

ing that "Canada could not reasonably expect this country should, for an indefinite period, incur the constant risk of serious misunderstanding with the United States." In Hall's International Law the accountability of the United States was thus stated: "It would be difficult to find more typical instances of national responsibility assumed by a State for such open and notorious acts as the Fenian Raids into Canada, and by way of complicity after such acts."

The miscarriage of justice in the Alaska case, and the "scant consideration" which Canada's protest against the appointment by the United States of declared partisans, as "impartial jurists of repute," to the tribunal, "received from the Colonial Office," justify Canada's demand for larger treaty-making powers. That miscarriage is, by two of the British Canadian jurists, attributed to Lord Alverstone's joining with the disqualified American members, and to the delivered and agreed British answer to the question: "What channel is Portland Channel?" by striking out words which changed the course of the boundary line from the north passage, and deflected it into the south passage, as to which the President, in each of his printed judgments, expressed "some doubt whether Vancouver intended to name Portland Channel to include the Tongas (south) passage." By altering the original answer, and abandoning his doubt, he reversed the treaty direction that: "the line shall ascend to the north along Portland Channel;" and

also one of his confirmatory findings of fact, that, in 1869, an island, immediately north of the entrance to the north passage was "on the boundary between Alaska and British Columbia"—the crucial question in controversy. By so doing he transferred to the United States two islands which were legally within the territorial sovereignty of Great Britain, as part of the Dominion of Canada.

Then as to Lynn Canal. By the law of nations it is an inland territorial water, and subject to inland sovereignty, as if it were land; the same as Bristol Channel, The Wash, Solway Frith, Southampton Water and other British territorial waters; as also Chesapeake Bay, Delaware Bay and Boston Harbour. That law declares, and the municipal laws of Great Britain and the United States recognize, that a line from headland to headland across the six-mile mouth of each of such inland territorial waters is the political and territorial continuation of the elevated coast line;—or as American law enacts, "a straight line from headland to headland is equivalent to the shore line,"—and also the dividing line between the sovereignty of the submerged land and the ocean,—which, as the common highway of all nations, is subject to no sovereign. In his published reasons, Lord Alverstone said, "No one coming from the interior and reaching Lynn Canal could describe himself as being on the Ocean." Yet by joining with the disqualified American members in holding that the inland waters of Lynn Canal were "Ocean;"—thereby negating his own finding, and the long recognized interpretation given to that term by International Law—Canada's territorial rights in her upper shores, and her territorial access to the Pacific Ocean, through this long and narrow strip of water, were effectually, and

As a diplomatic and disastrous case, rather than a judicial one, the "impartial jurists of repute" who shadows this Alaska award, and when added to the previous diplomatic and disastrous dismemberments of her original territorial heritage, emphasizes the claim now formulated for enlarged treaty-making powers, subject to the veto of the Sovereign.

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