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COPY OF A REPORT

OF A

COMMITTEE OF THE HONOURABLE

THE

EXECUTIVE COUNCIL OF BRITISH COLUMBIA,

ON THE QUESTION OF THE

BOUNDARY

BETWEEN.

CANADA AND ALASKA.



ALASKA BOUNDARY QUESTION.

There are two points submitted for consideration:—

1st—Whether it is desirable that steps should be taken to have the Boundary defined between Canada and the United States Possessions in Alaska.

2nd—A Requisition for Information in the possession of the Government of British Columbia on the subject, or that can be obtained.

As to the first—

For many reasons, apart from the national object of avoiding grounds of dispute between Canada and the United States, it is desirable, as affecting British Columbia particularly and the Dominion incidentally, that the boundary line referred to should be settled as soon as possible.

Alaska was purchased from Russia by the United States, on the 13th March, 1867, for \$7,200,000. At that time its present importance was not exactly understood or appreciated. Its lately discovered sources of wealth in the seal fur trade, deep sea and river fisheries, gold and other mining, and great extent of internal navigation by means of the large rivers Yucón and Porcupine, have added greatly to its importance, and are tending to increase, in a proportionate degree, the value and importance of the adjoining territory, belonging to British Columbia and the Dominion.

The Stikine River, running into British Columbia, communicating with Dease Lake and River, and ultimately with the Peace and Mackenzie Rivers and the surrounding North-West Territory, has its outlet in American Territory. The navigation of the Stikine, for purposes of commerce, was reserved to both countries by the Treaty of Washington, 1871.

In 1873, gold was discovered in the Cassiar District, about the upper waters of the Stikine, Dease Lake and River, and the other streams in that vicinity. In 1874, trade rapidly developed itself. A *mining* population flowed in and supplies of valuable goods and merchandise were required. In 1876, the volume of trade amounted to about \$350,000, and the duties paid to the Dominion Revenue, at Victoria and Glenora, on goods consumed in the Cassiar District, amounted to between \$35,000 and \$40,000.

Returns to 1880 show a somewhat fluctuating trade, as is common to all mining centres, but the average taken annually is still of considerable amount, namely, from 1877 to 1880, from \$290,000 to \$215,000, and from 1880 to 1884, diminishing on the Stikine, but so increasing along the coast as to keep the average at the same point.

Thus, apart from all considerations as to the future value of this northern portion of British Columbia, when the advancing progress of settlement from the eastern sections of the Dominion shall have reached it, we have at present an existing annual trade of upwards of \$300,000, yielding to the Dominion Revenue per annum \$35,000 or \$40,000.

This trade is seriously jeopardized by the unsettled nature of the question, that is the uncertainty of the boundary line—not that there is the slightest uncertainty where it is to be found, but that it has not been laid down territorially, and locally defined between the two countries.

As illustrating this danger, a short statement of facts will be useful:—

The entrance to the Stikine River is within American territory. The American Port of Entry at its mouth is Fort Wrangel. There all goods intended for the interior have to be transhipped or an American officer put on board the British vessel to see that they are not landed in the American territory *in transitu*. Every merchant knows that this adds to the expense and delay of transportation, which expense and delay would be entirely avoided if, within the British line, a Port of Entry was established, to which sea-going vessels from either British or foreign ports, with cargoes, could go direct, without breaking bulk, coming in no way within the purview of the coasting trade objections. Within what is here claimed as undoubted British territory, about 30 miles from the mouth of the river, facilities for establishing such a port exist.

Captain Irving, the present manager of the Canadian Pacific Steamboat and Navigation Co., an experienced and able navigator on this coast, who navigated the Stikine for two years when business commenced in that district in 1873-74, states that the depth of water from the mouth of the river to Buck's, 30 miles up, is from 6 to 8 feet at low water, easily navigable for steamers drawing less than six feet, thus affording on the river an available British port, to which goods from Victoria and the other ports of British Columbia could be forwarded without transshipment, and under the Treaty with free navigation for purposes of commerce, avoiding all question of expense, delay, or irritation with the American authorities at Fort Wrangel. Captain Irving was himself subjected to the most arbitrary and inexcusable imposition by the Custom House officers at Fort Wrangel, resulting in the illegal seizure of his steamer and the loss of several thousand dollars, for which he had ultimately to seek redress in the Courts of the United States.

At this place called Buck's, 30 miles up the river, in 1876, a French Canadian, named Choquette, carried on a very large trade with the Indians of the neighbourhood, who, from old associations with the Hudson's Bay Company, preferred dealing in British goods. The extent of Choquette's business may be estimated from the fact that from one firm alone in Victoria his purchases amounted to \$25,000 annually, and his sales several times in one day alone to a single Indian would amount to \$1,200 in blankets, by way of barter, a blanket, from the old Hudson's Bay Company's custom, being a unit of value.

It was the policy of the American authorities to divert this trade to the American markets, and, in October, 1876, Choquette was served with an official notification from the Custom House authorities in Alaska, to remove from his place of business or pay American duties on his stock, giving him until the spring of 1877 to obey.

To see more immediately the application of this circumstance, it is to be mentioned that in 1875, to avoid difficulties likely to arise from this undefined boundary, it had been agreed between the Custom House authorities of the United States at Alaska and the Dominion authorities of British Columbia, but without any direction or sanction from the Dominion Government, to establish, pending or until a final settlement, a conventional line, crossing the river about two miles below "Buck's," which up to that time had been recognized as admittedly within British territory; and in the vicinity, not far from Buck's, Mr. Hamley, the Collector of Customs for British Columbia, had stationed a revenue officer; Mr. Hunter, to collect the Dominion duties.

Finding, after a short time, that in so extremely isolated a position, it would not be safe for a revenue officer with moneys collected to remain, or reasonably concluding so from the reputation of the Indians and the dangerous characters resorting to the mines, Mr. Hamley deemed it prudent to remove his officer to Glenora, the head of boat navigation on the river, where a vigorous settlement had sprung up, and where the duties collected in the seasons of 1875 and 1876, extending from June to September, amounted to nearly \$10,000.

In making this removal, Mr. Hamley did it for the protection of the public funds and the safety of the public officer. It is presumed, however, that the local American authorities regarded it, or assumed to regard it, as an admission or abandonment, and immediately claimed the boundary line to be 30 or 40 miles further up the river, or about 60 from its mouth, and accordingly served Choquette with the notification above-mentioned.

It is proper here to observe that Choquette's case was, by letter dated the 16th October, 1876, communicated by Mr. Justice Gray, the Judge of the Supreme Court who had been holding the Assizes at Cassiar, to the Dominion Government, and an arrangement was made between Canada and the United States, by which the threatened action of the American authorities at Alaska was stayed.

Thus we have the fact, not only that there is a good trade on the Stikine, but that there are facilities for preserving and extending that trade within the power of the Dominion Government, while there is danger of losing it by delay in effecting a settlement of the dispute as to the boundary.

Other important considerations are also involved, which may have to form the subject of negotiation, rather than the demand of right.

Under the Treaty of Washington, in 1871, it was questioned whether the right of navigation of the Stikine had not been narrowed:

By the Convention of 1825, between Russia and Great Britain, in force at the time of the transfer to the United States, there was no express limitation as to the purpose for which the navigation was to be used.

By the Treaty of Washington, made since the transfer, it was expressly limited to commerce. This raised the question as to the right of the Dominion Government to transport criminals arrested or convicted through that part of the Stikine undoubtedly within American

territory. And, after much correspondence and negotiation with Her Majesty's Government and the United States, it was finally conceded the Dominion Government had no such right. Practically, the absence of such right abolishes all but the death penalty in that north-eastern portion of British Columbia.

The state of the country does not admit of the building and maintaining there penitentiaries or prisons, and the transport of convicted felons through 600 miles of unbroken wilderness is practically almost an impossibility.

This leaves that district in a most unsatisfactory and anomalous position as to the administration of justice.

In another respect also, in view of any ulterior extension of the Canadian Pacific Railway, or its branches, to an ocean terminus at Port Simpson, the settlement of this boundary line is important, both in a strategical point of view, as affecting the sea approaches to the port, and in an economical point of view, as affecting the collection of revenue. These objections will more clearly appear when the second or topographical branch of the case submitted is under discussion.

By delay, erroneous impressions also, as to the true terms of the Treaty, become engrained in the public mind, which increase the difficulty of obtaining a settlement.

Already large numbers of the residents of Alaska, though only temporary, entirely ignore one of the most marked elements governing the line, and convert a negative direction into an affirmative right. For instance, when the line is directed to be along the summit of the coast range of mountains, *but in no case to exceed 10 marine leagues from the coast*, the expression is converted into an affirmative direction *that it is to be everywhere 10 leagues from the coast*, though the summits of the coast range might not be more than 10 or 15 miles.

This idea, by degrees, is taken to be the Treaty, and has to be removed with much labour before the public sanction would be given to any other line. How unjust this would be to British Columbia will be shown hereafter.

These and many other reasons are conclusive that it is essential for the welfare of British Columbia that the true boundary line, or some clear line of demarcation, should be at once agreed upon or settled between the two countries.

Taking up the second branch of the case, as to where the boundary line should be, it may be at once assumed, as an axiom, that unless by sanction of the contracting parties or their representatives it must be in accordance with the line laid down in the Convention between Great Britain and Russia in 1825. There has been no agreement between Great Britain and the United States relative thereto, and the latter succeeded only to what Russia had.

We have then first to see the terms and language used by the contracting parties in 1825.

2. The initial or starting point then agreed upon.

3. The course from that point directed to be followed.

4. The effect of following that course as to compliance or non-compliance with the topographical features of the country pointed out in the Treaty as objects for guidance.

5. Whether the line claimed by British Columbia does not in every respect coincide with the terms and language used by the contracting parties?

6. Whether the line claimed or alleged to be claimed by the United States authorities is not in every essential particular a departure from such terms and language?

The first point to be determined is—What were the exact terms and language used by the Convention between Great Britain and Russia in 1825.

In McCulloch's Commercial Dictionary (edited by Henry Vethake, L. L. D., Professor of the University of Pennsylvania, published at Philadelphia in 1852) will be found the full text of the Convention, signed by Stratford Canning, Nesselrode, De Poleticas.

The line is there thus described:—

"3. 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 north-west* shall be drawn in the manner following:—

"Commencing from the southernmost point of the Island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes North Latitude, and between the 131st and 133rd degrees of West Longitude (Meridian of Greenwich), the said line shall ascend to the North along the channel as far as the point of the continent where it strikes the 56th degree of North 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 degree of West Longitude (of the same meridian); and finally from the said point of intersection of 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."

In Hertslet's Collection of Treaties (volume 3) will also be found the text. It is identically the same, except that in the line "*shall ascend to the north along the channel*" it adds the words "*called the Portland Channel.*"

Wheaton—the American writer on International Law, 6th edition, edited by Wm. Beach Lawrence, published at Boston in 1855—does not include these latter words as part of the original instrument, but inserts them in his text and adds the words "*Eastward to the Great Inlet in the Continent called Portland Channel,*" which Hertslet does not use.

In giving his details of this Convention or Treaty as he calls it, at page 224, after stating that it was signed at St. Petersburg, February 28th, 1825, and established "a permanent Boundary between the territories respectively claimed by them (*e. g.*, Great Britain and Russia) on the Continent and Islands of North Western America," Wheaton says "By the 3rd and 4th Articles it was agreed that 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 North West should be drawn from the southernmost point of Prince of Wales Island in Latitude 54° 40' Eastward to the great Inlet in the Continent called Portland Channel, and along the middle of that Inlet to 56° of Latitude, whence it should follow the summit of the mountains bordering the Coast within ten leagues North Westward to Mount St. Elias, and thence North in the course of the 141st meridian West from Greenwich to the Frozen Ocean, which line shall form the limit between the Russian and the British Possessions in the Continent of America to the North-West."

In this summary given by Wheaton there is a striking difference from both McCulloch and Hertslet. He not only leaves out the Longitude, but he interpolates the word Eastward.

At page 227, referring to this subject, he lays down a rule which will materially aid in determining which of the three is right—viz., that "in the construction of an Instrument of whatever kind, it should be so construed, if possible, as that every part may stand."

Suffice it for the present to say, that under this rule, in the application of his delineation to the geographical and topographical features of the country, it fails in almost every particular.

Yet the features of the country must have been known to the parties who framed the Convention, or the language given by McCulloch as descriptive of it could not have been used.

Not the slightest inference is to be drawn, or any reflection upon the motives of the writers thus differing.

At that time the dispute was between Great Britain and Russia. It was not until forty years after that the United States became interested in the question. These very differences, however, enable us to come to an accuracy of conclusion.

In this same Convention, there is another element of description which, though not included in the above extract from McCulloch, will have to be referred to, and may to some extent account for the mixed summary of Wheaton. It is as to the distance of the line from the coast, and is here quoted:—

"Article 4. With reference to the line of demarcation laid down in the preceding Article, it is understood:—

"1. That the Island called Prince of Wales Island shall belong wholly to Russia.

"2. That where ever 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 at the distance of more than 10 marine leagues from the Ocean, the limit between the British possessions and the line of Coast 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 10 marine leagues therefrom."

The original of this Convention must be found either in the archives at London or St. Petersburg, and may yet have to be referred to. In the new edition of McCulloch, printed at London in 1859, it is not set out in full, but is declared to be in force by the Treaty of Commerce and Navigation between Great Britain and Russia, signed at St. Petersburg, January 12th, 1859; the 19th section of which says: "In regard to Commerce and Navigation in the Russian possessions on the North-West Coast of America, the Convention concluded at St. Petersburg on the 16th of February, 1825, shall continue in force."

It is a singular circumstance that in all the negotiations and correspondence with the United States and the directions by the Dominion Government to its own officers it has been assumed throughout that the original Treaty or Convention between Great Britain and Russia did contain those words "*called the Portland Channel,*" as appears by the Return made to the Dominion House of Commons on the 23rd of April, 1878, to an Address dated 21st February, 1878, for information on the subject of the boundary line, as connected with the subject of the

escape of one—Martin; United States Customs notification to Choquette; and the contemplated issuing of a Commission jointly with the United States to run the line, and published *in extenso* in the Sessional Papers, pp. 23 to 146, Vol. XI., No. 2, 1878 (125).

The Government of British Columbia contends that this *is entirely an erroneous assumption* without authority to sustain it; and that from all the information that Government can obtain it has reason to believe that *those words will not be found in the original, or if there, the term has been misapplied*—not as to where the Portland Channel really is, but as to its being the channel contemplated by the Treaty.

In the earlier versions of the Treaty obtainable in British Columbia, they are not found. They are not in McCulloch's version, published at Philadelphia in 1852, already quoted.

They are not in the version of the Treaty in "Steel's Shipmasters Assistant." A new edition published and corrected to the 1st of March, 1837 (just twelve years after the Treaty), by J. Slikeman, Secretary to the East India and China Association, containing "Information for Persons connected with Mercantile Affairs, Commercial Treaties, &c.," and printed by Longman & Co., Paternoster Row, London.

They are in Wheaton, published at Boston in 1855, and in the version in Hertslet's Collection of Commercial Treaties, published at London in 1856.

The Government of British Columbia further contends that those words are entirely inconsistent with the description, terms, and conditions laid down in the Treaty itself as guides for defining the boundary. And further, that even if such words are found in the transfer of the Alaska Territory from Russia to the United States, Great Britain was no party to that transfer, and can not be affected or deprived of her territorial rights thereby.

Having exhausted the information that can be obtained in British Columbia relative to the terms and language of the Convention, it becomes our duty to see which description, that of McCulloch, Hertslet, or Wheaton's, tallies most correctly with the geographical and topographical features of the country, and thereby, under Wheaton's rule of construction, carries with it *internal evidence* of its being the language of the Convention used by the contracting parties.

An undoubted test of the accuracy of a description relative to land, is its accord with the territorial features found on the land, and the facility and certainty with which landmarks may be found, recognized, and identified.

It may with equal correctness be stated that positive territorial landmarks capable of identification, clearly defined, and existing within the limits and on the spot delineated, cannot be overridden by the use of words of nomenclature inconsistent with such description and their existence—words which may have been and perhaps were inadvertently used, or accidentally misplaced; nor can such identification be superseded by the interpolation of terms, without which the description requiring such terms would be so inaccurate as to be utterly inapplicable and inadmissible.

Remembering these rules of construction, we turn to the language of the Convention and the features of the country, as the latter are delineated on the Admiralty charts and other maps herewith enclosed.

The initial or starting point is declared to be *from the southernmost point of the Island called Prince of Wales; which point lies in 54° 40' N., and between 131° and 133° West Longitude.*

We find that point at Cape de Chacon.

Thence to ascend northerly along the channel until it strikes the continent at 56° N.

Following that instruction we turn northerly from that point, ascend the channel, and strike the continent at 56° on the N. W. point of Burrough's Bay.

Thence the summit of the mountains parallel to the coast, at or within ten marine leagues from the coast, as far as the intersection with 141° W. L.

In like manner, following that course from Burrough's Bay, we find the summit of the coast range within the distance specified, and at 19 or 20 miles above the mouth of the Stikine.

Insert the words "Portland Channel" as found in Hertslet, and from the starting point instead of northerly you have to go east, fully 16.66 marine leagues or 50 nautical miles, before you turn north.

Again, you cannot ascend the Portland Channel until you strike the continent at 56°, because the channel terminates before you reach 56°.

Thirdly, you could not from the head of Portland Channel—assuming these Admiralty surveys are correct—strike the summits of mountains parallel to the coast, because there are several intervening ranges, and the line would necessarily run far more than ten marine leagues from the coast—in fact over twenty.

Then with Wheaton's definition you have to insert not only "*Portland Channel*," but his word "*Eastward*," which is not found in either text of the Treaty; and to assume that the

summit of the range of mountains that would be found, where a line running north up the Portland Channel would strike the continent at 56° would be within ten leagues of the coast, whereas it is shown by actual measurement on the chart that it must necessarily be more than twenty marine leagues off. The only possible solution that can be found for the contention on behalf of "Portland Channel" is, that in the entrance of this channel is an island called "Wales Island," the southernmost point of which is in $54^{\circ} 40'$ N. L., and from which point a northerly course would ascend Portland Channel, but which island is not only *not in the longitude specified*, but, as already stated, is 50 nautical miles to the east of that initial point.

Moreover, it may be observed, that Portland Channel, from its entrance to its head, is so entirely *within the continent* that by ascending it you could hardly be said to strike the continent.

Whereas the northerly course from the starting point to Burrough's Bay, actually *passes among islands*, and does not strike *the continent until you reach 56°* .

Thus, with reference to McCulloch's version of the Treaty, you reconcile every word and term with the geographical and topographical features of the country directed to be your guide; while to adopt the version of Hertslet or Wheaton, you have to *ignore all—nay*, even to reconcile themselves to themselves, you have to interpolate words which are nowhere to be found, and which, while *suiting one part*, are *utterly inconsistent with every other part*.

As confirmatory of the construction in favour of McCulloch's version, the first sub-division of the 4th Article of the Convention may also be cited. It there declares that the island called Prince of Wales Island, shall belong wholly to Russia; a declaration unnecessary if the line was to go up the Portland Channel.

A most striking illustration of the truth of these views is found in the position of the coast range of mountains where it crosses the Stikine. That range rises not far from the tide waters, and the summit of that range is within 20 miles of the sea. This is proved by the fact that in following up the valley of the Stikine, the axis of the range is passed at about $19\frac{1}{2}$ miles from the coast. Up to about this point the Stikine makes a somewhat easterly course from the sea. Thence rounding the range in question, it takes a more northerly course, receiving four or five glaciers, which flow in an easterly direction from the summit of the range into the valley of the Stikine.

Therefore there can be no difficulty in ascertaining the line contemplated by the Convention.

From the head of Portland Channel to reach a distance of even ten marine leagues from the coast to find the coast range, would render necessary the crossing of at least two intervening mountain ranges, a circumstance wholly irreconcilable with the Treaty, the head of that channel being where a protraction of it would strike the 56° parallel, over 20 marine leagues from the coast.

The survey of Mr. Hunter, C. E., appointed by the Dominion Government to examine and report, will be found at page 146 of the Sessional Papers 125 above referred to, and conclusively establishes the coast line range of mountains at the crossing of the Stikine to be about 20 miles from the sea, and within 10 marine leagues; and the Russian maps, tracings from which are enclosed herewith, show, with equal certainty, that both above and below the Stikine the coast range runs approximately at the same distance down to the 56^{th} parallel, where the line ascending northerly from the southernmost point of Prince of Wales Island, Cape de Chacon would strike the continent—an impossibility if the Portland Channel be assumed to be the line.

On this latter point also, as to the position of the coast range below the Stikine down to Cape Camano, Mr. McKay, an old Factor of the Hudson's Bay Company, affords the most direct personal observation, having on three several occasions coasted the whole distance in canoes, and confirms, in the strongest manner, the position of the coast range as above stated, and the correctness of the delineation on the Russian maps, and the language of the Treaty in that particular.

His evidence is in such detail, and is so thoroughly reliable, from his standing and experience in the country, extending over 40 years, that it is given in full.

"The section of country which lies between the mouth of the Stikine and Cape Camano is very rugged, consisting of short ranges of mountains *which follow the general trend of the coast*, and which are intersected by numerous deep precipitous gorges.

"These gorges are the outlets of series of more elevated and wider valleys following the *general direction of the coast ranges and dividing these from the more compact ranges of the interior*.

"The coast ranges rise abruptly from the sea.

"The *distances of their summits from the sea-shore*, may be stated *at from fifteen to twenty miles*. Their general elevation above the level of the sea at from two thousand to four thousand feet.

"The intersecting gorges are short. The dividing valleys extend in some instances for many miles, containing numerous lakes, discharging rivers of considerable magnitude. As *dividing the coast ranges from those of the interior* they form an important feature."

"*The summits or water-sheds of the coast ranges can be clearly defined by tracing the flow of the streams and glaciers towards the sea, and towards the dividing valleys above described.*"

As further strengthening this position, both at the time of the Treaty and before, there are a set of ancient French maps, the property of a gentleman in Victoria, in which the dividing line between the British and Russian possessions in the vicinity of Prince of Wales Island, is clearly defined and shown by a coloured delineation, *placing the whole of Portland Channel, and all of the islands* (including the large island of Revella Gigido) up to the channel *leading northerly from the Cape de Chacon, the southernmost point of Prince of Wales Island, in latitude 54° 40', and longitude 132° west, within the British possessions.*

This map was published at Paris in 1815, just after the Restoration, and dedicated to Monsieur the Comte D'Artois. Under the head of observations, printed thereon, is the following:—

"*Indication des-Materiaux.*

"*Amerique Russie (extremite du Nord Ouest), les cotes du Detroit de Bhering, celle du Nord du Grand Ocean, y compris les Iles Aleutiennes, la presque 'Ile d'Alaska—en allant vers l'Est jusqu'au 145° degre' da Longitude Occidental sont tires d'une carte en 4 feuilles du Nord du Grand Ocean, publiee' at St. Petersburg en 1802—Les noms des peuplades que se trouvent vers cette extremite de L. Amerique sont places d'apres les rapports de L. Messrs. Demidoff, Karschetiff, Bosanoff, &c., de l'expedition de Krusentern. Cotes Ouest, Nouveau Norfolk, Cououailles, Nouvelle Hanover, Nouvelle Georgie, Nouvelle Albion, et Nouvelle Caleformie. Toutes ces cotes sont tires des cartes des voyage de Vancouver.*"*

It is not only a presumption that the Russians in using the language they did thoroughly understood the meaning they intended to convey, but it is a well-known tradition among those who were acquainted with the country many years back, that the language did express the sole and only object the Russians then had in view.

There had been a combination of the Indians extending all along the coast, *from Sitka down to Prince of Wales Island*, by which Sitka in early years, after the Russian settlement, had been taken and burnt.

After its recovery the Russians wished to be placed in a position by which they could command this combination of the Indian tribes, and for this reason in their division and settlement with Great Britain, they *secured the narrow belt along the coast*, culminating with the summit of the Coast Range, beyond which the Maritime Indians were not wont to pass.

It was not land the Russians desired, and this Convention placed them in a position to punish the Indians without any infraction of the rights of Great Britain.

Whether this tradition be true or not, at any rate, it was well calculated to accomplish what it is alleged it was intended to do.

To some degree as corroborating this view, we find it mentioned by a traveller on the Stikine in 1876, that as a general rule the sea coast Indians do not go into the interior. The Taltan Indians, a fine river tribe—honest and industrious and priding themselves on their good name,—claim the lordship of the river, and refuse to permit the Naas or sea coast Indians to come into the interior.

Of course an Indian's permit depends upon his power to enforce what he forbids, and there must have been occasions when the sea-coast Indians penetrated into the interior, but it can well be understood that this known hostility of the inner and outer Indians would induce the Russians to believe the narrow belt along the coast sufficient for their purpose.

Thus we have the language of the Treaty, as Mr. McCulloch gives it, coinciding not only with the topographical features of the country, but accomplishing the object which tradition assigns as the reason for its adoption.

The Government of British Columbia contends that any recognition of the words "Portland Channel," as being in the Treaty, was a grave mistake, and most injurious to the interests of British Columbia.

* SOURCES OF INFORMATION.

Russian America (the extremity of the North West), the Coasts of Behring's Straits, that of the north of the Great Ocean and the Aleutian Islands comprised therein, the Peninsula of Alaska, as far East as the 145° of West Longitude, are drawn from a map, in four sheets, of the North of the Great Ocean, published at St. Petersburg in 1802. The names of the tribes who inhabit this extreme end of America are taken from the Reports of Messrs. Demidoff, Karscheloff, Bosanoff, &c., of the Expedition of Krusentern.

The West Coast, New Norfolk, New Cornwall, New Hanover, New Georgia, New Albion, and New California. All those Coasts are drawn from maps of the Voyage of Vancouver.

Apart from all future consideration, it is to be observed that between the two lines contended for—that is a line running from the head of Portland Channel and a line from Cape de Chacon northerly to the point of contact on Lynn Canal, where both must converge to strike the 141st parallel—there are upwards of 5,000,000 acres of land, not of a frozen waste, but of land abounding in excellent harbours, extensive fisheries, abundant timber and valuable mines; and though not capable of any great agricultural development, yet capable of producing good pasturage and fair vegetable crops.

The Government of British Columbia would observe that at the time of transfer by Russia to the United States, in 1867, this land was within the territorial limits, and a part of British Columbia, and when British Columbia went into the Confederation in July, 1871, was taken with it as a part of that Province.

The question of the correct Boundary Line had never been raised up to that time; nor had it been examined into.

They regret, however, that notwithstanding the fact that this difference of construction of the Treaty or Convention of 1825 was brought to the notice of the Dominion Government as far back as 1877, yet that the map of the Dominion published in 1880, under and by authority of the Dominion Government, contains this erroneous Boundary delineated thereon, giving it in reality the strongest sanction it had yet received from any British authority.

The Government of British Columbia deems it necessary to call the marked attention of the Dominion Government to this circumstance, as they would find it difficult to defend to the people of British Columbia the alienation of so large and valuable a portion of the Province without great consideration and equivalent compensation.

It is not incumbent on the Government of British Columbia to explain how it is that, as before observed, in the negotiations and directions to its own officers, it has been assumed by the Dominion Government that the term "Portland Channel" was an integral part of the Convention. An examination of the maps, of the Treaties, and of the features of the country, show no sufficient authority; but it ought not to escape remark, that the public documents laid before the Dominion Parliament are calculated to mislead.

By reference to the Sessional Papers No. 125, Vol. XI., No. 2, 1878; before cited on this subject, it appears at page 33, that in compliance with a request from Captain Cameron, R. A., Her Majesty's Boundary Commissioner, addressed to the Minister of the Interior, dated 9th April, 1874, for a copy of that portion of Vancouver's history of his voyages which described the passage named "Portland Channel," the Surveyor-General, under date of 25th April, in acknowledging his request for information "in connection with original records illustrating the Portland Channel and country in the vicinity thereof, on the Alaska coast," transmits an extract from a French history of Vancouver's voyages, "embodying," as he alleges, "all the remarks made by Vancouver respecting the Portland Channel."

On an examination of the extract it would appear to be one connected narrative, limited to Portland Channel only, but by reference to Vancouver's own work, published by Stockdale, in London, in 1801, *this extract is found to be not one continued narrative, but a succession of selected paragraphs from intervening passages; and between the 7th and 8th paragraphs, —the former ending "miles in circuit," the latter commencing "our course"—there is an entire ignoring of nearly fifty pages, in which Vancouver describes his personal navigation round the large Island of Revilla Gigido; his discovery of Burrough's Bay, its exact position on the 56th parallel; his reference to Cape Camanos; the course southerly down the channel towards Cape de Chacon; his rounding Cape Northumberland, marking its distance from Cape de Chacon as the west point of entrance into this arm of the sea, as at 8 or 9 leagues, thence on to Cape Fox, 5 leagues further; his naming the Island of Revilla Gigido and Behm's Channel after distinguished Russian officers, whose courtesies he took that opportunity of acknowledging; and his subsequent course on to the entrance of the Channel, which he had before examined as part of the continent, and which he then, for the first time, called "Portland Channel," in honour of the Bentinck family.*

Considering that Captain Cameron's object was to get information that would guide him in determining what was the Boundary under the Russian Convention of 1825, "between the possessions upon the coast and the islands of America to the north-west," the omission of any reference to that navigation of Vancouver, which showed that a northerly course up the Channel from Cape de Chacon to Burrough's Bay would pass and form a line between the islands and strike the continent at 56° was, if accidental, certainly unfortunate.

He had navigated from that part of the continent which formed the entrance to what he subsequently called Portland Channel; had gone northerly, reached and named Burrough's Bay; had fixed its termination on the continent at 56° 1½"; had thence descended, southerly, the Channel, round the Island of Revilla Gigido, until he came down between Cape de Chacon and

Cape Northumberland—proving conclusively that the intervening lands between his point of departure and Cape de Chacon were Islands, and that the features of the country were such as to coincide exactly with the terms subsequently used in the Russian Convention of 1825, and leaving no doubt that those terms were taken from and formed upon his narrative.

The whole of this narrative is found in Chap. 5, July and August, 1793, the same chapter from which the extract is taken, and in which Vancouver shews the head of Portland Channel terminates, "in low marshy ground, in latitude 55° 45'," and satisfies himself that it was within the continent, as it undoubtedly is.

But beyond even this Chap. 5, and as if to remove any possible inference from the fact that the small island in the entrance of Portland Channel, called Wales Island, could have been meant by the expression "Prince of Wales Island," used in the Convention, we find that in the early part of the next Chapter 6, a continuation of this same narrative of September, 1793, Vancouver assigns his reason for that name. He says: "The west point of Observatory Inlet, I distinguished by calling it Point Wales, after my esteemed friend Mr. Wales, of Christ's Hospital;" and in the subsequent Chap. 7, September, 1793, of the same narrative, after naming the different straits and sounds after members of the Royal Family, he says, speaking of the Duke of Clarence Strait, which divides the Prince of Wales Island from Revilla Gigido Island and the islands to the northward as far as Port Protection, and thence southerly and westerly to Cape Decision; he says, it is bounded on the eastern side by the Duke of York's Islands, part of the continent about Cape Camanos and the Isles de Gravina. "Its western shore is an extensive tract of land which (though not visibly so to us) I have reason to believe is much broken and divided by water, forming as it were a distinct body in the Great Archipelago. This I have honoured with the name of the Prince of Wales' Archipelago."

Thus, in the use of the term "southernmost point of Prince of Wales' Island," at the time of the Convention, there could be no possible confusion of places in the minds of the Russian diplomatists.

Bearing in mind that "Observatory Inlet" and "Wales Island" are integral parts of the Portland Channel, it is inconceivable how a Public Dominion Officer, when asked for information relative to that channel, *for a particular designated purpose*, could have omitted all reference to evidence so material.

The question that Captain Cameron had to solve was the location of the boundary under the Convention—what features of the land and water would accord with the terms therein used. It was not the question where Portland Channel was, or whether Vancouver had visited it. That was not disputed. The selection from his narrative, as given and translated, in no way tended to the solution of the difficulty, and as information to the House of Commons was, as to the point to be covered, worthless, if not misleading.

It is this inaccuracy of information which has hitherto proved so disastrous to British Columbia, which gave away San Juan Island, and placed the command of the capital of the Province and the navigation of its interior waters within the power of a foreign country.

The Government of British Columbia therefore again urges, in the strongest manner, that it be in no way—as it hitherto has been—assumed by the Dominion Government, that the term "Portland Channel" forms any part of the original Convention of 1825, between Great Britain and Russia.

To recapitulate—

1st. The words "Portland Channel" and "Eastward;" in connection with the line of demarcation between the possessions of Great Britain and Russia, are not found in the earlier versions of the Convention or Treaty of 1825.

2nd. That in the language found in those earlier versions there is nothing ambiguous, no expression which has to be added to, or tortured from its ordinary and natural construction, to convey a clear and definite meaning.

3rd. That in its application, the language of those earlier versions complies with the geographical and topographical features of the country, as proved by the best charts and maps existing at the time the Convention was made, and by the actual examination of the coast and mountain ranges at the present time.

4th. That if the words "Portland Channel" be admitted into the language of the Treaty, it is impossible to reconcile a line drawn from the initial point, as indicated by the latitude and longitude and local definition specified in the Treaty, to and up the Portland Channel, with a single one of the topographical features pointed out as guides to govern the line.

5th. That the word "eastward," assumed by Wheaton to be therein, or necessary for understanding it, is an entire departure, not only from the text, and the courses and mountain ranges described, but is an admission, that, without the interpolation of that word, it is not possible in any way, under the Terms of the Treaty, even to approach the Portland Channel.

6th. That the assumed line laid down on some of the modern maps and charts as passing through Portland Channel, was not laid down, acquiesced in, or sanctioned, so far as can be ascertained in British Columbia, by any competent authority, before the transfer of Alaska to the United States, and has, from the first attempt of the United States to exercise any authority, based upon the extension of that line within the territory claimed by British Columbia, been disputed by the Dominion and by British Columbia.

7th. That the map of the Dominion, published by authority of the Dominion Government in 1880; on which the line through Portland Channel is laid down, can have no legal effect in depriving the Province of British Columbia of the large extent of territory, lying between the true line defined by the Convention and the said assumed line, the said last named line having been placed thereon through inadvertence, and being of no validity, as without sanction or authority from the Treaty-making powers—Great Britain and the United States,—without whose action no such international boundary could be agreed upon.

8th. That the delineation on the French map, above referred to, is conclusive that, among the most civilized nations of Europe, Portland Channel and the islands to the westward thereof, as far as a line ascending northerly up the channel from Cape de Chacon would strike the continent at the 56° of latitude, were, upon the strength of Russian authorities, recognised as within the possessions of Great Britain in 1815, and is in singular accord with the definition in the Convention of 1825 by Russia, as to where the line of demarcation would be found.

9th. That if such words are found in the transfer from Russia to the United States, Great Britain, not having been a party thereto, is in no way bound thereby, and the Dominion of Canada and the Province of British Columbia cannot be legally deprived of their territory by such act.

10th. That there has been no lapse of time, no user, or acquiescence by any of the parties to the Convention of 1825, or their representatives, that can in any way justify a forced departure from the line of demarcation defined by the Convention.

11th. That British Columbia is unwilling to assent to any such departure without the gravest considerations.

The following are the charts and tracings referred to in the foregoing observations:—

No. 1 Chart.—South-west Coast of Alaska and Alexander Bay: from British Admiralty Charts, 1865, corrected by officers of United States ships "Saginaw" and "Jamestown," 1869 and 1880, with the two lines delineated thereon in red.

No. 2.—Admiralty Chart—Port Simpson to Cross Sound—with the two lines delineated thereon in red.

No. 3.—Tracing from Russian Chart of 1849, showing the coast range of mountains, with letters in red A, B, C, D,—A B indicating Cape de Chacon and Burroughs Bay, C to D Portland Channel, with the two lines thereon in red.

No. 4.—Tracing from French Map of 1815, dedicated to Monsieur le Comte D'Artois, shewing, by coloured delineations, the dividing line at that time between the Russian and British possessions on the North-west Coast of America.