

tude (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the north-west.

IV. With reference to the line of demarcation laid down in the preceding article, it is understood, first, that the island called Prince of Wales Island shall belong wholly to Russia; second, 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 of a distance of more than ten marine leagues from the Ocean, the limit between the British possessions and the strip of coast (*la lisière de côte*), 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 (*et qui ne pourra jamais en être éloignée que de 10 lieues marines*).

VI. It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the Ocean, or from the interior of the Continent, shall, for ever, enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line (*traverseront la ligne*) of demarcation upon the strip of coast described in Article III of the present Convention.

Articles III and IV were incorporated into the Russian Treaty of 1867, by which Alaska was ceded to the United States.

And here should be noted the change of expression from "Sea" in the draft projets, to "Ocean" in the Treaty. In the British draft the words were, *depuis la mer*; and in the Russian, *du bord de la mer*; in the Treaty they are, *10 lieues marines de l'Océan*,—a more accurate expression. The reason for the change may be found in the argument of Mr. Wheaton before the Supreme Court of the United States: "The sea, technically so termed, includes ports and havens, rivers and creeks, as well as the sea-coasts." And Mr. Justice Story in another case held that only the unenclosed waters on the sea coast outside the *faucès terre*, were high seas (*altum mare*, or *la haut mer*), or open ocean. The change of expression, therefore, made the inland distance of the Treaty line free of any possible doubt; and proves that the line of demarcation of the Russian strip of coast was to be 10 marine leagues from the coast-line of the Pacific Ocean, and not from the upper shores of inlets, bays, or other arms of the sea.

The following commentary in a Despatch, written by Mr. Secretary Blaine to the British Ambassador in 1890, is a diplomatic