# The Alaska Boundary

## Resolution Urging that Province Be Represented on Tribunal.

## Marked Difference of Opinion as To Expediency of Such a Move.

By a small majority vote at a fairly well attended meeting of the citizens of Victoria held at the City Hall yesterday evening, a resolution was passed, and afterwards transmitted by wire to Sir Wilfrid Laurier, urging that British Columbia be given representation on the board of arbitrators who are to act for Great Britain in the attempted settlement of the Alaskan boundary dispute. The resolution narrowly escaped defeat, Mr. Bodwell having offered an amendment favoring a recommendation somewhat less dictatorial in suggestion in respect to the locality in Canada from which representation on the board was to be drawn. The speeches were very moderate in tone and little attempt was made to discuss the merits of the famous controversy, discussion being devoted chiefly to the expediency of suggesting that British Columbia should have representation at the tribunal.

MR. LUGRIN'S VIEWS.

Mr. C. H. Lugrin was unable to be present, but he forwarded the following letter explanatory of his views upon the question before the meeting:

My Dear Mr. Mayor,—I am sorry that I do not feel well enough to be at the meeting tonight. Since I was honored with the invitation to speak on the Alaskan Boundary Question, I have given considerable thought as to the proper course to be taken by the people of Victoria at this juncture, and have reached the conclusion that the interests of the country will be best served by an effort on our part to strengthen the hands of the Imperial Government in the asserting of our rights, rather than by a discussion of the points involved. A great deal of harm has been done by the publication of statements from irresponsible or ill-informed persons. I do not refer to anything that has recently taken place, but to the whole history of the boundary question since the Treaty of 1825. The case which the United States government now sets up would have absolutely no foundation to rest upon if it were not for the errors and carelessness of those who should have had in mind the obligation of protecting British interests under that treaty.

When Lord Herschell was here a few years ago on the eve of the assembling of the international council at Washington, at which this boundary question was to have been discussed, he told me that he felt the need of all the local information available on the subject, but, so far as I have been able to learn, no effort has been made to supply the data to which he referred. It would appear to be a great mistake to permit the further discussion of this question to be approached without the collation of the information which this distinguished jurist regarded as important. I submit for the consideration of the meeting if this is not a phase of the subject to which the local government might be properly invited to address itself.

I have been shown a draft of a resolution which it is proposed to submit to the meeting and with which I entirely concur, but I take leave to suggest that a second resolution be passed inviting the attention of the provincial government to the feature of the case referred to.

Trusting that the action of the meeting may aid to some extent at least in advancing the interests of Canada in the premises and in securing for Canadians those rights to which they are unquestionably entitled, both by the language of the treaty of 1825 and all principles of fairness and international equity.

I am, yours faithfully,
CHAS. H. LUGRIN.

THE MAYOR

Mayor McCandless presided, and on the platform with him were Hon. Col. Prior, the premier; Hon. D. W. Higgins, S. Perry Mills, K. C., A. E. McPhillips, K. C., Richard Hall, M.P.P. It was decided by vote to have no time limit on the speeches. R. L. Drury acted as secretary.

His Worship explained the object of the meeting. The movement should have the hearty support of all in the province, as British Columbia was more interested in the settlement of the dispute than any other province in the Dominion. It was humiliating to Canadians to have to reach Canadian territory through the courtesy of the United States authorities at Skagway. Previous to the gold excitement in the Yukon, the value of the settlement of the dispute was not apparent, but now there was a pressing necessity for a settlement. He did not think it would be wise to discuss the merits of the case, but they could place on record their appreciation of the importance of Canada being represented on the commission. British Columbia should do everything in its power to place every information in the hands of the commissioners. If the decision went against them they would abide by the decision like honorable men. (Applause.)

MR. McPHILLIPS.

A. E. McPhillips was first called upon. He pointed out that the gathering was non-political, those present being there as Canadians. No doubt both the governments had the matter under full consideration, but it was most natural for the authorities at Ottawa to expect some expression of opinion from British Columbia. He would move the following resolution:

"Whereas it has been determined that the delimitation of the boundaries between Alaska and Canada and the line of demarkation between Alaska and Canada shall be submitted to arbitration, three arbitrators to represent the United States of America, and three to represent His Britannic Majesty;

"And whereas the matter to be determined is one of first importance and of vital import to Canada, as affecting a large portion of the Pacific seaboard and the waterways entering thereon, and trade and commerce;

"And whereas the province of British Columbia is locally the most interested portion of Canada in the matter to be determined:

Therefore, be it resolved, that the government of the Dominion of Canada be respectfully requested to recommend one member of the court of arbitration, who shall be a resident of British Columbia and at least one counsel be briefed, who shall also be a resident of British Columbia—believing that there should be a measure at least of local knowledge, and that such local knowledge cannot help but be of advantage to Canada—as undoubtedly there will be local knowledge present in those appointed on behalf of the United States of America;

And be it further resolved, that copies of this resolution be telegraphed to the Right Hon. Sir Wilfrid Laurier, Premier of Canada; the Hon. Senator Templeman, the Senators from B. C. and the members of the House of Commons representing British Columbia, requesting their most active and earnest support.

He thought that practically what would be the view of the meeting was there set out. British Columbia approached the matter in a friendly spirit. Of course it had been said that the United States authorities are active politicians, and not "impartial jurists of repute." Mr. Root was a man of great ability; so was Senator Lodge. Senator Turner had certain local knowledge which would be of value; but when it was considered the great number of able men in the United States, it was surprising another choice was not made. There was a great want of knowledge of local conditions manifested in Great Britain, and it was right that British Columbia should be active in the matter of making the case clear. The Spectator (London) had referred in a very complimentary way to the choice of United States arbitrators. He thought a fair conclusion of such a statement was that the British people were ignorant of the fact that the United States arbitrators were partizans. British Columbia had a plain duty. A good man could be sent from the judiciary who would hold his own, assisted by counsel, at the court of arbitration. Canada had a perfect right to point out that there had been miscarriages in the past where Canada's interests were concerned. Sir John Macdonald years ago had recognized the gullibility of the British people in matters of international arrangement—an indifference to Canadian interests. There had been a change recently of course, owing to the growth of the imperial spirit. It was most important that Canada should have two at least on the board of arbitrators. Great Britain should be represented, of course, but Canada might well be asked to give some indication of her views. There was one thing which had grown up—the quality of the board of arbitrators—which seemed strange. The people of the United States were Anglo-Saxon in origin. It was therefore not unreasonable to say that an equal number of men on both sides could settle the dispute. The record of the United States in matters of international debate ought to spur Canada on to an effort to hold her own and show that she had the equal to the United States in men of brain and ability and courage. (Applause.)

It was not wise to say that the court of arbitration would be a failure. Did not they see a settlement of the Behring Sea dispute when there were an equal number of arbitrators? It was fair to assume, he claimed, that the deliberations of the court would be impartial, believing as he did that the men on the board were animated by right principle. But Canada should nevertheless see to it that the board had every information before it. (Applause.)

MR. HIGGINS.

Hon. D. W. Higgins seconded the resolution. One of the strongest arguments in favor of appointing a British Columbian was the fact that Senator Turner of Washington was chosen on the United States side simply because of his local knowledge. He thought the British case was handicapped owing to the partizanship of two of the United States board. The greatest difficulty in the way of a settlement, to his mind, was the failure to arrange for an arbitrator if the three men on each side came to no agreement. He thought a parallel to the position of Canada today was shown in the case of a picture he had seen a long time ago, of a large cat, with the words, "The cat and canary—Find the canary." The canary was of course inside. (Laughter.) He hoped that would not be the case with Canada. The resolution would have his hearty support. (Applause.)

MR. HALL.

R. Hall, M.P.P., next spoke to the motion. The matter under discussion was of supreme importance. The dispute was of long standing, a situation of very great gravity, one accentuated by the finding of gold in the Yukon. The Americans took possession of the ports in the territory in dispute and barred out Canadians from the richest gold basin in the country. The fact that great quantity of gold had gone to the United States was due to the ports United States holding those ports. The United States were very reluctant in having the matter placed before a tribunal, until very recently. He told of the Behring Sea controversy, and how in recent years Canada had tried to get the same consent for the arbitration of the Alaskan boundary question. The three United States commissioners have already prejudged the case, and it was Canada's duty to show its case to be a strong one. He believed that if Canada showed her case to be the right one, the people of the United States will accept the verdict. British Columbia should have representation at the commission in the personnel of men with local knowledge. If the question was fairly and strongly presented at Ottawa and London, he believed that such representation would be granted.

If Canada failed in her case, the country should take her medicine like a man, put her shoulder to the wheel and build a railroad into Yukon. (Applause.)

THE PREMIER.

The Premier was the next speaker, and on rising he was greeted with applause. The boundary question was of the very greatest importance to the people of British Columbia. He was disappointed at the way in which the United States commission was made up. The United States have let it be known that the commissioners are Messrs. Lodge, Turner and Root. It was a grievous thing for a great nation like the United States to select such partizans. Perhaps Great Britain would get fair play, but Canada should speak up. The local Government had acted passing an order-in-council asking that a British Columbian be placed on the commission. (Applause.) It set forth that if British Columbia cannot have commissioners, it should at least have counsel to thoroughly state the case to the commissioners. Without assistance from British Columbia and Canada, Great Britain would be very seriously handicapped. He hoped that the meeting would be successful in its aspirations. (Applause.)

MR. MILLS.

S. Perry Mills, K. C., was the next speaker. He claimed that it was owing to ignorance of the Imperial representatives in 1825 that created the situation, which confronted them today. He entered into a history of the treaty, and the controversy which surrounded it in its several stages down to the present day. Coming down to the status of the question at the present time, he claimed that Sir Charles Tupper was in possession of all the facts. He himself, the speaker, had all the facts in his possession, the French chart and all the data, and his contention was there was a mistake in Portland Channel only in the name. He claimed that it was quite clear that the British contention could be clearly established to the satisfaction of any impartial man. He was glad to see some of the English papers supporting his theory and hoped Canada and British Columbia would be represented. (Applause.)

MR. BODWELL.

E. V. Bodwell, K. C., was next called for by His Worship. He had some reluctance in attempting to make even a few remarks, as he was not in exact sympathy with the resolution. He had some doubt as to whether it was necessary, as alleged, for the arbitrators to have exact knowledge of local feeling in British Columbia. The task before the tribunal to his mind resolved itself into a question of the interpretation of written documents and the consideration of maps. A man from Eastern Canada with that task before him would be just as competent as a man chosen from British Columbia. Of course it was open to say that it might be wise to have surveyors and others who knew the country in dispute very well sent along to assist the British commission; but it was certainly not essential for the arbitrators to have a local knowledge. He regretted any disposition on the part of Canadians to discuss in disparaging terms the personnel of the United States board of arbitrators. Perhaps the United States had made a mistake in choosing men who were avowed champions of the United States contention, as it was extremely likely they would find their opinions discounted on account of prejudice before the tribunal to begin with. Canada should not make the same mistake of sending men equally biased, because their views would not have the same weight as if they approached the matter with minds free of any preconceived notions. Should not British Columbia rather take this stand—advice the Dominion Government to take pains to choose the best men available, no matter in what part of Canada they may be found, so as to be able to answer and confute the arguments by the others? He thought that the proper attitude for British Columbia to assume. Then we would have the stronger position.

The board of arbitration was equal in numerical strength—three on either side. How was Canada going to win? By winning over one man from the other side. The resolution should confine itself to a suggestion to the Dominion Government that the latter should select the very best men. But whatever appointments were made British Columbia should see to it that the fullest information was at hand for the guidance of the British representatives on the tribunal. (Applause.)

MR. CASSIDY.

R. Cassidy, K. C., agreed with Mr. Bodwell that great care should be taken in the wording of the resolution. The treaty was past praying for. It had been made after years of contention, and Canada ought to receive the news with satisfaction. After reading the terms, it was clear that the arbitrators before entering upon their duties shall take an oath to hear the case impartially. It took four members of the commission to arrange for a determination on any one point. It also provided that if they fail to agree, the matter shall be left to some future discussion. He thought it an admirable provision that the arbitrators were equal in number, as it was a guarantee that the question would get thorough provision. It was the usual course of affairs now to settle disputes by having an equal number of arbitrators. The Supreme Court of Canada was made up of six judges—equal in number. It had been said that the United States arbitrators had expressed an opinion on the questions in dispute. That was not so. They had, as politicians and statesmen made certain statements of position, but had not given any opinion of the questions that would come before them as jurists. He agreed with Mr. Bodwell that it was rank impudence for Canada to cavil at the choice which the President of the United States had made. After reading the celebrated treaty and knowing all the circumstances, he thought it a wonderful thing that the United States had consented to submit the matter to arbitration. He advised the people to look at the matter largely and broadly, as it was a large and broad question. Great Britain's success today was due to the spirit of fair-play which marked her whole policy. Speaking of counsel, it has been stated that Hon. Edward Blake had been selected by Canada as counsel. He was one of the greatest counsel in the world and Canada had made a wise selection. (Applause.)

Mr. Higgins—Mr. Cassidy, you have endorsed the Premier's action in sending a recommendation to Sir Wilfrid Laurier to accord British Columbia representation. How can you do that and oppose the resolution too? (Laughter and applause.)

Mr. Cassidy—I approve of any action of Colonel Prior which shows that the Government is alive to the exigencies of the case. But the action of a Government is a different thing to the passing of resolutions at a meeting of this kind. (Applause.)

MR. HELMCKEN.

H. D. Helmcken, M. P. P., was the next speaker. He thought that one portion of the resolution should be eliminated—the words "in view of the events of the past." He could not see the life of him see why there should be any caviling at the appointees of the United States. In the resoluution British Columbia was going to tender advice to the Premier of Canada—the object to be attained was the giving of an assurance that all information of local knowledge could be presented. He favored the counsel visiting the locality so as to be in possession of all the facts. He paid a tribute to the good work done by Alex. Begg in collecting data bearing upon the boundary question. There could, in his opinion, be no objection in making the resolution read in way of urging Canada to appoint only the best men. He disagreed with Mr. Cassidy in saying that the talent in British Columbia at the bar was not sufficiently rich in ability to warrant Canada making a draft upon it for counsel to assist such men as Hon. Edward Blake. He approved of the action of the local Government in bringing the question to the attention of the Dominion Government. He was in hearty sympathy with the resolution and was glad that there was such a good attendance on so important a question. (Applause.)

FURTHER DISCUSSION.

Mr. Bodwell moved the following as an amendment to the resolution:

To strike out the words after that be struck out, and the following substituted: That the question whether any or if so, what suggestions shall be made to the Dominion government respecting the Boundary Commission, be referred to a committee to be appointed by the Mayor, such committee to report to a subsequent meeting of the citizens.

The resolution was seconded by Mr. Macdowall.

Mr. Crease favored the amendment.

Mr. McPhillips agreed to accept the suggested amendment of Mr. Helmcken. He opposed the amendment, and urged that some action be taken at once. It had been conceded that Canada was to have two seats on the commission. Well, if Eastern Canada had one, why should not the West get the other. (Applause.) British Columbia could produce a man the equal of Senator Turner.

Mr. Higgins spoke disapprovingly of the idea of special committees—the graveyard of many public questions. He favored passing the original resolution.

Mr. Bodwell said he had no desire to shelve the question. Because there was a shortage of time there was no reason why a bad resolution should be passed. The only practical action to take was to gather all the information possible, and take steps to advise the Canadian Government fully. He deprecated very much any allusion to Senator Turner; it was not dignified to allude in disparaging terms to a man who was the choice of the President of the United States.

S. Perry Mills thought it was a piece of impertinence to criticise the personnel of the United States commission.

Mr. McDowall spoke strongly in favor of the amendment. There should be no sectarianism in the matter of representation on the commission.

A vote being taken the amendment was lost by a narrow majority. The original resolution then carried, and the meeting adjourned with a vote of thanks to the chair.

## ROSSLAND SHIPMENTS.

Output of the Mines for the Week Just Ended.

Rossland, March 7.—Shipments for this week from Rossland camp are again of the 8,000 ton mark, as follows:

Le Roi, 4,785; Centre Star, 1,260; War Eagle, 1,290; Velvet, 175; Le Roi No. 2, 525. Total for the week, 8,035 tons; total for the year to date, 68,079.

## THE MINING ASSOCIATION.

Government Will Contribute $1,250 Towards Publishing Report.

A committee from the Provincial Mining Association, consisting of J. H. Hobson, vice-president; D. W. Higgins, vice-president; A. B. Fraser, sr., treasurer, and A.L.Belyea, secretary, waited upon the Premier on Thursday, requesting that the government should assist in the publication of the proceedings of the recent mining convention in pamphlet form for distribution. Col. Prior received the committee in his usual courteous manner, and yesterday informed the committee that the government would place the sum of $1,250 in the estimates as a contribution to such a commendable object.

The row in the Granadier Guards over the beating of subalterns provokes the Pink 'Un to tell the following anecdote:

There were two young mashers at the play, and they stood up in the stalls to look around.

"Sit down!" cried several pittites, furiously.

"They can't," said a sympathetic voice; they are Grenadiers."

# The Alaskan Boundary Question.

Part 1, Southeastern Boundary, by S. Perry Mills, K. C.

THE majority of those who have read in the newspapers of the past few weeks, that the Alaskan Boundary Tribunal is about to convene, to determine the boundary line between the United States and Canada, have but a vague conception of the case to be presented for the consideration of the members of the tribunal. Mr. Maurice Low, writing in the National Review for August, stated as follows:

"It must be understood in England that the United States will not consent to submit the claim to the arbitration of an European ruler, or to a court in which the casting vote is given by a European. Quite recently—and I have absolute authority for the statement I make—the question of the Alaskan boundary was incidentally brought up in a conversation with the President. The President emphatically declared that he would not consent to arbitration. The President refused to give the suggestion the slightest consideration. Canada should not be given a port, he said in substance, because he regards the Lynn canal as American territory, and nations do not give away their territory. He went on to talk about arbitration and to explain why arbitration was out of the question, because it was like a man taking something that did not belong to him, and when the rightful owner claimed it answered by saying: 'Let us arbitrate.' Clearly, then, arbitration is impossible.

"On the contrary, it was the United States that had taken and retained something that did not belong to it, and the Canadians are fully aware that wrongful possession, contrary to the Anglo-Saxon treaty of 1825, would, nevertheless, speaking generally, throw the burden of proof on the rightful owner, and that the possessory title might, through the lapse of time and the conciliatory and general policy of the Imperial government towards the United States of America, ripen into a valid title at the expense of Canada.

The words of the President remind me of a learned judge who at first decided that the question involved in the plaintiff's suit was no question at all, and then decided in his favor with costs, if he could get them. It is to be regretted that many writers to the press are so pessimistic as to anticipate an adverse judgment of the tribunal. It must necessarily have occurred to some of them that there are different facets, so to speak, of this boundary dispute, in which two great powers are concerned. We should, therefore, welcome the tribunal to settle this international dispute—by peaceful means—and thereby add another precedent to influence other nations and further generations. Britons Columbians are greatly interested in this matter, and when they consider that two of the brightest legal minds of this British North American continent, the Hon. Edward Blake, K.C. M.P., and Mr. Christopher Robinson, K.C., will present their case, they should keep an open mind as they wish to be fair and just. If, therefore, any part of the Canadian claim is shown to be weak it should not be pressed, and the like remark will also apply to the American claim. Good feeling should prevail and neither party should be ashamed to acknowledge errors or mistakes. The frontier in dispute is governed by the Anglo-Russian treaty of 1825, and reads as follows:

Art. III. The line of demarcation between the possessions of the high contracting parties upon the coast of the continent, and the islands of America to the N. W. shall be drawn in the following manner: commencing from the southernmost point of the island called Prince of Wales island (which lies in the parallel of 54 deg. 40 min. N. latitude and between the 131st and 133rd deg. of west longitude, meridian of Greenwich) the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th deg. of N. latitude; from the last mentioned point the line of demarcation shall follow the summit of the mountains, situated parallel to the coast, as far as the point of intersection of the 141st deg. of west longitude (of the same meridian) and finally from the same point of intersection the said meridian line of the 141st deg. 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 northwest.

Art. IV. With reference to the line of demarcation laid down in the preceding article, it is understood,—1st that the island called Prince of Wales island shall wholly belong to Russia; Second, that whenever the summit of the mountains, which extend in a direction parallel to the coast from the 56th deg. of N. latitude to the point of intersection of the 141st deg. of west longitude, shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which belong to Russia, as above mentioned, shall be framed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

On the 14th of September, 1821, a Russian Ukase was issued claiming exclusive maritime sovereignity over a large extent of the ocean in the Behring sea, and to an exclusive territorial jurisdiction from the 54th deg. of north latitude on the western coast of America. Great Britain claimed, inter alia, that Russia has made an excessive claim to territory on the northwest coast of this continent. The United States was a party to the dispute that arose and it was ultimately concluded by the Anglo-Russian treaty of 1825. In 1867 Alaska was sold by Russia to the United States for $7,200,000.00, in gold, and the terms of the treaty of 1825 were recited and incorporated in the grant or conveyance of Alaska to the United States. Ten years after the United States became owner of the territory, it revised the Russian Ukase of 1821, and claimed sovereignty over one hundred miles of the ocean in the Behring sea and generally pursued a high-handed and illegal course, towards British vessels, Canadian bottoms in particular, finally resulting in the Behring sea award.

On the 20th of October, 1899, a modus vivendi was entered into between Great Britain and the United States, for a provisional boundary line without prejudice to the claim of either party in the permanent adjustment of the international boundary. After continual protests from Canada and Great Britain the United States has at last ratified the treaty to determine the Alaskan boundary question. It is said that Secretary Root and Senators Lodge and Turner are to be the American members of the tribunal. What ominous names! and they hold possession. Beati possidentes. The question has two sections or subdivisions, which may be defined as the route by the Portland inlet and canal, or southeastern boundary, and the eastern boundary line following the summit of the mountains situated parallel to the coast.

Mr. Thomas Hodgins, K. C., of Toronto, has written very ably on the subject, which can be found in his work, "British and American Diplomacy Affecting Canada, 1782-1899," with maps, etc., also in the Canada Law Journal, but so far I have not discovered that he has dealt with the southeastern boundary, his arguments are principally directed to the coast and eastern or summit boundary lines. The negotiations which took place between Great Britain and Russia, leading up to the treaty of 1825, can be found in his book and article.

Quotations from reports of speeches in parliament to show what is the intention of the legislature is not permitted in courts of law, and the same rule applies to other written documents or instruments. However, as I am not before the court, and desirous of giving the information to all those who are interested in the dispute, I shall quote in my second article passages from the instructions to Great Britain's representative at St. Petersburg before the treaty was signed. One would naturally suppose that if the treaty was uncertain that jurists or persons of judicial capacity should be appointed for its interpretation, who are authorities on international law, and also conversant with the law and rules of evidence which no doubt will be admitted to explain ambiguities in the treaty. The "Rounding" thereby put forward by the Americans could not be for five minutes seriously argued before the honorable and learned judges of the United States supreme court.

"'Tis with our judgments as our watches, none
Go just alike, yet each believes his own."

No doubt counsel will use more deference in proportion as the members have less learning in legal matters.

Is the wording of the treaty ambiguous? I regret to say that in my humble opinion it is, but it will require on this part of the case the exclusion of the word "Portland" to support the reasonable contentions of Great Britain and Canada, there is no mistake in the channel, but only in the name of the channel. Clarence instead of Portland.

The prima facie object of the treaty was for the purpose of settling a boundary line dispute. The question of the title of Russia to territory was not denied by Great Britain. It referred to that part of the continent north of 54 40 north latitude. The territory below or south of 54, 40 north was still in dispute between Great Britain and the United States. Article one starts with a statement entirely ignoring the then contentions of the United States, and undoubtedly intended to reject by implication the now famous Mouroe doctrine, promulgated in the previous year, and probably some of the pretentions of Russia. It is unnecessary to cite rules that govern the interpretation of the statutes, treaties, etc., except to say to my readers (not of the legal fraternity) that there is a wise and prudent legal maxim against "skin deep" intepretation of written instruments. Now let us inspect the locus in quo, from Capt. Vancouver's chart. The French copy is said to be the one used by the high contracting parties. Capt. George Vancouver's valuable work, "A Voyage of Discovery to the North Pacific, etc., 1790-1795," published in London in 1798, with his chart, is to be seen at the provincial library, and I desire to thank Mr. Scholefield for the kind assistance he gave me in placing the books and charts at my disposal for my perusal and inspection, and also Capt. Walbran of the Dominion steamer Quadra, who allowed me to inspect his charts and gave me distances. Capt. Vancouver states: "In the forenoon of Thursday the 15th of August, 1793 was reached that arm of the sea whose examination had occupied our time from the 27th of the preceding month to the 2nd of this month. The distance from its entrance to the source is about 70 miles, which, in honor of the noble house of Bentinck, I named Portland canal." Vancouver went up to the head waters of Observatory inlet as far as Salmon cove with his ships, which he named thus on account of the quantity of salmon they caught there. In consequence of the good fortune in making a number of astronomical and nautical observations successfully in the place this branch obtained the name of Observatory inlet. And Vancouver further states that he named the southeast point of the arm of the sea (54, 42½ north latitude and longitude 229 degrees, 47 minutes west, entrance 2½ miles wide) point Maskelyne after the astronomer royal of that day.

Point Wales Vancouver named after his schoolmaster at Christ's hospital. Proceeding upon the arm of the sea 25 nautical miles, you reach a point Vancouver named Point Ramsden, the channel turns to the left and then in a northerly direction. This part of the channel he named Portland canal. The channel, passing Point Ramsden on the right, leads to the north, and this is the branch Vancouver called Observatory inlet. The names appear on the French copies of the chart. The arm of the sea from Point Wales to Point Ramsden is not named on either English or French copies of the chart. Vancouver states that the length of Portland canal, from its entrance to its source, is about 70 miles. The head waters of Portland canal, as a matter of fact, do not come within five miles of the 56th degree of north latitude. Now read article 3. The line commencing from the southern-most part of the island called Prince of Wales island, which lies in the parallel of 54, 40 north latitude, viz.: Cap de Chacon, the said line shall ascend to the north along Portland channel, "but the line cannot ascend north from Cape Chacon to the Portland canal, as it is 55 miles eastwards of Cape Chacon (hiatus 1). The line can ascend north from Cape Chacon, running through a portion of Prince of Wales island, leaving a fringe or strip of the island to the east of said line, but that strip of the island is declared to belong wholly to Russia the said water front of the east side of the island must go with it, viz.: The coast bordering on Clarence straits. The line is, therefore, to ascend north by this channel. It cannot ascend north if it is to run 55 miles south, 89 degrees east (true) to the entrance of the arm of the sea at Points Maskelyne and Wales, the entrance leading to the Portland canal of Vancouver.

If "it" is construed to refer to the point of the continent where the inlet strikes the 56th degree of north latitude, it is the southern point of Seward inlet (as appears from the chart of recent date), that strikes the line. If "it" is construed to refer to the line along the channel, then the point is in mid-channel at Seward inlet, and hence it was necessary to declare that Prince of Wales island should belong wholly to Russia, for the reasons that the island and mainland east of Prince of Wales island from Point Chacon 54, 40 degrees of north latitude, were and are the possessions of Great Britain, otherwise this declaration is entirely unnecessary. The Americans reply, "No!" Point Muzon is the southernmost point of Prince of Wales island, and south of 54, 40, hence the declaration. It therefore appears that the line can ascend along the channel from Cape Chacon to the 56th degree of north latitude, and that the line cannot ascend along the Portland canal to the 56th degree of north latitude, because the head waters of the canal as already stated, fall short of the last mentioned point, unless you include the Bear river which runs into the canal. The Bear river is not shown or named on Capt. Vancouver's chart (haitus II.). I am aware that the modern or corrected charts have extended the head waters of Portland canal further north, until they reach the 56th degree of north latitude, and shows distinctly the Bear river running into the canal. But Bear river is not mentioned in the treaty. Let us now return to point of continent at Seward inlet or in mid-channel, look at the treaty and see how the line of demarcation shall proceed. The "line of demarcation shall follow the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, and finally, etc., etc.

The point of the continent on the line where it strikes the 56th degree of north latitude is the locus, and shall be the starting point for the summit line, of the strip or fringe of coast (la lisiere de cote), ceded to Russia under the treaty. The 56th degree of north latitude is the southeastern boundary, and not the parallel 54 degrees, 40 minutes, north latitude or Portland channel, as claimed by the United States. The northern point of Prince of Wales island is about 56 degrees, 40 minutes north latitude. Portland channel was not marked on Vancouver's chart, only Portland canal as before mentioned. At the head of Portland canal Vancouver's chart shows a range of mountains parallel to the coast.

Article 4 contains express negative words. Negative words in a statute are construed as imperative. In the French copy of the treaty, "ne pourra jamais," making most certain that wherever the summit of the mountain which extends parallel to the coast shall prove to be at a distance of more than 10 marine leagues from the ocean. Remember, plaesa, "ocean," the Russian draft was altered to make it read ocean. "The limit between the British possessions and the line of coast which is to belong to Russia (as mentioned in article 3), shall be found by a line parallel to the winding of the coast, (sinuosites), and which shall not exceed the distance of 10 marine leagues therefrom, viz.: P. at mid-channel or at the point of the continent at Seward inlet. Clarence channel was on Vancouver's chart and named on the French copy, "Detroit Du Duc de Clarence," a very appropriate name and course for the line to commence from a point on an island, called after the Prince of Wales. The summit of the mountains must be those parallel with the coast, and the limit shall not exceed 10 marine leagues from the coast. Undoubtedly the word ocean is "la ligne de respect," the three miles limit from the shore, or shall the line be drawn from the ocean, west of Prince of Wales island, if the latter then the 56th degree of north latitude might run through the northern part of Prince of Wales island, and in that event the declaration was necessary that the island should belong wholly to Russia. From Point No. 2 the line can run easterly along the 56th degree of north latitude to the summit of the mountains, parallel to the range, and if the mountains do not exist, then to a point not to exceed 10 marine leagues from the ocean or mid-channel the point of 56th degree of parallel latitude. The American counsel's line of argument I shall assume, on the question on the line of demarcation to be of this nature:

The treaty stated that the southernmost point of Prince of Wales island is the point from which the line is to ascend north, but to the north along a particular route on the mainland that is to say, along the Portland channel or canal, it is along that channel of the canal that the line is to ascend to the north until the line, not the channel, strikes the mainland at the 56th degree of north latitude. The work of Vancouver, as undoubtedly the chart of the high contracting parties, so there could be no mistake as to the position or location of the Portland channel, or canal. The charts of Vancouver were used by the high contracting parties and the name of the "Canal de Portland" appears on it, and also "Detroit Du Duc de Clarence," and "Canal de Behm," and generally this latter canal is also claimed by the Canadians as the channel along which the line ascends to the north. True, the line from Cap de Chacon could have been more specifically described, as proceeding easterly along the parallel of 54,40. That the parties to the treaty—Russia and Great Britain. The Portland canal was designated, that is a permanent and natural object, we have been in possession and have settled and administered this territory since we purchased it from Russia. For 75 years Great Britain has disputed or counterclaimed for it, and for 50 years after the treaty of 1825 no claim was made by Canada. That the range of mountains appear on this chart—I proceed to reply that the headwaters of the Portland canal are some 65 or 70 miles from the coast, and conceding that it is not the channel but the line that should ascend as far as the point of the continent where it strikes the 56th degree of north latitude. Firstly, this is a strange expression when applied to the Portland canal, when the line had already entered or struck a point of the continent at Points Maskelyne and Wales. But, supposing that canal the headwaters of the canal strike the 56th degree of north latitude, the Americans are in a dilemma. How can they from this point, some 70 or 100 miles from the coast draw a line in accordance with the treaty that is never to extend 10 marine leagues, or say 30 miles from the ocean or winding of the coast. Further, do the Americans ask, do the Americans take a return ticket, down the channel to the thirty mile limit. The construction of the treaty is governed by international, not municipal law.

One of the legal arguments on the British side will, no doubt, be that the line which ascends to the north along the channel or the channel that ascends to the north, or both, is, or are, the natural objects and that the name Portland does not control the line, and therefore can be rejected in order to give full force to the treaty.

The range of mountains at head of Portland canal are only conventional, and do not, in fact, as appears on Capt. Vancouver's R. N. chart.

The contra argument of the Americans, I presume will be, that Capt. Vancouver's chart was the chart used by the high contracting parties, and the mountains appear thereon. That the line and direction of the course must yield to the designated and natural objects, viz.: the Portland channel.

I have endeavored to avoid the many other questions that must necessarily arise as they will depend on the true facts of the case.

In my next article, if I continue the subject, I shall deal with the coast, and mountain summit lines and the comical rounding theory thereof.

S. PERRY MILLS,
Victoria, B. C., March 4, 1903.

## INCREASED IMMIGRATION.

February Departures For Canada From England Double Those of Year Ago.

Montreal, March 7.—A special cable from London today says: "A most remarkable increase is shown in the Board of Trade emigration returns. The departures of British emigrants during February for Canada number more than double those of last February. The total for the two first months of this year is 7,085, as compared with 3,526 for the two first months of last year. Canada now receives more British emigrants than any other part of the Empire, except South Africa."

## HOME RULE.

London, March 7.—Lord Spencer, the Liberal leader in the House of Lords, speaking at Accrington last night, replied to the criticism of his speech last Saturday, and said he was as strongly in favor of home rule as ever, but that he believed it would be eventually conceded by the Unionist party.

Lord Spencer's speech to which he referred was made at Birmingham, and in the course of it he said that home rule for Ireland "was very distant, and that it would be impolitic to bring it forward." He had always believed it was more probable that the Unionist party would eventually carry some measure of self-government for Ireland than that the Liberals would do so.

TO INCREASE YOUR WEIGHT.

If you are thin, weak and emaciated and want to increase your flesh and weight, you should try Dr. Chase's Nerve Food. You can feel it doing you good from day to day, as it strikes at the root of trouble and creates new, rich blood. You can prove that it builds up new tissue and adds flesh if you weigh yourself each week while using it.

# Philip Robinson Goes to Jail

## Sentenced to One Year's Imprisonment and Fined Four Hundred Dollars.

## For His Part in Expedition of Impersonators Sent to North Victoria.

Philip Robinson, alias "Brocky" Phil, the Vancouver longshoreman, who was one of the heads of the expedition of 26 men who were carried at early morn from Vancouver by the steamer Iroquois to Galiano island—an impersonating brigade, each man of which was instructed to vote for T. W. Paterson, member-elect for that district—was sentenced to one year's imprisonment and a fine of $400 to be levied by distress on his property, and failing this, he is to serve another six months, or 18 months in all.

This sentence was imposed on the organizer of the expedition of impersonators in the Police Court last night by Messrs. Pearson and McMicking, justices of the peace, on two charges—one of having attempted to induce William Darlington to apply for a ballot paper on December 23 at the polling station on Galiano island in the name of a person other than himself, at the election for a member of the Legislative assembly for North Victoria, and the other for having induced John Bowe to do likewise. On each charge a fine of $200 was imposed, and Robinson was ordered imprisoned for six months with hard labor. The sentences were not to run concurrently, the second beginning at the expiration of the first.

When the justices took their seats on the bench, Mr. Pearson, for the court, said, in reply to the contention of the counsel for the defence that the court considers the word attempt constitutes the offence, and it is immaterial to the issue whether the party votes or does not vote. The two cases having come together the justices have been careful to decide on the facts as shown in each case. The judges had made up their minds when the court adjourned last Friday as to the guilt or innocence of the accused, and the only reason for the adjournment was to permit of the consideration of the statute under which the charge was brought. This had been done. The facts have been fully proved. The justices listened patiently to all the evidence, and it was necessary after the objections raised by the counsel for the defence to look carefully into the statute and see if the words in the statute covered the offences.

Mr. Pearson then asked the accused, Philip Robinson, who sat by his counsel in court, to take the dock.

Robinson was placed in the dock and the justice continued: "Philip Robinson, you stand charged before this court with having attempted to induce one William Darlington to apply on December 23 at the polling station on Galiano island for a ballot paper in the name of a person other than himself at the election for a member of the Legislative assembly for North Victoria district.

"The justices, as a result of the evidence adduced, had no difficulty in making up their minds as to your guilt, and they would have been pleased if you confessed your guilt and thrown yourself on the mercy of the court instead of having fought stubbornly—as the able advocate has done for you.

"The justices have been surprised that so much wholesale corruption has been carried on, and while this matter has only touched the fringe. The court finds you, Philip Robinson, alias "Brocky" Phil, guilty of the offence as charged. You are ordered to pay a fine of $200 to be levied on your goods and chattels by distress, and in default of your having sufficient goods upon which the fine may be levied by distress, you are to be imprisoned for six months with hard labor.

"The next case against you is for having attempted to induce John Bowe to apply for a ballot paper at Galiano island at the North Victoria election in a name other than that of himself. Again in this case the justices have not a shadow of doubt in their minds, but that you are guilty. The court finds you guilty of the charge. You are ordered to pay a fine of $200, to be levied by distress on your goods and chattels, and in default of the fine being levied on your goods you are to be imprisoned for three months, and you are to be imprisoned for six months with hard labor. The commencement of the second sentence will take place at the expiration of the first.

"It is a matter of regret that such facts as have come before the court in this case can take place. They were of such a nature as to surprise all, and the bench is surprised that sufficient men could be found in British Columbia for a paltry $5 to steal away in the darkness of early morning, as you did with those who went with you from Vancouver to stealthily creep up to the wharf at Galiano island without having the steamer whistle, and be sent away from the wharf in sections to crawl up to the polling booth. It is with astonishment and regret that we find that such things have occurred. As stated, it was better for you to have thrown yourself on the mercy of the court and not fought the case as stubbornly as you have done.

"Officer, remove the prisoner."—and Robinson went off to durance vile for his part in that electoral filibustering expedition to North Victoria. Mr. Cassidy appeared for the prosecution, and Mr. G. E. Powell for the defence. He intends to appeal the case on behalf of the prisoner Robinson, and will take certiorari proceedings at once.

## COUNCIL OF WOMEN.

Session Held