

was from the first the party in interest in the fixation of the boundary, and the best-informed as to the region ; that the admissions by that company in the lease and in its interpretation were made by the only representative of the British government on that coast ; that Great Britain, having failed to reject its interpretation, must be deemed to have conceded its correctness.

It stated that the law-officers of the crown had held: that by the Treaty of Washington, 1871, Great Britain had lost the free navigation of rivers flowing through Alaska, thus conceding that they flowed through United States territory ; that the correspondence between the two governments, between 1872 and 1878, established that it was conceded the line should cross the Stikine, Chilkoot, Chilkat and other rivers, and that the only reason the line was not settled then was the excessive cost ; that in 1885 the executive council of British Columbia stated that Hunter's survey conclusively established the ' mountains at the crossing of the Stikine to be about twenty miles from the sea ' ; that the Dall-Dawson conferences were entirely informal and unofficial ; that at the Reciprocity Conference of 1892 no assertion was hinted at of a British claim to the heads of inlets or any rights on Lynn Canal ; that Lieutenant Schwatka had no instructions to survey the boundary, nor did he attempt to do so ; that the note in 1888 respecting the granting of a charter by Alaskan authorities was so vague and indefinite that no reply was made to it ; that out of the note of 1898 grew the *modus vivendi* of 1898-9 respecting White and Chilkoot Passes and the Klehini River, but that it contained no protest against the occupancy of Dyea ; that the so-called protests fell far short of the requirements of international law ; that up to August 1, 1898, the United States government had no distinct and official announcement that the British government entertained views materially at variance with those maintained by it.

It was contended on the part of the United States : that the United States case contained an overwhelming array of evidence establishing its complete, continuous and uncontested occupation and control over the territory ; that