

the coast within the meaning of the treaty, and the boundary line, therefore, must be fixed under the provision of the original treaty relating to the ten marine leagues, or 35 miles, and so run at a distance of 35 miles from shore, including the term shore heads, all inlets, bays, etc. The tribunal finds the Canadian contention correct as to the existence of mountains within the terms of the treaty, but the fruits of this victory are taken from Canada by fixing as the mountain line a row of mountains so far from the coast as to give to the United States substantially nearly all the territory in dispute. Around the head of Lynn Canal the line will follow the watershed somewhat in accordance with the present provisional boundary. We are of the opinion that the mountain line traced by Mr. King, the Dominion astronomer, along the coast should have been adopted, at least as far as the shores of Lynn Canal. If effect had been given to the contention that Great Britain had, by her acquiescence in adverse occupation, deprived herself of the right to claim the head of Lynn Canal, we should have regarded such a conclusion as perhaps open to reasonable justification. No such position can, however, be taken regarding the inlets lower down the coasts. Mr. King's line running along the coast to Lynn Canal and a line thence drawn around the head of Lynn Canal, following the watershed, would have given Canada the heads of the lower inlets, with at least one fine harbor from which access to the interior of Atlin and the Yukon country could have been had. It would not, so far as we have been made aware, taken in any territory ever actually occupied by United States citizens. It would have given to the United States the whole of Lynn Canal, including Skagway and Dyea and Pyramid Harbor, and it would have been, we think, reasonably satisfactory to Canada.

"Instead of taking the coast line of mountains, a line of mountains has been chosen far back from the coast, clearing completely all the bays, inlets and means of access to the sea, and giving the United States a complete land barrier between Canada and the sea from Portland Canal to Mount St. Elias. We have not been able to derive any understanding from our colleagues on the Commission as to the principle upon which they have selected their line of mountains, and our observations of the discussions which have resulted in the settlement of this line has led us to the