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Sir Charles Tupper K.C.M.G.
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 54me degré, 40 minutes de latitude Nord, et entre le 131me et le 133me degré

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

"Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56me degré de latitude nord au point d'intersection du 141me degré de longitude ouest, se trouveroit à la distance de plus de dix lieues marine de l'océan, la limite entre les possessions Britannique et la lisère de côte mentionée 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 dix lieues marines."

The use of the expression *lisère 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 *lisère* by a line following *la crête des montagnes situées parallelement à la côte*, is precisely that which would be adopted as the most convenient on an examination of Vancouver's charts & descriptions of the coast, which were at the time the best available. These charts show, by 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

& 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 marine league 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,

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

In the second clause of the 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, "lui partout 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

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 whence to determine the mountains *nearest to the coast*.

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

None of the inlets between Portland Channel & 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 not be measured from any point within the mouths of the inlets. All the waters within the mouths of the inlets are as much territorial waters, according to an universally admitted international law, as those of a fresh water lake or stream

would be under analogous circumstances.

As far as non-mountainous Country may extend – but within ten marine leagues of the ocean – the inlets are in fact included by the Convention within la lisière de côte mentionée ci dessus comme devant appartenir à la Russie.

On the other hand, so much of these inlets as happen to be in mountainous territory, or beyond 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 & parcel of that lisière. But if they were really part & parcel of the ~~[illegible]~~ 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

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

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

Regarded from this point of view rivers & inlets are identical. As reasonable then would it be to hold that under the Convention the breadth of the *lisière* assigned to Russia is determined by the head-waters of its rivers as that the head-waters of its creeks & 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 contention has been advanced by the Government of British Columbia, that the words "dite Portland Channel" in article III, are palpably erroneous & not in conformity with the detailed description of the course of the line, on the following grounds. —

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

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

Apart from the above contention of the British Columbian government, it is at least certain that if the line of boundary was intended to follow Portland Channel, it was the Channel so named by Vancouver, the lower part of which channel passes to the north of Wales & Pierce Islands of recent charts. The line has been erroneously shown on many maps as running to the south of these islands, along part of Observatory Inlet of Vancouver, in consequence of a confusion of nomenclature in the region, which, it has been ascertained, first occurred on an Admiralty Chart published in 1853 & 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 consolidation of territory would form a mutually advantageous solution of the boundary question; but that if this cannot be agreed upon, it is probable that a conventional line following as nearly as possible the description of the treaty might be arrived at.

I have the honour to be
Sir
Your obedient servant
George M. Dawson

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