestation or interference with the trade of the different parties?—Yes.

"1741. And I believe that that was strictly observed during the whole war?—Yes.

"1742. Mr. Bell. Which Government confirmed the arrangement, the Russian or the English, or both?—Both Governments."

This additional information shows that the English Company rented the *lisière* from the Russian Company, because the *lisière* shut off the English Company from access to the fiords of the sea that advanced into the continent. And further, these questions and replies prove that the English Government—by confirming the agreement of the English Company with the Russian not to interfere with each other while their respective Governments were busy waging war in other parts of the world during the years 1854, 1855 and 1856—recognized and sanctioned the claim of Russia that she had an unbroken *lisière* on the mainland extending far enough inland so as to envelop within her own

domains, the Lynn Canal and all the fiords that penetrate into the continent above the Portland Canal.

Some twenty years after the investigation by the House of Commons into the affairs of the Hudson's Bay Company, the Canadian Government, through the intermediary of the British Foreign Office, formally recognized that the *lisière* of Alaska shut off Canadian territory from access to the sea.

It was in 1876, while taking a prisoner named Peter Martin, who was condemned in the Cassiar district of British Columbia for some act committed in Canadian territory, from the place where he was convicted to the place where he was to be imprisoned, that Canadian constables crossed with the prisoner the United States territory lying along the Stickine River. They encamped with Martin at a point some thirteen miles up the river from its mouth. There Martin attempted unsuccessfully to escape, and made an assault on an officer. Upon his arrival at Victoria, the capital of British Columbia, he was tried and convicted for his attempted escape and attack upon the constable; and the court sentenced him. The Secretary of State, Hamilton Fish, protested against this infringement of the territorial sovereignty of the United States in the Territory of Alaska. In a letter to Sir Edward Thornton, the English Minister at Washington, he said: "I have the honor, therefore, to ask again your attention to the subject and

to remark that if, as appears admittedly to be the fact, the colonial officers in transporting Martin from the place at which he was convicted to his place of imprisonment, via the Stickine River, did conduct him within and through what is the unquestioned territory of the United States, a violation of the sovereignty of the United States has been committed, and the recapture and removal of the prisoner from the jurisdiction of the United States to British soil is an illegal act, violent and forcible act, which cannot justify the subsequent proceedings whereby he has been, is or may be restricted of his liberty."

The transit of the constables with their prisoner, Martin, through American territory was not due to a mistake on their part, as to the extent of Canadian territory, for J. B. Lovell, a Canadian Justice of the Peace in the Cassiar district of British Columbia wrote to Captain Jocelyn in command at Fort Wrangel, saying: "The absence of any jail here (Glencora, Cassiar), or secure place of imprisonment necessitates sending him through as soon as possible, and I hope you will excuse the liberty we take in forwarding him through United States territory without special permission." After an investigation into the facts of the case, the Dominion Government acknowledged the justness of Secretary Fish's protest by "setting Peter Martin at liberty without further delay;" and thus recognized that the Canadian constables who had Martin in their charge when they

encamped on the Stickine thirteen miles up from the mouth of the river, were on United States soil, and so that Canada's jurisdiction in that region did not extend to tide water.³²

Another recognition by the British Empire that the *lisière* restricted Canadian sovereignty from contact with the sea, occurred shortly after the case of Peter Martin.

Owing to a clash between the United States and the Canadian customs officials as to the extent of their respective jurisdiction on the Stickine River, their two Governments agreed in 1878 upon a provisional boundary line across that river. The Canadian Government had sent in March 1877 one of its engineer officers, Joseph Hunter, "to execute" in the language of Sir Edward Thornton to Secretary Evarts "a survey of a portion of the Stickine River, for the purpose of defining the boundary line where it crosses that river between the Dominion of Canada and the Territory of Alaska." This Canadian engineer, Hunter, after measuring from Rothsay Point at the mouth of the Stickine River, a distance ten marine leagues inland, determined—in the light of Articles III. and IV. of the Anglo-Russian Treaty of February 16/28, 1825, which two Articles he was instructed expressly "by direction of the minister of the inte-

³² *Papers relating to the Foreign Relations of the United States*: Washington; Government Printing Office, 1877, pages 266, 267, 271.

rior" to consider in locating the boundary—that the frontier crossed the Stickine at a point about twenty-five miles up the river and almost twenty miles in a straight line from the coast. Without considering whether, owing to the break in the water shed caused by the passage of the Stickine through the mountains, the United States territory extends inland to the full extent of thirty miles, Hunter decided that the line should cross the river at a point twenty miles back from the coast, but still far enough back from the mouth of the river to shut off Canadian territory from contact in that district with the sea. He came to this decision, because he found that at that point a range of mountains, parallel to the coast, crossed the Stickine River, and, as he stated expressly in his report to his chief, he acted upon the theory that this mountain range followed the shore line within the meaning of the treaty of 1825 as he understood it. In his report to his Government he said: "Having identified Rothsay Point on the coast at the delta of the Stickine River, a monument was erected thereon, from which the survey of the river was commenced, and from which *was* estimated the ten marine leagues referred to in the convention." The Canadian Government sent a copy of this report together with a map explaining it through the British Foreign Office to Sir Edward Thornton at Washington, who communicated it to Secretary

William M. Evarts, with the purpose of obtaining his acceptance of this boundary. Mr. Evarts agreed to accept it as a provisional line, but with the reservation that it should not in any way prejudice the rights of the two Governments, whenever a joint survey was made to determine the frontier. By this voluntary proposal of a provisional boundary across the Stickine River, the British and the Canadian Governments showed that in 1877 and 1878 they considered that Canadian territory above the point of fifty-four degrees forty minutes was restricted by the meaning of Articles III. and IV. of the Anglo-Muscovite Treaty of 1825 from access to the sea.³³

The foregoing review of the negotiations that resulted in the treaty of 1825, and the subsequent acts of the nations concerned in the Alasko-Canadian frontier, shows clearly that, from the very inception of the negotiations, Russia insisted upon the absolute possession of a continuous, unbroken *lisière* on the continent down to the Portland Canal for the openly expressed purpose of shutting out England from access to the sea above fifty-four degrees forty minutes; and that England finally yielded the point.

During Polk's Administration (1845-49), when the United States and Great Britain advanced conflicting claims to the territory lying between the Rocky

³³ *Papers relating to the Foreign Relations of the United States*: Washington; Government Printing Office, 1878, page 339.

Mountains and the Pacific Ocean, now known as British Columbia, and the supporters of Polk took up the cry of "Fifty-four forty or fight," Russia offered her American possessions to the United States if they would maintain their claim to the territory west of the Rockies up to fifty-four degrees forty minutes, the most southern point of Russian America, thereby shutting out Britain entirely from access to the Pacific Ocean.³⁴ But owing to the jealousy of the Slave Power, our Government yielded all the country west of the Rockies and above the forty-ninth degree of north latitude, and thus permitted the British Empire to obtain an outlet on the Pacific. Not content with this successful territorial extension, the English Empire, after having allowed without a protest for almost three quarters of a century the inclusion by the Muscovite and the United States Governments within their sovereignty—as is shown both by the maps and other official acts of these two nations—of all the sinuosities or fiords along the coast of the mainland above fifty-four degrees forty minutes, the English Empire now lays claim, since the discovery of gold in the Klondike, to a large and to us most important part of our Alaskan domain. The American and the British contentions to-day are well expressed by the pithy

³⁴ *Papers relating to Foreign Affairs, accompanying the annual message of the President to the second session of the Fortieth Congress: 1867: Part I., Washington: Government Printing Office, 1868, page 390.*

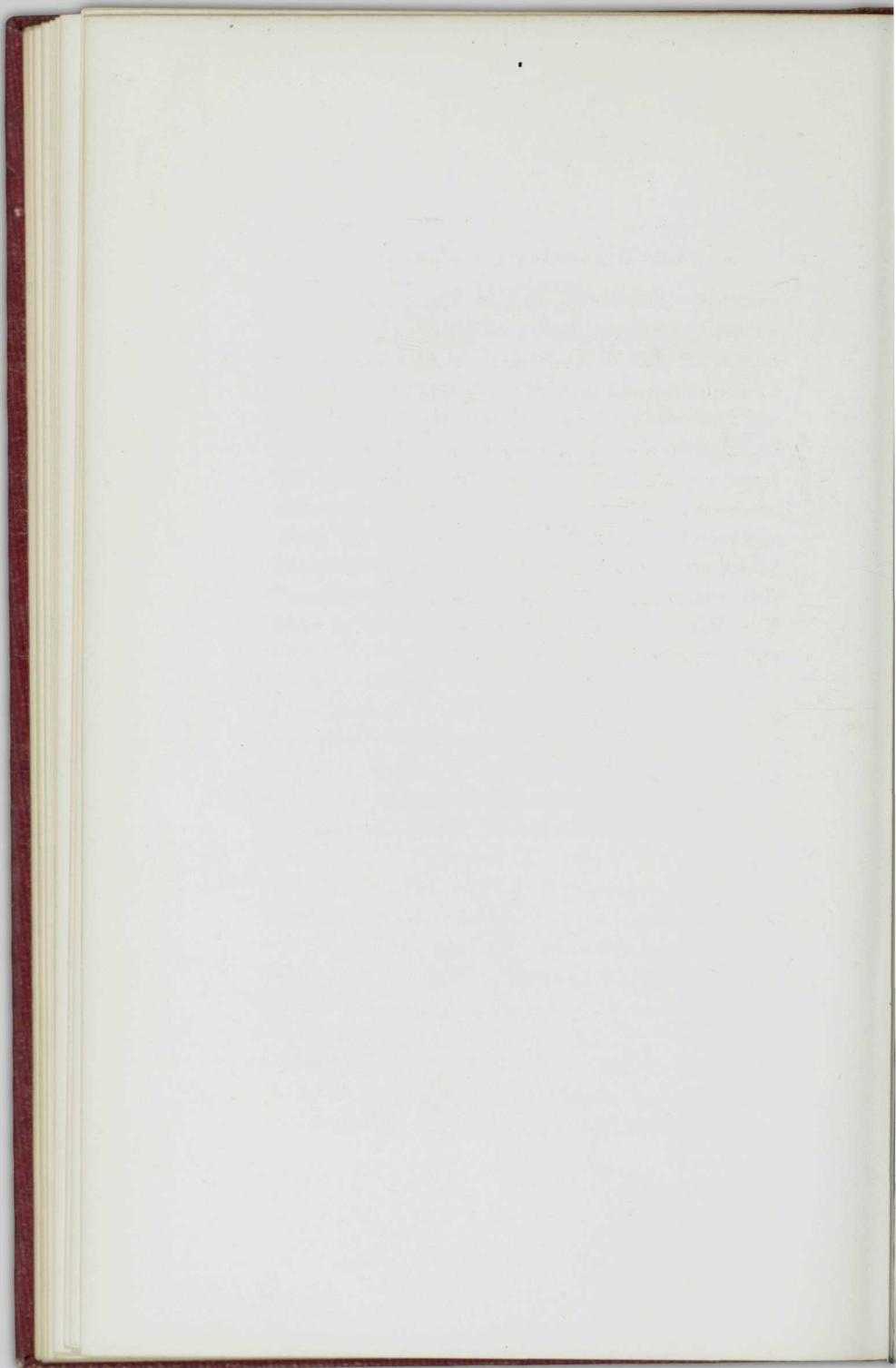
sentence in which Count Nesselrode over seventy-five years ago contrasted the efforts of Russia and Britain when they were seeking to agree upon a frontier between their American possessions: "Ainsi nous voulons conserver, et les Compagnies Angloises veulent acquerir." (Thus we wish to retain, and the English Companies wish to acquire.)

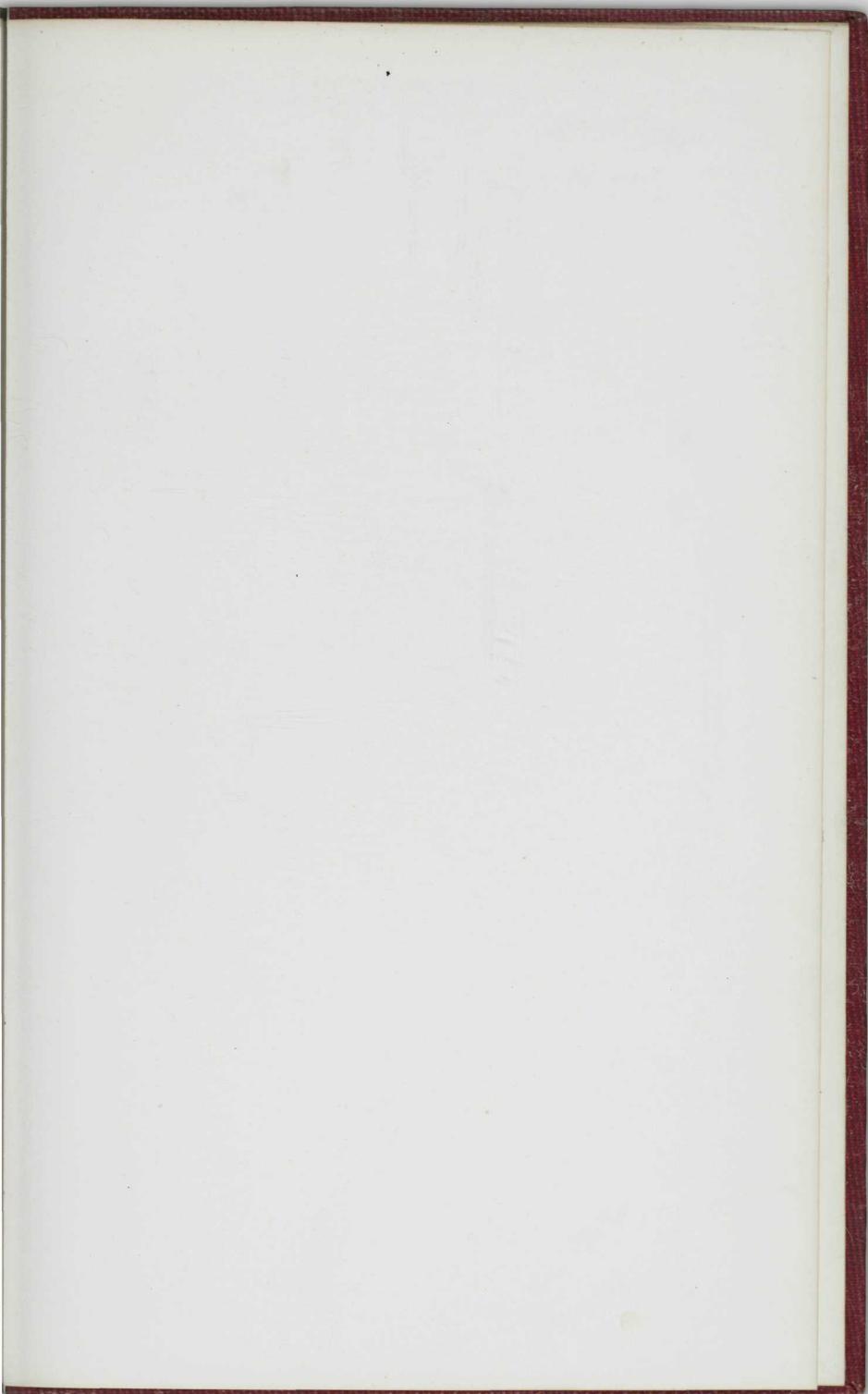
Canada wishes, and she has the support of England, to have her claim—that she is entitled to many outlets upon tide water above fifty-four degrees forty minutes—submitted to the arbitration of third parties.³⁵ The United States should never consent to any such arrangement. If such a plan were adopted and a decision were given altogether against Canada, she would be no worse off than she has been from 1825 to the present day, while anything decided in her favor would be a clear gain to her. This country, on the contrary, cannot by any possibility obtain more than she now has, viz., that which she pur-

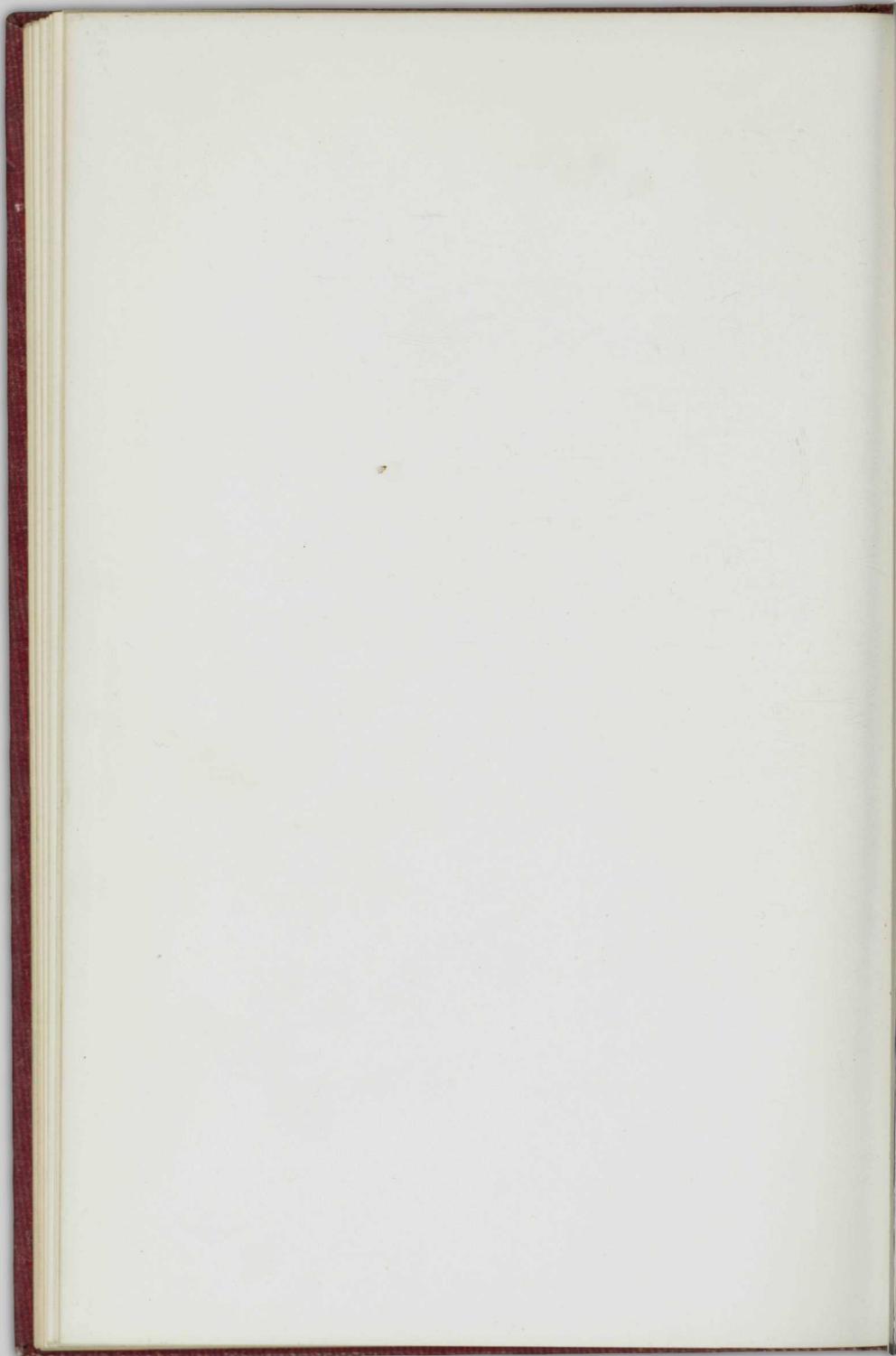
³⁵ A letter by the writer, entitled, "Canada and Alaska" briefly touching on the boundary question, was printed in the *New York Nation*, January 2nd, 1902, and the *New York Evening Post* January 4th. Another letter, also under the same title, written by a gentleman at Ottawa, appeared in the same papers, January 16th and 18th respectively. Still another letter, under the title of "Facts about the Alaskan Boundary" was published in the *Nation* of January 23rd, and the *Evening Post*, January 27th: this communication was written by a gentleman in California, evidently either an Englishman or a Canadian. The Hon. William H. Dall, of Washington, D. C., followed with a strong letter "The Alaskan Boundary," in the *Nation*, January 30th, and the *Evening Post*, February 1st. Then another communication by the writer "Canada and Alaska" was given a place in the *Nation*, February 6th, and the *Evening Post*, February 7th.

chased from Russia in 1867 and to all of whose rights she succeeded; at the same time the United States can lose heavily. For the inclusion in Canadian territory of only one port, like Pyramid Harbor or Dyea on the Lynn Canal, would greatly lessen for the United States the present and future value of the Alaskan *lisière*. The evidence in the case is overwhelmingly on the side of the United States and shows that they are entitled, by long, uninterrupted occupancy and other rights, to an unbroken strip of land on the continent from Mount Saint Elias down to the Portland Channel. There is no more reason for the United States to allow their right to the possession of this unbroken Alaskan *lisière* to be referred to the decision of foreign judges, than would be the case if the British Empire advanced a claim to sovereignty over the coast of Georgia or the port of Baltimore and proposed that this demand should be referred to the judgment of subjects of third Powers. For if the claim of Canada to Alaskan territory is referred to foreigners for settlement, the United States can gain nothing, while they will incur the risk of losing territory over which the right of sovereignty of Russia and then of the United States runs back unchallenged for more than half of a century. If France advanced a claim to the Isle of Wight and then asked England to refer her title to the island to the arbitration of foreigners, would Great Britain

consent? And for the English Empire to advance a demand to many outlets upon tide water on the northwest coast of America above fifty-four degrees forty minutes and then ask the United States to submit this claim to the arbitration of the citizens of third Powers, is a similar case. Whether the frontier should pass over a certain mountain top or through a given gorge is a proper subject for settlement by a mutual survey. But by no possibility has Canada any right to territory touching tide water above fifty-four degrees forty minutes. The United States should never consent to refer such a proposition to arbitration.







HR
F5049.2
B23
C.1

