

Controversies Arising over the
Formation and Interpretation
of the Alaskan Boundary
1825 -- 1903

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By

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To

Mother and Dad

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Chapter I

Origins of the Alaska Boundary

Tsar Alexander I of Russia, when he issued the ukase of 1821 seeking to extend his empire over the North Pacific Sea, unconsciously laid the basis for an Anglo-American controversy that was seriously to impair their relations in the twentieth century.

The declaration of the ukase was prompted by the Indian depredations and atrocities in the years immediately preceding 1821, and which the Russians believed were the results of the foreign fur traders' having furnished the Indians with fire arms and spirituous liquors.

The trade was rigorously prohibited by the Russians; but Americans and Englishmen, finding that the Indians would exchange the rich pelts more readily for liquor and fire arms than for any other articles, continued to engage in the traffic.

With a view to prohibiting these activities, the ukase of 1821 was promulgated.

Of this remarkable document only three sections are important for our consideration.

Section one states that; "The Pursuits of commerce, whaling, and fishery, and of all other industry, on all islands, ports, and gulfs, including the whole of the north-west coast of America, beginning from Behring's Straits, to the 51st degree of northern latitude, also from the Aleutian Islands

to the eastern coast of Siberia, as well as along the Kurile Islands from Behrings' Straits to the South Cape of the island of Urup, viz., to the 45° 50' northern latitude, is exclusively granted to Russian subjects."

In section two, "It is therefore prohibited to all foreign vessels not only to land on the coasts and islands of Russia, as stated above, but also to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation, along with the whole cargo."

Section 26 goes even further and directs the commanders of Russian vessels to search all ships that might even be suspected. (Senate Document, serial no. 4601, pp. 19-22.)

Russia committed a grave political blunder when she issued the ukase. As George Davidson has said, "it almost solicited attack."

Against this arbitrary measure both Great Britain and the United States took immediate action.

Russia soon found that the ukase was disadvantageous to her own interests. When traffic relations were broken off between Alaska and traders of the north-west coast further to the south, the Russian American Company was deprived of the supplies of provisions and commodities brought by the foreign vessels. Business declined rapidly, and so serious did conditions become that an order was soon issued from St. Petersburg which opened the capitol, Sitka, to foreign ves-

sels.

By 1822 the extreme claims of Russia as expressed in the ukase were quietly abandoned; but Great Britain and the United States were determined to have a published revocation.

In the words of George Canning, "a private disavowal of a published claim is no security against the revival of that claim." (Fur Seal Arbitration, Vol. IV, pp. 446.)

As a result the treaties of 1824 and 1825 were signed between Russia and the United States, and between Russia and Great Britain. Of these two treaties, that of 1825 was of far greater importance.

The United States was interested primarily in the maritime activities of its citizens, that they should not be disturbed or restrained either in navigation or in fishing or in resorting to unoccupied points for the purpose of trading with the natives (under certain restrictions) and that Russia should not form any establishment upon the northwest coast of America nor in the islands adjacent thereto, south of 54° 40'.

Such were the essential points at issue between the United States, and Russia, and which became the principle articles of the treaty signed in 1824.

The English treaty of 1825 is more significant, for in addition to Russia's disavowal of the ukase of 1821, the primary object which led to the convention of 1825, the treaty secured a line of demarcation, and free transit to and from the Pacific by the deep water channels of the Alexander Arch-

ipelago.

The Alaskan boundary was a "secondary consideration" to George Canning who remarked that, "It is not, on our part, essentially a negotiation about limits." (Fur Seal Arbitration, Vol. IV, pp. 448.) "The whole negotiation grows out of the ukase of 1821."

"So entirely and absolutely true is this proposition that the settlement of the limits of the respective possessions of Great Britain and Russia on the north-west coast of America was proposed by us only as a mode of facilitating the adjustment of the difference arising from the ukase by enabling the court of Russia, under the cover of the more comprehensive arrangement, to withdraw, with less appearance of concession the offensive pretension of that edict." (Fur Seal Arbitration, Vol. IV, pp. 446.)

A very secondary consideration, the boundary drawn between Alaska and Canada in 1825 became a serious object of dispute between England and the United States, and the occasion for the Boundary Tribunal of 1903.

The only available chart of Alaska in 1825 was that of George Vancouver, Esq. His work, which was accomplished during the years 1792, 1793, and 1794, included a survey of the Northwest of America from latitude 30° along the Continental shore to and including Cook's Inlet.

James Cook, who had preceded Vancouver in 1778, exhibits very few details on his chart except at Friendly Cove, Nootka Sound until reaching Sitka Sound. While his work beyond that point has been called, "a new revelation of the Northwest Coast" he never entered the Alexander Archipelago.

To the Spaniards, Vancouver was greatly indebted. They had made extensive surveys; and when he met them in 1792 at the Gulf of Georgia and in 1793 in the Alexander Archipelago, he examined their charts with care.

But the maps of the Spanish explorers were never published and were not to be obtained in 1825.

The charts of La Pérouse who commanded the French expedition to visit the coast in 1786 were published by the French government in 1797, but two years later that government published Vancouver's chart of the Northwest coast.

When the boundary was marked in 1825 the only trustworthy and original charts of the Northwest Coast were those of Vancouver; his was the sole authority.

With respect to the words "la crête des montagnes situées parallèlement à la côte" which appeared in the treaty of 1825, and about which much of the controversy was to converge years later, it must be remembered that the mountains were observed from seaward.

The distances of the ranges from the sea differ. "He evidently intended to convey the information that behind the Continental shore there was a range, or ranges, of moun-

tains at distances obtained by estimation, because he could not determine them with the means he had, nor were their distances necessary for his work." (George Davidson, "The Alaska Boundary", pp. 49-55.)

In 1867 Vancouver's charts still formed the basis for all geographical knowledge of the Northwest coast; and the line of demarcation, and the strip of the continental shore bounding the Alexander Archipelago, are identical in the treaties of 1825 and 1867.

Alaska became a territory of the United States in 1867 with the same boundaries which it possessed in 1825 based upon a survey completed in 1792-94 from the decks of a sailing vessel.

England was not content with the boundary line $54^{\circ} 40'$ and in an interview with M. Paletica, Sir Charles Bagot, the British ambassador to Russia intimated that his nation would be satisfied to lay down the boundary about the latitude of $57\frac{1}{2}^{\circ}$. (Fur Seal Arbitration, Vol. IV, pp. 409.)

The Russian plenipotentiaries having withdrawn their claims from the parallel of 51° positively rejected the offers on the part of Great Britain, and would yield no territory north of $54^{\circ} 40'$.

They proposed that from the southern extremity of Prince of Wales Island the boundary line should, "follow

Portland Cannal up to the mountains which border the coast", thence, "ascend along these mountains parallel to the sinuositities of the coast as far as 139°, and thence northward." (Fur Seal Award, Vol. IV, pp. 427.)

The breadth of the lesiere became then a matter to be considered seriously.

"Russia persisted in that ten leagues' breadth with the evident intention of controlling all the deep water inlets stretching inland", while Great Britain sought to reduce it to a "still more narrow limitation." (George Davidson, "The Alaska Boundary, pp. 93.)

By part two of Article IV in the treaty of 1825 to the effect, "that wherever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st 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 the coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the Coast, and which shall never exceed the distance of ten marine leagues therefrom", Russia established her point. (Senate Document, serial no. 4601, pp. 58.)

As evidenced by the voyage of the Alexander II to Port Wrangell in 1862 following clashes at that place between the natives and the miners, "In the interests of humanity to bring these Indians to terms and to protect British subjects";

and by the survey of the Stakbeen river in 1863, it is evident that Russia was always jealous of her territorial rights on the lesiere.

"No contention whatever had been presented by the government of Great Britain to any rights of this lesiere, or in the archipelago. On the contrary, the British government rigidly respected the territorial rights of Russia." (George Davidson, "The Alaska Boundary", pp. 111 - 112.)

Chapter II

Attempts at Boundary Delineation Prior to the Gold Rush of 1898

Before the American purchase of Alaska there had never been a survey undertaken of the boundary which separated Russian and Canadian territory.

The boundary as established in 1825 was based upon the charts of Vancouver who had observed from his vessel a mountain range which extended along the Alaskan coast at varying distances from the shore.

The crest of the range observed by Vancouver was accepted in general, by the Russian and British plenipotentiaries of 1825 as the boundary from the 56th degree of north latitude as far as the point of intersection of the 141st degree of west longitude. But it was not found necessary to survey this or any other part of the boundary as established in 1825.

During the years which intervened between 1825 and 1867 the Russian American and Hudson Bay Companies (the latter after 1839) were the only important interest in the whole of Alaska.

Fur trapping and trading absorbed the entire interests of these companies in a land which nature apparently destined an everlasting wilderness. Only the coast, and banks of the great rivers were known to the white inhabitants of the territory.

Not only was it unnecessary for a definite boundary to be established in a land where it was incredible that man should ever establish permanent settlements, but such an undertaking would be practically impossible.

Alaska passed then to the United States with boundaries unsurveyed and undetermined.

Ulysses S. Grant, on the occasion of his fourth annual message to Congress, December 2, 1872, was the first citizen of the United States to recommend officially a determination of the Alaskan boundary.

There is no evidence that the boundary had ever been considered by any American before. Even President Grant does not seem to have given it more than the briefest attention, since none of his biographers make the slightest reference to the subject.

President Grant's reference to the Alaskan boundary

in his message of 1872 was occasioned by a conversation which the president held with his secretary of State, Hamilton Fish, on November 14th or 15th, 1872. At that time Mr. Fish presented Grant with the brief of a recent conversation between himself and Sir Edward Thornton, the British minister at Washington.

The legislative assembly of the province of British Columbia had transmitted a memorial to Joseph William Trutch, Lieutenant Governor of the province, on March 12, 1872 dealing with the subject of the Alaskan boundary.

According to the memorial it was a very general belief that extensive mining operations would soon begin in the northern part of British Columbia as a result of recent discoveries in that region. The assembly asked that a boundary line be properly laid down in order to insure peace, order, and good government. (Sessional Papers, Vol. XI, pp. 5.)

This information was transmitted by the Lieutenant Governor Mr. Trutch, to the governor General of Canada and to Downing Street; and in a letter dated October 14, 1872 H. T. Holland, the under Secretary of State for Great Britain suggested that it be ascertained whether the government of the United States would be willing to agree in a commission for the purpose of ascertaining the true boundary. (Sessional Papers, Vol. XI, pp. 6.)

Sir Edward Thornton was asked by his government to

suggest the matter of the boundary to the American Secretary of State; and in a letter which he dated November 18, 1872 to Earl Granville he relates their conversation.

"I inquired of Mr. Fish, on the 14th inst., whether the United States Government would be willing to agree to an appointment of a commission for the purpose of defining the boundary line between Alaska and British Columbia. Mr. Fish replied that he was perfectly satisfied of the expediency of such a measure, but he feared that Congress might not be willing to grant the necessary funds...But when I saw Mr. Fish again on the 16th inst., he told me that he had talked over the matter with the president, who was so impressed with the advantages of having a boundary line laid down at once, that he had expressed himself as disposed to recommend to Congress in his message at the opening, that he should be authorized to appoint a commission and the necessary assistance for that purpose on the part of the United States."
(Sessional Papers, Vol. XI, pp. 6.)

The seriousness of the recent disputes with Great Britain, referred to the Tribunal of Arbitration at Geneva by the treaty of Washington, impressed the President with the importance of settling all outstanding problems which might complicate relations in the future.

The question of the boundary, not a vital consideration before the advent of population, might easily become a matter of serious dispute in the years to follow.

"The region is so sparsely occupied that no conflicting interests of individuals or of jurisdiction are likely to interfere to the delay or embarrassment of the actual location of the line. If deferred until population shall enter and occupy the territory, some trivial contest of neighbors may again array the two governments in antagonism."

(Ulysses S. Grant in, "Messages and Papers of the Presidents", Vol. IX, pp. 4141.)

With the object in mind of removing all possible sources of misunderstanding which might conceivably arise, President Grant recommended to Congress in his fourth annual message of 1872, "the appointment of a commission, to act jointly with one that may be appointed on the part of Great Britain, to determine the line between our territory of Alaska and the conterminous possessions of Great Britain."

(Ulysses S. Grant in "Messages and Papers of the Presidents", Vol. IX, pp. 4141.)

In the negotiations to follow the failure of the United States to cooperate with Great Britain and Canada in the determination of a boundary was due to the state of public opinion throughout the nation with respect to Alaska.

There was no interest expressed either by the people of the United States or by Congress in the destiny of the newly acquired territory.

Dissatisfaction was wide-spread. The people believed that the nation had been led to purchase an absolutely worthless and useless expanse of wilderness. Alaska was commonly referred to as, "Seward's Ice Box". Resentment was in-

creased with the knowledge that representatives had been bribed to force through the lower house of Congress the necessary appropriations to insure the purchase.

Alaska fell under a cloud of popular disapproval. Civil government was not granted until the year 1885 with the passage of the organic act. In the years which had elapsed from the acquisition, until 1885 no one in Alaska had been able to own or to hold property except by the most elemental of all rights, that of force.

Population, wealth, and industry decreased during the first years under American control; and there was no apparent revival until the gold rush of 1898 carried its flood of adventurers northward.

Under such conditions it is no wonder that Congress repeatedly ignored the British proposals looking toward a survey and delineation of the Alaskan Boundary.

Negotiations continued between the United States and Great Britain from 1872 to 1878, in which year a temporary arrangement was signed. During the entire period comprising those years Great Britain always assumed the initiative.

Sir Edward Thornton after his conversation with Secretary Fish on November 16, had been eagerly awaiting the decision of the United States.

In a dispatch to Earl Granville, British secretary

for foreign affairs dated February 15, 1873 he referred to the first conversation which he held with Mr. Fish on the subject of the Alaskan boundary since the preceding November.

Mr. Fish had received a detailed report from the Engineering department which he transmitted to the British minister on the 12th of February.

According to the Engineering department the cost of the survey to the United States alone would be 1,531,689 dollars and the time necessary to complete the work, no less than nine years in the field and one additional year in the office.

Captain C. W. Raymond of the Corps of Engineers under whose direction the estimates had been prepared had completed a reconnaissance of the Yukon river in 1869, and was better fitted than any man in the American service to draw these reports.

It was his opinion that it would be quite sufficient to decide some particular points; and that the entire boundary need not be immediately surveyed. The principal sections which Captain Raymond believed should be surveyed without delay were the points where the boundary line crosses the rivers Shoat, Stakeen, Taku, Iselcat, and Chilkah; Mount St. Elias, and the points where the 141 degree of west longitude crosses the rivers Yukon and Porcupine.

Only three years in the field and one year in the office would be required for the survey suggested by Captain

Raymond, and the cost to the United States would be reduced to less than half a million, to 468,836 dollars.

After the estimates of the Corps of Engineers had been presented to the British ambassador, Secretary Fish informed him that he believed it would be impossible for Congress to consider the appropriation during the present session because of the immense amount of more important business.

Mr. Fish also intimated that it was very questionable if Congress could ever be induced to vote so large a sum as was deemed necessary to lay the line down completely and hardly the amount required to carry out the second suggestion of the Engineering department.

In either case, so Mr. Fish informed Sir Thornton, there was no chance of consideration for his suggestion during the present session. (Sessional papers, Vol. XI, pp. 10 - 11, and 30 - 31.)

Mr. Banks, on Dec. 17, 1872 reported the following bill from the committee on Foreign Affairs in the House of Representatives, but true to Secretary Fish's foreboding, the bill was not considered.

A BILL to provide for the determination of the boundary line between the British Possessions on the Pacific coast and the territory acquired by the United States from the Russian Government under the treaty of March thirtieth, eighteen hundred and sixty-seven.

1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that for the purpose of surveying and marking the line of boundary between the territory of the United States,

acquired by cession from Russia, under the treaty of March thirtieth, eighteen hundred and sixty seven, between the United States and Russia and the British Possessions in North America, the President of the United States be, and he is here-by, authorized by and with the advice and consent of the Senate, to appoint a commissioner and chief astronomer and surveyor to act with officers to be named by Her Britannic Majesty, and there shall also be appointed by the President such subordinate officers as are provided for by section two of this Act.

2. That there shall be an assistant astronomer and surveyor, a secretary to the commissioner, and a clerk to the chief astronomer and surveyor, to be appointed by the President.

3. That the compensation of the several officers provided for by this Act shall be as follows, namely: The commissioner at the rate of four thousand five hundred per annum; the chief astronomer and surveyor at the rate of four thousand dollars per annum; the assistant astronomer and surveyor at the rate of three thousand two hundred dollars per annum; the secretary to the commissioner at the rate of two thousand dollars per annum; and a clerk to the chief astronomer and surveyor at the rate of one thousand six hundred dollars per annum.

4. That for the purpose of this Act there be, and is hereby appropriated, out of any money in the treasury not otherwise appropriated, the following sums: For the salaries of the officers provided for by this Act for one year, fifteen thousand three hundred dollars; for provisions, transportation and contingencies, one hundred thousand dollars.

5. That for the purpose of aiding in the demarcation of the said line, the President be, and is hereby authorized, in his discretion, to direct the employment of such officers, assistants and vessels attached to the Coast Survey of the United States as he may deem necessary or useful; and the President may also, in his discretion, direct that engineers of the regular army of the United States shall be employed in the performance of any of the duties contemplated by this Act, and direct the necessary details for such purpose to be made by the Secretary of War.

(Sessional Papers, Vol. XI, pp. 8 - 9.)

That Congress did not consider Mr. Bank's bill for a survey of the Alaskan boundary in 1872 Mr. Fish attributed to the great pressure of more important legisla-

tion. However, since the Secretary informed Sir Thornton of the improbability of such a bill ever being favorably considered one would be led to suspect that more important reasons underlay this refusal on the part of Congress.

Mr. Fish referred to the necessity of economy in his conversation with Sir Thornton. But it is my contention that another reason existed entirely apart from the expenses entailed which accounts for the action of Congress on this and subsequent occasions.

I have already mentioned the general disapproval of the Alaskan purchase in the United States. This dissatisfaction was reflected by Congress in its utter disregard of the territory's needs and desires. Failure to provide for a boundary is only one evidence of popular feeling.

Only one reference to the boundary is to be found in the year 1873. America's refusal to cooperate in a survey put an end temporarily to any activity which the inhabitants of British Columbia might have desired.

But the Secretary of state for the colonies in a letter addressed to the Governor General on March 19, 1873 expressed the desire that an approximate estimate be obtained for her majesty's government of the probable cost and the time required for carrying out the object of the proposed commission. (Sessional Papers, Vol. XI, pp. 11.)

On the eighth of January, 1874 the Legislative

Assembly of the British Columbia again appealed to the lieutenant governor. The discovery of gold, and the existence in the northern part of the province of extensive mines had increased the importance and urgency of having the boundary established and defined.

Mr. Trutch in reply to the memorial from the assembly addressed a request on the nineteenth to the Secretary of State for Canada in which he urged further upon the Federal government the necessity of taking immediate steps toward boundary delineation. (Sessional Papers, Vol. XI, pp. 20 - 21.)

The report desired by the Secretary of State for the colonies was prepared and submitted by J. S. Dennis, the surveyor general on the 17th of February, 1874. It was his belief that it was only necessary to survey and determine, "1. the head of the Portland Canal or the intersection of the same by the 56th parallel of north latitude, 2. the crossing of the following rivers on the Pacific Coast by the said boundary, that is to say: the rivers "Shoat", "Stakeen", "Taku", "Iselcat", and "Chilkaht", 3. the points where the one hundred and forty-first meridian west of Greenwich crosses the rivers Yukon and Porcupine."

Mr. Dennis believed one season only would be necessary to run the survey as he had planned.

In the interval which elapsed before the next

recorded conversation between Sir Edward Thornton and Mr. Fish on the subject of the boundary the relations between Americans and Canadians along the British Columbia border had been seriously strained.

Advent of the many miners to the regions as a result of rich gold discoveries was followed by mutual encroachment in the absence of a definite line separating the two territories.

On September 27, 1875, Sir Thornton reported a conversation which he had held with Mr. Fish four days before.

A party of British subjects had settled near the bank of the river Stikine which they declared was within the boundary of British Columbia but which United States officers on the spot maintained was American territory. Both parties appealed to article four of the convention of February 23, 1825 between Great Britain and Russia in confirmation of their rights.

The British citizens were laying out the plans for a town and had applied to the government of British Columbia for a title to the land when the difficulty had been first brought to the attention of the American Secretary of State.

Mr. Fish sent for Sir Thornton immediately upon receipt of the information. When asked by Secretary Fish at night be done to remedy the conflict which seemed to be developing upon the borders of British Columbia, the

British minister replied that no time should be lost in laying down the boundary.

Sir Thornton observed further that two years before a survey, if not of the whole, at least of those points at which the territories met on the rivers running through both, had been suggested by Canada but that the United States had not seen fit at that time to concur in the appointment of a joint or supplementary commissions to conclude the survey.

Fish emphasized the difficulty of obtaining a grant from Congress large enough to complete even a partial survey; but contended that since the weight of evidence was in favor of the United States the Canadian settlers should be called upon by their government to suspend operations until the question of the boundary might be decided.

The British minister was able to appreciate the position of the miners of British Columbia more accurately than Secretary Fish, and though he stated that no steps could be taken during the severe winter which could soon envelop the north, the fact that the settlers had been attracted to the frontier by large deposits of gold and silver, would render it unlikely that they refrain from visiting the ground as soon as the season would permit them to work.

Whatever may have been our claim to the terri-

tory being settled by the inhabitants of British Columbia, there was absolutely no justification for Secretary Fish's contention that until the boundary be determined the Canadians should not resort to the region.

The United States had made no effort to settle the boundary despite the repeated appeals of both England and Canada.

As early as November, 1872 the necessity for boundary delineation had been stressed by Sir Edward Thornton. Upon that occasion Secretary Fish had emphasized Congressional opposition to such a design primarily because of the expense involved.

The Canadian government on January 27, 1873 passed an order in council evidencing its willingness to bear half the sum necessary for a British expedition to act jointly with an American commission in determining the boundary. But as late as February, 17, 1876 the American Secretary observed that it would be useless to apply to Congress for any amount whatever for such a purpose.

Yet the United States intimated that with the opening of the rivers in the spring and the reestablishment of communication after a long winter of isolation, certain places would be treated as American territory. Action would be taken against Canadian settlers who remained in such localities for the collection of United States customs duties on goods in their possessions.

The United States which had hitherto refused or neglected to take the proper steps to define the boundary now sought in accordance with its own views and without any reference to Great Britain or Canada to define the line as it pleased themselves.

The case of Peter Martin, a naturalized citizen of the United States is indicative of the difficulties and complications which were likely to arise in the wilderness of the north in the absence of a clearly defined boundary.

Peter Martin on the 6th of September, 1876 had been tried in the court of assizes at Laketon, Cassiar province of British Columbia, on the charge of assault on an officer in execution of his duty, prison break, and escape from custody, and sentenced to 15 months imprisonment.

It was the very roughest element gathered from the ends of the earth who were ordinarily to be found in the earliest camps of Alaska and Canada. Martin was a member of this unruly element and his case under any but the most extraordinary circumstances would never have attracted attention.

While being conveyed from the interior of British Columbia to serve his jail sentence the party of which he was a member passed through American territory.

During the course of the trip, Martin effected his escape but was almost immediately recaptured.

Yet the United States contended that his escape

had been effected in American territory, that his recapture in that territory was illegal and that Martin should be freed at once by the authorities of British Columbia.

In view of the doubt as to the boundary location the United States might easily claim that escape had been made within territory subject to its jurisdiction; and Canada might maintain with equal right, the opposite. (Sessional Papers, Vol. XI, pp. 58 - 59.)

This incident emphasized the importance of a definite boundary if law and order were to be preserved on the borders of civilization.

Sir Edward Thornton was untiring in his efforts at Washington. On January 15, 1877 he again urged the expediency of defining the boundary.

Two miles above the conventional point on the river Stikine, agreed upon in 1875 by the Custom House Authorities of the United States and those of British Columbia, pending a final settlement of the boundary, there was located a trading station called "Bucks."

Up to or shortly before Sir Thornton's conversation of the 15th with Secretary Fish, "Bucks" had been admittedly within British territory but now it appeared that the United States collectors of customs at Sitka would levy American duties on the stock at that place.

The British minister admitted that the facts could not be positively decided; but emphasized the desirability of observing the conventional boundary. And

again he urged upon an obdurate Congress the importance of a survey. (Sessional Papers, Vol. XI, pp. 88 - 89.)

F. R. Plunkett on October 9, 1877, acting in the absence of Sir Edward Thornton, reported to the Deputy Governor, W. B. Richards, that he had spoken several times with Mr. Evarts the newly appointed Secretary of State, and with Mr. Seward, the assistant Secretary of State, but that neither held out any great hope that Congress would act favorably upon the matter of the boundary. But Mr. Evarts promised on the following day to bring the matter to the attention of Congress upon the re-assembling of that body. (Sessional Papers, Vol. XI, pp. 156 - 157.)

On the 7th of December, 1877, the Earl of Dufferin pressed upon Sir Thornton the necessity of procuring a boundary if only at the crossing of the Stickeen River.

In a reply which Sir Thornton addressed to the Earl six days later he replied that he had been unable to see Mr. Evarts but reported a conversation with Mr. Seward.

The assistant Secretary suggested that each nation send an officer of engineers to the north for the purpose of determining the boundary and that their decision, while not final, should be recognized by both governments until a commission should officially and definitely ascertain its exact position. (Sessional Papers, Vol. XI, pp. 159 - 160.)

The Canadian government replied that it had already dispatched an able engineering officer, Mr. Hunter,

to the British Columbia border to complete a survey, and asked whether the United States would accept his report.

Mr. Evarts evidenced no opposition; and Sir Thornton on February 20, 1878 conveyed the American secretary's consent to the British government. Mr. Evarts had signified his complete acceptance provided that the temporary agreement did not effect the rights of either government to be determined later by a joint survey.

With the acceptance by the United States of the survey recently completed by Mr. Hunter on the Stikine river there came an end to the conflict of jurisdiction on that part of the Alaskan boundary.

Later disputes which were to arise were restricted to districts which in 1878 were almost wholly unoccupied, and much of which had never been visited by the most intrepid explorers of Europe and America.

The islands of the Alexander Archipelago, and the mainland which they bordered had been famous from the days of the Russian occupation for mines which they contained, but still more famous for the immense wealth undiscovered, which most inhabitants believed would be momentarily uncovered.

Exploration had long ago revealed the wealth of Douglas Island, Juneau City, and Fort Wrangell. And from

Lynn Canal and the Chilkoot river miners and prospectors in search of a second Eldorado crossed the famous Chilkoot Pass and reached beautiful Lake Bennett. Along Lake Lebarge and Lake Marsh and the rivers which from the headwaters of the Yukon river were found the first traces of gold which led men farther and farther north until the strike at Dawson City brought an army of adventurers into the frozen north and the mosquito infected swamps of the Yukon.

Long before the first prospectors reached Dawson the lower reaches of the Yukon river were being invaded by the miners of British Columbia and Alaska, and an increasing number of adventurers from both regions.

In the early 80's the influx of population came to the attention of both the American and Canadian governments. Here as on the Stikine the boundary was unsurveyed.

President Cleveland was the first member of either government to officially recognize the necessity for such a survey.

On the occasion of his first annual Message to Congress, December 8, 1885, he called attention to the frontier line between Alaska and British Columbia, which he declared was, "impracticable as a geographical fact."

"In the unsettled condition of that region", said Cleveland, "the question has lacked importance, but the discovery of mineral wealth in the territory the line is supposed to traverse admonishes that the time has come

when an accurate knowledge of the boundary is needful to avert jurisdictional complications;" and he recommended to Congress, "that provision be made for a preliminary reconnaissance by officers of the United States, to the end of acquiring more precise information on the subject."

(Messages and Papers of the Presidents, Vol. XI, pp. 497-498.)

On the seventeenth of May, 1886 President Cleveland transmitted to the Senate and House of Representatives a report of the Secretary of State upon the subject of the Alaskan Boundary; and in the paper which accompanied the report he recommended, "that provision be made by law for a preliminary survey of the boundary line in question by officers of the United States, in order that the information necessary for the basis of a treaty between this country and Great Britain for the establishment of a definite boundary line may be obtained; and I also recommend that the sum of \$100,000, or as much thereof as may be necessary, be appropriated for the expenses of making such survey." (Messages and Papers of the Presidents, Vol. XI, pp. 4989.)

It is extremely dangerous to venture an opinion as to the motives which may have led Cleveland to a serious consideration of the Alaskan boundary. If there were additional reasons which underlay his simple statement of eventual difficulties which might involve Great Britain and

the United States in conflict, his biographers make no mention of them. But we do know, that during the whole of the period 1885 to 1896 his interest in the subject never waned; and his determination was largely responsible in securing whatever action was undertaken.

Mr. Bayard, the American Secretary of State, informed President Cleveland on May 14, 1886, that the British government was willing to take part in a preliminary investigation of the boundary, and that nothing delayed action but the want of an appropriation by Congress which would enable the United States to assume its share in the survey. (Senate Executive Documents, 2340, No. 143, pp. 1 - 2.)

The first communication which had led to the reopening of the question of the Alaskan boundary was a letter addressed by the Secretary of State on November 20, 1885 to Mr. Phelps, the American minister at London. In that communication Mr. Bayard emphasized the fact that the boundary was even then as in 1825 purely theoretical; and that the condition of increasing settlement along that boundary, apprehended by President Grant, had assumed marked proportions.

Mr. Bayard had visions of even greater misunderstanding in the future for though Southeastern Alaska was

forbidding and inaccessible its great mineral wealth might cause it, "at any time to spring into an importance not now calculable."

According to the American Secretary it was, "of evident advantage to both countries to agree upon some boundary line capable of survey at a reasonable cost, yet so precisely and practically described, that in case of need any given point thereon may be readily determined in advance of a general survey, and to do this while the whole question of local value is in abeyance." (Senate Executive Document 2340, No. 143, pp. 7 - 8.)

In the last months of 1885 and the early part of the following year the nearly equal division of political parties in Parliament rendered it difficult to obtain early attention for international subjects. Lord Salisbury British secretary of foreign affairs was favorably disposed toward the establishment of a boundary; and expressed his satisfaction with the American proposal, but it was his desire, before coming to any definite conclusion to communicate with the colonial authorities of Canada.

Before any reply could be obtained from Canada Lord Salisbury had resigned his office and it became necessary for Mr. Phelps to present the subject to a new secretary of foreign affairs.

The American minister again brought the question of the Alaskan boundary to the attention of the British government.

On March 12, 1886 Mr. Helyar charge d'affaires, ad interim of Great Britain at Washington, conveyed to Secretary Bayard the agreement of the government of Canada in principle to a preliminary survey.

In a dispatch to the American minister at London, on the 19th of March, Mr. Bayard instructed him to modify the American proposal for the appointment of a joint commission.

The objection of the Dominion government to such a commission while expressing its general agreement to a preliminary survey seemed to render Bayard's decision inevitable.

Lord Rosebery British foreign secretary conveyed his government's consent to a preliminary survey on April 15, and added; "Meanwhile we do not propose to move further in the matter until we know what action is taken by the United States Government in regard to applying to Congress for an appropriation." (Senate Executive Document 2340, No. 143, pp. 12 - 20.)

This action on the part of the Gladstonian government placed the responsibility for acceptance or rejection directly upon the Congress of the United States, and that body failed to grant the necessary appropriations.

Two years later, in 1888, on the occasion of his Fourth Annual Message President Cleveland could still say, "The coastal boundary between our Alaskan possessions and

British Columbia, I regret to say, has not received the attention demanded by its importance, and which on several occasions heretofore I have had the honor to recommend to the Congress." (Messages and Papers of the Presidents, Vol. XII, pp. 5366.)

Though Congress had failed in 1888 to take any action on the \$100,000 estimate submitted for a survey of the Alaskan boundary, a first appropriation of \$20,000 was made the following year, "to be available until expended."

In the sundry civil act for the year 1890, \$20,000 was appropriated, for the year 1891 \$10,000, and in the estimates for 1893 an additional \$10,000 making in all \$75,000.

Mr. Samuel J. Randall, Superintendent of the United States Coast and Geodetic Survey had estimated in a letter dated June 8, 1888 that the sum of \$75,000 would be sufficient for the whole work of surveying the boundary. But T. C. Mendenhall, his successor, in a letter to the Secretary of the Treasury, November 28, 1891, estimated that an additional \$50,000 would be necessary to complete the entire survey.

The two parties which were organized in 1889 to ascend the Yukon River had but recently returned from Alaska when Mr. Mendenhall conveyed his message of November 28th

to the Secretary of the Treasury; and to quote from his letter, "the reduction of their work is as yet very incomplete, but enough is known to justify the belief that the establishment of the one hundred and forty-first meridian in the great interior of the country has been accomplished with a degree of accuracy amply sufficient for the purpose of defining the boundary line. This is by far the most difficult and is the most expensive part of the work. There remains, however, the establishment of a sufficient number of points in south east Alaska to enable the boundary line to be located."

The definition of the line in the South East was more indefinite and it was over that portion of the line that diplomatic controversy was most likely to arise. For that reason it seemed of the highest importance that the survey be pushed to its completion; and since the \$75,000 voted by Congress had already been expended it was imperative that an additional \$50,000 be granted. (House Executive Document 2954, No. 111, pp. 1 - 3.)

The recommendation of Mr. Mendenhall was embodied in a bill and referred to the committee on appropriations but it was never reported from that body.

But though Congress took no action on the bill recommended by Mr. Mendenhall and indorsed by the Secretary of the Treasury, the year 1892 was to record very notable progress in the direction of boundary delineation.

On July 22 there was concluded between the governments of Great Britain and the United States a convention for delimiting boundaries not permanently marked.

By Article I of that treaty the high contracting parties agreed, "that a coincident or joint survey (as may be found in practise most convenient) shall be made of the territory adjacent to that part of the boundary line of the United States of America and the Dominion of Canada dividing the territory of Alaska from the Province of British Columbia and the Northwest Territory of Canada, from the latitude of 54° 40' North to the point where the said boundary line encounters the 141st degree of longitude west-ward from the meridian of Greenwich, by commissions to be appointed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary line in accordance with the spirit and intent of the existing treaties in regard to it between Great Britain and Russia and between the United States and Russia." (Senate Document 4622, pp. 368.)

It was agreed further that each government would apply without delay to their respective legislation bodies for the necessary appropriations; and the commissions to be appointed by the two governments should meet within two months after the appropriations were granted at Ottawa.

Within two years from the date of their first meeting the respective commissions should have completed the survey and submitted their final reports. Each government was to bear the expenses of the commission appointed by it.

In the short space of a single presidential term more had been accomplished toward the delimitation of the Alaskan boundary than had been achieved in all the twenty-two years which had elapsed since the purchase.

Seventy-five thousand dollars had been appropriated by Congress for a survey of the boundary, the greatest part of that line was laid down, and the convention already mentioned had been concluded between the two governments of Great Britain and the United States.

The first meeting of the commissioners appointed under article one of the Convention of 1892 was held at Ottawa on the 28th day of November.

Finding it impossible to complete the survey within two years from the date of their first meeting the two governments signed a supplementary convention on February 3, 1894 extending the time to December 31, 1895. (Senate Document 4622, pp. 370 - 71.)

On December 31, 1895, W. F. King, Her Majesty's commissioner, and W. W. Duffield, commissioner for the United

States presented their joint report on the Alaskan - Canadian Boundary. It had been determined by Mr. Duffield, and Mr. King that the survey be a joint one in view of the large extent of unknown territory involved and the comparatively short time allowed for the survey.

"The United States Commissioners undertook to make surveys of as precise a nature as practicable of the principle water courses which traverse the coast strip, and the British Commissioner undertook to make a photo-topographical survey of the mountainous regions lying between these various water courses." (Senate Document 4600, pp. 523 - 529.)

With the completion of the survey and the submission of their reports by the commission much admirable and imperative work had been accomplished. But the task of surveying the entire boundary was still unrealized.

Even before the commission's report was presented agitation appeared in several quarters for a completion of that task which the commission had only partially fulfilled.

W. W. Duffield when acting in the capacity of United States Commissioner had addressed a communication to Richard Olney the American Secretary of the Treasury asking for the appropriation of an additional sum of \$50,000. This he suggested in view of the possible necessity of running definite lines of demarcation on the Upper Yukon and its tributaries, and providing for the contingency of surveys which may be required along the boundary in unforeseen localities.

Mr. Olney when submitting the estimate to Congress accompanied it with these words, "The determination and marking

of the one hundred and forty-first meridian in that part which by treaty forms the boundary between Alaska and British Columbia is not provided for by any existing treaty, and negotiations to that end may probably be begun in the near future. For this reason, and to permit prompt execution of the arrangement when reached, the suggested appropriation of \$50,000 is recommended." (House Documents 3399, No. 40, pp. 1 & 2.)

President Cleveland in his Third Annual Message, December 2, 1895, called the attention of Congress to the completion of the preliminary survey of that Alaskan boundary undertaken under the provisions of the convention of July 2, 1892 and the supplementary convention of February 3, 1894 and which awaited further necessary appropriation.

But more particularly President Cleveland stressed the importance of an international agreement as to the remaining section of the Alaskan boundary, which follows the one hundred and forty-first meridian northwardly from Mount St. Elias to the Frozen Ocean.

Observations and surveys along the one hundred and forty-first meridian had already been undertaken by the United States Coast and Geodetic Survey in 1890 and 1891; and the British government had been engaged in similar activity in the same region. The work was believed to give nearly coincident results but in the absence of international agreement that boundary might easily prove a source of misunderstanding and complication.

"The valley of the Yukon is becoming a highway through the hitherto unexplored wilds of Alaska, and abundant mineral wealth has been discovered in that region, especially at or near the junction of the boundary meridian with the Yukon and its tributaries. In these circumstances it is expedient, and, indeed, imperative, that the jurisdictional limits of the respective governments in this new region be speedily determined."

Cleveland advised Congress that Great Britain had proposed a joint delimitation of the one hundred and forty-first meridian by an international commission of experts, and concluded, "It is impossible to overlook the vital importance of continuing the work already entered upon and supplementing it by further effective measures looking to the exact location of this entire boundary line." (Messages and Papers of the Presidents, Vol. XIII, pp. 6063 - 6064.)

On August 20, 1895 Lord Gough in a letter to Mr. Olney had urged the cooperation of the United States and Great Britain looking toward the delimitation of the boundary (referred to by President Cleveland in his third annual message), and suggested that the cooperation of the United States might be given in one of two forms, "First, and preferably, the appointment of a surveyor to act jointly with Mr. Ogilvie in determining so much of the line as may be found necessary for the purpose of defining the territory of the two countries at the point where the administration

of public affairs actually requires this to be done; if the cooperation of the United States in surveying the line can not be had at this stage, that the demarcation of it which will be made on the ground by Mr. Ogilvie should be recognized by both countries for the present -- without prejudice, however, to the rights of either party when, at a later stage, a joint delimitation of the line shall be made." (House Document 3368, pp. 723.)

A joint resolution embodying President Cleveland's proposal for an appropriation to defray the joint expense of locating the boundary line along the one hundred and forty-first meridian was presented to Congress by Mr. Squire on January 3. An appropriation of \$75,000 was called for by the resolution; but like most bills presented to Congress on the subject of the Alaskan boundary it never received the favorable consideration of that body.

But though Mr. Squire's resolution was only the expression of minority opinion in Congress it is extremely valuable as one of the first records of a new Canadian policy.

To the resolution was appended a report drawn by the Seattle Chamber of Commerce in answer to Canadian claims recently advanced.

These claims on the part of the Canadian government as stated in the report of the Seattle Chamber of Commerce were, "First, That "Behm Canal", and not "Portland Canal", is the channel intended through which the boundary line commencing at the southern-most portion of Prince of

Wales Island shall ascend to the north ... as far as the point of the continent where it strikes the fifty-sixth degree of north latitude."

"Second: That the eastern boundary line, in its extension from the point where it strikes the fifty-sixth degree of north latitude, shall follow an alleged range of mountains, arbitrarily crossing and cutting off the heads of bays and inlets the ownership of which by the United States had hitherto been unquestioned.

"Third: That the said eastern boundary line is not a line following the sinuosities of the coast, and giving to the terms, 'windings of the coast' an interpretation which concedes to British Columbia not only the perts of the inland waters, but a large area of the most valuable portions of the coast-line strip known as southeastern Alaska.

"Fourth: That neither Portland nor Behm Canal was named when the British-Russian convention of 1825 was acted upon."

In the early part of 1896 these claims had only been supported by semi-official utterances; but the Canadian Press was vigorously contending for proprietorship. If the question should be pushed by the British and Canadian governments it threatened gravest complications for the future.

In the spring of 1895 communications had been

exchanged between the foreign office and the department of state upon the establishment of a system of international arbitration for the adjustment of disputes between the two governments of the United States and Great Britain.

In 1896 the question was revived in a letter from Sir Julian Pauncefote to Mr. Olney and the communications which followed, during the months of March, April, May, and June resulted in the formulation of a treaty which was signed at Washington on the 11th of January, 1897. (House Document 3477 -- 222 - 237.)

During the very day on which the treaty was signed it was transmitted by President Cleveland to Congress, where it was pending when McKinley took office.

President McKinley enthusiastically supported the arbitration treaty in his inaugural address when he said, "Since this treaty (the Olney Pauncefote treaty of January 11, 1897) is clearly the result of our own initiative, since it has been recognized as the leading feature of our foreign policy throughout our entire national history -- the adjustment of difficulties by judicial methods rather than by force of arms -- and since it presents to the world the glorious example of reason and peace, not passion and war, controlling the relations between two of the greatest nations of the world, an example certainly to be followed by others, I respectfully urge the early action of the Senate thereon, not merely as a matter of policy but as a duty to mankind." (J. F. Rhodes, "The McKinley

and Roosevelt Administrations, 1897 - 1909," pp. 40 - 44.)

To the great disappointment of McKinley and those members of the preceding administration who had labored so untiringly to procure this understanding between the two states, which they hoped would lay the basis for a lasting friendship, the Olney-Pauncefote treaty was not ratified. Congress voted 43 to 26 on May 5, 1897, the treaty failing to obtain the necessary two thirds majority. (J. F. Rhodes, "The McKinley and Roosevelt Administrations, 1897 - 1909," pp. 41.)

With the failure of the arbitration treaty it became necessary for John Hay, the recently appointed Secretary of State, to adjust if possible the various claims and grievances between the United States and Canada.

The subjects of controversy were eleven in number as listed in the protocol of 1898 but of these the question of the Alaskan boundary was of far greatest importance.

Sir Julian Pauncefote the British ambassador at Washington in a communication to Secretary Hay on the 23rd of February declared that it had become more important than ever that the boundary be defined because of, "the great traffic which is now attracted to the valley of the Yukon in the northwest territory by the recent discovery of gold in that region." (J. M. Dickinson, "The Alaskan Boundary Case" in Reports of American Bar Association, Transactions, Vol. XXVII, pp. 343.)

In May 1898 five conferences were held at Washington

preliminary to the appointment of a Joint Commission for the adjustment of questions at issue between the United States and Great Britain, in respect to the Relations of the former with the Dominion of Canada.

England was represented by Sir Julian Pauncefote, Her Britannic Majesty's ambassador at Washington, and Sir Louis Davies, minister of marine and fisheries of the Dominion of Canada; and the United States by John W. Foster, late Secretary of State, and John A. Kasson, special commissioner plenipotentiary.

At the third meeting, held on Friday, May 27, it was decided that it would be expedient to come to an agreement on the following subjects:

"First; The question in respect to the fur seals in Bering Sea and the waters of the North Pacific Ocean.

"Second; Provisions in respect to the fisheries off the Atlantic and Pacific coasts and in the inland waters of their common frontier.

"Third; Provisions for the delimitation and establishment of the Alaska-Canadian boundary by legal and scientific experts if the Commission shall so decide, or otherwise.

"Fourth; Provisions for the transit of merchandise in transportation to or from either country across intermediate territory of the other, whether by land or water, including natural and artificial waterways and in-

intermediate transit by water.

"Fifth; Provisions relating to the transit of merchandise from one country to be delivered at points in the other beyond the frontier.

"Sixth; The question of the alien-labor laws applicable to the subjects or citizens of the United States and of Canada.

"Seventh; Mining rights of the citizens or subjects of each country within the territory of the other.

"Eighth; Such readjustment and concessions as may be deemed mutually advantageous, of customs duties applicable in each country to the products of the soil or industry of the other, upon the basis of reciprocal equivalents.

"Ninth; A revision of the agreement of 1817 respecting naval vessels on the lakes.

"Tenth; Arrangement for the more complete definition and marking of any part of the frontier line, by land or water, where the same is now so insufficiently defined or marked as to be liable to dispute.

"Eleventh; Provisions for the conveyance for trial or punishment of persons in the lawful custody of the officers of one country through the territory of the other." (Senate Document 4622, pp. 372 - 373.)

In the joint commission which met at Quebec on August 23, 1898, Great Britain was represented by Baron Herschell, Sir Wilfred Laurier, Sir Richard Cartwright,

Sir Louis Davies, Hon. John Charlton, and Hon. James Winter; the United States being represented by Charles W. Fairbanks, George Gray, Nelson Dingley, John W. Foster, John A. Kassan, T. Jefferson Coolidge, and Charles J. Faulkner. (Senate Document 4622, pp. 374.)

Several of the difficulties could be easily settled; but the determination of the Alaskan boundary, provided for by the third article of the Protocol, complicated the entire negotiations.

There could be no agreement between the American Commissioners and Lord Herschell who represented those extreme claims of Canada advanced in 1896.

This fundamental disagreement is apparent early in the year 1899 when Secretary Hay in a letter to the American Secretary of the Embassy at London, Henry White, dated January 3 observed that, "In the case of Alaska it is hard to treat with patience the claim set up by Lord Herschell that virtually the whole coast belongs to England, leaving us only a few jutting promontories without communication with each other. Without going into the historical or legal arguments, as a mere matter of common sense it is impossible that any nation should ever have conceded, or any other nation have accepted, the cession of such a ridiculous and preposterous boundary line. We are absolutely driven to the conclusion that Lord Herschell put forward a claim that he had no belief or confidence in,

for the mere purpose of trading it off for something substantial, and yet the slightest suggestion that his claim is unfounded throws him into a fury" (W. R. Thayer, "The Life of John Hay", Vol. II, pp. 204 - 206.)

During the months which followed it became increasingly apparent that irreconcilable difference of views was entertained respecting the delimitation of the Alaskan boundary.

Failing to agree as to the meaning of articles III and IV of the treaty of 1825 between Great Britain and Russia which defined the Alaskan and Canadian boundary the American Commissioners proposed that the subject of the boundary be laid aside. Some of the questions were so far advanced as to assure the probability of settlement, and with these subjects the American members wished to proceed. (Messages and Papers of the Presidents, Vol. XIV, pp. 6370.)

The British Commissioners declined; Lord Herschell stuck uncompromisingly to his demands; and on February 20, 1899 the commission adjourned.

The question was becoming more and more acute; friendly relations between the two governments were seriously threatened. It was obvious that some understanding, if it be but temporary, must be obtained.

It was not until October 20, 1899 that agreement was reached upon the basis of a modus vivendi.

At that time a provisional boundary line was fixed between the territory of Alaska and the Dominion of Canada

but without prejudice to the claims of either party in a permanent adjustment of the international boundary.

John Hay, together with the British charge d'affaires at Washington, Reginald Tower, was primarily responsible for the formulation of the modus vivendi. The boundary line as temporarily established in October, 1899 was essentially that claimed by Lord Herschell and which the American Commissioners had refused to consider earlier in that year. (House Documents 3918, pp. 58 - 59.)

Ownership of the land about the head of Lynn Canal, of little importance before the days of the gold rush, and to which Canada had never laid a claim until the first discoveries on the Yukon, was now of greatest significance as the natural gateway to the gold regions.

The entire question of the Alaskan boundary from 1872 until 1899 had assumed importance only as a result of the gold discoveries; and the whole of the Alaskan interior may very likely have remained unpopulated to this day but for those discoveries.

The era of the Klondike, of the Yukon, Nome, Dawson, and early Fairbanks is one of the most significant and dramatic episodes in the whole of Alaska's romantic past, and brilliant as its crackling lights.

CHAPTER III

Dawson and the Yukon

In the first six or seven months of 1898 at least 100,000 prospectors advanced upon Dawson city. For transportation and supplies they expended fully \$60,000,000; and it was estimated in the spring of 1898 that this figure represented four times as much as the probable total output of Klondike gold. (S. S. Bush, "The Rush to Klondike", Review of Reviews, 17, pp. 289.)

It was a devastating fever that gripped the men who sought for gold along the shores and tributaries of the Yukon. It tore them from their customary surroundings, thrust them into a wilderness, cursed them with hunger, and pain, crushed most of them; and a few it rewarded with riches so vast that they seemed everlasting.

In 1880 the first prospectors had crossed the Chilkoot, but returned that fall empty handed.

"Many more went over in '82 and by '85 the bars of the Stewart had paid them well."

Franklin, in '86, "struck it" on Forty Mile and men soon afterwards were rocking out \$100 a day on the American side of the boundary.

But it remained for George Carmack, a squaw man, and some of his in-law relatives to make the discovery which first turned a tide of gold seekers and adventurers toward the North.

Carmack in 1896 found a creek, "lousy with nuggets" when prospecting a "moose pasture" and the following year the great rush began.

Tourists on the steamer Queen to Alaska in June, 1897, looked, "with interest and wonder, a certain admiration and some pity, on those two hundred or so unexpected companions. These were mostly Americans, with a number of Canadians and Englishmen, as well as a few of other nationalities. There were, indeed, many sorts and conditions of men: veteran miners, who had prospected and mined for years in more than one state of the union, and pale shop clerks, vainly trying, with the aid of flannel shirts, broad-brimmed felt hats, and pipes, not to have the stamp of the tenderfoot. There were lawyers and doctors, a candidate on the Populist ticket at Tacoma last autumn, two Yale graduates, a prize fighter known as the Montana Kid, an ex-judge, and an ex-Governor of a territory.

"There were men with grey beards, mere boys, and even a few women, not mostly of the best kind; there were many with attractive if rough faces, and here and there one who looked as if he had seen the inside of a jail; but all were now full of the same thought, the same desire to rush to the gold fields, the same dreams of fabulous wealth." (A. C. Coatsidge, "With the Rush to the Klondike", Nation, 65, pp. 125.)

No class was immune from the lure of the Klondike,

the Great Stampede swept men from all corners of the earth where the love of adventure still burned.

As early as 1897 some of the luckiest were returning from the north and it was their wealth lavishly displayed, and their stories eagerly recounted which sent thousands of others northward, and these same men when after a brief but costly visit in the states were broke again.

J. S. Lippy, a gymnasium instructor, had become a millionaire twice over; Bill Stanley a blacksmith of Seattle returned with \$115,000 and had millions more in the ground; Henry Anderson, a Swede, working by the day in Seattle, won a million; but most colorful of all the returning Argonauts was Swiftwater Bill, a former cobbler.

Swiftwater Bill, "in mukluks and parka, swaggered down a Seattle street, scattering handfuls of silver to see the crowd scramble; how they cheered him and retold to one another that Dawson egg story."

"Swiftwater got his claim by methods which were notorious at Dawson, but when I saw him a few days after he arrived in Seattle he was the haughtiest individual I ever tried to interview. He was brand newly "dressed up". A silk hat, a size too small, a ready-made and very ill-fitting frock coat, fancy vest, check trousers, and pointed patent leather shoes, together with his swarthy face, made him look like an Italian bootblack, out for holiday.

"'Yes', said he, gruffly, 'I'm Swiftwater Bill

Gates. I bought up all the eggs in Dawson for my girl, at a dollar apiece; and I can buy up all the eggs in Seattle at the same price, if I take a notion to. But I don't talk to no reporter for nothing; my talk costs money. The Examiner's going to pay me a thousand plunks for my yarn, and they won't get it 'til they plunk down, neither."

"And I understand that the Examiner actually did 'plunk', thereby gaining a very valuable exclusive."
(Lute Pease, "The Great Stampede", The Pacific Monthly, 15 pp. 695 - 697.)

Swiftwater had been very much enamoured of one of the girls at Dawson who had a pronounced liking for eggs. On one occasion, after the river had been closed to transportation and Dawson was isolated for the winter, Swiftwater became angry with his girl. Immediately he proceeded to buy up every egg in Dawson City; and these he fed to his dogs.

Five times Swiftwater was a millionaire, five times he squandered his fortunes and was broke. Many of the men who found gold were to lose all they had discovered.

But when gold was to be picked from the ground, and fortunes were to be made in a few weeks, gold had no value but the pleasure which it brought.

Every imaginable imposition was suffered by the men who hurried northward and so intent were they to "get on" that injustice was seldom punished.

Worst of all were the transportation companies which herded the men, together into limited space, provided poor food and "tossed the outfits upon the strand in utter disorder, often far below the highwater tide line, as hundreds found to their sorrow when the salt water came rippling around and over their sacks and boxes."

"Thimblerriggers, card sharpeners, thugs, and bunco steerers plied their business unchecked. Government officials seemed in league with them, or connived with whiskey smugglers, and grafted otherwise when opportunity offered."

The Canadian authorities were particularly offensive for they demanded that each man before he pass the international boundary should have a year's outfit, and against everything they levied the most arbitrary taxes.

But in spite of this taxation their order was essentially beneficial for it kept out of the Northwest territory many who would otherwise have perished. Men died with gold which in the states would have purchased every luxury; and which could not be exchanged for enough food in the Klondike to keep them alive.

"Each trail had its individual characteristics, but of all the Skagway presented the greatest variety and interest. Yet I remember standing at the 'stone house' near where the snowslide occurred a few days after, on the Chilkoot route, and noting the following biped and quadruped items that passed me in the murk of driving snow during the course of a few minutes: Numerous dog teams, one gaunt

and panting reindeer, driven by a man who was cursing himself for having been induced to bring such a beast to Alaska; many 'hand-sledders', weary and glum looking; a burro pack train, a toboggan drawn by a man and woman pulling tandem, and assisted by a small boy pushing from the rear; a horse pack train, a crazy looking ox, panting in a horse collar, with traces hooked to a toboggan; several sleds drawn by horses, and a half dozen men with packs.) (Lute Pete, "The Great Stampede", The Pacific Monthly 15, pp. 700.)

In the winter of 1898 a boy 19 years of age left Seattle bound for Dawson; today he is a federal officer in the city of Fairbanks and holds extensive mining properties in the region immediately surrounding that city.

In 1898 he possessed only a bicycle and some hundred papers which he had purchased in Seattle. Following the trails of the hundreds who had preceded, in the depth of winter, often being forced to carry his bicycle he fought his way to Dawson. The tires of his bicycle he had filled with sawdust; and the many who passed him when he was forced to walk, he soon repassed when he could use his wheel. Arriving at Dawson the bicycle was sold for a fortune, and the papers brought a fabulous price.

Not all of the men who departed for Alaska reached their destination; the greater number returned before they had ever seen the summit.

"It's a long trail, ain't it, pard?" I once heard a packer cheerily call out to a young fellow who had turned

out and wearily dropped down on his load to watch the procession of mules go by.

"What's that", he demanded angrily.

"It's a long trail."

"Is it? Well, thank God, life is short!"

One stamper when found crying by the wayside and addressed sympathetically replied, "I've got 'nough. By cracky, I quit! I'm going back home to my wife and children, and I'm going to tell 'em what I've been through, and, by cracky, if they don't cry, I'll lick 'em 'till they do." (Lute Pete, "The Great Stampede", The Pacific Monthly, Vol. XV, pp. 700 - 701.)

Both trails in the spring of 1898 were almost a continuous line of tents from tide water to summits; and over the front of about every fourth tent could be seen a sign reading, "selling out".

Many are the tales of deprivation and hardships suffered on the trails of 1897 and 1898; but all difficulties were not surpassed when the summits were crossed.

A long and painful journey was still to be encountered before Dawson was finally reached.

Arriving in Dawson only the crudest conditions were found; and the newcomers if they did not bring their own food were often in danger of starving.

No one but the judge on the bench wore a white

shirt. The town was thronged with miners, their packs on their backs; and the streets were veritable mud holes. (House Document 3946, pp. 527.)

Large quantities of logs were placed on the streets in front of the business houses and other places for use during the long winter. It took 12 to 15 cords of wood to heat a small cabin during the winter.

All the buildings in Dawson were without window glass. Small fortunes were made by parties who bought in all the glass and oil lamps. A small light 10 by 12 inches brought \$2.50 to \$3.00. A lamp which cost \$4.00 in the States brought eighteen or twenty dollars in Dawson, and a five cent package of carpet tacks sold for seventy-five cents. (House Document 3782, pp. 74 - 75.)

In the winter of 1897 the inhabitants of Dawson were seriously threatened with starvation. Though the Canadian Mounted Police rendered much valuable assistance in turning back at the summits those who could not support themselves, most of the men when arriving in Dawson did not have enough to eat.

On October 17 it was reported that there was not on sale in the stores of Dawson, or those accessible to the mining region, a single pound of bacon, beans or flour. Miners who depended upon the stores of Dawson for their food found it impossible to buy the barest necessities except in rare instances from friends who possessed a surplus.

Even then the price was almost prohibitive, a fifty-pound sack of flour selling for one hundred, and one hundred and twenty-five dollars. (House Documents 3812, pp. 9.)

On December 20, 1897 Dr. Chambers reported more than a dozen cases of scurvy in Dawson and in the course of that winter it was expected that several hundred other cases would develop. The disease took a very severe form in the Yukon and at Forty Mile creek a number of old miners had died from its effects. The scurvy was attributed to an improper diet and lack of sufficient variety in the food.

The men who dared the rigor and the dangers of the far north had no choice but to accept all difficulties with which the north threatened to discourage them. (House Document 3812, pp. 121.)

No food except staples was available; and those brought an exorbitant price.

The plainest meal (ham and eggs, bread, butter, and coffee) cost \$2.50. Beefsteak cost extra, and was sold to the restaurants for \$2.00 a pound. A stew of fresh oysters was \$3.00, champagne \$40.00 per quart.

A pair of horses and drivers could earn \$10.00 an hour, a good cook \$15.00 a day, and ordinary labor \$1.50 an hour.

In May, 1898 flour was selling in the gulches

of the Klondike for \$20.00 a sack of fifty pounds and salt meat at seventy-five cents a pound. The preceding January the prices were \$1.50 a sack and \$1.50 a pound. (House Document 3812, pp. 107 - 113.)

In August, 1898 it cost \$6.50 a night for a hotel room with a mixture of husks and straw for a bed and a candle for a light. Board was \$12.00 a day. (House Document 3676, pp. 536.)

The best time for mining was in the winter for then the surface water did not bother the miners. During the summer the heavy coating of moss was out from the ground so the sun could thaw the ground, and during each spring the wash up took place. During the hot weather, too, gold could be dug out of the bars and banks on the various rivers and creeks. (House Document 3674, pp. 96 - 97.)

In every part of the year the men laboured under severe hardships, in the winter combatting the cold and winds, in weather often fifty to seventy degrees below zero; in the summer surrounded by swarms of mosquitoes which made necessary the wearing of a veil.

These were the hardships and such were the men, heroes of the north, who discovered and produced a new country amidst the wildest and most picturesque land that civilized man has ever inhabited.

With the influx of these adventurers nations began to struggle for a land which they had believed would re-

main forever a wilderness, a boundary line assumed importance, and two of the world's greatest states were arrayed against each other in bitter antagonism.

Chapter IV

The Alaskan Boundary Tribunal

Prior to the adjournment of the Joint High Commission in February, 1899, the British members had suggested that if the United States would agree to arbitrate the Alaskan Boundary all other matters, including modification of the Clayton Bulwer treaty, and removal of the objectionable features of the treaty of 1818, might be arranged.

Secretary Hay hesitated. Confident, throughout the entire course of the negotiations of the Justice of America's contentions, he was fearful of subjecting its claims to the danger of a compromise decision at the hands of foreign umpires in an arbitral tribunal.

The American members of the commission suggested that the boundary be submitted to arbitration by six jurists, three on a side, and a majority vote to determine the issue.

The American proposal being objectionable to the British, the commission adjourned without any agreement having been reached.

In May, Sir Julian Pauncefote endeavored to solve the problem of the Alaskan Boundary. In an interview with Mr. Choate the American ambassador at London a solution was proposed by guaranteeing to the United States the American parts of Dyea and Skagway, the whole question of

the boundary then being submitted to an arbitral tribunal of seven members. Three jurists were to be appointed by both the United States and Great Britain under this plan, the seventh to be chosen by the six appointed members.

Sir Julian's proposal encountered opposition from the Canadian authorities who were fearful of public opinion upon surrender of all claims to Dyea and Skagway, and rejection followed. (Dennis, "Adventures in American Diplomacy, 1896 - 1906", pp. 136 - 138.)

Negotiations were continued throughout the whole of the summer of 1899 looking toward a solution of the Alaskan Boundary.

On July 1st Lord Salisbury had written to Joseph H. Choate and proposed that the treaty of arbitration adopted between Great Britain and Venezuela, February 2, 1897, "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." ("Henry Cabot Lodge and the Alaska Boundary Award", Canadian Historical Review, Vol. VI, pp. 337.)

Mr. Choate in a reply to Lord Salisbury, August 2, 1899 informed the prime minister and foreign secretary that the terms of the Venezuelan Treaty were, "wholly inapplicable to the present subject of controversy, in which the issues are radically different", and urged, "(1) that the Alaska boundary was a new question, raised for the first time after the Joint High Commission had been agreed

upon, 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.

"(2) that the coast-line of the mainland had been in the possession, or under the control, of Russia and the United States since 1825, and that the settlements at the head of 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 settlements were upon territory claimed by Venezuela and had been constantly protested by Venezuela." ("Henry Cabot Lodge and the Alaska Boundary Award", Canadian Historical Review, Vol. VI; pp. 337.)

That the United States was embarrassed in submitting this statement, which claimed in reality that settlements in territory claimed by the United States were entitled to greater recognition than should be accorded subjects who had settled in the area in dispute between Great Britain and Venezuela, is revealed in a letter from John Hay to Whitelaw Reid, July 27, 1899:

"The position in regard to arbitration is not altogether free from awkwardness. After we had put forth our entire force and compelled -- there is no other word for it -- England to accept arbitration in the Venezuela matter, we cannot feel entirely easy in refusing arbitration in this.

It is true the cases are very different, as I have endeavored to point out in a long dispatch to Lord Salisbury, in answer to his proposition for arbitration; but people at large do not consider these matters in great detail, and it looks as if we were refusing to England what England, at our demand, granted Venezuela. And yet if we went into arbitration on the matter, although our claim is as clear as the sun in heaven, we know enough of arbitrations to foresee the fatal tendency of all arbitrators to compromise." (W. R. Thayer, "The Life of John Hay", Vol. II, pp. 207.)

America's refusal to consent to arbitration on the basis of the Venezuelan treaty threw the responsibility for the next proposal squarely upon the Secretary of State.

Mr. Hay's attempt to draw a boundary line, which he made at the request of the British embassy in Washington, was promptly rejected in London.

Toward the end of July when it was proposed that the United States lease to Canada some of the territory in dispute, John Hay readily gave his consent to an agreement which he believed would greatly strengthen the American claim. The granting of a lease and acceptance of that lease would mean the automatic acknowledgement of sovereignty. (Dennis, "Adventures in American Diplomacy, 1896-1906, pp. 139.)

The granting of such a lease on the part of the

United States was dependent upon Senatorial consent; and again Hay's plans fell in ruins. A two thirds majority could not be found to support the treaty.

Hay's dissatisfaction with the conduct of the Senate was vividly expressed in a letter to Adams during the early part of August:

"You know I told you long years ago that there would never be another treaty, of any significance ratified by the Senate. The truth of this becomes clearer to me every hour." (Dennis, "Adventures in American Diplomacy, 1896-1906", pp. 140.)

Finally, on October 20, a modus vivendi was signed and by that temporary agreement the line was settled on the general principles for which Secretary Hay had been contending.

Agreement had been rendered imperative by the continued influx of population to the Klondike, by the threat of jurisdictional complications, and the hostility of Americans and Canadians in the wilderness of the Yukon.

The modus vivendi was admittedly unsatisfactory, even at the time of its adoption. While it served well as a temporary expedient, neither the United States nor Great Britain would have accepted it as a permanent solution.

On December 3, 1900, in a message to the Senate

and House of Representatives, President McKinley reported that the marking of certain provisional boundary points in accordance with the temporary arrangement of October, 1899 had been completed by a joint survey during the month of July.

The dissatisfaction of the United States with the modus vivendi was clearly expressed in the President's message when he said, "however necessary such an expedient may have been to tide over the grave emergencies of the situation, it is at best but an unsatisfactory makeshift, which should not be suffered to delay the speedy and complete establishment of the frontier line to which we are entitled under the Russo-American treaty for the cession of Alaska." (Messages and Papers of the Presidents", Vol. XIV, pp. 6429 - 6430.)

Despite the unsatisfactory nature of the modus vivendi, negotiations looking toward a permanent arrangement were not reopened until early in 1902, and agreement was not reached until January, 1903.

"In the mean time, Lord Herschell had died, the Boxer uprising and the Boer war had supervened, President McKinley had been assassinated, and Theodore Roosevelt was in the white house." (W. R. Thayer, "The Life of John Hay", Vol. II, pp. 208.)

There had appeared in print reports to the effect that in American territory, near the border of Alaska,

British and Canadian officials (exercising authority by an agreement entered into by the Government of the United States and the British government) were making surveys and encroaching upon territory not included in that agreement. It was also reported that these same officials were removing and destroying ancient landmarks and monuments long ago erected by the Russian government to mark the Alaskan boundary.

On April 10th, the house of representatives requested the Secretary of State to inform them concerning this matter; and John Hay, April 19, 1902 replied that investigations had elicited no proof of the alleged transactions. (House Document 4377, No. 576, pp. 1 - 2.)

It was becoming increasingly evident that a permanent settlement must soon be reached.

Toward the end of June, Lord Lansdowne, who had succeeded Lord Salisbury as Foreign Secretary, urged Ambassador Choate to have an interview with Sir Wilfred Laurier, the Canadian prime minister, and Lord Minto, the governor-general of Canada, who were then in London,

During the course of the meeting which followed, Sir Laurier is supposed to have stated that he no longer held any hope of getting Lynn Canal, and though he still believed his case to be just, wished to save his face by having the matter decided against him. Further, should the case be decided in their favor in event of arbitration,

Sir Laurier intimated that he would not insist on Lynn Canal, but on some compensation elsewhere.

This information was conveyed to President Roosevelt in a letter from Secretary Hay shortly after the conference in London. (Dennis, "Adventures in American Diplomacy, 1896 - 1906", pp. 143 - 144.)

In a second letter to President Roosevelt, July 14, Secretary Hay attempted to iron out some of the misunderstandings which had resulted from his earlier communication; and in this same letter we discover the origin of the President's plan for a boundary solution.

"It seemed in your letter returning Mr. White's letter that you did not quite understand my point of view, which is precisely the same as yours, in regard to the merits of the case. I do not think they have a leg to stand on, and I think any impartial court of jurists would so decide. At the same time, I recognize the danger of submitting such a matter to an ordinary arbitration, the besetting sin of which is to split the difference. My suggestion was a submission of the question of the interpretation of the treaty of 1825 to a tribunal of six, three on a side, a majority to decide. In this case it is impossible that we should lose, and not at all impossible that a majority should give a verdict in our favor." (Not underlined in the original.) "As to Sir Wilfred's suggestion concerning compensation, it does not mean, as you seem

to think, that compensation should be given in case the commission should decide in our favor. His suggestion is that, in the case -- which seems to me impossible -- of a commission deciding in their favor, they still would not insist on a possession of Dyea and Skagway, but would then consider the subject of some compensation for our retaining the strip." (Dennis, "Adventures in American Diplomacy, 1896-1906", pp. 152.)

That President Roosevelt had definitely accepted Secretary Hay's suggestion concerning the composition of a tribunal or commission is evident from his conversation with Henry Cabot Lodge.

On December 8, 1902 the British ambassador, Sir Michael Herbert, in a conversation with Mr. Hay expressed the hope that, "all the American members would be judges of the Supreme Court of the United States"; and again in January, 1903 he advocated strongly the appointment of three judges of the United States Supreme Court with the Lord Chief Justice of England, the chief justice of Canada, and a judge of the British High Court, "as constituting a Tribunal commanding in the highest degree the confidence of all concerned." ("Henry Cabot Lodge and the Alaska Boundary Award", Canadian Historical Review Vol. VI, pp. 338.)

President Roosevelt was not to be influenced as to the composition of the Tribunal.

When in December, 1902 he had insisted upon another

attempt being made to settle the boundary question, and Secretary Hay had opposed the suggestion, the President seems thereafter to have relied almost wholly on Mr. Henry Cabot Lodge.

In December President Roosevelt handed Mr. Lodge the draft of a convention which he asked Mr. Lodge to go over with care; and requested that it be returned with any corrections which he saw fit to suggest.

Mr. Lodge wrote several years later, "I went over the draft with great care and found that it was entirely satisfactory except on one or two points, the principle one as I recall being the question of the definition of the Tribunal. As it stood in the draft it was referred to as an "arbitration Tribunal". I felt that the word "arbitration" should go out and that it should be clearly a tribunal of a different kind. There were one or two other trifling corrections. I handed it back to him with my suggestions, all of which he adopted." ("Henry Cabot Lodge and the Alaska Boundary Award", Canadian Historical Review Vol. VI, pp. 333.)

Throughout the latter part of 1902 the newly appointed ambassador of Great Britain at Washington, Sir Herbert, laboured to effect an understanding with respect to the Alaskan boundary.

There were numerous difficulties which confronted Sir Herbert, the obstinate refusal of President Roosevelt

to consent to an arbitration, and the President's persistent opposition to the appointment of United States judges on any commission or tribunal.

It was obvious that any compromise would have to precede from Great Britain; and, Sir Herbert anxious to signalize his recent appointment by a noteworthy accomplishment, agreed on January 24 to substantially the same treaty which the United States had proposed three years before.

According to Article one of the treaty, "The Tribunal shall consist of six impartial jurists of repute who shall consider judicially the questions submitted to them, each of whom shall first subscribe an oath that he will impartially consider the arguments and evidence presented to the Tribunal and will decide thereupon according to his true judgment. Three members of the Tribunal shall be appointed by the President of the United States, and three by His Britannic Majesty. All questions considered by the tribunal, including the final award, shall be decided by a majority of all the members thereof."

The questions which the Tribunal were to answer were:

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

"2. What channel is the Portland Channel?

"3. What course should the line take from the point of commencement to the entrance of Portland Channel?

"4. To what point on the fifty-sixth parallel

is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

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

"6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than ten marine leagues from the coast, should the width of the lisiere which was to belong to Russia be measured (1) from the main-

land coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said convention that where the mainland coast be indented by deep inlets, forming part of the territorial waters of Russia, the width of the lisiere was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia or (c) from the heads of the aforesaid inlets?

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

The tribunal was to assemble for their first meeting at London as soon as practicable after receiving their commissions. (Senate Document 61st Congress, 2d Session. Treaties, Conventions, Etc., 1776 - 1909, Vol. I, pp. 787 - 792.)

As soon as the convention was signed it was sent at once to the Senate.

Before that body saw fit to ratify the convention several senators, especially senators from the north west, interviewed Mr. Lodge; and said that they must be assured as to the men whom President Roosevelt would appoint on the Tribunal. These senators expressed the opinion that they could not agree to having anybody on that Tribunal who would

yield on the American claims.

These interviews were reported to the President by Mr. Lodge; and Roosevelt gave Mr. Lodge the permission to tell senators in confidence that it was his intention to appoint Mr. Root, the Secretary of War, Senator George Turner of Washington, and Mr. Lodge.

This information was conveyed by Mr. Lodge to Senator Teller, the leader of those men from the West who felt very strongly on the subject, and so satisfactory were these selections that on February 11, 1903 the Senate un-
animously ratified the convention.

The attitude of all three men was so well known that it left no question as to their decision.

Mr. Lodge remarked in his memoirs that, "when Mr. Hay heard of the three men whom the President had selected he was extremely displeased and protested in the strongest way to the President against Mr. Root, and even more strongly against me, taking the ground that our opinions were already well known, which was also true of Senator Turner."

Many have accepted this protest on the part of Mr. Hay as evidence of his sincere desire to give Canada a "square deal". The facts of the case do not, I believe, merit this judgement.

Secretary Hay's letter of July 14, 1902 revealed his desire for just such a commission as the President appointed. Indeed, at that time, Mr. Hay seems to have con-

vinced Mr. Roosevelt of the expediency of this very program.

While I am not attempting in this instance to vindicate the President, it is my desire to draw a more accurate picture of the part which Secretary Hay played in the course of these negotiations, and to reveal the true origin of President Roosevelt's action in the appointment of the American Tribunal members.

On February 14th Sir Michael Herbert learned from Mr. Hay that the President would probably appoint the men already mentioned. Canadian resentment was intense; and there was a prevalent feeling throughout the Dominion that their government had been tricked by the United States and deserted by Great Britain.

Lord Minto on the 6th of March cabled the Earl of Ouslow that Canadian assent "was obtained on the stipulation in the treaty that the members of the court would be impartial jurists of repute. . . Their doubts as to the effectiveness of the contemplated arrangement as a means of settlement were in some degree modified by the assurance that the members of the Tribunal would approach the subject with unbiased minds, and that a judicial interpretation of the treaty of 1825 would be obtained. The appointment to the tribunal by the United States government of gentlemen who are not Judges, and whose known views leave no room for expectation of a judicial consideration of the question,

changes the whole situation." ("Henry Cabot Lodge and the Alaska Boundary Award", Canadian Historical Review, Vol. VI, pp. 339 - 340.)

If the people of Canada believed they had been deceived by the government of the United States, the citizens of the United States equally were certain that Canadians were receiving a just reward for a very obvious attempt at trickery.

There were very few people in the United States who conceded that Canada possessed any claim whatsoever. The papers on both sides of the boundary were ceaselessly leveling acquisitions and attacks upon each other.

There is evidence of course both in the United States and in Canada of people, less radical than the majority, who did not approve of many of the actions of their respective governments. A notable instance is that of the American paper, the Springfield Republican, which declared that three men could not have been selected for the Alaska Boundary Commission with less judicial temperament than Mr. Lodge, Mr. Root, and Mr. Turner. ("Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge", Vol. II, pp. 2.)

But it is to be doubted if anyone either in Canada or the United States felt more strongly on the subject than did President Roosevelt.

A letter which the President wrote on July 25, 1903 to Judge Holmes is indicative of his attitude throughout the entire course of negotiations which had preceded, and which were to follow.

"As regards most of Great Britain's claim, there is not, in my judgment, enough to warrant so much as a consideration by the United States, and if it were not that there are two or three lesser points on which there is doubt, I could not, even for the object I have mentioned, have consented to appoint a commission. The claim of the Canadians for access to deep water along any part of the Canadian coast is just exactly as indefensible as if they should now suddenly claim the island of Nantucket. There is no man fit to go on the commission in all the United States who would treat this claim any more respectfully than he would treat a claim to Nantucket. In the same way the preposterous claim once advanced, but I think now abandoned by the Canadians, that the Portland Channel was not the Portland Channel but something else unknown, is no more worth discussing than the claim that the 49th parallel meant the 50th parallel or else the 48th."

President Roosevelt did believe there were certain points which the commission could genuinely consider. The question as to the islands at the mouth of the Portland Channel he believed was open to argument though even in this instance he thought the United States possessed

the strongest case. There were also places in which there was room for doubt whether there actually was a chain of mountains parallel to the coast within the ten-league limit.

In the settlement of these questions, Roosevelt felt the commission could render an invaluable service.

But, "the objection raised by certain Canadian authorities to Lodge, Root and Turner, and especially to Lodge and Root, was that they had committed themselves on the general proposition. No man in public life in any position of prominence could have possibly avoided committing himself on the proposition, any more than Mr. Chamberlain could avoid committing himself on the question of the ownership of the Orkneys if some Scandinavian country suddenly claimed them.

"Let me add that I earnestly hope that the English understand my purpose. I wish to make one last effort to bring about an agreement through the commission, which will enable the people of both countries to say that the result represents the feeling of the representatives of both countries. But if there is a disagreement I wish it distinctly understood, not only that there will be no arbitration of the matter, but that in my message to Congress I shall take a position which will prevent any possibility of arbitration hereafter; a position, I am inclined to believe, which will render it necessary for Congress to give me the authority to run the line as we claim it, by

our own people, without any further regard to the attitude of England and Canada. If I paid attention to mere abstract right, that is the position I sought to take anyhow. I have not taken it because I wish to exhaust every effort to have the affair settled peacefully and with due respect to England's dignity." (Bishop, "Theodore Roosevelt and His Time", Vol. I, pp. 259 - 261.)

There were appointed to membership on the Tribunal, on the part of Great Britain, Lord Alverstone, Lord Chief Justice of England, and the Canadians, Sir L. A. Jette, Lieutenant Governor of the Province of Quebec, and John Douglass Armour, Judge of the Supreme Court of Canada.

On July 11, 1903 John Douglass Armour died in London; and on July 28, 1903 Mr. A. B. Aylesworth of Toronto was appointed in his place.

It was provided that the United States and Great Britain should each name one person to attend the tribunal as its agent. John W. Foster was appointed on the part of the United States, and Clifford Lifton, Minister of the Interior in the cabinet of the Dominion of Canada was appointed agent of Great Britain.

It had been hoped by the Administration in the United States that Ambassador Choate would present the American case before the Tribunal; but when he wisely de-

clined, Mr. Watson and Mr. Dickinson were obtained to serve in his stead.

The written or printed cases of both the United States and Great Britain, accompanied by all the evidence relied on to sustain them were to be delivered in duplicate to each member of the Tribunal and to all agents of the other party, within two months from March 3, 1903; and within the next two months both parties might deliver a counter case and additional evidence in reply. The tribunal might extend the last mentioned period if it became necessary by reason of special difficulties arising in the procuring of such additional proof.

The members of the tribunal which was to assemble for the first meeting at London as soon as practicable after receiving the commissions, agreed by diplomatic correspondence that it would be regarded as a compliance with the convention if the cases and counter cases should be presented on the day fixed in London and Washington to the embassies of the respective governments to be forwarded without a formal meeting of the Tribunal at London.

An appreciation of the difficulties involved in a satisfactory delimitation of the Alaskan boundary can best be obtained by an examination of Articles III, and V in the treaty of 1825:

"Scarcely a phrase of these definitions was free from difficulty.

"1. The Portland Channel was navigated and named by Vancouver, who described it rather minutely in words which did not always agree perfectly with his chart. It has three mouths, or passages, that might be considered mouths. The passage chosen by a majority of the arbitrators was not that traversed by Vancouver, has a separate name, and makes a sharp angle with the general direction of the channel.

"2. At its northern end the channel forks south of the 56th parallel; the definition does not say on which side of the channel the intersection with the parallel shall be taken.

"3. The 'crest' of the mountains could not be interpreted as the watershed, which was far inland. The whole country is mountainous, and the skyline, as seen from the sea, which was represented by Vancouver in the conventional 'caterpillar', did not correspond with any well-marked line of peaks. The award chose a series of peaks lying for the most part nearer the sea than the limit of ten leagues.

"4. The interpretation of the word 'parallel' was disputed. If there are two parallel ranges, can both be described as parallel to the sea-coast, or is one parallel to the coast, and the second parallel to the first?

or, is the nearer range to the coast necessarily the only range included in the definition parallel?

"5. The word 'coast' was much in dispute. Is it the same as shore? Is it the limit of the open sea, or of all territorial waters including inlets however deep? Or is it the 'envelope' of the shore-line, excluding deep inlets?

"6. The word 'ocean' gave rise to much difficulty. Since it was common ground that the archipelago of islands along the coast was originally Russian, and therefore subsequently went to the United States, the ocean must include the land-locked waters between the islands and the mainland. Did it include the waters of an inlet less than six miles wide, and therefore territorial? Does the ocean extend everywhere to the coast? This was not decided explicitly by the award, but in this particular case may be presumed to follow the decision as to the coast.

"7. The word 'sinuosity' gave trouble. Apart from the question of the meaning of the word coast alone, it was doubtful if the term 'sinuosities of the coast' meant anything more than the coast alone, or if coast apart from sinuosities was not the generalized or envelope coast. It was decided that a line parallel to the sinuosities of the coast ran round the heads of all the inlets, however deep; but it is not clear that this is of general application, apart from the fact that in the Alaskan case the

head of the inlets had been occupied by the United States without protest for many years. The award was not, in fact, based purely on the geographical interpretation of the treaty definition.

"8. The meaning of 'lisiere' gave rise to some discussion, but there seems to be no real doubt that it means the strip of coast between the shore and the mountain crest that was to be the boundary.

"9. The question of the respective meaning of 'mers interieures' and 'golffes' played some part in the arguments, but does not seem to have been settled by the award. Apparently a 'mer interieure' must be a fiord like the Lynn Canal, not an inland lake; that is, 'interieur' must mean landlocked rather than inland; and it may be included in the ocean.

"10. The arguments showed that the word 'creek' is dangerous, the Americans using it in the sense of tributary, the British more generally in the sense of a small tidal opening.) (A. R. Hinks, "Notes on The Technique of Boundary Delimitation", Geographical Journal, Vol. 58, pp. 420 - 424.)

These subjects, and the respective contentions of Great Britain and the United States were ably presented by the agents.

The case of the United States comprised 105 pages, the counter case 92 pages, and the argument of the United States 204 pages. The British case was of similar length; and in addition there are six volumes of Alaska

Boundary Tribunal Proceedings which record the work of that body.

Of the many questions which it was necessary for the Tribunal to determine, by far the most important, and the one to which all else was subordinated, was the question involving the sinuosities of the coast. As we have already noted, it was decided by the tribunal that the sinuosities of the coast ran around the heads of all inlets rather than cutting across them as the Canadians contended.

The Canadian claim, supported by Great Britain, was of relatively recent origin.

Every British map until 1884 shows the disputed territory belonging either to Russia or to the United States according to which had dominion. No claim was made by Canada to the territory until 1898 when Lord Herschell at the head of the Joint High Commission resolutely supported the Canadian opinion.

It was a well nigh universal belief in the United States, and upon that belief President Roosevelt based his arguments and his actions, that no question as to the sovereignty of the United States over those waters and coasts would ever have been raised but for the gold discoveries on the Yukon.

The great influx of population to the Klondike, by water to the head of Lynn Canal and thence over the passes

into British territory caused the Canadians to view the lisiere with jealousy as the natural gateway to the gold regions.

Discovering that they were barred from deep water by the conventional interpretation of the treaty of 1825, Canadians advanced a new interpretation.

By the treaty of 1825 it was provided that should the crest of the mountains be more than ten marine leagues from the Pacific Ocean, the line of demarcation for that space would be a line parallel with the sinuosities of the coast, so the line should be no where more than ten leagues from the coast.

The Canadians contended that even if there was no distinct range of mountains (a fact which they did not concede) the line should be ten marine leagues from a meandering coast-line and should cut across the mouths of the narrow channels and inlets leaving the harbors at the heads of these inlets in the possession of Great Britain.

This interpretation was in direct opposition to the American contention that the ten marine leagues should be measured from the line of salt water.

Such was the principle question at issue between the two governments, the principle issue for which the tribunal was called.

The arguments, the cases, and counter cases pre-

mented before the Tribunal by the agents of both Great Britain and the United States need not concern us.

The issue was not decided upon its merits; but as the emergencies of the situation demanded.

It is doubtful in view of the vague wording of the treaty if its articles could ever have been judicially determined.

That there should be no question as to the issues involved, and the contentions which the President desired that the Tribunal members should uphold, Mr. Roosevelt on March 25, 1903 addressed a letter to Elihu Root, Henry Cabot Lodge and George Turner in which he advised that, "you will of course impartially judge the questions that come before you for decision. The claim so roundly asserted by Mr. Laurier -- and therefore presumably to be upheld by the Canadian Commissioners -- that is, the claim to Skagway and Dyea, and therefore of course Pyramid Harbor, is not in my judgment one of these which can properly be considered open to discussion . . . There is entire room for discussion and judicial and impartial argument as to the exact boundary in any given locality -- that is as to whether in such locality the boundary is to be pushed back ten marine leagues, or whether there is in actual fact nearer

the coast a mountain chain which can be considered as running parallel to it . . . In the principle involved there will of course be no compromise. The question is not in my judgment one in which it is possible for a moment to consider a reconciling of conflicting claims by mutual concessions." ("Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge", Vol. II, pp. 5.)

It was obvious to Canadians as well as Americans that a judicial attitude was not to be expected from President Roosevelt's appointees; and it was quite as apparent that the Canadian members would follow the American example.

The only hope for agreement lay with Lord Alverstone the British member of the Tribunal. By sustaining the Canadian members he would indefinitely postpone a settlement, if he sided with the Americans a final agreement would be achieved. If, however, the latter course was followed it was likely to seriously impare the relations between England and Canada.

The position of Lord Alverstone was not an enviable one.

Great Britain employed the entire summer of 1903 in a vain attempt to prolong the preliminary negotiations, with the hope that she might delay the meeting of the Tribunal.

This action was bitterly resented by the adminis-

tration in the United States, as evidenced by the correspondence of that summer.

The first intimation that the Tribunal would not meet on September 3 as provided under the treaty came with a letter from Mr. Lodge addressed to President Roosevelt, on June 23rd.

At that time Mr. Lodge called attention to the extra session of Congress, November 9, and the advisability of both his own and Mr. Root's attendance at that session.

And in a second letter to the President, four days later, Mr. Lodge reported that Sir Herbert had said the Tribunal would not meet until October, and that it was all arranged with the state department; and he concluded, "the fact is, as I wrote you, that the British are trying to crowd us, and I feel very strongly that we ought to say to them plainly that if they cannot dispose of this matter early in October it had better go over to the following summer. I am sure that would bring them to time."

(Selected Correspondence, Vol. II, pp. 35.)

President Roosevelt was prepared to take drastic action if the negotiations were needlessly delayed; and in a reply to Mr. Lodge June 29, expressed his determination, if the British proved unreasonable, to declare the negotiations off, recite the American case in a message to Congress, and ask for an appropriation to run the boundary as he deemed it should be run.

"I should be very reluctant to let the negotiations go over until summer or to have them delayed in any way. The English behaved badly in Venezuela despite the fact that we had behaved with scrupulous impartiality during the Boer war. I don't intend that they shall do any shuffling now." (Selected Correspondence, Vol. II, pp. 37.)

Mr. Roosevelt's attitude was more conciliatory than many of his statements would lead us to believe.

Shortly before his departure for London on July 17th, Mr. Lodge had wired the President and commented upon the British demand for more time in which to present their counter case, expressed the opinion that they wanted trouble or long delay, and asked if he should proceed to London.

President Roosevelt replied that the question of the Alaska boundary was altogether too important for snap judgment and that not a single chance should be forfeited of bringing it to a successful conclusion. He called attention to the fact that though the British had wanted to delay the presentation of their counter case, it had, as a matter of fact, been presented on the day specified, and there was not one single act at present which would justify so much as considering the breaking off of the negotiations.

Ambassador Choate thought that there might be a request of 10 or 15 days' extra time for the presentation of the British argument, and President Roosevelt informed

Lodge of his agreement to such a proposal.

"While on the one hand I should preemptorily decline to let the case go over until next summer, on the other hand I should feel that it would be an act of petulance and folly on our part to break off the negotiations if the British simply requested ten or fifteen days' extra, or even a month A demand for such a moderate additional time could under no conceivable circumstances be taken as an evidence of bad faith." (Selected Correspondence, Vol. II, pp. 39.)

Leaving the United States on the 17th of July, Mr. Lodge was able to spend almost two months in England and upon the continent before the first arguments were presented to the Tribunal on September 13.

Mr. Lodge's correspondence with President Roosevelt during those months is invaluable as an indication of British and Canadian opinion.

Shortly after his arrival in London, Mr. Lodge showed Henry White, the Secretary of the embassy, the President's letter of June 29th, "which I think not only impressed him, but alarmed him a little."

There can be no finer compliment to the British statesmen during the entire course of these negotiations, than the evidence contained in Mr. Lodge's correspondence.

They were always obliging, and not only willing

but anxious to forward matters as much as possible.

Lord Alverstone agreed with Mr. Lodge in his contention that the arguments should be limited in length. While not consenting to a time limit, the chief justice announced that the arguments would be finished by the 9th of October.

Mr. Lodge declared, that, "Lord Alverstone has done everything that could be done to facilitate the work, and I think there is no doubt that we shall finish the matter up so that I can get away on October 31st, in fact, that is substantially agreed to and I have told the White Star people that I shall hold my passages for that day." (Selected Correspondence, Vol. II, pp. 53.)

From the time when Mr. Lodge first set foot in England, he was possessed of a certainty amounting to conviction that the United States would never obtain the decision.

This belief seems to have tormented him every waking and sleeping moment, and to have hovered over him like an evil shadow. Practically every letter that he wrote to President Roosevelt alluded in some part to the impossibility of America's situation.

In the last days of July he wrote, "The fact is that there is no trouble at all with the English part of it. The whole difficulty comes from the Canadians, and they are as timid about the Canadians as can possibly be;

they are so afraid of injuring their sensibilities that they hardly dare say anything ... I do not have much hope of reaching an agreement, for I do not think they will have the courage to decide against the Canadians."

Shortly before the Tribunal convened Lodge wrote again to President Roosevelt, "Choate and Foster and Harry White have strong hopes that we shall get a decision, especially Harry White and Choate. They feel that the Ministry will see the importance of settling the thing now. Root and Turner and myself, from the general tone of things, do not feel hopeful. We look for a disagreement."

The only note of optimism which Mr. Lodge seems to have sounded during the whole of his first months in England appears in a letter written September 13, the day on which the first arguments were heard.

"The Canadians have been filling the newspapers with articles of the most violent kind, threatening England with all sorts of things if the decision should go against Canada. They are all aimed, I suppose, at Lord Alverstone. Under ordinary circumstances I should think they had overplayed their hand badly, and this public menace would simply have the effect of driving Lord Alverstone and the English Cabinet the other way, but England is so afraid of Canada that I fear the effect." (Selected Correspondence, Vol. II, pp. 42, 53, 56.)

It would be difficult from the last paragraph to

convict Mr. Lodge of optimism, and still it is the nearest that he ever came to hopefulness.

On September 24 Mr. Lodge conveyed to the President the first unofficial decisions of the Tribunal, particularly of Lord Alverstone with whom the decision practically rested.

Lord Alverstone felt bound on law and facts as presented to hold that the line went around the heads of the inlets, which was the main contention.

He took very decidedly the British view on the Portland Canal; and wished to answer question seven by picking out a series of mountains which would reduce the strip running round the heads of all the inlets to as narrow bounds as possible.

Mr. Lodge intimated that Alverstone's contention for selected summits was due to his desire to let the Canadians down as easily as possible after having decided against them on the main point.

After the session of the 23rd the American members of the Tribunal met with Ambassador Choate and discussed the situation.

They decided that if Alverstone went with them on the main contention they could afford to accept his view of the Portland Canal; but they agreed to come to no definite conclusion until they learned what line Lord Al-

verstone proposed to make on question seven.

With this decision President Roosevelt agreed completely in a letter to Mr. Lodge dated October 5, 1903.

The insignificant part which agents and arguments played in the course of the negotiations, and the slight influence which they exerted on the decision is apparent from Lodge's communication of the 29th.

"A portion of Watson's argument was very powerful but on the whole I think we were disappointed, Root especially so, and Root is a far better judge than I. I like Watson, and am very sorry that he did not have a more complete success, but as far as effect on the decision of the Tribunal goes it makes no earthly difference. The decision will be reached by the commissioners and it does not depend on the arguments." (Selected Correspondence, Vol. II, pp. 61.)

The argument, which began on September 15 was concluded on October 8; and on the 20th of October the decision was rendered.

The entrance to Portland Canal was defined as passing by Tongass Inlet and to the Northwestward of Wales and Pearse islands, representing a compromise between Canadian and American contentions.

The line followed the provisional demarcation of 1878 at the crossing of the Stikine River, and that of 1899

at the summits of the White and Chilkoot passes.

Lord Alverstone went with the Americans on the main question, establishment of the land boundary well back of all the inlets, and though his line of selected summits was accepted, the boundary ran much farther inland in the valley of the Klehini River, northwest of Chilkoot Inlet than the temporary line of the modus vivendi, leaving the entire mining district of the Porcupine River and Glacier Creek within the jurisdiction of the United States.

President Roosevelt in his annual message, December 7 declared that the result was satisfactory in every way.

A treaty providing that each government should appoint one commissioner with whom might be associated such surveyors, astronomers and other assistants as each government might elect, to locate the boundary as defined by the decision of the Alaska Boundary Tribunal, was concluded April 21, 1906 and proclaimed on August 21st.

The question of the Alaskan Boundary was at last settled. For the first time since Vitus Bering had sailed from the shores of Siberia and discovered New Russia its limits were accurately defined.

When it became known that Lord Alverstone had

concurring with the three American members of the Tribunal. Canadians were very open and very bitter in their reproaches. England was roundly accused of sacrificing the Dominion's interests to her own advantage, that her friendship with the United States might be preserved.

England was again accused of separating from the Dominion the best portion of its entire domain. Whenever Canadians looked upon the borders of their nation, Maine, the North West, the Pacific Slope, and now Alaska, bitterness welled up within them.

They had never expected generosity from the United States, but they had anticipated a strong and vigorous support from Great Britain.

Canada was more disappointed than resentful, like a child betrayed by its mother; and no one outside the British ministry appreciated as well the depths of that disappointment.

Great Britain would never have been led to adopt the American view of the Alaskan boundary except for very definite reasons.

English statesmen were well aware of the Canadian temper, and the effect which an adverse decision would produce. The threatening articles which were appearing in Canadian and British papers were not without influence, nor were they ignored without regret.

Necessity demanded that Great Britain concur with the United States on the question of the Alaskan Boundary.

While the Alaska boundary differences were under discussion, Russia, with her well known penchant for fishing in troubled waters, endeavored to gain advantages in Persia. Great Britain sent to her what amounted to an ultimatum. ("Henry Cabot Lodge and the Alaska Boundary Award", Canadian Historical Review, Vol. VI, pp. 346.)

But of even greater importance than Russian encroachment in Persia was the threatening attitude of President Roosevelt.

The President was fully resolved, if the commissioners did not accept the American contention, to run the line as he believed it should be run, to place American troops in the disputed territory, and hold it by force.

This decision, President Roosevelt had communicated to Henry Cabot Lodge on June 29th; Harry White had been alarmed when informed by Lodge of the President's inflexibility; and the British Cabinet was fearful least a quarrel on the frontier of British Columbia might involve Great Britain and the United States in war.

Ambassador Choate and Harry White both took it upon themselves to inform the Cabinet of the extreme seriousness of the situation.

That England did believe the question involved the

possibility war is apparent from the seriousness with which her ministers regarded the situation. The Prime minister, Mr. Balfour, declared that he attached far more importance to the agreement of the Tribunal than to any of the Cabinet questions and complications with which he was then bothered, and though it would be little short of a disaster if the Tribunal would break up without having reached a decision.

Harry White intimated to the prime minister that he thought it very desirable if Lord Alverstone be told that the Government, without in any way wishing to influence him, was very anxious for a decision.

The conversation which took place between Mr. Balfour and Harry White occurred on Sunday afternoon the fourth of October while the American Secretary was visiting at Whittingehame.

Two days later Mr. White records, that he learned from a Mr. Saunders, the premier's confidential Secretary that Mr. Balfour had two interviews with Lord Alverstone.

Ambassador Choate relates that on the Wednesday preceeding the delivery of the Tribunal's decision, he had an interview with Lord Lansdowne, the foreign secretary, and it was decided that if necessary, "we might ourselves agree on what would be a satisfactory line, and perhaps if necessary advise the Commissioners what we thought." (Dennis, "Adventures in American Diplomacy, 1896 - 1906", pp. 154 - 155.)

There is no doubt that the ministry exerted a severe pressure upon Lord Alverstone.

The dispute over the Alaskan boundary coincided with a period of intense significance in the history of British foreign relations, a period signalized by the conclusion of the Anglo-Japanese treaty and the beginnings of the entente cordiale with France.

Great Britain could not afford to be embarrassed abroad; it was imperative that she remain friendly with the United States.

Undoubtedly Lord Alverstone was influenced in his decision; but it is not improbable that he might have said in all sincerity when attacked by his critics, "If when any kind of arbitration is set up they don't want a decision based on the law and the evidence, they must not put a British Judge on the Commission."

The United States may have possessed the best case, it was never decided, and never will be.

CHAPTER V

A History of the Lisiere

One of the first acts on the part of the Russian government after the treaty of 1825 went into effect was the preparation and publication in 1826 of a map upon which the boundary line was distinctly laid down as extending from the head of Portland Canal, at a distance of ten marine leagues around all the inlets of the sea, to the 141st degree of longitude.

The following year, a second map was published by the Russian government with exactly the same boundary line laid down.

All other maps published by that government until the time of the cession marked the boundary uniformly in the manner described.

This territory came to be known as the lisiere, and within that region, exercise of sovereignty by Russia during the whole occupation was never questioned.

Control over the Indian tribes of the lisiere began many years before the treaty of 1825.

During the latter part of the eighteenth century Russian explorers were everywhere securing the allegiance of the native chiefs.

Ismailof, a Lieutenant of Shelikof, as early as

1788 obtained the submission to Russian authority of the chief of the important and powerful Chilkat tribes.

Baranof, governor of the Russian American Company, visited the same region in 1795, planted the Russian flag on the shore, and proceeded to Chilkat Inlet. There he raised the flag of Russia also, and erected crosses with the inscription, "This land is Russian territory."

Every effort was put forward by the Russians during the period of their occupation to Christianize the natives. Schools were established among them; and two priests claimed to have baptized 447 of the Stikines, and others of that vicinity up to 1860.

The colonial officials labored earnestly to exclude intoxicating liquors, the illicit traffic of English and American traders being primarily responsible for the Ukase of 1821.

So great was the influence of the Russians over the natives that even after the Hudson's Bay Company had taken possession of the lisiere, the mere appearance of a Russian vessel at the post near the mouth of the Sitkine, when that place was attacked by natives in 1846, is said to have saved the British from destruction.

The conduct of the fur trade gave additional evidence of Russian sovereignty over the lisiere.

Alarmed in 1832 by the establishment of a British post on the Sitkine, "at such a distance from the sea as

not to infringe upon the treaty of 1825" but which would have seriously impaired its trade with the natives, the Russian American Company erected a redoubt at the mouth of the Stikine River and fortified it. The board of directors demanded that a chain of stations be established from St. Dianysius, as the post on the Stikine was called, to the north of Lynn Canal; and from that time forward, until the lease of the lisiere, the Russian American Company carried on its fur trade with the Indians mainly through its permanent establishment at the mouth of the Stikine and through its other settlements up to Lynn Canal.

So anxious was Russia to maintain its territorial rights against foreign encroachment that she overstepped the bounds established by the treaty of 1825.

By the terms of the treaty between Russia and Great Britain it was provided that British vessels could freely navigate such rivers of the lisiere as extended beyond the line as established in 1825, allowing the inhabitants of the Canadian interior access to the Pacific.

In 1834 a British ship, the Dryad, with a colony of settlers and a full outfit for the establishment of a trading post on board appeared at the mouth of the Stikine.

The Dryad not being permitted by the Russian authorities to ascend the river and proceed to her destination, ten marine leagues inland, was forced to return to Naas.

The British government presented the Russian government with a demand on behalf of the Hudson's Bay Company for an indemnity amounting to 22,150 pounds because of losses sustained by this action of the Russian authorities.

The claim for damages was the subject of a lengthy correspondence between the diplomatic representatives of the two nations.

Finally in 1839 the Russian American Company desiring to reestablish friendly relations with the Hudson's Bay Company agreed to lease the lisiere for a period of ten years.

This lease was renewed from time to time and for varying terms until the date of the cession.

More than any other action on the part of either Russia or Great Britain, the lease of the lisiere established the unquestioned ownership of Russia over that region.

At no time during the entire period of Russian occupancy and possession of Alaska did Great Britain ever advance any claim to the heads of inlets on the mainland north of 54° 40'.

During the period of American occupation the authority of the United States remained unquestioned until 1898.

American occupation of the lisiere was complete.

Administration by the military authorities of the United States, operations of the navy, exercise of jurisdiction by judicial authorities, exercise of authority by revenue officers, the establishment of schools, the taking of the census, supervision of the mines, and control of the Indians proved beyond a reasonable doubt that American authority was complete.

Six months before possession was taken of Alaska by the United States there was published under authority of the United States a map of the territory substantially the same as that of 1826. The map conformed in respect to the boundary line to all the maps and charts of other nations up to that date. (Alaska Boundary Tribunal, the Case of the United States, pp. 72 - 82.)

Every British map until 1884 showed the disputed Alaskan territory belonging either to Russia or the United States. No claim was made by Canada to the territory until 1898 when Lord Herschell adopted and strenuously maintained the Canadian opinion.

✓ As late as February 11, 1898 during a debate in the Canadian House of Commons Clifford Sifton, the minister of the interior said that Skagway and Dyea had been in the undisputed possession of the United States for some time past, and that no protest had been made against such occupancy.

The Marquis of Salisbury virtually conceded on

February 23, 1898 that Great Britain did not claim that the line ran across the inlets and that it must be fixed at the head of the inlets.

Sir Wilfred Laurier the most consistent and open advocate of the Canadian contention said on March 7, 1898, "But if we had adopted the route by the Lynn Canal, that is to say, had chosen to build a railway from Dyea by the Chilkat Pass up to the waters of the Yukon, we would have to place the ocean terminus of the railway upon what is now American territory . . . The fact remains that from time immemorial Dyea was in possession of the Russians, and in 1867 it passed into the hands of the Americans, and it has been in their hands ever since . . . So far as I am aware no protest has ever been entered against the occupation of Dyea by the American authorities." (J. M. Dickinson, "The Alaskan Boundary Case", Reports of the American Bar Association, Vol. XXVII, pp. 342 - 343.)

All Americans believed when Canada advanced claims to the lisiere that she did so solely in the hope of obtaining admittedly American territory which would have given her the natural gateway to the gold fields. Many did not treat the claims seriously believing that they were advanced only in an attempt to obtain compensation elsewhere; but it was universally conceded that Canada would never have advanced these pretensions unless the discovery of gold had brought the lisiere into prominence.

It was not unnatural that the people of the United States should resent and deny a claim to territory over which their government had exercised undisputed sovereignty for more than thirty years, and have surrendered without compulsion territory over which they and their vendor had without question asserted sovereignty for over seventy years.

CHAPTER VI

Retrospection

There has been much criticism in recent years of Roosevelt, and the policy which he adopted with respect to the Alaskan boundary.

Roosevelt did not escape the criticism of his contemporaries, but judgment passed upon him after the end of his administration has become increasingly severe.

His refusal to accept arbitration after having forced Great Britain to arbitrate its claims with Venezuela has been widely accepted as evidence of Roosevelt's bad faith.

The president has been viciously attacked for his appointment of Lodge, Turner, and Root to the Tribunal after having agreed to appoint men of supreme court calibre, men who would have decided the questions involved upon their merits, rather than have supported pre-conceived ideas.

His threats and his promises have discredited him no less; his determination, if need be, to support American claims upon the Alaskan border by force of arms have alienated many who might otherwise have supported him.

Many of the attacks levied against Theodore Roosevelt can be sustained, many of them are deserved; but that ceaseless activity of lesser minds which seeks to reduce

all achievement to its own level, whose attacks cannot be sustained by honest criticism under whose guise they would appear, has enormously exaggerated Roosevelt's short-comings in this instance.

The President refused arbitration, appointed politicians to membership upon the Tribunal, and was ready to support American contentions at the price of war because he was convinced that the claims of the United States were based in right and justice, and because it was his belief that Canada sought to take an undue advantage under a fraudulent claim. This conclusion was based upon evidence the validity of which cannot be denied.

The history of the lisiere affords conclusive proof of undisputed occupancy by Russia and the United States.

The action ~~was~~ President Roosevelt adopted, while not ethical was justified.

Perhaps it is a case of the end justifying the means, or some may say that Machiavelli breathed again; but there can be no doubt that Roosevelt, acting upon the evidence of the past, and relying upon that evidence for his justification, preserved intact our greatest territory when compromise would have meant concession, and a vacillating policy an irreparable loss.

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