

the evidence adduced established beyond controversy that the United States had been in occupation and control of the Lynn Canal territory since 1867; that, though known to the Canadian government, no protest was made by it previous to 1898; that the British case was the first distinct, complete and formal announcement of the British claim respecting the boundary of the *lisière*.

Respecting the boundary of the *lisière*, as defined on the maps accompanying the British case, it was further contended: that, as the claim placed practically all the *lisière* rivers in British territory, it rendered meaningless Article VII of the treaty; that such an interpretation was at variance with the former attitude of the British and Canadian governments; that it ignored the acts of their own officials respecting the Stikine; that the line was impracticable inasmuch as it extended British dominion over territory admittedly belonging to the United States; that it deprived the United States of all the inlets and almost all the harbours along the *lisière*; that many mines operated by citizens of the United States were claimed as in British territory, and that the United States was allotted a *lisière* broken up into disconnected and worthless fragments, the burden of whose possession and control no government would be willing to assume.

#### DECISION OF THE TRIBUNAL

Lord Alverstone, Root, Lodge and Turner, forming a majority of the tribunal, agreed upon a mountain boundary that was practically in accordance with the United States contention. Sir Louis Jetté and Aylesworth strongly dissented, and refused to sign this or the Portland Canal branch of the award. The majority agreed upon a line joining certain peaks marked 'S' on an accompanying map. This formed a sinuous boundary distant about thirty miles from the general trend of the shore. It followed Hunter's line at the crossing of the Stikine, and the *modus vivendi* boundary at the summits of the White and Chilkoot Passes. On the Chilkat River, however, the provisional *modus vivendi* line was discarded, and the boundary was moved *upstream*