

Canada also contends that, having determined the point of departure (Cape Muzon) and also the place on the continent where the boundary strikes the coast (the mouth of Vancouver's Portland Channel), it is agreeable to the rules of legal construction to hold, in the absence of any specific directions, that the line joining these two points should take the shortest way, which is not a parallel of latitude, but along the arc of a great circle.

Following the same rule of interpretation Canada maintains that the head of Portland Canal and the point where the 56th degree crosses the mountains situated parallel to the coast within ten marine leagues from the ocean, should be joined by a straight line.

The treaty continues:

'De ce dernier point' (that is, the intersection of the mountains by the 56th parallel) 'la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141° degré de longitude ouest.'

The difficulty here lies in the fact that this whole region is highly mountainous. There exists not one range, but many, rising one behind the other in irregular fashion, connected in many places by spurs, the whole forming more or less a confused jumble of mountains.

The United States, according to General Foster, takes the ground that the treaty of 1825 was framed in the light of imperfect geographic knowledge; that the mountain range depicted on Vancouver's maps as almost bordering the coast has no existence in fact; that there is no continuous range or chain at all, and that consequently it is necessary to fall back upon the alternative provision of Article IV., under which they claim that the boundary line should be everywhere ten marine leagues inland from the coast, the distance being measured from the head of tide water round all the inlets. It will be observed that the United States read this clause as if it meant that the boundary line is to be 'everywhere not less than' instead of 'nowhere more than' ten leagues from the sea.

The British claim is that by the crest of the mountains situated parallel to the coast is meant the tops of the mountains nearest the ocean. Great Britain denies the necessity for a continuous 'range' or 'chain,' and points out that neither word occurs in the treaty. The word 'parallel,' it holds, is not to be taken in its strict geometrical sense as implying equidistance. It is unnecessary to search for mountains which are all at precisely the same distance